



Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

Stiúrthóireacht na Forbartha Fisiciúla,
Comhairle Cathrach agus Contae Luimnigh,
Ceanncheathrú Chorpóraideach,
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Date: 2nd July, 2018

To: The Cathaoirleach and Each Member of the Municipal District of Adare-Rathkeale

Re: Report on the Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-laws, 2018.

I attach herewith for the consideration of the Members the Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-laws, 2018 and the accompanying report.

The purpose of these Draft Bye-Laws is to ensure that waste is properly disposed of, thereby reducing instances of illegal dumping of household waste.

There is a pressing nationwide need to address non-participation in the disposal of household waste in an approved manner. This non-participation, in some cases, leads to illegal dumping of household waste.

The Draft Bye-Laws enable enforcement officers to seek clarification from householders as to how they are disposing of their household waste.

Currently, 65% of households in Limerick City and County participate in a contracted private kerbside waste collection service.

Accordingly, there are 25,000 households in Limerick City and County that have no kerbside waste collection service. These households may comply with their obligations by participating in a bin-sharing arrangement or by disposing of their waste at an authorised facility. These methods of compliance will continue to be permitted under the Draft Bye-Laws. However, the Draft Bye-Laws provide authorised officers with better compliance and enforcement mechanisms to verify compliance.

The Draft Bye-Laws also aim to reduce contamination in recycling waste by ensuring that waste fractions are properly segregated. In this way, the Draft Bye-Laws seek to implement Objective C

2.1 of the Southern Region Waste Management Plan 2015-2021. Improvements in the segregation of recyclable waste should assist in reducing the reliance on the exportation of recycling waste.

The statutory bye-law making process requires that the Council undertake a public consultation process prior to the adoption of waste presentation bye-laws. The approval of draft bye-laws for publication is a reserved function of the Metropolitan and Municipal Districts.

Accordingly, I attach for the consideration of the Members, the Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-laws, 2018.

I hereby recommend that the Municipal District of Adare-Rathkeale, pursuant to Section 199(5) and Schedule 14A Part 1 of the *Local Government Act, 2001* approve the publication of the Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-laws, 2018.



Brian Kennedy
Director of Service
Physical Development Directorate



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Draft
**City and County of Limerick (Segregation, Storage and
Presentation of Household and Commercial Waste) Bye-laws,
2018**

Title

City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-laws, 2018

Statutory Basis of the Bye-Law

Limerick City and County Council, pursuant to Section 35(1) of the Waste Management Act 1996 and in accordance with Part 19 of the Local Government Act 2001, and the Metropolitan District of Limerick, the Municipal District of Adare-Rathkeale, the Municipal District of Cappamore-Kilmallock and the Municipal District of Newcastle West pursuant to Section 199(1) of the Local Government Act 2001 hereby make the following bye-laws:

Citation

These bye-laws may be cited as the "City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-laws, 2018".

Date of Commencement

These bye-laws shall enter into force on the _____ 2018.

Geographical area of application

These bye-laws shall apply to the functional area of Limerick City and County Council.

Revocations

These bye-laws repeal the Limerick City Council Presentation of Waste Bye-Laws (Amended) 2012 and the Limerick County Council (Storage, Presentation and Segregation for the purpose of and in the course of the Collection of Household and Commercial Waste) Bye-Laws 2011.

Scope of this Bye-law: Waste Types and Controlled Activities

Unless the following bye-laws indicate to the contrary, these bye-laws apply to both household and commercial waste.

1. Interpretation and Definitions

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

“appropriate waste container” means a waste container suitable for the collection of kerbside waste and which is 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);

“authorised person” means a person authorised by Limerick City and County Council in accordance with Section 204 of the Local Government Act 2001 or a member of an Garda Síochána;

“authorised waste collector” means a person authorised in accordance with Section 34 of the Waste Management Act, including 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 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;

“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;

“fixed payment notice” means a notice provided for by these bye-laws and by Section 206 of the Local Government Act 2001 which is issued to a person in respect of a contravention of these bye-laws and which, as an alternative to prosecution, requires that person to pay a specified fixed payment by a specified time;

“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”;

"glass packaging" includes bottles and jars commonly used as packaging for drinks and food which arise from households, but does not include lead crystal glassware, pyrex, window glass or plate glass.

"holder" means the waste producer or the person who is in possession of the waste and "holder of commercial waste" and "holder of household waste" shall be interpreted accordingly;

"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 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;

"Metropolitan District of Limerick" means the Metropolitan District of Limerick as established by the City and County of Limerick Local Electoral Areas and Municipal Districts Order 2014 (S.I. No. 56 of 2014).

"Municipal District of Adare-Rathkeale" means the Municipal District of Adare-Rathkeale as established by the City and County of Limerick Local Electoral Areas and Municipal Districts Order 2014 (S.I. No. 56 of 2014).

"Municipal District of Cappamore-Kilmallock" means the Municipal District of Cappamore-Kilmallock as established by the City and County of Limerick Local Electoral Areas and Municipal Districts Order 2014 (S.I. No. 56 of 2014).

"Municipal District of Newcastle West" means the Municipal District of Newcastle West as established by the City and County of Limerick Local Electoral Areas and Municipal Districts Order 2014 (S.I. No. 56 of 2014).

"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);

"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 or other similar body within the meaning of the definition contained in the Interpretation Act 2005;

"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;

"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) if subject to separate collection by an authorised waste collector, biodegradable garden waste.*

Unless the contrary is indicated, for the avoidance of doubt 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".

Where it is necessary, 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 such 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 the 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 presented to an authorised person within a time specified in a written request from either that person or from another authorised person employed by Limerick City and County Council.

3. Maintenance and Management of Waste Containers

Containers used for the presentation of kerbside waste shall be maintained in such condition and state of repair that the waste placed therein will not be a source of nuisance or litter. Waste shall not be presented in a container where:

- (a) the wheels or lid have been removed or damaged, or*
- (b) the container is 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.*

4. Location for container storage

Subject to bye-law 6, other than on the day before and the designated waste collection day, containers used for the presentation of kerbside waste shall be held within the curtilage of the premises where the waste is produced. They shall not be stored on a roadway, footway, footpath or any other public place unless the location has been expressly authorised in writing by an authorised person.

5. Use of Waste Containers on Collection Day

Household kerbside waste shall only be presented for collection in an appropriate waste container. The container 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 container.

6. Waste Presentation Times and Container Removal

(a) Subject to paragraphs (b) and (c), kerbside waste presented for collection shall not be presented for collection earlier than 6:00 pm on the day immediately preceding the designated waste collection day;

(b) Subject to subparagraph (c), in the Metropolitan District of Limerick, kerbside waste presented for collection shall not be presented for collection earlier than 8:00 pm on the day immediately preceding the designated waste collection day.

(c) Where a premises is situated within the designated city centre of the Metropolitan District of Limerick as delineated by the boundaries in the map shown in Schedule 2, kerbside waste presented for collection shall not be presented for collection earlier than 6:00 pm on the day immediately preceding the designated waste collection day

(d) Subject to paragraph (e), all 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 9:00 pm on the designated waste collection day.

(e) Where a premises is situated within the designated city centre of the Metropolitan District of Limerick as delineated by the boundaries in the map shown in Schedule B, all 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 9:30 am on the designated waste collection day

7. Prohibited Waste Types

Household waste that comprises hazardous waste or waste electrical and electronic equipment shall not be placed in an appropriate waste container for kerbside collection.

8. Segregation of Household Waste and Contamination Prevention

(a) Subject to paragraph (c) household kerbside waste shall be segregated into residual household kerbside waste and recyclable household kerbside waste, with these fractions being stored separately. Any such separated recyclable waste shall not be deposited into a container designated for residual household kerbside waste and no such residual household waste shall be deposited into a container designated for recyclable household kerbside waste.

(b) Neither recyclable household kerbside waste nor food waste arising from households shall be contaminated with any other type of waste before or after such waste has been segregated.

(c) Where an authorised waste collector supplies a separate waste container designated for glass packaging waste arising from households, household kerbside waste shall be segregated into residual household kerbside waste, recyclable household kerbside waste and glass packaging waste, with these fractions being stored separately. Such glass packaging waste shall only be deposited in a container designated for glass packaging waste, and no other kerbside waste shall be deposited in a waste container designated for glass packaging waste.

(d) Where an authorised waste collector supplies a separate waste container designated for glass packaging waste arising from households, such glass packaging waste shall not be contaminated with any other type of waste before or after such waste has been segregated.

Note: while the remainder of this paragraph does not form part of these bye-laws, there are separate legal requirements mandating householders to segregate food waste and to keep it separate. These are contained in the European Union (Household Food Waste and Bio-Waste) Regulations 2015. Food waste also may be subject to home composting or be delivered to an authorised waste facility.

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 in accordance with bye-law 2, 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 to be obtained and retained 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 either that person or from another authorised person employed by Limerick City and County Council.

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

A management company, or any other person if there is no such company, 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:

- (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 any individual apartment 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 by 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 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 from either that person or from another authorised person employed by Limerick City and County Council,*
- (g) receptacles for kerbside waste are presented for collection on the designated waste collection day,*
- (h) adequate access and egress onto and from the premises by waste collection vehicles is maintained.*

11. Interference with Orderly Waste Collection

- (a) Employees of an authorised waste collector or employees of Limerick City and County Council involved in the removal of waste shall not be wilfully obstructed, disturbed, interrupted or otherwise interfered with in the course of their engagement in waste collection.*
- (b) Unless the following activities have been subject to approval by the authorised waste collector responsible for the container, a microchip attached to an appropriate waste container or any non-time expired identification mark, badge, label, tag, disc or other thing attached to that container or to a refuse bag or to another container shall not be removed, damaged, destroyed, tampered with or otherwise rendered inoperative.*
- (c) Waste stored or presented for the purposes of collection shall not be:*

- (i) *supplemented by waste added by another person unless that person has been authorised to do so by the person storing or, as the case may be, presenting the container of waste for collection*
 - (ii) *otherwise interfered with by another person.*
- (d) *Waste shall not be deposited into a refuse collection vehicle by any person other than by an employee of an authorised waste collector or a local authority*

12. Additional Provisions for Commercial Waste

Commercial waste shall not be deposited at any bring facility provided by or on behalf of Limerick City and County Council.

20. 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.*

SCHEDULE 1. Recyclable Kerbside Waste

Paper	Aluminium Cans	Plastic Bottles (PET 1)
Newspapers	Drink cans	Mineral bottles
Magazines	Soda & beer cans	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	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	Plastic Pots, Trays & Tubs	
Holiday brochures	Yogurt pots	
Paper potato bags	Margarine tubs	
	Rigid food trays	
	Liquid soap containers	

For Further Information go to www.mywaste.ie

SCHEDULE 1. Designated City Centre in the Metropolitan District of Limerick

The City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-laws, 2018 are made and adopted under the Common Seal of Limerick City and County Council this, __ day of _____ 2018.

THE SEAL OF LIMERICK CITY AND COUNTY COUNCIL

Was affixed hereto by:-

DIRECTOR OF SERVICE

AUTHENTICATED BY

SENIOR EXECUTIVE OFFICER CORPORATE SERVICES



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Physical Development Directorate

Report concerning the Proposed Publication of the

Draft- City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws 2018

Table of Contents

1. Introduction.....	p. 3
2. Background to the Draft Bye-Law Proposal.....	p. 3
3. Main Changes Proposed under the Draft Bye-Laws.....	p. 5
4. Public Consultation Process.....	p. 6
4.1 Undertaking the Public Consultation Process.....	p. 6
5. Proposal to Publish Draft Bye-Laws.....	p. 6
Appendix A – Draft Bye-Laws 2018.....	p. 7
Appendix B – Section 35 of the Waste Management Act 1996.....	p. 19
Appendix C – Reserved Function to Publish Draft Bye-Laws.....	p. 21

1. Introduction

The power to make bye-laws in respect of the presentation of waste for collection is a power reserved to the Members of Council.¹

However, in order to ensure regulatory consistency in relation to waste management, the Government adopted a regional approach to waste management through the establishment of the Regional Waste Management Offices in 2013 and the Waste Enforcement Regional Lead Authorities (WERLAs) in 2015.

Under this regional framework Limerick City and County Council falls under the remit of the Southern Region Waste Management Office (SRWMO). The SRWMO adopts a Regional Waste Management Plan setting out regulatory objectives for the local authorities within the Southern Region.

The current Southern Regional Waste Management Plan is effective from 2015 to 2021.² One of the objectives of this plan is to achieve consistency in local authority bye-laws by reviewing/introducing waste presentation bye-laws. This objective is stated as follows;

Objective C 2.1

“Review/introduce presentation of waste bye-laws across the region, to maximise the quantity and quality of recyclable waste collected and amend/replace/introduce new bye-laws if appropriate.”³

2. Background to the Draft Bye-Law Proposals

The Regional Co-Ordinator at the SRWMO delivered a presentation on a proposal for the introduction of new waste presentation bye-laws by local authorities across the country at the December Meeting of the Council’s Environment Strategic Policy Committee.⁴

The Regional Co-Ordinator explained that the overarching aim of revising waste presentation bye-laws was to reduce the contamination rate of recyclables and thereby maximise the quantity and quality of recyclable waste collected. She confirmed that this aim is an objective of the Southern Region Waste Management Plan.⁵

¹ Waste Management Act, 1996 section 35 as amended by the Local Government Act, 2001 Part 19 and Schedule 14A Part 3 ref. 97 as inserted by the Local Government Reform Act 2014 section 21 and Schedule 3.

² Southern Region Waste Management Office, Southern Region Waste Management Plan 2015-2021
< <http://southernwasteregion.ie/content/southern-region-waste-management-plan-2015-2021-associated-reports> >

³ Southern Region Waste Management Plan 2015-2021, Objective C 2.1. at p. 236
< http://southernwasteregion.ie/sites/default/files/Part%203_0.pdf >

⁴ Limerick City and County Council Environment Strategic Policy Committee, Chairpersons Report for the 11th December 2018, Item 4 <<https://www.limerick.ie/sites/default/files/media/documents/2018-01/03%20%28h%29%20%28iii%29%20Chairperson%27s%20Report%20-%20Environment%20SPC%20Meeting111218%20and%20Background%20Report%20on%20Recommendation%201.pdf>>

⁵ Southern Region Waste Management Plan 2015-2021, Objective C 2.1. at p236
< http://southernwasteregion.ie/sites/default/files/Part%203_0.pdf >

The revised waste presentation bye-laws seek to enable local authorities across the Southern Region to adopt a consistent approach to the regulation of waste presentation, and to update bye-laws to reflect legislative changes.

The Regional Co-Ordinator confirmed that the adoption of waste presentation bye-laws is a reserved function under the *Waste Management Act, 1996*.⁶

The SRWMO has furnished all local authorities in the region with a bye-laws template that may be adjusted to reflect to local conditions. The SRWMO has also distributed a Guidance Document and a Frequently Asked Questions information sheet and these have been provided to the Members of Council for their consideration.

The Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws, 2018 are now being presented to the Members of the Metropolitan and Municipal Districts for consideration. The Draft Bye-Laws are set out in Appendix A of this Report.

The Draft Bye-Laws have been prepared with regard to the Guidance Document furnished by the SRWMO, the Southern Region Waste Management Plan 2015-2021,⁷ and the requirements of the Council's current bye-laws.⁸ The Draft Bye-Laws only regulate the way waste is presented for collection ie. segregation of waste, waste presentation times, authorised containers etc.

I would request that the Members of the Municipal District of Adare-Rathkeale approve the publication the Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws, 2018 thereby allowing the Council to commence a statutory public consultation process with a view to the eventual adoption of the waste presentation bye-laws.

⁶ *Waste Management Act, 1996* section 35 and the *Local Government Act, 2001* Part 19 and Schedule 14A Part 3 ref. 9 as inserted by the *Local Government Reform Act, 2014* section 21 and Schedule 3.

⁷ Southern Region Waste Management Plan (available at < <http://southernwasteregion.ie/content/southern-region-waste-management-plan-2015-2021-associated-reports>>)

⁸ Limerick City Council Presentation of Waste Bye-Laws (Amended) 2012 (available at <

https://www.limerick.ie/sites/default/files/media/documents/2017-05/presentation_of_waste_byelaws_for_the_former_limerick_city_area.pdf>)

Limerick County Council (Storage, Presentation and Segregation for the purpose of and in the course of the Collection of Household and Commercial Waste) Bye-Laws 2011 (available at <

https://www.limerick.ie/sites/default/files/media/documents/2017-05/presentation_of_waste_byelaws_for_the_former_limerick_county_area.pdf>)

3. Main Changes Proposed under the Draft Bye-Laws

If adopted by the Members, the Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws 2018 will revoke the Council's current presentation of waste bye-laws; Limerick City Council Presentation of Waste Bye-Laws (Amended) 2012,⁹ and the Limerick County Council (Storage, Presentation and Segregation for the purpose of and in the course of the Collection of Household and Commercial Waste) Bye-Laws 2011.¹⁰

I set out hereunder some of the main changes proposed in the Draft Bye-Laws.

<i>Main Changes Proposed</i>	
Draft Bye-Law 2	It is proposed that where a person participates in a waste collection service he or she will be required to retain documentary proof of payment.
Draft Bye-Law 6	It is proposed to standardise the earliest time that waste can be presented for collection across the Metropolitan District of Limerick to 8 p.m. on the day immediately preceding the designated waste collection day. In the "designated city centre area" the earliest time that waste can be presented for collection will remain 6 p.m. on the day immediately preceding the designated collection day. It is not proposed to amend the earliest waste presentation times in the Municipal Districts of Newcastle-West; Adare-Rathkeale; or Cappamore-Kilmallock. The earliest waste presentation times for these Districts will remain 6 p.m. on the day immediately preceding the designated collection day.
Draft Bye-Law 10	The draft bye-laws seek to ensure better waste management practices in multi-user buildings and apartment blocks. It is proposed that where a building is not maintained by a management company then any other person who exercises control and supervision over the building must comply with the requirements of Draft Bye-Law 10.
Draft Bye-Law 20	It is proposed to increase the maximum financial penalty that may be imposed on conviction under the bye-laws to €2,500. It is also proposed to increase the payment for fixed penalty notices to €75.

⁹ Limerick City Council Presentation of Waste Bye-Laws (Amended) 2012
< https://www.limerick.ie/sites/default/files/media/documents/2017-05/presentation_of_waste_byelaws_for_the_former_limerick_city_area.pdf>

¹⁰ Limerick County Council (Storage, Presentation and Segregation for the purpose of and in the course of the Collection of Household and Commercial Waste) Bye-Laws 2011
< https://www.limerick.ie/sites/default/files/media/documents/2017-05/presentation_of_waste_byelaws_for_the_former_limerick_county_area.pdf>.

4. Public Consultation Process

Section 35 of the *Waste Management Act, 1996* provides that the making of waste presentation bye-laws is a reserved function.¹¹ The *Waste Management Act, 1996* provides that such bye-laws must be made in accordance with the procedural requirements as set out in Part 19 of the *Local Government Act, 2001*.¹² The procedure contained therein requires that draft bye-laws are published and that a public consultation process is undertaken prior to the adoption of bye-laws.

4.1 Undertaking the Public Consultation Process

The requirements for undertaking the public consultation process are set out in section 200 of the *Local Government Act, 2001* and the Local Government Act, 2001 (Bye-Laws) Regulations 2006.¹³

The Council is required to publish a Public Notice of intent to make waste presentation bye-laws in one or more newspapers circulating in the Limerick area. The Public Notice will also be published on the Council's website www.limerick.ie

The public consultation period will last for one month.¹⁴ The Council will accept submissions and observations in relation to the Draft Bye-Laws during the public consultation period and for 7 days thereafter.¹⁵

The Council shall also send a copy of the Draft Bye-Laws to the Minister for Communications, Climate Action and Environment and the Garda Superintendents assigned to Limerick.¹⁶

The Council will prepare a public consultation report on completion of the public consultation. The report will contain details of all submissions and observations received and not withdrawn, and the report will be presented to the Members for consideration as part of the bye-law adoption process.

5. Proposal for the Municipal District of Adare-Rathkeale

I hereby recommend that the Members of the Municipal District of Adare-Rathkeale approve the publication of the Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws 2018, as contained in Appendix A of this report, in accordance with Section 199 of the *Local Government Act, 2001*.¹⁷

¹¹ *Waste Management Act, 1996* and the *Local Government Act, 2001* Part 19 and Schedule 14A Part 3 ref. 97 as inserted by the *Local Government Reform Act, 2014* section 21 and Schedule 3.

¹² *Waste Management Act, 1996* section 35(2).

¹³ *Local Government Act, 2001* section 200 and the Local Government Act, 2001 (Bye-Laws) Regulations (S.I. 326 of 2006) Article 4.

¹⁴ *Local Government Act, 2001* section 200(1)(b).

¹⁵ *Local Government Act, 2001* section 200(1)(d).

¹⁶ *Local Government Act, 2001* section 200(3) and the Local Government Act, 2001 (Bye-Laws) Regulations 2006 (S.I. 326 of 2006) Articles 4.

¹⁷

Appendix A



Draft

**City and County of Limerick (Segregation, Storage and
Presentation of Household and Commercial Waste) Bye-laws,
2018**

Title

City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-laws, 2018

Statutory Basis of the Bye-Law

Limerick City and County Council, pursuant to Section 35(1) of the Waste Management Act 1996 and in accordance with Part 19 of the Local Government Act 2001, and the Metropolitan District of Limerick, the Municipal District of Adare-Rathkeale, the Municipal District of Cappamore-Kilmallock and the Municipal District of Newcastle West pursuant to Section 199(1) of the Local Government Act 2001 hereby make the following bye-laws:

Citation

These bye-laws may be cited as the "City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-laws, 2018".

Date of Commencement

These bye-laws shall enter into force on the _____ 2018.

Geographical area of application

These bye-laws shall apply to the functional area of Limerick City and County Council.

Revocations

These bye-laws repeal the Limerick City Council Presentation of Waste Bye-Laws (Amended) 2012 and the Limerick County Council (Storage, Presentation and Segregation for the purpose of and in the course of the Collection of Household and Commercial Waste) Bye-Laws 2011.

Scope of this Bye-law: Waste Types and Controlled Activities

Unless the following bye-laws indicate to the contrary, these bye-laws apply to both household and commercial waste.

1. Interpretation and Definitions

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

“appropriate waste container” means a waste container suitable for the collection of kerbside waste and which is 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);

“authorised person” means a person authorised by Limerick City and County Council in accordance with Section 204 of the Local Government Act 2001 or a member of an Garda Síochána;

“authorised waste collector” means a person authorised in accordance with Section 34 of the Waste Management Act, including 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 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;

“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;

“fixed payment notice” means a notice provided for by these bye-laws and by Section 206 of the Local Government Act 2001 which is issued to a person in respect of a contravention of these bye-laws and which, as an alternative to prosecution, requires that person to pay a specified fixed payment by a specified time;

“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”;

“glass packaging” includes bottles and jars commonly used as packaging for drinks and food which arise from households, but does not include lead crystal glassware, pyrex, window glass or plate glass.

“holder” means the waste producer or the person who is in possession of the waste and “holder of commercial waste” and “holder of household waste” shall be interpreted accordingly;

“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 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;

“Metropolitan District of Limerick” means the Metropolitan District of Limerick as established by the City and County of Limerick Local Electoral Areas and Municipal Districts Order 2014 (S.I. No. 56 of 2014).

“Municipal District of Adare-Rathkeale” means the Municipal District of Adare-Rathkeale as established by the City and County of Limerick Local Electoral Areas and Municipal Districts Order 2014 (S.I. No. 56 of 2014).

“Municipal District of Cappamore-Kilmallock” means the Municipal District of Cappamore-Kilmallock as established by the City and County of Limerick Local Electoral Areas and Municipal Districts Order 2014 (S.I. No. 56 of 2014).

“Municipal District of Newcastle West” means the Municipal District of Newcastle West as established by the City and County of Limerick Local Electoral Areas and Municipal Districts Order 2014 (S.I. No. 56 of 2014).

“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);

“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 or other similar body within the meaning of the definition contained in the Interpretation Act 2005;

"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;

"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) if subject to separate collection by an authorised waste collector, biodegradable garden waste.*

Unless the contrary is indicated, for the avoidance of doubt 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".

Where it is necessary, 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 such 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 the 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 presented to an authorised person within a time specified in a written request from either that person or from another authorised person employed by Limerick City and County Council.

3. Maintenance and Management of Waste Containers

Containers used for the presentation of kerbside waste shall be maintained in such condition and state of repair that the waste placed therein will not be a source of nuisance or litter. Waste shall not be presented in a container where:

- (a) the wheels or lid have been removed or damaged, or*
- (b) the container is 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.*

4. Location for container storage

Subject to bye-law 6, other than on the day before and the designated waste collection day, containers used for the presentation of kerbside waste shall be held within the curtilage of the premises where the waste is produced. They shall not be stored on a roadway, footway, footpath or any other public place unless the location has been expressly authorised in writing by an authorised person.

5. Use of Waste Containers on Collection Day

Household kerbside waste shall only be presented for collection in an appropriate waste container. The container 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 container.

6. Waste Presentation Times and Container Removal

(a) Subject to paragraphs (b) and (c), kerbside waste presented for collection shall not be presented for collection earlier than 6:00 pm on the day immediately preceding the designated waste collection day;

(b) Subject to subparagraph (c), in the Metropolitan District of Limerick, kerbside waste presented for collection shall not be presented for collection earlier than 8:00 pm on the day immediately preceding the designated waste collection day.

(c) Where a premises is situated within the designated city centre of the Metropolitan District of Limerick as delineated by the boundaries in the map shown in Schedule 2, kerbside waste presented for collection shall not be presented for collection earlier than 6:00 pm on the day immediately preceding the designated waste collection day

(d) Subject to paragraph (e), all 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 9:00 pm on the designated waste collection day.

(e) Where a premises is situated within the designated city centre of the Metropolitan District of Limerick as delineated by the boundaries in the map shown in Schedule B, all 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 9:30 am on the designated waste collection day

7. Prohibited Waste Types

Household waste that comprises hazardous waste or waste electrical and electronic equipment shall not be placed in an appropriate waste container for kerbside collection.

8. Segregation of Household Waste and Contamination Prevention

(a) Subject to paragraph (c) household kerbside waste shall be segregated into residual household kerbside waste and recyclable household kerbside waste, with these fractions being stored separately. Any such separated recyclable waste shall not be deposited into a container designated for residual household kerbside waste and no such residual household waste shall be deposited into a container designated for recyclable household kerbside waste.

(b) Neither recyclable household kerbside waste nor food waste arising from households shall be contaminated with any other type of waste before or after such waste has been segregated.

(c) Where an authorised waste collector supplies a separate waste container designated for glass packaging waste arising from households, household kerbside waste shall be segregated into residual household kerbside waste, recyclable household kerbside waste and glass packaging waste, with these fractions being stored separately. Such glass packaging waste shall only be deposited in a container designated for glass packaging waste, and no other kerbside waste shall be deposited in a waste container designated for glass packaging waste.

(d) Where an authorised waste collector supplies a separate waste container designated for glass packaging waste arising from households, such glass packaging waste shall not be contaminated with any other type of waste before or after such waste has been segregated.

Note: while the remainder of this paragraph does not form part of these bye-laws, there are separate legal requirements mandating householders to segregate food waste and to keep it separate. These are contained in the European Union (Household Food Waste and Bio-Waste) Regulations 2015. Food waste also may be subject to home composting or be delivered to an authorised waste facility.

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 in accordance with bye-law 2, 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 to be obtained and retained 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 either that person or from another authorised person employed by Limerick City and County Council.

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

A management company, or any other person if there is no such company, 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:

- (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 any individual apartment 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 by 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 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 from either that person or from another authorised person employed by Limerick City and County Council,*
- (g) receptacles for kerbside waste are presented for collection on the designated waste collection day,*
- (h) adequate access and egress onto and from the premises by waste collection vehicles is maintained.*

11. Interference with Orderly Waste Collection

- (a) Employees of an authorised waste collector or employees of Limerick City and County Council involved in the removal of waste shall not be wilfully obstructed, disturbed, interrupted or otherwise interfered with in the course of their engagement in waste collection.*
- (b) Unless the following activities have been subject to approval by the authorised waste collector responsible for the container, a microchip attached to an appropriate waste container or any non-time expired identification mark, badge, label, tag, disc or other thing attached to that container or to a refuse bag or to another container shall not be removed, damaged, destroyed, tampered with or otherwise rendered inoperative.*
- (c) Waste stored or presented for the purposes of collection shall not be:*
 - (i) supplemented by waste added by another person unless that person has been authorised to do so by the person storing or, as the case may be, presenting the container of waste for collection*
 - (ii) otherwise interfered with by another person.*
- (d) Waste shall not be deposited into a refuse collection vehicle by any person other than by an employee of an authorised waste collector or a local authority*

12. Additional Provisions for Commercial Waste

Commercial waste shall not be deposited at any bring facility provided by or on behalf of Limerick City and County Council.

13. 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.*

SCHEDULE 1. Recyclable Kerbside Waste

Paper	Aluminium Cans	Plastic Bottles (PET 1)
Newspapers	Drink cans	Mineral bottles
Magazines	Soda & beer cans	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	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	Plastic Pots, Trays & Tubs	
Holiday brochures	Yogurt pots	
Paper potato bags	Margarine tubs	
	Rigid food trays	
	Liquid soap containers	

For Further Information go to www.mywaste.ie

SCHEDULE 1. Designated City Centre in the Metropolitan District of Limerick

The City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-laws, 2018 are made and adopted under the Common Seal of Limerick City and County Council this, __ day of _____ 2018.

THE SEAL OF LIMERICK CITY AND COUNTY COUNCIL

Was affixed hereto by:-

DIRECTOR OF SERVICE

AUTHENTICATED BY

SENIOR EXECUTIVE OFFICER CORPORATE SERVICES

Appendix B

Waste Management Act, 1996

Presentation of Waste for Collection Bye-Laws

Section 35.—

“(1) Whenever a local authority considers that, for the purpose of the proper management of waste or the prevention or control of environmental pollution, it is necessary so to do, it may, subject to subsection (5), make bye-laws—

(a) requiring a holder of household waste to present such waste for collection by a person collecting waste in accordance with this Part,

(b) requiring a holder of household or commercial waste who presents such waste for collection as aforesaid (whether pursuant to a requirement of bye-laws under paragraph (a) or not) to so present the waste in a manner specified in the bye-laws.

(2) A bye-law under subsection (1) shall be made in accordance with, and construed as if it was made under, Part VII of the Local Government Act, 1994.

(3) Bye-laws under subsection (1) may, without prejudice to the generality of that subsection or of section 37 (4) of the Local Government Act, 1994, include provisions specifying—

(a) that waste shall only be placed for collection in receptacles of a particular kind and that different waste shall be placed in different receptacles,

(b) the quantity of waste which may or may not be placed in any receptacle,

(c) the waste, or the mixtures of waste, which may or may not be placed in a receptacle,

(d) the measures or precautions to be taken where particular waste, or mixtures thereof, is or are placed in a receptacle,

(e) the size, colour, construction or maintenance of receptacles,

(f) the location at which the waste is to be made available for collection,

(g) times during which the waste is to be made available for collection,

(gg) that waste placed for collection shall bear evidence, in such a manner or form as is provided in the bye-laws, of the payment of any charge that has been made under section 75 in respect of the collection of the waste,

(h) any matters consequential on, or incidental to, the foregoing.

(4) A local authority may provide or, where appropriate, may, in accordance with section 34, require the holder of a waste collection permit granted by the authority to provide, receptacles in which household or commercial waste (either generally or of a specified nature or type) presented for collection shall be placed for such collection, and the local authority or the said holder, as the case may be, may require such reasonable payment, as it or he or she

may determine, in respect of the provision of receptacles from the persons to whom they are provided.

(5)

(a) The Minister may, if he or she considers it expedient so to do for the purpose of the prevention or control of environmental pollution, give a direction to a local authority requiring it to take specified steps (including the making of bye-laws under Part VII of the Local Government Act, 1994) to ensure that specified substances, products, materials or classes of waste arising in household or commercial waste are segregated for the purpose of and in the course of collection, and recovered or disposed of in a specified manner.

(b) A local authority concerned shall comply with any direction of the Minister given under this subsection within such period as may be specified in the direction."

Appendix C

Reserved Function to Publish Draft Waste Presentation Bye-Laws

Local Government Act, 2001 Section 199

Section 199 (5)

“The approval of a draft bye-law, the consideration of submissions in relation to such draft bye-law and the making, amendment or revocation of a bye-law, are each reserved functions.

Local Government Act, 2001 Schedule 14 A Part 1

SCHEDULE 14A

PART 1

Reserved Functions to be Performed, Subject to Section 131A(4), by Municipal District Members

Reference No.	Description of reserved function	Provision under which reserved function is conferred
(1)	(2)	(3)
36	The approval of a draft bye-law, the consideration of submissions in relation to such draft bye-law and the making, amendment or revocation of a bye-law."	Section 199 of the Local Government Act 2001 .