



Comhairle Contae Dhún na nGall Donegal County Council

Donegal County Council (Presentation of Kerbside Waste for Collection) Bye-laws, 2024

Donegal County Council ("the Council") having considered that for the purpose of the proper management of waste and the prevention or control of environmental pollution it is necessary to do so and in exercise of the powers conferred on them by Section 35(1) of the Waste Management Act 1996 (no. 10 of 1996) hereby makes the following Bye-laws:-

Citation

1. *These Bye-laws may be cited as the Donegal County Council (Presentation of Kerbside Waste for Collection) Bye-laws, 2024.*

Commencement Date

2. *These Bye-laws come into operation on the 31st day of December 2024.*

Area of Application

3. *These Bye-laws apply to the entire functional area of the Council.*

Interpretation

4. (a) Words and phrases defined in the Waste Management Act 1996 and Part 19 of the Local Government Act 2001 shall (in accordance with Section 19 of the Interpretation Act 2005) have the same meanings in these Bye-laws.

(b) In these Bye-laws, the following words and phrases will have the specified meanings below-

“authorised person” means a person authorised in writing by the Council for the purpose of Section 204 of the LGA and the enforcement of these Bye-laws and except in the case of Sub-Section 204(4) a member of An Garda Síochána;

“authorised waste facility” means a waste recovery or disposal facility:

(i) *which is authorised under the WMA, under the Environmental Protection Agency Act, under any regulations stemming from either of these Acts or under regulations made under the European Communities Act 1972 relating to the control of waste management activities; and*

(ii) *where the authorisation of that facility permits the acceptance of the type of waste referred to in the particular Bye-law(s) in which the phrase appears;*

“bring facility” means an authorised waste facility comprising one or more purpose-built receptacles in which segregated recyclable household waste may be deposited by the public for the purposes of the recovery of that waste;

“commercial kerbside waste” means commercial waste that is kerbside waste;

“designated waste collection day” shall mean the 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 or commercial premises in that locality or where there is more than one authorised waste collector operating in a particular locality the day(s) fixed by the kerbside waste holder’s chosen authorised waste collector;

“fixed payment notice” means a notice provided for by Section 206 of the LGA and Bye-law 15 in respect of a contravention of these Bye-laws as an alternative to prosecution;

“food waste” means waste food that is household waste or, as the case may be, commercial waste, and shall have the same meaning as that applying to Regulation 7 of the Waste Management (Food Waste) Regulations 2009 (SI 508 of 2009) or, as the case may be, to Regulation 6 of the European Union (Household Food Waste and Bio-Waste) Regulations 2015 (SI 430 of 2015);

Food Waste Regulations - see “national legislation on food waste”;

“household kerbside waste” means household waste that is kerbside waste;

“kerbside waste” means that fraction of commercial or household waste (either of which may include food waste) presented for collection from a premises and which is to be collected by an authorised waste collector, with the exception of wastewater, construction and demolition waste and bulky waste more suitable for collection in a skip or other such receptacle (including heavy waste such as waste furniture, carpets and rubble), as well as hazardous waste and other streams of household or commercial waste which are required to be collected in another appropriate manner, such as waste electrical and electronic equipment and waste batteries;

“kerbside waste holder” means, subject as herein, the waste producer or the person who is in possession of the waste concerned. In the case of household waste where the building concerned is occupied wholly or in part by persons other than the owner of same, it shall mean the owner unless he has let the premises to a tenant for a period in excess of one month in which event it shall mean the tenant during the duration of such tenancy;

“kerbside waste receptacle” means a waste receptacle, designed for re-use and suitable for the collection of kerbside waste;

“LGA” means the Local Government Act 2001;

“national legislation on food waste” means the Waste Management (Food Waste) Regulations 2009 (SI 508 of 2009) and the European Union (Household Food Waste and Bio-Waste) Regulations 2015 (SI 430 of 2015);

“receptacle” means one used for presentation of waste in accordance with these Bye Laws and includes a (wheelie) bin;

“recyclable kerbside waste” means the fraction of kerbside waste that comprises recyclable waste and which includes the materials set out in Schedule 7 of the Waste Management (Collection Permit) (Amendment) Regulations 2015 and those additional materials set out in Schedule 1 to these Bye-Laws;

“residual kerbside waste” means the fraction of kerbside waste remaining after that waste has been separated from the fractions of:

- (a) recyclable kerbside waste,*
- (b) food waste where food waste is required to be segregated under the national legislation on food waste or by these Bye-laws, and*
- (c) if subject to separate collection by an authorised waste collector, biodegradable garden waste;*

“WMA” means the Waste Management Act 1996.

5. Application to presentation of both household kerbside waste and commercial kerbside waste

Save where indicated otherwise these Bye-laws apply to presentation of both household kerbside waste and commercial kerbside waste.

6. Requirement to present household kerbside waste and for collection

(a) Subject to paragraph (b), household kerbside waste that arises from the premises where such waste is produced shall not be presented to any person other than to an authorised waste collector.

(b) Paragraph (a) does not apply where such waste:

(i) is deposited in an appropriate waste receptacle provided under a contract by an authorised waste collector to another person for the management of that waste and where that other person has consented to the receipt of that waste via a bin sharing agreement (in the form specified in Schedule 2 of these Bye-laws and a properly completed copy of which has been furnished to the Council), or

(ii) is delivered directly by the waste holder to an authorised waste facility.

(c) Documentary evidence, such as receipts, statements or other proof of payment, demonstrating compliance with this Bye-law shall be obtained by the waste holder and retained for a period of no less than one year to provide proof that any waste removed from the premises has been managed in a manner that conforms to these Bye-laws; this documentation or copies of it shall be presented to an authorised person within a time period specified by the authorised person.

7. Manner of presentation of household kerbside waste and commercial kerbside waste

A kerbside waste holder of household kerbside waste or commercial kerbside waste presenting such waste for collection (whether pursuant to a requirement of Bye-law no. 5 above or not) shall also present the waste in the manner specified in these Bye-laws unless otherwise agreed in advance and in writing by an authorised person.

8. Different waste to be placed in different receptacles

(a) Prior to presentation of kerbside waste of any kind it must be segregated into recyclable, food and residual (general) waste and presented in separate receptacles of the kind specified in Bye-law 11 below. Such segregation should be done on an ongoing basis as the waste arises and then stored in the relevant receptacle until the appropriate time for presentation of the waste for collection per Bye-laws 12 and 13 below. Recyclable waste to be presented clean and dry.

(b) Neither recyclable kerbside waste or recyclable food waste is to be contaminated with residual kerbside waste after it has been segregated.

(c) Waste when segregated shall not be deposited into a receptacle not designated for that waste type.

9. Quantity of waste to be placed in any receptacle

The receptacle when presented shall not be over filled so that when closed the lid is fully down and thus spillages will be avoided. The receptacle shall not be over-loaded and the lid shall be securely closed. No waste shall be presented on the top of the lid or adjacent to the waste receptacle.

10. Waste/mixtures of waste which may or may not be placed in a receptacle

No mixtures of waste should be present in a receptacle presented for collection and each receptacle so presented should therefore contain only waste of the type appropriate to the receptacle in question.

11. Size, colour, construction or maintenance of receptacles

All receptacles presented must be maintained in such condition and state of repair that the waste placed therein will not be a source of nuisance or litter. In particular no receptacle should be moved if the wheels or lids have been removed or damaged to such an extent that it is not able to contain the waste without spillage, is otherwise unfit for the purpose for which it was designed or is not capable of being conveniently emptied. Receptacles presented shall otherwise comply with law.

12. Location at which waste is to be made available for collection

(a) The receptacle should be placed at a location near the entrance to the premises in question so that the authorised waste collector can conveniently collect the waste.

(b) The receptacles should be so placed so that it causes the minimum possible interference to other users of the public road including the footpath, kerb, margin etc.

13. Times during which waste is to be made available for collection

(a) Kerbside waste presented for collection shall not be presented for collection in a public place at a time which is neither a designated waste collection day or before 18:00 on the evening before a designated waste collection day.

(b) All receptacles used for the presentation of kerbside waste and any uncollected waste shall be removed from any roadway, footway, footpath or any other public place no later than 10:00am on the day following the designated waste collection day, unless an alternative arrangement has been approved in advance and in writing by an authorised person.

- (c) Outside such times all receptacles used for the presentation of waste as above shall be retained within the premises wherein the waste was produced.

Matters consequential on, or incidental to, the foregoing

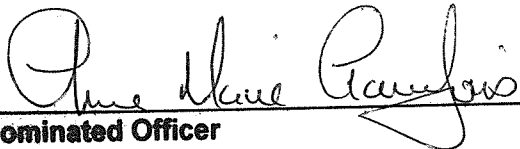
14. Provisions affecting Multi-user Buildings, Apartment Blocks, Rental Properties etc

- (a) A management company, or landlord or landlord's agent who exercises control and supervision of residential and/or commercial activities in multi-unit developments, mixed-use developments, flats or apartment blocks, combined living/working spaces or other similar complexes shall ensure that:
- (i) separate receptacles of adequate size and number are provided for the proper segregation, storage and collection of recyclable household kerbside waste and residual household kerbside waste;
 - (ii) additional receptacles are provided for the segregation, storage and collection of food waste in areas where there is food waste collection service provided by your waste collector;
 - (iii) the receptacles referred to in paragraphs (i) and (ii) are located both within any individual apartment and at the place where waste is stored prior to its collection;
 - (iv) any place where waste is to be stored prior to collection is secure, accessible at all times by tenants and other occupiers and is not accessible by any other person other than an authorised waste collector;
 - (v) written information is provided to each tenant or other occupier about the arrangements for waste separation, segregation, storage and presentation prior to collection;
- (b) An authorised waste collector engaged to service the receptacles referred to in this Bye-Law will on request in writing by an authorised person and within the period specified in such request provide to such authorised person the name(s) of the person(s) whether management company, landlord or landlord's agent being the party who has contracted with the authorised waste collector to provide waste collection services for the building and such collector shall –
- (i) Retain all receipts, statements and proof of payment demonstrating the existence of the said engagement/contract for a period of not less than two years and
 - (ii) Will provide copies of any and all such documentation requested in writing by an authorised person within the time specified in such request."
 - (iii) receptacles for kerbside waste are presented for collection in accordance with Bye-law 13;
 - (iv) adequate access and egress onto and from the premises for waste collection vehicles is maintained.

15. Enforcement Provisions/Fixed Payment Notices

- (a) Subject to paragraph (b), a person found guilty of the contravention of these Bye-laws shall be liable to the penalty of no more than €2,500.*
- (b) Paragraph (a) shall not apply where a fixed payment notice has been issued in accordance with the Local Government Act 2001 (Bye-laws) Regulations and where a full payment has been made by the person subject to that notice.*
- (c) Where the contravention of any provision of these Bye-laws continues after a person has been subject to the fine referred to in paragraph (a), a person found guilty of an offence relating to this continued contravention shall be liable to a penalty of no more than €500 per day for each day the contravention continues after that conviction.*
- (d) A fixed payment notice may be issued requiring a person found to have contravened or be contravening these Bye-laws to make a payment of €75. Payment of this notice shall be made within 21 days of the date of the notice in order to avoid the person subject to this notice being prosecuted for the contravention of these Bye-laws.*

**Seal of Donegal County Council affixed hereto as
authenticated by the signature of:-**


Nominated Officer

Schedule 1

List of Recyclable Kerbside Waste per Schedule 7 of SI No. 197/2015 and additional items listed hereunder in blue colored font

Paper	Aluminium Cans	Plastic Bottles (PET 1)
Newspapers	Drink cans	Mineral bottles
Magazines		Water bottles
Junk mail		Mouthwash bottles
Envelopes	Steel cans	Salad dressing bottles
Paper	Pet food cans	
Phone books	Food cans	Plastic Bottles (HDPE2)
Catalogues	Biscuit tins	Milk bottles
Tissue boxes	Soup tins	Juice bottles
Sugar bags		Cosmetic bottles
Calendars	Cardboard	Shampoo bottles
Diaries	Food boxes	Household cleaning bottles
Letters	Packaging boxes	Laundry detergent bottles
Computer paper	Kitchen towel tubes	Window cleaning bottles
Used beverage & juice	Cereal boxes	Bathroom bottles
Milk cartons		
Egg boxes	Plastic Packaging	
Holiday brochures	Yogurt containers	
Paper potato bags	Margarine tubs	
	Rigid food packaging	
	Liquid soap containers	
	Fruit containers	
	<i>Soft plastic packaging</i>	

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