Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Physical Development Directorate

Public Consultation Report

On the

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

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1. Introduction

This Report relates to the public consultation process undertaken in relation to the Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws 2018 in August-September 2018. The Members of the Metropolitan and the Municipal Districts approved the publication of the Draft Bye-Laws and the undertaking of a public consultation process at their monthly meetings in June-July 2018 and the Council subsequently undertook the public consultation process. No submissions were received during the consultation period.

Accordingly, this Report is being presented to the Members of the Districts for noting in advance of the Draft Bye-Laws being presented to the Full Council for consideration and adoption at its bi-monthly meeting in January 2019.

This report sets out the background to the preparation of the Draft Bye-Laws; the main changes proposed to the current Bye-Laws; and details of the public consultation process.

2. Background to the Draft Bye-Law Proposals

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 which sets out regulatory objectives for the local authorities within the Southern Region.

The current Southern Regional Waste Management Plan is effective from 2015 to 2021.[1] 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." [2]

In December 2017, the Regional Co-Ordinator at the SRWMO delivered a presentation to the Limerick City and County Council Environment Strategic Policy Committee in relation to the

[1] 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>

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

SRWMO's proposal for the introduction of new waste presentation bye-laws by local authorities across the country.[3]

The Regional Co-Ordinator explained that the overarching aim of the proposals to revise the waste presentation bye-laws was to reduce the contamination rate of recyclables and thereby maximise the quantity and quality of recyclable waste collected.[4] She explained that it is intended to advance these aims by adopting a co-ordinated approach to the regulation of waste presentation across the Southern Region, and that it was intended to update current bye-laws to reflect recent 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*.[5] She explained that the SRWMO has furnished all local authorities in the region with a bye-laws template that may be adjusted to reflect to local conditions. A Guidance Document and a Frequently Asked Questions information document were also prepared by the SRWMO.

The Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws 2018 were prepared having regard to the Guidance Document and the Bye-Law Template that were furnished by the SRWMO, the Southern Region Waste Management Plan 2015-2021,[6] and the requirements of the Council's current Bye-laws.[7] The Draft Bye-Laws are intended to regulate the way waste is presented for collection ie. segregation of waste, waste presentation times, authorised containers etc.

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[3] 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 >

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

[5] *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.

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

[7] 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,[8] 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.[9]

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

Main Changes Proposed	
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	This Draft Bye-Law seeks 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 11	This Draft Bye-Law prohibits the wilful interference with the waste collection operations. This protection addresses the issue of anti-social behaviour and thereby ensures that waste is collected from people's homes. This protection is provided for in the current Limerick County Bye-Laws. In the former Limerick City area only the interference with waste containers and the labelling of containers is prohibited in the current Bye-Laws. Accordingly, the effect of Draft Bye-Law 11 is to extend the protection ensuring the orderly collection of waste to the former Limerick City area.

[8] 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>

[9] 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>.

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.

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.[10] 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*.[11] 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.

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.[12]

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 Districts approved the publication of the Draft Bye-Laws which then went on public display at the Council Offices and on the Council's website from the 13th August 2018 to the 13th September 2018. [13] Submissions could be made in writing or by email until the 21st September 2018 at 5 p.m. [14] The Council also wrote to the Minister for Communications, Climate Action and the Environment and the Garda Superintendents advising them of the Draft Bye-Laws and inviting their comments. [15] No submissions were received in relation to the Draft Bye-Laws.

[10] *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.
[11] *Waste Management Act, 1996* section 35(2).
[12] *Local Government Act, 2001* section 200 and the Local Government Act, 2001 (Bye-Laws) Regulations (S.I. 326 of 2006) Article 4.
[13] *Local Government Act, 2001* section 200(1)(b).
[14] *Local Government Act, 2001* section 200(1)(d).
[15] *Local Government Act, 2001* section 200(3) and the Local Government Act, 2001 (Bye-Laws) Regulations 2006 (S.I. 326 of 2006) Articles 4.

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;

"h*ousehold 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.

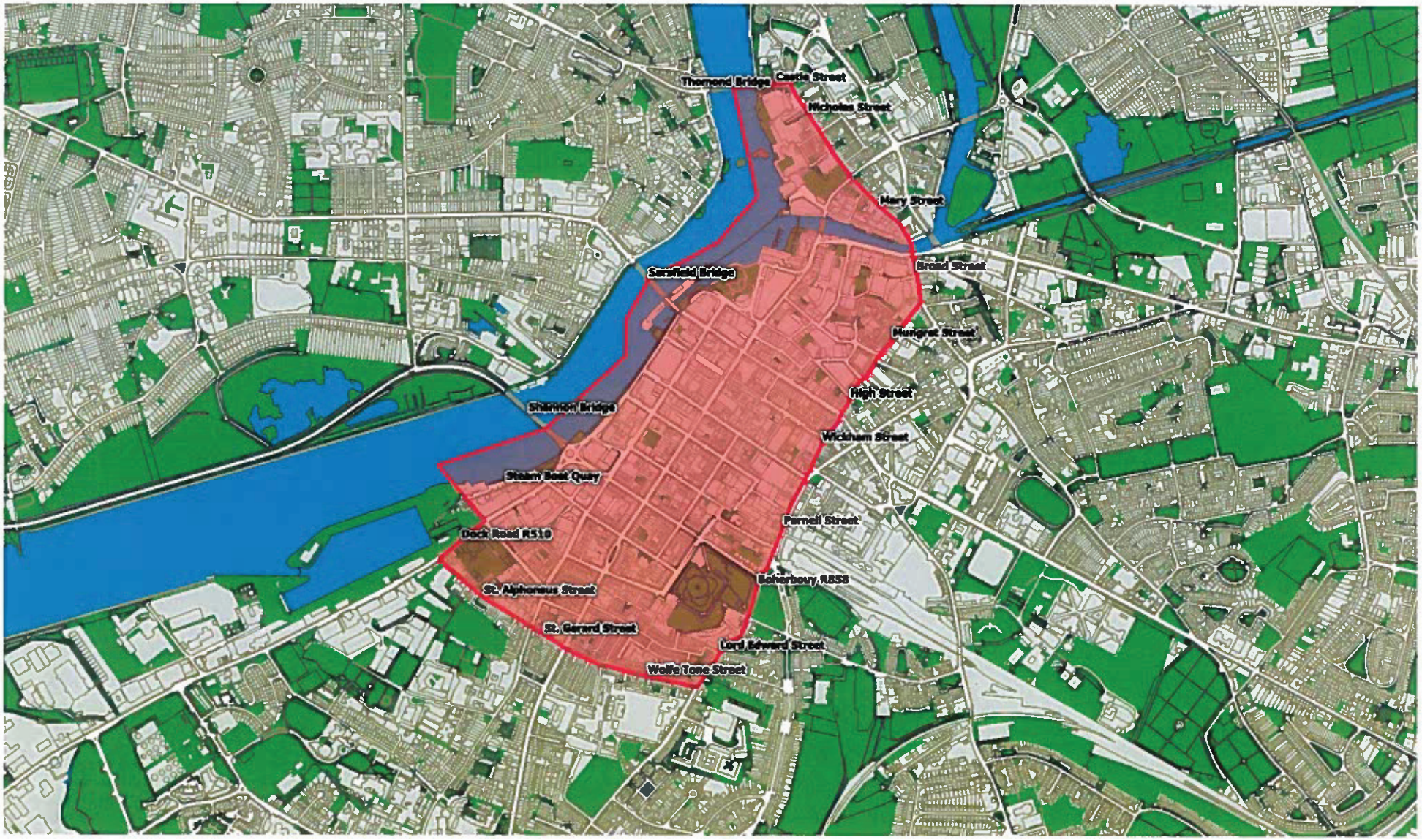
(c) Where the contravention of any provision of these bye-laws continues after a person has been subject to the fine referred to in paragraph (a), a person found guilty of an offence relating to this continued contravention shall be liable to a penalty of no more than €500 per day for each day the contravention 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 2. Designated City Centre in the Metropolitan District of Limerick

Limerick Designated City Centre Area



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

Designated City Centre Area

Metropolitan District of Limerick

Scale - 1:10,000

Legend

Designated City Centre Area

N

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

Public Consultation Notice

Published in the Limerick Leader and the Limerick Post in the Saturday the 11th August 2018 Editions

DRAFT CITY AND COUNTY OF LIMERICK (SEGREGATION, STORAGE AND PRESENTATION OF HOUSEHOLD AND COMMERCIAL WASTE) BYE-LAWS, 2018

Notice is hereby given that the Metropolitan District of Limerick, Municipal District of Adare-Rathkeale, Municipal District of Cappamore-Kilmallock and the Municipal District of Newcastle West propose to make Bye-Laws in accordance with Part 19 of the Local Government Act, 2001 for the purpose of regulating the segregation, storage and presentation of household and commercial waste within their respective districts. The Draft Bye-Laws provide that a person found guilty of a contravention shall be liable to a financial penalty of up to €2,500.

The Draft Bye-Laws will be on public display from Monday the 13th August, 2018 until 5 p.m. on Thursday the 13th September, 2018. Copies of the Draft Bye-Laws, are available on the Council's website www.limerick.ie and are also available free of charge at the Limerick City and County Council Offices, in Merchants Quay, Limerick V94 EH90 and in the Dooradoyle Offices, Dooradoyle Road, Limerick V94 WV78 and at the Council's Local Area Offices at Áras Mainchín Seoighe, Millmount, Kilmallock, V35 K497, Áras Seán Finn, New Line, Rathkeale, V94 HK1V, and Áras William Smith O'Brien, Gortboy, Newcastle West, V42 EH73.

Submissions and observations may be made in writing until 5 p.m. on Friday the 21st September, 2018 to the Director of Service, Physical Development Directorate, Limerick City and County Council Offices, Merchants Quay, Limerick, V94 EH90 or by email to **wastepresbyelaws2018@limerick.ie**. The Council will consider all submissions received during this period.

Appendix C

Letters Sent to Statutory Consultees

COMHAIRLE CATHRACH & CONTAE
Luimnigh
Limerick
CITY & COUNTY COUNCIL

Stiurthóireacht na Forbartha Fisiciúil,
Comhairle Cathrach agus Contae Luimnigh,
Ceanncheathrú Chorparáideach,
Cé na gCeannaithe,
Luimneach

Physical Development Directorate,
Limerick City and County Council,
Corporate Headquarters,
Merchants Quay,
Limerick

EIRCODE V94 EH90

t: +353 (0) 61 407 100
f: +353 (0) 61 415 266

Sent 10th Oct 2018

Minister Denis Naughten, TD
Department of Communications Climate Action & Environment
29-31 Adelaide Rd,
Saint Kevin's,
Dublin,
D02 X285

10th October, 2018

Re: Notice of Draft Bye-Laws for to Regulate the Segregation, Storage, and Presentation of Household and Commercial Waste in Limerick

Dear Minister,

I enclose, herewith, a copy of the Draft Bye-Laws for the segregation, storage and presentation of household and commercial waste and a copy of the notice that was published in the Limerick Leader and the Limerick Post pursuant to section 200(1) of the Local Government Act, 2001.

The Metropolitan District of Limerick, the Municipal District of Adare-Rathkeale, the Municipal District of Cappamore-Kilmallock and the Municipal District of Newcastle West in exercise of the powers conferred on them by Part 19 and Schedule 14A Part 1 ref. 36 of the Local Government Act, 2001 and in accordance with Section 35 of the Waste Management Act 1996, hereby give notice of its intention to make the said draft bye-laws for the regulation of the segregation, storage and presentation of household and commercial waste within their respective Districts.

It is anticipated that the Draft Bye-Laws will be presented to the Metropolitan and Municipal Districts for consideration and adoption at their monthly meetings in December 2018.

If you wish to make any comments or observations in relation to the Draft Bye-Laws could you submit them in writing to Brian Kennedy, Director of Service, Physical Directorate, Limerick City and County Council, Merchants Quay Offices, Limerick, V94 EH90 or by email to wastepresbyelaws2018@limerick.ie no later than 5p.m.on Friday the 9th November 2018.

Yours faithfully,

Dara Mc Guigan

Dara Mc Guigan
Senior Executive Officer
Physical Development Directorate
Limerick City & County Council
Merchants Quay
Limerick, V94 EH90

COMHAIRLE
CATHRACH & CONTAE
Luimnigh
Limerick
CITY & COUNTY
COUNCIL

Stiurthóireacht na Forbartha Fisiciúil,
Comhairle Cathrach agus Contae Luimnigh,
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Physical Development Directorate,
Limerick City and County Council,
Corporate Headquarters,
Merchants Quay,
Limerick

EIRCODE V94 EH90

t: +353 (0) 61 407 100
f: +353 (0) 61 415 266

Sent 10th Oct 2018

Superintendent Brian Sugrue,
Bruff Garda Station,
Main Street, Bruff,
Co. Limerick,
V35 V662

10th October, 2018

Re: Notice of Draft Bye-Laws for to Regulate the Segregation, Storage, and Presentation of Household and Commercial Waste in Limerick

Dear Superintendent Sugrue,

I enclose, herewith, a copy of the Draft Bye-Laws for the segregation, storage and presentation of household and commercial waste and a copy of the notice that was published in the Limerick Leader and the Limerick Post pursuant to section 200(1) of the Local Government Act, 2001.

The Metropolitan District of Limerick, the Municipal District of Adare-Rathkeale, the Municipal District of Cappamore-Kilmallock and the Municipal District of Newcastle West in exercise of the powers conferred on them by Part 19 and Schedule 14A Part 1 ref. 36 of the Local Government Act, 2001 and in accordance with Section 35 of the Waste Management Act 1996, hereby give notice of their intention to make draft bye-laws for the regulation of the segregation, storage and presentation of household and commercial waste within their respective Districts.

It is anticipated that the Draft Bye-Laws will be presented to the Metropolitan and Municipal Districts for consideration and adoption at their monthly meetings in December 2018.

If you wish to make any comments or observations in relation to the Draft Bye-Laws could you submit them in writing to Brian Kennedy, Director of Service, Physical Directorate, Limerick City and County Council, Merchants Quay Offices, Limerick, V94 EH90 or by email to wastepresbyelaws2018@limerick.ie no later than 5p.m.on Friday the 9th November 2018.

Yours faithfully,

Dara Mc Guigan

Dara Mc Guigan
Senior Executive Officer
Physical Development Directorate
Limerick City & County Council
Merchants Quay
Limerick, V94 EH90

COMHAIRLE CATHRACH & CONTAE Luimnigh Limerick CITY & COUNTY COUNCIL

Sent 10th Oct 2018

Stiurthóireacht na Forbartha Fisiciúil,
Comhairle Cathrach agus Contae Luimnigh,
Ceannceathrú Chorparáideach,
Cé na gCeannaithe,
Luimneach

Physical Development Directorate,
Limerick City and County Council,
Corporate Headquarters,
Merchants Quay,
Limerick

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Superintendent Derek Smart,
Henry Street Garda Station,
Henry Street,
Limerick City,
V94 VY64

10th October, 2018

Re: Notice of Draft Bye-Laws for to Regulate the Segregation, Storage, and Presentation of Household and Commercial Waste in Limerick

Dear Superintendent Smart,

I enclose, herewith, a copy of the Draft Bye-Laws for the segregation, storage and presentation of household and commercial waste and a copy of the notice that was published in the Limerick Leader and the Limerick Post pursuant to section 200(1) of the Local Government Act, 2001.

The Metropolitan District of Limerick, the Municipal District of Adare-Rathkeale, the Municipal District of Cappamore-Kilmallock and the Municipal District of Newcastle West in exercise of the powers conferred on them by Part 19 and Schedule 14A Part 1 ref. 36 of the Local Government Act, 2001 and in accordance with Section 35 of the waste Management Act 1996, hereby give notice of their intention to make draft bye-laws for the regulation of the segregation, storage and presentation of household and commercial waste within their respective Districts.

It is anticipated that the Draft Bye-Laws will be presented to the Metropolitan and Municipal Districts for consideration and adoption at their monthly meetings in December 2018.

If you wish to make any comments or observations in relation to the Draft Bye-Laws could you submit them in writing to Brian Kennedy, Director of Service, Physical Directorate, Limerick City and County Council, Merchants Quay Offices, Limerick, V94 EH90 or by email to wastepresbyelaws2018@limerick.ie no later than 5p.m.on Friday the 9th November 2018.

Yours faithfully,

Dara Mc Guigan

Dara Mc Guigan
Senior Executive Officer
Physical Development Directorate
Limerick City & County Council
Merchants Quay
Limerick, V94 EH90

COMHAIRLE CATHRACH & CONTAE Luimnigh Limerick CITY & COUNTY COUNCIL

Sent 10th Oct 2018

Stiurthóireacht na Forbartha Fisiciúil
Comhairle Cathrach agus Contae Luimnigh,
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Cé na gCeannaithe,
Luimneach

Physical Development Directorate,
Limerick City and County Council,
Corporate Headquarters,
Merchants Quay,
Limerick

EIRCODE V94 EH90

t: +353 (0) 61 407 100
f: +353 (0) 61 415 266

Garda Superintendent,
Newcastlewest Garda Station,
Churchtown Road, Newcastlewest,
Co. Limerick,
V42 YX31

10th October, 2018

Re: Notice of Draft Bye-Laws for to Regulate the Segregation, Storage, and Presentation of Household and Commercial Waste in Limerick

Dear Superintendent,

I enclose, herewith, a copy of the Draft Bye-Laws for the segregation, storage and presentation of household and commercial waste and a copy of the notice that was published in the Limerick Leader and the Limerick Post pursuant to section 200(1) of the Local Government Act, 2001.

The Metropolitan District of Limerick, the Municipal District of Adare-Rathkeale, the Municipal District of Cappamore-Kilmallock and the Municipal District of Newcastle West in exercise of the powers conferred on them by Part 19 and Schedule 14A Part 1 ref. 36 of the Local Government Act, 2001 and in accordance with Section 35 of the Waste Management Act 1996, hereby give notice of their intention to make draft bye-laws for the regulation of the segregation, storage and presentation of household and commercial waste within their respective Districts.

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If you wish to make any comments or observations in relation to the Draft Bye-Laws could you submit them in writing to Brian Kennedy, Director of Service, Physical Directorate, Limerick City and County Council, Merchants Quay Offices, Limerick, V94 EH90 or by email to wastepresbyelaws2018@limerick.ie no later than 5p.m.on Friday the 9th November 2018.

Yours faithfully,

Dara Mc Guigan

Dara Mc Guigan
Senior Executive Officer
Physical Development Directorate
Limerick City & County Council
Merchants Quay
Limerick, V94 EH90

COMHAIRLE
CATHRACH & CONTAE
Luimnigh
Limerick
CITY & COUNTY
COUNCIL

Struthóireacht na Forbartha Fisiciúil,
Comhairle Cathrach agus Contae Luimnigh,
Ceannceathrú Chorparáideach,
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Luimneach

Physical Development Directorate,
Limerick City and County Council,
Corporate Headquarters,
Merchants Quay,
Limerick

EIRCODE V94 EH90

t: +353 (0) 61 407 100
f: +353 (0) 61 415 266

Sent
10th Oct 2018

Superintendent Edmund O'Neill,
Roxboro Garda Station,
Roxboro Road,
Limerick City,
V94 R2D5

10th October, 2018

Re: Notice of Draft Bye-Laws for to Regulate the Segregation, Storage, and Presentation of Household and Commercial Waste in Limerick

Dear Superintendent O'Neill,

I enclose, herewith, a copy of the Draft Bye-Laws for the segregation, storage and presentation of household and commercial waste and a copy of the notice that was published in the Limerick Leader and the Limerick Post pursuant to section 200(1) of the Local Government Act, 2001.

The Metropolitan District of Limerick, the Municipal District of Adare-Rathkeale, the Municipal District of Cappamore-Kilmallock and the Municipal District of Newcastle West in exercise of the powers conferred on them by Part 19 and Schedule 14A Part 1 ref. 36 of the Local Government Act, 2001 and in accordance with Section 35 of the Waste Management Act 1996, hereby give notice of their intention to make draft bye-laws for the regulation of the segregation, storage and presentation of household and commercial waste within their respective Districts.

It is anticipated that the Draft Bye-Laws will be presented to the Metropolitan and Municipal Districts for consideration and adoption at their monthly meetings in December 2018.

If you wish to make any comments or observations in relation to the Draft Bye-Laws could you submit them in writing to Brian Kennedy, Director of Service, Physical Directorate, Limerick City and County Council, Merchants Quay Offices, Limerick, V94 EH90 or by email to wastepresbyelaws2018@limerick.ie no later than 5p.m.on Friday the 9th November 2018.

Yours faithfully,

D. Mc Guigan

Dara Mc Guigan
Senior Executive Officer
Physical Development Directorate
Limerick City & County Council
Merchants Quay
Limerick, V94 EH90

Appendix D

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."

Local Government Act, 2001 Section 199

199.—

(1) Subject to subsection (7), a local authority may make a bye-law for or in relation to the use, operation, protection, regulation or management of any land, services, or any other matter provided by or under the control or management of the local authority, whether within or without its functional area or in relation to any connected matter.

(2)

(a) Subject to this subsection and subsection (7), a local authority may make a bye-law where in its opinion it is desirable in the interests of the common good of the local community—

(i) that any activity or other matter should be regulated or controlled by byelaw, or

(ii) that any nuisance should be controlled or suppressed by bye-law.

(b) A bye-law may not be made under this subsection for a purpose as respects which provision for that particular purpose is made by or under any other enactment or may be made under such enactment.

(3) Any bye-law may include such provisions as the local authority considers appropriate for its effective application, operation and enforcement and generally to achieve the purposes for which it is made, including—

(a) its application at all times or at specified times;

(b) its application throughout the functional area of the local authority or in any specified part of that functional area;

(c) the prohibition of any activity, matter or thing;

(d) the prescription of specified standards or requirements for, or in relation to, specified activities, matters or things;

(e) the exception of classes of persons or things from the bye-law either subject to or without compliance with specified conditions;

(f) the conduct of persons at specified places or in specified circumstances;

(g) the issue of licences or other authorisations by the local authority subject to or without condition and to have effect permanently or for a specified period;

(h) the payment of a fee or charge at a specified time by any person in respect of any specified matter governed by a bye-law;

(i) the specification of a fine for a contravention of a specified provision of a byelaw as provided by section 205;

(j) the specification of a fixed payment as an alternative to a prosecution for a contravention of a specified provision of a bye-law as provided for by section 206.

(4)

(a) A local authority may, subject to this Part, amend any bye-law made by it.

(b) A local authority may revoke any bye-law made by it with effect from such day as is specified in the resolution.

(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.

(6) The power of a local authority to make a bye-law in respect of its functional area includes a power to make a bye-law in respect of the foreshore and of coastal waters adjoining that functional area and with the agreement of any other local authority, of the coastal waters adjoining the functional area of that other local authority.