

**BYE-LAWS**  
**MADE BY**  
**CORK CITY COUNCIL**  
**FOR**  
**THE SEGREGATION, STORAGE AND PRESENTATION OF HOUSEHOLD AND**  
**COMMERCIAL WASTE**

Statutory Basis of the Bye-law

Cork City Council, pursuant to Section 35(1) of the Waste Management Act 1996 and Section 199 (1) of the Local Government Act 2001 and in accordance with Part 19 of the Local Government Act 2001, hereby makes the following bye-laws:

Title

(Cork City Council Segregation, Storage and Presentation of Household and Commercial Waste Bye-Laws 2019)

Citation

These bye-laws may be cited as the Cork City Council (*Segregation, Storage and Presentation of Household and Commercial Waste*) Bye-laws, 2019.

Date of Commencement

These bye-laws shall enter into force on the *1<sup>st</sup> Day of May, 2019*

Geographical area of application

These bye-laws shall apply to the functional area of Cork City Council

Revocations

The Cork Corporation (Presentation of Waste in Wheel Bins) Bye Laws, 2000 shall be revoked and replaced with effect from the Date of Commencement of these Bye-Laws.

Scope of Bye-laws:

Save where otherwise stated these bye-laws shall apply to both household and commercial waste.

## 1. Interpretation and Definitions

In these bye-laws, the following words and phrases have the following meanings:

**“appropriate waste container”** means a receptacle that complies with the standards for mobile waste containers (wheeled bins) which are specified in the CEN standard entitled IS EN 840 (Parts 1-6). Appropriate waste containers shall have a form of identification attached thereto capable of being used to identify the holder of the waste being presented.

**“authorised person”** means a person authorised, in writing, by the Council in accordance with Section 204 of the Local Government Act 2001.

**“authorised waste collector”** means the holder of a waste collection permit in accordance with Section 34 of the Waste Management Act 1996, and any regulations made thereunder, for the collection of the type of waste being collected.

**“authorised waste facility”** means a waste recovery or disposal facility:  
(a) which is authorised under the Waste Management Act, 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  
(b) where the authorisation of that facility permits the acceptance of the waste being referred to in the particular part of these bye-laws.

**“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”** shall mean commercial waste that is kerbside waste.

**“commercial waste”** means waste, including recycling, 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;

**“Cork City Centre”** means the area referred to within the line in the map attached hereto.

**“Council”** means Cork City Council.

**“designated waste collection day”** shall mean the day designated by an authorised waste collector for the collection of kerbside waste, and different days may be designated for commercial kerbside waste and household kerbside waste.

**“designated bag collection area”** is an area designated by Cork City Council in accordance with Article 20 of the Waste Management (Collection Permit) Regulations 2007 where waste or recycling can be presented and collected in branded prepaid bags purchased from authorised waste collectors. Cork City Council may designate areas where only waste or where only recycling or where both recycling and waste may be presented and collected.

**“fixed payment notice”** means a notice provided for by Section 206 of the Local Government Act 2001 which is issued to a person in respect of a contravention of these bye-laws

**“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).

**“functional area”** means the administrative area of Cork City Council and includes such other areas that may, in the future, by means of legislation, become part of the Administrative area of the Council

**“holder”** means the producer, owner, person in charge or any other person having possession or control of the waste.

**“household kerbside waste”** means household waste that is kerbside 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.

**“kerbside waste”** means that fraction of commercial or household 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, electronic equipment and waste batteries.

**“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.

“**person**” shall, for the purposes of these bye-laws, include an individual, company (whether limited, incorporated or not), partnership, co-operative, an unincorporated body of persons or other similar body.

“**recyclable household kerbside waste**” means the fraction of household kerbside waste that comprises recyclable household waste and which includes the materials set out in Schedule 1 hereto and as may be amended from time to time on [www.mywaste.ie](http://www.mywaste.ie)

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

- (a) recyclable household 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) biodegradable garden waste if subject to separate collection by an authorised waste collector.

The following provisions apply to the construction of these Bye-laws:

Unless the contrary is indicated and in accordance with Section 19 of the Interpretation Act 2005, the definitions in the Waste Management Act 1996 apply to these bye-laws, including to the following terms:

“facility”, “disposal”, “hazardous waste”, “premises”, “recovery”, “recycling”, “separate collection”, “waste”, “waste producer”.

The Interpretation Act 2005 shall apply in construing any provision of these bye-laws.

## **2. Obligation to Participate in a Waste Collection Service**

“(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 household waste:

- (i) is deposited in an appropriate waste container 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, or
- (ii) Is delivered directly by that holder to an authorised waste facility.

(c) A holder shall, when requested to do so in writing, by an authorised person, provide information regarding his or her or its retention of the services of an authorised waste collector, such as, receipts, statements or other proof of having retained a waste collection service or alternatively, in the absence of a contract with an authorised waste collector, provide information, in writing, regarding the measures taken by him or her or it for the collection of waste.

## **3. ‘Maintenance of Waste Containers.**

(a) A holder shall maintain waste containers used for the presentation of kerbside waste in such condition and state of repair so that the waste placed therein will not be a source of nuisance or litter.

(b) A holder of waste shall not present waste in a waste container where:-

the lid or wheels have been removed or damaged to such an extent that it is not able to hold the waste without spillage, or is otherwise unfit for the purpose for which it was designed or is not capable of being conveniently emptied.

#### **4. Location for Waste Container storage.**

Waste containers shall be stored within the curtilage of the premises where the waste is produced and they shall not be stored on a roadway, footway, footpath or any other public place unless expressly authorised, in writing, by an authorised person, save when the waste containers are being presented for collection, in accordance with clause 6 of these bye-laws.

#### **5. Use of Waste Containers on the designated waste collection day.**

(a) A holder of kerbside waste shall only present kerbside waste for collection in an appropriate waste container that is not overloaded and the lid of the waste container shall be securely closed. No waste shall be presented for collection on top of the lid or adjacent to the waste container and waste so presented shall be deemed to be in breach of these bye-laws.

(b) Paragraph (a) shall not apply where kerbside waste is collected in branded prepaid bags, purchased from an authorised waste contractor, in an area designated by the Council as a designated bag collection area.

#### **6. Collection Times and Container Removal.**

(a) Outside Cork City Centre, a holder shall not present kerbside waste for collection before **6.00pm** on the day immediately preceding the designated waste collection day.

All such waste containers 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 **7.00pm** on the designated waste collection day.

(b) Within Cork City Centre a holder shall not present kerbside waste for collection before **3.00am** on the designated waste collection day.

All such waste containers used for the presentation of kerbside waste and any uncollected waste shall be removed from any roadway, footway, footpath or any other public place immediately after collection but no later than **2.00pm** on the designated waste collection day.

## **7. Prohibited Waste Types.**

A holder of hazardous waste or electrical or electronic waste shall not present same for collection as kerbside waste

## **8. Segregation of Household Waste and Contamination Prevention.**

a) A holder of household kerbside waste shall separate at source food waste, recyclable household waste and residual household waste and each fraction shall be stored in a separate waste container.

(b) Food waste and recyclable household waste shall not be contaminated with other waste before or after it has been segregated.

## **9. Additional Provisions for Householders not availing of a Kerbside Collection Service**

Where an occupier of a dwelling is not participating in a household kerbside waste collection service, that person shall ensure that:

(a) recyclable household kerbside waste segregated in compliance with bye-law 8 is taken to an authorised waste facility and is deposited there in a manner that allows it to be recycled or otherwise recovered.

(b) residual household kerbside waste segregated in compliance with bye-law 8 is taken to an authorised waste facility, and

(c) documentation, including receipts, is obtained 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, to the Waste Management Act and, where such legislation is applicable to that person, to the European Union (Household Food Waste and Bio-Waste) Regulations 2015.

Documentation required be obtaining and retaining by this bye-law, or copies of it, shall be presented to an authorised person within a time period specified in a written request from an authorised person employed by Cork City Council.

## **10. Provisions affecting Multi-user Buildings, Apartment Blocks, etc**

In multi-unit developments, mixed-use developments, flats or apartment blocks, combined living/working spaces or other similar complexes the management company, if one exists, or the owner, if solely owned or the individual owners of the apartments shall ensure that:

- (a) 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
- (b) additional receptacles are provided for the segregation, storage and collection of food waste where this practice is a requirement of the national legislation on food waste,
- (c) the receptacles referred to in paragraphs (a) and (b) are located both within individual apartments and at the place where waste is stored prior to its collection,
- (d) 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 to any other person other than an authorised waste collector,
- (e) written information is provided to each tenant or other occupier about the arrangements for waste separation, segregation, storage and presentation prior to collection,
- (f) an authorised waste collector is engaged to regularly service the receptacles referred to in this section of these bye-laws, with documentary evidence, such as receipts, statements or other proof of payment, demonstrating the existence of this engagement being retained for a period of no less than two years. Such evidence shall be presented to an authorised person within a time specified in a written request.
- (g) Appropriate waste containers for kerbside waste are presented for collection on the designated waste collection day,
- (h) adequate access and egress to and from the premises by waste collection vehicles is maintained.

#### **11. Interference with orderly Waste Collection.**

- (a) It shall be an offence for any person to obstruct, disturb, interrupt or prevent the collection of waste by an authorised waste collector, its employees or agents.
- (b) It shall be an offence for any person, other than the staff or agent of an authorised waste collector, to interfere with, remove, destroy or render inoperative any authorisation label, bin tag, microchip or any other form of identification attached to a waste container.

- (c) It shall be an offence for any person, other than an authorised person, to interfere with a waste container presented by a holder for collection or without his or her or its prior consent, to place waste into a waste container belonging to another person.
- (d) It shall be an offence for any person other than the staff or agent of an authorised waste collector to dispose of waste in a waste collection vehicle operated by that authorised waste collector.

## **12. Additional Provisions for Commercial Waste.**

Commercial waste shall not be deposited at any bring facility provided by or on behalf the Council.

## **13. Enforcement Provisions/Fixed Payment Notices.**

- (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 (hereinafter called the 2001 Act) and shall be liable on summary conviction to a fine not exceeding €2,500.
- (b) The Council may, pursuant to Section 206(1) of the 2001 Act, serve on such person, who has contravened any provisions of these bye-laws, a fixed payment notice, specifying a fixed payment, as an alternative to a prosecution for such contravention. The amount of the fixed payment shall be €75.00 and the said fixed payment must be paid in full within 21 days of the date of service of such fixed payment notice for such person who was served with the fixed payment notice to avoid prosecution.
- (c) Where a contravention of these bye-laws is continued after conviction, the person so contravening the bye-laws shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding €500.00 per day under Section 205(2) of the 2001 Act

**SCHEDULE1. Recyclable Kerbside Waste**

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