



Comhairle Chontae na Gaillimhe Galway County Council

Environment Section, Áras an Chontae, Prospect Hill, Galway

Waste Management Bye Laws 2011

Galway County Council

Whereas Galway County Council by virtue of Section 35 of the Waste Management Act, 1996-2010 and by virtue of part VII of the Local Government Act, 1994 and the Local Government Act 2001, has powers to make bye-laws requiring the holder of household or commercial waste to present that waste for collection in accordance with those bye laws, AND whereas Galway County Council considers that it is necessary to make these bye-laws for the purpose of the proper management of waste and for the prevention or control of environmental pollution.

Definitions

The interpretation of the definitions as set out in the Waste Management Act 1996 – 2010 or any future amendment to this Act, is applied to these bye laws, save where otherwise specified.

“agricultural waste” consists mainly of organic matter such as manure, slurry and silage effluent.

“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.

“authorised person” means a person who is appointed in writing by a local authority, or such other person as may be prescribed, to be an authorised person for the purposes of the Act or any Part or section thereof.

“collection” means, in relation to waste, the gathering, sorting or mixing of waste for the purpose of its being transported, and includes the transport of waste and the acceptance of control of waste.

“collection point” shall mean a place on a footpath, footway, public road and roadway, for the presentation of domestic or commercial waste.

“commercial waste” means waste from premises used wholly or mainly for the purposes of a trade or business or for the purposes of sport, recreation,

education or entertainment but does not include household, agricultural or industrial waste.

“commercial organic waste” means that part commercial waste, as the case may be, comprising of food waste and green waste from premises used wholly or mainly for the purposes of a trade or business or for the purposes of sport, recreation, education or entertainment.

“dry recyclable waste” means that part of household waste or commercial waste, as the case may be, comprising waste which can be recovered, recycled, or reused.

“construction and demolition” is taken to include all waste which arises from construction, renovation and demolition activities.

“footpath,” “footway,” “public road,” and “roadway” have the meaning assigned to them by Section 2(1) of the Roads Act, 1993.

“hazardous wastes” are waste that have the potential to cause harm to human health or the environment. Any waste which displays one or more of the hazardous properties listed in Annex 111 of the new Waste Framework Directive (WFD) (Directive 2008/98/EC) is defined as hazardous waste.

“holder” means in relation to waste, the owner, person in charge, or any other person having, for the time being, possession or control of the waste.

“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.

“industrial waste” includes waste produced or arising from manufacturing or industrial activities or processes.

“organic waste” means that part of household waste or commercial waste, as the case may be, comprising of food waste and green 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 (biodegradable) by natural processes.

“permitted waste collector” means a collector of waste to whom a Waste Collection Permit has been granted under the Waste Management (Collection

Permit) Regulation 2007 (S.I. 820 of 2007) as amended by Waste Management (Collection Permit) Amendment Regulations 2008 (S.I. 87 of 2008).

"premises" includes any messuage, building, vessel, structure or land (whether or not there are structures on the land and whether or not the land is covered with water) and any plant or vehicles on such land or any hereditament of any tenure, together with any out buildings and curtilage.

"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 safely 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.

"public place" shall mean any place to which the public has access whether as of right or by permission and whether subject to or free of charge.

"receptacles" means a closed container or prepaid bag or bale which is used for the purposes of presenting household waste or commercial waste for collection and disposal or recovery.

"residual waste" means that waste remaining after the dry recyclable waste, organic waste have been removed.

"responsible persons" shall mean:

- In the case of rented property the responsible person is the landlord(s) / owner(s)
- In the case of apartment blocks or complexes, the management company or the owner of the property
- In the case of all other private household dwellings, the responsible person is the owner / householder
- In the case of private housing estates run by a management company the responsible persons shall mean the management company
- In the case of Local Authority Housing the responsible persons will be the occupier or tenant
- "occupier" includes , in relation to any premises, the owner, a lessee, any person entitled to occupy the premises and any other person having, for the time being, control of the premises.

“service provider” shall mean Galway County Council or any waste collector permitted by the nominated local authority for the region.

“waste oils” means any mineral based lubrication or industrial oil which has come unfit for the use for which it was originally intended.

“WEEE” means waste electrical and electronic equipment which comes from private households, and from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households.

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

TITLE

1. These Bye-Laws may be cited as the Galway County Council (Waste Management) Bye-Laws 2011.

AREA OF APPLICATION

1. These bye-laws shall operate within the functional area of Galway County Council, which for the avoidance of doubt for the purposes of these bye laws includes the functional areas of Ballinasloe Town Council, Loughrea Town Council and Tuam Town Council.

PRESENTATION

1. Every person presenting household or commercial waste shall ensure that no environmental pollution is caused as a result of presentation of waste for collection.

2. Every person presenting household waste for collection shall present that waste not earlier than 6.00 p.m. on the evening preceding the day arranged for such a collection and shall remove any receptacle from the prescribed place not later than 12 midnight on the day of such collection.

3. Every person presenting commercial waste for collection shall present that waste not earlier than 8.00 p.m. on the evening preceding the day arranged by the permitted waste collector for such a collection and shall remove any receptacle from the prescribed place not later than 12.00 midnight on the day of such collection.

4. Notwithstanding bye laws 2 and 3 herein, every person presenting waste from a commercial premises or a premises partially used for a commercial purpose, for collection within a built-up area shall not present earlier than 5.00 a.m. on the day arranged for such collection in the case of any receptacle being used, same should be removed.

5. No hazardous waste, WEEE, commercial organic waste, industrial waste, construction and demolition waste or agricultural waste shall be presented for residual collection nor shall any liquid matter, dangerous or inflammable matter be presented for collection.

6. A person shall not obstruct or interfere with any employee or agent of Galway County Council or with any authorised person within the meaning of the Waste Management Act 1996 – 2010 in the collection of waste.

7. The holder of any waste presented for collection shall promptly remove and collect all matter which may spill or escape from the receptacle so presented, howsoever such matter shall spill or escape.

8. A person shall not present any receptacle for collection other than strictly in accordance with these bye-laws.

9. A person shall not interfere with waste presented for collection by another person, unless authorised.

10. Where a person who presents waste for collection by a permitted waste collector and the permitted waste collector has notified that person that only certain types of waste may be presented for collection in a certain manner on a certain day or days any person so notified shall comply with that notification.

COLLECTION

1. A holder of household / commercial waste shall maintain records in relation to measures taken for the recovery or disposal of household / commercial waste (in accordance with section 18 of the Waste Management Act 1996 – 2010).

2. Glass bottles / jars or other waste from the domestic sector designated by Galway 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 collection system.

TYPES OF WASTE

1. The holder of household hazardous waste must segregate and dispose of such waste at an approved waste treatment facility / recycling centre / temporary collection centre.

2. The holder of household WEEE must segregate and dispose of such waste at an approved waste treatment facility / recycling centre / temporary collection centre.

3. The holder of commercial WEEE must segregate and dispose of such waste in an approved manner.

4. All commercial waste must be segregated and disposed of in an approved manner.

5. The holder of household polystyrene and plasterboard must segregate and dispose of such waste at an approved waste treatment facility or recycling centre.

6. Bring bank receptacles shall only be used for the disposal of designated materials from the domestic sector, ie clear/brown/green glass, aluminium cans, textiles or other materials as may be prescribed from time to time by Galway County Council.

7. Household Recyclable waste presented for collection shall be in respect of a household situated in the functional area of Galway County Council. This waste may only be presented for collection at a collection point in a receptacle approved by Galway County Council for use in the separate door-to-door collection system.

8. Residual waste presented for collection shall be in respect of a household in the functional area of Galway County Council. This waste may only be presented for collection at a collection point in a receptacle approved by Galway County Council for use in the ordinary household collection system.

9. Household organic waste presented for collection shall be in respect of a household situated in the functional area of Galway County Council. This waste may only be presented for collection at a collection point in a receptacle approved by Galway County Council for use in the separate household organic collection system. If no brown bin is available, the organic waste can be presented for collection in the residual receptacle.

10. Commercial organic waste presented for collection shall be in respect of a business situated in the functional area of Galway County Council. This waste may be presented for collection at this premises in a receptacle approved by Galway County Council for use in the separate organic collection system.

STORAGE

1. 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 these bye-laws. The storing of a receptacle on a footway, footpath, pavement, road or roadway is prohibited.

COMPLEX OR ESTATE

1. Any management company or owners of a development who are responsible for its management shall provide separate designated receptacles, approved by Galway County Council, for the holding, storing and collection of various waste

streams and ensure that a collector authorised under the Waste Management (Collection Permit) regulations, 2001 is engaged to service these receptacles.

2. Any management company or owners of a development who are responsible for its management shall provide waste receptacles of adequate size and number to cater for the number of units in the apartment or estate.

3. All management companies or owners of a development who are responsible for its management shall ensure that approved waste receptacles are accessible at all times by all tenants, occupiers and service providers.

4. All management companies or owners of a development who are responsible for its management shall register with Galway County Council under these Bye-Laws on the form listed in Schedule 1 and pay an annual monitoring fee of €100 to Galway County Council, which is subject to review.

PENALTIES / OFFENCES

1. A person who contravenes any provision of these bye-laws shall be guilty of an offence and is liable on summary conviction and relevant costs in the District Court of a fine not exceeding €1,905 in accordance with Section 205 of the Local Government Act 2001.

2. 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:–

- That the person is alleged to committed the contravention
- 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 €30 in accordance with Article 7 of S.I. 360 Local Government Act 1994 (Bye-Laws) Regulations, 1995.
- 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.

3. Any notice required to be served by or under these Bye-Laws shall be served in one of the following ways:-

- By delivering it to the person by hand
- By leaving it at the address at which the person ordinarily resides,
- By sending it by post in a prepaid registered letter addressed to the person at the address at which the person ordinarily resides
- 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
- By ordinary post.

COMMENCEMENT

1. The operation of these bye-laws shall come into effect on the 17th October 2011.

Schedule 1

Application to register with Galway County Council under the Waste Management Bye-laws 2011 for Domestic & Commercial Management Companies

Name of Management Company responsible for complex or estate
(Copy of Certificate of Incorporation to be attached, in case of company)

Name of complex or estate

Name of Owner of complex or estate

Number of individual Dwelling / Commercial Units

	Dry Recyclables	Organic Waste	Residual Waste	Glass
No of receptacles provided				
Size of each receptacle				
Name of Service Provider				
Collection Permit No.				

Fee Enclosed of €100 on behalf of :

Signed : _____
Company Secretary

Company Name _____

Date : _____

MADE AND ADOPTED UNDER THE CORPORATE SEAL OF GALWAY
COUNTY COUNCIL

ON THIS DAY OF , 2011

PRESENT WHEN THE CORPORATE SEAL OF GALWAY COUNTY COUNCIL
WAS AFFIXED HERETO:-

Galway County Manager

Nominated Employee

Mayor of Galway County Council

