



Comhairle Cathrach  
& Contae Luimnigh  
**Limerick City  
& County Council**

Stiúrthóireacht na Forbartha Físiciúil,  
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

**Date: 16<sup>th</sup> January, 2019**

**To: The Mayor and Each Member of Limerick City and County Council**

**Re: Report in relation to the Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws, 2019.**

**A Chomhairleoir, a chara,**

I attach herewith the Report in relation to the Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws, 2019.

The purpose of these draft Bye-Laws is to ensure that waste is properly presented for disposal. The draft Bye-Laws aim to enhance the Council's ability to respond to instances of illegal dumping by enabling enforcement officers to seek clarification from householders as to how they are disposing of their household waste.

The draft Bye-Laws also aim to reduce contamination in recyclable waste by ensuring that waste fractions are properly segregated before presentation. In this way, the draft Bye-Laws seek to implement Objective C 2.1 of the Southern Region Waste Management Plan 2015-2021. Accordingly, the draft Bye-Laws are intended to improve the quality of segregated recyclable waste.

The Council undertook a public consultation process in relation to the Draft Bye-Laws in August-September 2018. I can confirm that no submissions were received during the consultation period. Comments and queries made by the Members at the Metropolitan and Municipal District meetings in December, 2018 have been responded to in the attached Report.

The Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws, 2019 are being presented to the Members of the Full Council for consideration and adoption at its bi-monthly Meeting in January 2019. If approved, the Bye-Laws will become effective from 1 March, 2019.

**Is mise le meas,**





**Brian Kennedy**

**Director of Service**

**Physical Development Directorate**





Comhairle Cathrach  
& Contae **Luimnigh**

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**Limerick** City  
& County Council

## Physical Development Directorate

Report on the Draft City and County of Limerick (Segregation, Storage  
and Presentation of Household and Commercial Waste) Bye-Laws 2019

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## **1. Introduction**

This Report relates to the process undertaken in relation to the preparation of the draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws 2019. The purpose of the Bye-Laws is to update and consolidate the existing 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.

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 public consultation process was subsequently undertaken in August-September 2018. No submissions were received during the consultation period. Therefore, the draft Bye-Laws are being presented to Council unamended, with the exception that the Citation has been changed to reflect that the Bye-Laws, if adopted, would come into effect in 2019.

Accordingly, the Bye-Laws are being presented to the Members of 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 and the main changes proposed to the current Bye-Laws.

## **2. Background to the Draft Bye-Law Proposals**

The Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws 2019 are being made under Section 35 of the Waste Management Act 1996 and Part 19 of the Local Government Act 2001 as amended. The making of the Bye-Laws is a reserved function.

The current Southern Regional Waste Management Plan is effective from 2015 to 2021.<sup>1</sup> 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.”<sup>2</sup>

The Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws 2019 were prepared having regard to the Guidance Document and the Bye-Law Template that were furnished by the Southern Regional Waste Management Office,

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<sup>1</sup> 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>>

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

the Southern Region Waste Management Plan 2015-2021,<sup>3</sup> and the requirements of the Council’s current bye-laws.<sup>4</sup> 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. **The Members should note that the bye-laws do not deal with littering, fly-tipping or waste collection times, which are dealt with under separate legislation/permitting conditions.**<sup>5</sup>

### **3. Main Changes Proposed under the Bye-Laws**

If adopted by the Members, the City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws 2019 will revoke the Council’s current presentation of waste Bye-Laws; Limerick City Council Presentation of Waste Bye-Laws (Amended) 2012,<sup>6</sup> 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.<sup>7</sup>

Set out hereunder are 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 for the service, or documentary evidence that they are availing of an alternative service.
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.

<sup>3</sup> Southern Region Waste Management Plan (available at < <http://southernwasteregion.ie/content/southern-region-waste-management-plan-2015-2021-associated-reports>>)

<sup>4</sup> 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](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](https://www.limerick.ie/sites/default/files/media/documents/2017-05/presentation_of_waste_byelaws_for_the_former_limerick_county_area.pdf)>)

<sup>5</sup> Litter Pollution Act 1997 (available at < <http://www.irishstatutebook.ie/eli/1997/act/12/enacted/en/html>); Waste Management Act 1996 (available at < <http://www.irishstatutebook.ie/eli/1996/act/10/enacted/en/html>); National Waste Collection Permit Office – Standard Conditions of Waste Permits)

<sup>6</sup> 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](https://www.limerick.ie/sites/default/files/media/documents/2017-05/presentation_of_waste_byelaws_for_the_former_limerick_city_area.pdf)>

<sup>7</sup> 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](https://www.limerick.ie/sites/default/files/media/documents/2017-05/presentation_of_waste_byelaws_for_the_former_limerick_county_area.pdf)>.

	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	<p>This Draft Bye-Law seeks to consolidate and update waste management practices in multi-user buildings and apartment blocks. It is proposed that where a building is not maintained by a management company, any other person who exercises control and supervision over the building (eg agent or landlord) must comply with the requirements of Draft Bye-Law 10. This stipulation is already provided for in law. Regulation 11 of the Housing (Standards for Rented Houses) Regulations 2017 places an onus on a landlord to ensure that rented accommodation “shall have access to suitable and adequate pest and vermin proof refuse storage facilities.”<sup>8</sup></p> <p>While the disposal of the waste remains the responsibility of the tenant, unless otherwise provided for in a tenancy agreement, and while the landlord is not responsible for paying for a tenant’s refuse charges, <i>“the landlord should ensure that the regulation in relation to refuse storage is complied with, either through providing the facilities themselves, or through ensuring, contractually if necessary, that the tenant, or management company where applicable, provides them”</i>.<sup>9</sup></p>
Draft Bye-Law 11	<p>This Draft Bye-Law prohibits the wilful interference with 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.</p>
Draft Bye-Law 20	<p>It is proposed to increase the maximum financial penalty that may be imposed on conviction under the Bye-Laws to €2,500.</p> <p>It is also proposed to increase the payment for fixed penalty notices to €75.</p>

#### **4. Recommendation**

Accordingly, in accordance with Section 35 of the Waste Management Act 1996 and Part 19 of the Local Government Act, 2001, I attach for the consideration of the Members, the Draft City and

<sup>8</sup> Regulation 11 Housing (Standards for Rented Houses) Regulations 2017 (available at < <http://www.irishstatutebook.ie/eli/2017/si/17/made/en/print>)

<sup>9</sup> Guidelines for Housing Authorities in Implementation of Minimum Standards in Rented Accommodation 2017 p30 (DHPLG) (available at < [https://www.housing.gov.ie/sites/default/files/publications/files/guidelines\\_for\\_housing\\_authorities\\_-\\_minimum\\_standards\\_in\\_rented\\_accomodation\\_2017.pdf](https://www.housing.gov.ie/sites/default/files/publications/files/guidelines_for_housing_authorities_-_minimum_standards_in_rented_accomodation_2017.pdf))

County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws 2019.

It is now recommended that the Council of the City and County of Limerick, in accordance with Section 35 of the Waste Management Act 1996 and Part 19 of the Local Government Act, 2001 adopt the Draft City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws 2019.



**Brian Kennedy**

**Director of Service**

**Physical Development Directorate**

## Appendix A



**Draft**  
**City and County of Limerick (Segregation, Storage and  
Presentation of Household and Commercial Waste) Bye-Laws,  
2019**

**Title**

*City and County of Limerick (Segregation, Storage and Presentation of Household and Commercial Waste) Bye-Laws, 2019*

**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 makes 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, 2019".*

**Date of Commencement**

*These bye-laws shall enter into force on 1 March, 2019.*

**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.*

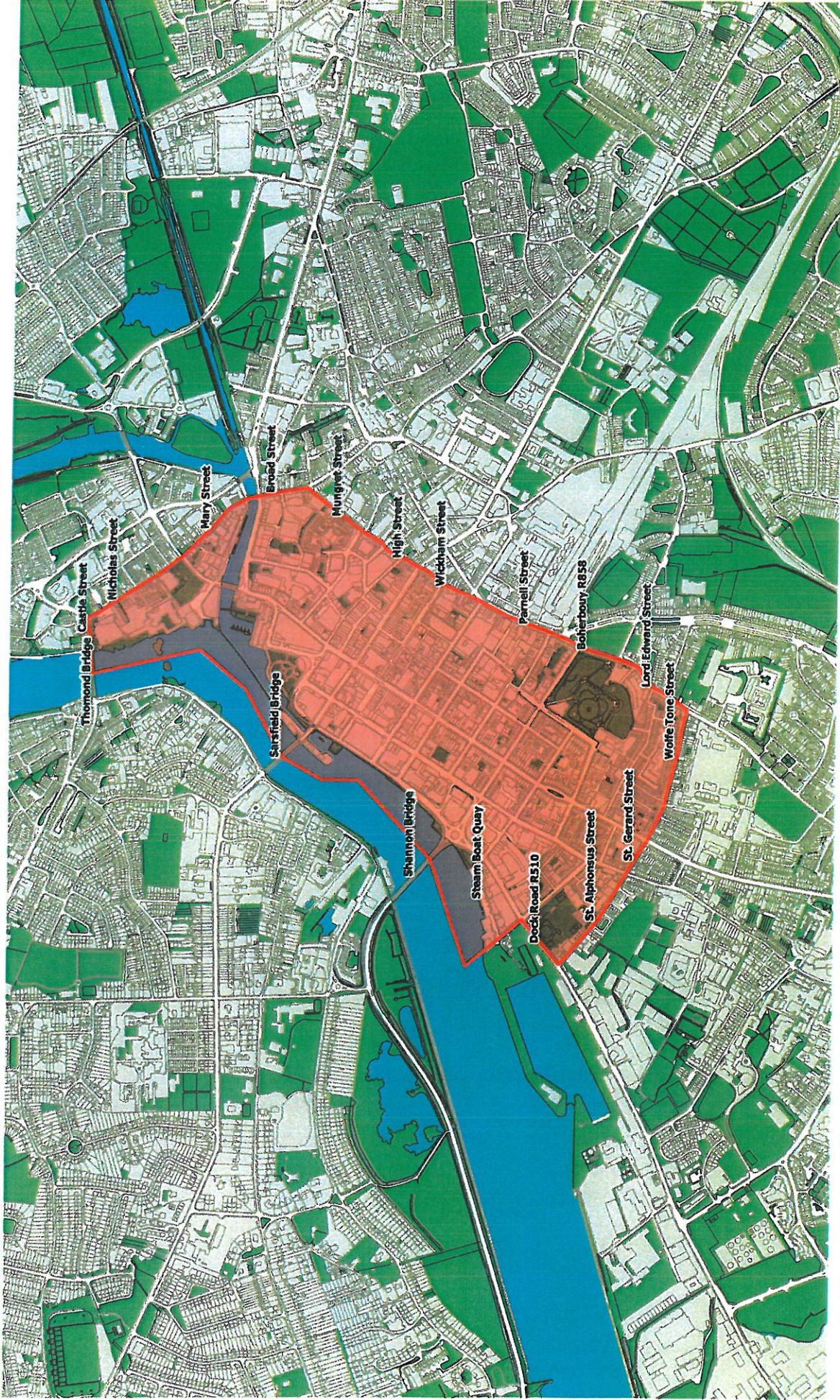
**SCHEDULE 1. Recyclable Kerbside Waste**

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

For Further Information go to [www.mywaste.ie](http://www.mywaste.ie)

**SCHEDULE 2. Designated City Centre in the Metropolitan District  
of Limerick**

# Limerick Designated City Centre Area




  
 Legend  
 Designated City Centre Area

**Designated City Centre Area**  
 Metropolitan District of Limerick  
 Scale - 1:10,000

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

## **Appendix B**

### **Public Consultation Notice**

**Published in the Limerick Leader and the Limerick Post in  
the Saturday the 11<sup>th</sup> 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](http://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](mailto:wastepresbyelaws2018@limerick.ie). The Council will consider all submissions received during this period.

## **Appendix C**

### **Letters Sent to Statutory Consultees**



Stiúthóireacht na Forbartha Fisiciúil  
Comhairle Cathrach agus Contae Luimnigh,  
Ceanncheathrú Chorpóraideach,  
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

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

10<sup>th</sup> 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 [wastepresbylaws2018@limerick.ie](mailto:wastepresbylaws2018@limerick.ie) no later than 5p.m. on Friday the 9<sup>th</sup> November 2018.

Yours faithfully,

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

■ [customerservices@limerick.ie](mailto:customerservices@limerick.ie)  
■ [www.limerick.ie](http://www.limerick.ie)  
■ @LimerickCouncil  
■ 061 - 496200



Stiúrthóireacht na Forbartha Físiciúla,  
Comhairle Cathrach agus Contae Luimnigh,  
Ceanncheathrú Chorpóraideach,  
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

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

10<sup>th</sup> 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,

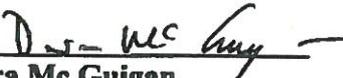
I enclose, herewith, a copy of the Draft Bye-Laws for the segregation, storage and presentation of household and commercial waste and a copy of the notice that was published in the Limerick Leader and the Limerick Post pursuant to section 200(1) of the Local Government Act, 2001.

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](mailto:wastepresbyelaws2018@limerick.ie) no later than 5p.m.on Friday the 9<sup>th</sup> November 2018.

Yours faithfully,

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

customerservices@limerick.ie  
www.limerick.ie  
@LimerickCouncil  
061 - 496200



Stúrthóireacht na Forbartha Fisiciúil  
Comhairle Cathrach agus Contae Luimnigh,  
Ceanncheathrú Chorpóraideach,  
Cé na gCeannaithe,  
Lúimneach

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

10<sup>th</sup> 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.

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 [wastepresbylaws2018@limerick.ie](mailto:wastepresbylaws2018@limerick.ie) no later than 5p.m.on Friday the 9<sup>th</sup> November 2018.

Yours faithfully,

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

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

10<sup>th</sup> 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](mailto:wastepresbyelaws2018@limerick.ie) no later than 5p.m.on Friday the 9<sup>th</sup> November 2018.

Yours faithfully,

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

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

10<sup>th</sup> 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](mailto:wastepresbyelaws2018@limerick.ie) no later than 5p.m.on Friday the 9<sup>th</sup> November 2018.

Yours faithfully,



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 – Part 19 - 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.*