



Solid Waste Bylaw 2009

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PART A: GENERAL

1.0 SCOPE

- 1.1 The scope of this bylaw is to:
- (a) To ensure that household waste is reduced, collected and disposed of in the interests of public health and in an efficient and cost effective manner; and
 - (b) To provide for the efficient collection and recovery of recyclable waste; and
 - (c) To ensure that the obstruction of streets and roads by waste for collection is minimised; and
 - (d) To manage waste management facilities for the optimum disposal or recycling of waste.
- 1.2 This bylaw was made pursuant to the Waste Minimisation Act 2008 and the Local Government Act 2002.

2.0 INTERPRETATION

- 2.1 For the purposes of this Bylaw the following interpretations shall apply:

APPROVAL or APPROVED means Approval or Approved in writing by Council, either by resolution of Council or by an Authorised Officer.

APPROVED CONTAINER includes approved bins, approved pre-paid rubbish bags, and approved rubbish bags with prepaid tokens attached.

AUTHORISED OFFICER means any person appointed by Council to act on its behalf and with its authority and includes an agent of Council.

CLEANFILL WASTE means any inert material that does not undergo any physical, chemical or biological transformation and will not cause adverse environmental effects or health effects once it is disposed of to ground.

COLLECTION DAY means the day nominated by Council for the collection of refuse and recyclables from the street Kerb.

COUNCIL means the Waitomo District Council.

DISTRICT means the district of the Waitomo District Council.

FEES AND CHARGES MANUAL means the list of items, terms and prices for services associated with services as adopted and approved by Council.

FOOTPATH and ACCESSWAY have the respective meanings given to them by Section 315 of the Local Government Act 1974.

HAZARDOUS WASTE means any waste that:

- a) Contains substances defined in Section 2 of the Hazardous Substances and New Organisms Act 1996, which exceed the minimum degree of hazard specified by the Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001, or
- b) Meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and the NZ standard 5433: 1999 – Transport of Dangerous Goods on land; or
- c) Is publicly notified by Council from time to time by resolution publicly notified to be hazardous and to require special handling for the purpose of collection transportation or disposal.

INFRINGEMENT means an offence as specified by this bylaw under sections 243 and 259 of the Local Government Act 2002.

INORGANIC HOUSEHOLD COLLECTION means a kerbside collection of unwanted household items specifically allowed by Council resolution from time-to time.

LANDFILL means land set aside by Council upon which the deposit and disposal of solid waste to ground can lawfully occur.

LANDFILL CONTRACTOR means any person or company, employed by Council, engaged in the operation, control or management of a landfill.

LICENSED COLLECTOR means any person that has been granted a licence by Council to collect rubbish or recyclables from the street.

LITTER shall have the meaning as under the Litter Act 1979.

LITTER BIN means a refuse receptacle placed or installed by Council on a street or other public place for public use to deposit litter so as to prevent littering.

LONG TERM PLAN (LTP) means the operative Long Term Council Community Plan adopted under section 93 of the Local Government Act 2002.

OCCUPIER means the occupier of any property, and in any case where any building, house, tenement or premises is or are unoccupied shall be deemed to include the owner of such building, house, tenement or premises.

PERSON includes a corporation sole and also a body of persons, whether corporate or unincorporated.

PREMISES means any land, house, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.

PROHIBITED WASTE means any explosive(s), liquid or viscous fluid, radioactive wastes (excluding domestic smoke detectors), used oil, lead acid battery and refrigerators and/or freezers that have not been professionally degassed.

PUBLIC PLACE means every road, footpath and thoroughfare of a public nature or open to or used by the public as of right, reserve, park, domain, walkway, walking track, beach, foreshore, river esplanade and recreational ground under the control of Council.

RECYCLABLES means tin cans, aluminium cans, steel cans, plastic products coded "1 or 2", glass, paper, cardboard and such other items as may be publicly notified by the council as recyclable refuse from time to time.

RECYCLE BIN means a Council approved bin or other container for the placement of recyclables only for collection.

ROAD has the meaning given to it by the Land Transport (Road User) Rule 2004.

SHARP HEALTHCARE WASTE means any waste generated by healthcare services that is also sharp and includes a sharp home healthcare waste as defined by NZS 4304:2002 and specifically includes needles:

- a) The meaning of "sharp" shall be the same as included in NZS 4304:2002 under the definition of "sharps".

SPECIAL WASTE means any waste whether from a trade premise or any other source which is hazardous, toxic or by its nature requires special disposal because of environmental considerations or landfill operational requirements.

STORMWATER means surface water run-off resulting from precipitation.

STREET shall have the same meaning as **ROAD** herein.

TCLP TEST means a 'Toxicity Characteristic Leaching Procedure' test that estimates the potential for both organic and inorganic constituents to leach from a non-liquid waste. The test results indicate the environmental acceptability of disposing the non-liquid to landfill.

TRADE REFUSE means scrap, waste material, any sewerage or liquid, or rubbish resulting from the conduct of any factory, manufacture, process, trade, market or other industrial operation or undertaking.

TRANSFER STATION means a facility that receives material for possible segregation consolidation or compaction for bulk transport for resource recovery, treatment, or disposal facilities.

TRANSFER STATION CONTRACTOR means any person or company contracted to Council to operate, control or manage or assist in the control or management of a transfer station.

WASTE means any solid, material or thing that is discarded, discharged or selected for disposal.

WASTE COLLECTION CONTRACTOR means any person or company contracted or licensed by Council for the purpose of the collection of refuse.

WASTE DISPOSAL SITE means any landfill or closed landfill operated by or for Council for the disposal or temporary storage of refuse or any specified refuse. It includes those transfer stations owned by and operated for Council.

RESIDUAL WASTE OR SOLID WASTE means waste which is not suitable for composting or for recycling and which is not trade refuse.

WORKING DAY means any day of the week other than:

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day;
- (b) a day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year;
- (c) if 1 January falls on a Friday, the following Monday; and
- (d) if 1 January falls on a Saturday, the following Monday and Tuesday.

3.0 OFFENCES AND PENALTIES

3.1 Offences

3.1.1 No person shall do anything or cause any condition to exist for which a licence or approval from Council is required under this bylaw without first obtaining that licence or approval and the failure to do so shall constitute a breach of this bylaw.

3.1.2 No application for a licence or authority from Council and no payment of or receipt for any fee paid in connection with such application, licence or authority, shall confer any right, authority or immunity on the person making such application or payment.

3.1.3 Everyone commits an offence against this Bylaw who:

- (a) Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this bylaw; or
- (b) Omits, or neglects to do, or permits, or suffers to remain undone, anything which according to the true intent and meaning of this bylaw, ought to be done at the time and in the manner therein provided; or
- (c) Does not refrain from doing anything which under this bylaw he or she is required to refrain from doing; or
- (d) Permits or suffers any condition of things to exist contrary to any provision contained in this bylaw; or
- (e) Refuses or neglects to comply with any notice duly given under this bylaw; or

- (f) Obstructs or hinders any officer of Council in the performance of any duty to be discharged by such officer under or in the exercise of any power, conferred by this bylaw: or
- (g) Fails to comply with or acts in contravention of any provision of this bylaw or any direction given in this bylaw; or
- (h) Breaches the conditions of any consent to discharge granted pursuant to this bylaw.

3.1.4 In all cases Council may recover costs associated with damage to any Council property and/or breach of this bylaw in accordance with Sections 175 and 176 of the Local Government Act 2002 respectively.

3.2 Penalties

3.2.1 Every person convicted of an offence against this bylaw shall be liable to the penalties as set out in Section 242 (4) of the Local Government Act 2002 and further if the offence is one to which Section 243 of the Local Government Act 2002 applies (and is therefore an infringement offence) shall be liable to infringement fees as prescribed by Regulations made under Section 259 (b) of the Local Government Act 2002, or where any person is alleged to have committed an offence against this bylaw; be proceeded against pursuant to any other enactment so empowering Council.

3.2.2 The continued existence of any building, land, premises or thing in such a state or form as to be in contravention of any provision of this bylaw, shall be deemed to be a continuing offence under this bylaw.

4.0 EXEMPTIONS

4.1 Where in the opinion of Council full compliance with any of the provisions of this bylaw would needlessly or injuriously affect any person, or the course or operation of the business of, or bring loss or inconvenience to any person without any corresponding benefit to the community, Council may, on the special application of that person, dispense with the full compliance with the provisions of the bylaw; provided that any other terms and conditions (if any) that Council may deem fit to impose shall be complied with by that person.

5.0 FEES

5.1 General

5.1.1 The fees for the use of Council solid waste disposal facilities, the collection of waste, and any other matter described in this bylaw shall be as set out in Council's Fees and Charges Manual and/or calculated in terms of formulae approved by Council from time to time.

Note: Section 46 of the Waste Minimisation Act 2008 authorises Council to structure its Solid Waste fees and charges without reference to its actual costs to act as incentive or disincentive to promote the objectives of the Solid Waste Management and Minimisation Plan.

5.2 Recovery of Costs

5.2.1 Council may recover costs under Local Government Act 2002 relating to wilful damage or negligent behaviour (section 175) and remedying damage arising from any breach of this bylaw (section 176).

PART B: SOLID WASTE

6.0 COLLECTION OF WASTE AND RECYCLABLES

6.1 Household Waste and Recyclables

6.1.1 Council may from time to time amend rules governing the collection of waste and/or recyclable waste by or for Council, including:

- a) The days and hours that an operated transfer station will be available for solid waste disposal and management.
- b) The days that a collection is to take place.

6.1.2 Such rules shall be enforceable under this part.

6.1.3 Every owner or occupier of any premises shall ensure that no accumulation or collection of refuse, except as is herein provided, is permitted or suffered to remain or be in, on or about such premises or any portion thereof without Waitomo District Council consent

6.1.4 No person shall dispose of household refuse by burying it or burning it in such a manner as to cause a nuisance or in breach of any enactment.

6.2 Separation of Recyclables

6.2.1 No occupier of any premises shall cause or allow to be put out for collection from the street any recyclable materials unless the recyclables have been separated from the household waste and are contained in a separate container, except that paper and cardboard need only be secured as a package.

6.3 Use of Collection Service

6.3.1 Where Council makes provision for a waste collection service, users of that service must:

- (a) Place approved refuse bags out before 8.00am on the morning of the collection. (Neither Council nor any waste collection contractor or agent employed by Council will accept responsibility for the non-collection of waste if it is not put out for collection by 8.00am on the day appointed for collection in the area concerned, or in the case of special circumstances, the time specified on the notification).
- (b) Ensure that all waste is in a Council approved rubbish bag.
- (c) Ensure that the contents of any rubbish bag do not soak or escape there from so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter.
- (d) Tie each bag securely closed so as to protect contents from the rain, dispersal by wind or ingress of flies and vermin.
- (e) Must ensure that recyclables are in a recycling bag/bin.

6.3.2 No person shall place waste out for collection in a manner where:

- a) The rubbish bag is damaged or otherwise likely to cause injury to the collector; or
- b) In the opinion of Council or waste collection contractor, the waste is in an unsanitary or in an offensive condition; or
- c) The waste includes waste prohibited under this bylaw; or
- d) The bag is not an approved Council rubbish bag; or
- e) The bag is in a condition that allows spillage of waste; or
- f) The bag or the waste does not comply with the rules under this part in terms of type; or

- g) Any other reason which the waste collector deems would cause a health and safety concern to the waste collection operation.

6.3.3 No person shall put their waste outside another person's property without the prior approval of an authorised officer.

6.4 Prohibition of Certain Materials

6.4.1 No person shall put out or cause or allow to be put out for collection, whether or not in an approved container:

- (a) Any explosive, hot ashes, highly flammable material, sharp healthcare waste or any other matter or thing other than household or garden rubbish.
- (b) Any liquid or other fluid.
- (c) Any sharp material or thing unless such material or thing is wrapped so as to prevent injury to any person engaged in collection work.

6.5 Trade Refuse

6.5.1 No person shall cause or permit any undue accumulation of trade refuse to be or remain in, upon or about any trade premises occupied by that person.

6.5.2 Household type waste placed out in an approved container will be collected by Council's waste collection contractor.

6.5.3 The occupier shall make his/her own arrangements either to remove any trade refuse from the premises for disposal, or with the Council or a private collection service to collect and dispose of any trade refuse from the premises.

6.5.4 Where in the opinion of Waitomo District Council an accumulation exists on any premises of trade refuse or salvaged material which is, or is likely to be, injurious to health, or offensive, or to harbour vermin, or is likely to create a fire hazard, Waitomo District Council may by notice in writing require its removal and disposal.

6.6 Obstruction of Footpath

6.6.1 No person shall place any receptacle for rubbish or recyclables, whether full or empty, on a footpath, carriage-way, cycleway or pedestrian way or at any location which would endanger the public and/or restrict visibility.

6.7 Non Collection

6.7.1 When the waste collector does not remove any bag of waste or recyclables because of non-compliance with this bylaw they are required to place a "Rejected Notice" on the bag to inform the occupier why the waste has been rejected.

6.7.2 The occupier is responsible for any waste not collected because of non-compliance with this bylaw. Any waste or recyclables shall be removed back to the occupier's premises by evening of collection day and alternative arrangements for disposal shall be made by the occupier as soon as practicable.

6.8 Responsibility for Litter-Free Collection

6.8.1 Except in the case of any litter resulting from an occupier's failure to comply with clause 6.3 and/or 6.4 above, the waste collector must ensure that all of the waste or recyclables put out for collection by that collector is collected and that no consequent litter remains once the relevant waste collection or recyclables collection has been completed.

6.9 Inorganic Collection

6.9.1 No person shall place any household items such as white ware, furniture or any other objects out for collection other than on a day determined by Council by special resolution and publicly notified.

6.10 Interference with or Removal of Waste or Recyclable Materials

- 6.10.1 The interference with or removal of waste or recyclables from any public place by anyone other than either the occupier or owner of the property from which the waste or recyclables were generated, or a person authorised by Council to remove such waste or recyclables, is prohibited.

7.0 WASTE DISPOSAL SITES AND TRANSFER STATIONS

7.1 General Provisions

- 7.1.1 All persons entering any waste disposal site, transfer station or landfill shall observe and comply with all erected signs, or any instructions given by an authorised officer with regard to operational and safety matters relating to the site or the depositing of waste or recyclable waste therein.
- 7.1.2 No person shall at any waste disposal site or landfill site:
- a) Enter other than for the purpose of depositing waste and/or recyclables and only during such hours as the site is open.
 - b) Dispose any special waste without the written consent of an authorised officer and in accordance with whatever conditions may be imposed in relation to the nature of the disposal required, or any charges that may be imposed.
 - c) Tip, throw, or deposit any waste in any manner at any place on any waste disposal site which is not intended for that purpose.
- 7.1.3 An authorised officer may refuse to accept, at any waste disposal site any waste for which fees or charges have not been paid or which, in his or her opinion:
- a) May cause undue hazard to the health and safety of the public or to any operator of the site, or
 - b) May damage the environment; or
 - c) Cannot be adequately treated or handled by the normal methods used on that site.
- 7.1.4 No person shall remove any deposited waste, article or materials from any waste disposal site without the consent of an authorised officer, provided that this shall not apply to any person authorised by Council to remove articles or materials for recycling or reuse.
- 7.1.5 All waste, garden waste, recyclable waste unwanted articles or other things deposited and left at any waste disposal site shall be deemed to be the property of Council which may dispose of such materials by recycling or in such other manner as it sees fit.
- 7.1.6 The person so depositing and leaving such waste shall be deemed to have abandoned all claims to ownership thereof but shall not be relieved of any liability for damage flowing in any way from such action nor from the penalties provided for offences against this part.
- 7.1.7 No person shall take any animal on to any waste disposal site or allow any stock to wander or graze thereon without the prior consent of an authorised officer.
- 7.1.8 An authorised officer may require any person to leave any waste disposal site, with or without any waste brought by that person for disposal, who is on the site contravening the provisions of this part.
- 7.1.9 All waste to be transported by vehicle through, over or upon any road or public place, is to be sufficiently and adequately covered to prevent the waste from falling or otherwise escaping on to any road or other public place.

7.2 Council Transfer Stations

- 7.2.1 All persons using any transfer station facilities shall ensure that:
- a) All waste is separated into recyclable refuse and residual waste categories.

- b) All waste is off-loaded at the place and in the manner directed by the site operator.
 - c) All reasonable steps are taken to assist in the minimisation of waste.
 - d) All reasonable steps are taken to protect the health and safety of all of those persons on site including site staff.
 - e) No prohibited waste is off-loaded.
- 7.2.2 No person shall deposit any special or hazardous waste in any place except at the hazardous waste facility at Waitomo District Landfill, and persons using the hazardous waste facility must before using the facility:
- a) Complete all Health and Safety documentation.
 - b) Pay any applicable fee for the disposal of commercial quantities of hazardous waste.
- 7.2.3 No person shall:
- a) Deposit any general waste in any place, facility or container designated for the deposition of recyclables.
 - b) Disregard any reasonable instruction of an authorised officer to separate recyclables from general waste and to deposit them as directed.
 - c) Wrongly or unlawfully dispose of non-recyclable waste or hazardous waste through the recycling system.

7.3 Council Landfill

- 7.3.1 The minimum opening hours for the Council landfill shall be approved by resolution publicly notified.
- 7.3.2 The following types of general waste will be accepted at the Council landfill:
- a) Municipal or domestic waste collected for disposal.
 - b) End of life tyres.
 - c) Non-hazardous commercial and industrial refuse acceptable for co-disposal with municipal or domestic waste.
 - d) Clean fill if authorised as acceptable material by an authorised officer.
- 7.3.3 No person shall deposit any special waste, other than listed below, at the landfill:
- a) Asbestos (acceptable only if provided in accordance with the Asbestos Regulations 1998); or
 - b) Small quantities of solids and liquid waste suitable for co-disposal with municipal refuse; or
 - c) Hydrocarbon contaminated material; or
 - d) Non hazardous liquid waste and waste from commercial grease interceptors which cannot be disposed of at the Te Kuiti Waste Water Treatment Plant; or
 - e) Non-hazardous commercial and industrial refuse; or
 - f) Screenings from approved waste water treatment plants; or
 - g) Small quantities of waste products containing potentially hazardous materials that is not likely to have adverse effects when contained within the residential refuse collection; or
 - h) Landfill leachate; or

- i) Other such waste which when tested by a TCLP test shows that the leachate concentrations will not affect the landfill's trade waste consent conditions.

7.3.4 No person shall dispose of special waste without first having obtained the written permission of Council and unless all relevant documentation has been completed and submitted to the weighbridge operator.

7.3.5 Prohibited wastes shall not be accepted at any landfill.

7.4 Out of District Waste

7.4.1 Except of with the prior permission of the Council, no person shall be allowed entry to any waste management and minimisation facility who has brought into the District **commercial** waste or recyclables for the purpose of depositing such waste or recyclables, whether in its original or some other form.

8.0 LITTER BINS

8.1 No person shall interfere with, or remove any litter bin erected or placed on any road or other public place for the depositing of litter by the general public, or the contents thereof other than an employee or agent of the person or organisation responsible for the emptying, cleansing or repair of that receptacle.

8.2 No unauthorised person shall remove, relocate, damage, deface, write or place any sign or in any way interfere with any litter bin being the property of Council.

8.3 No person shall dispose of household or commercial waste into any street litter bin.

9.0 WASTE MANAGEMENT FOR EVENTS

9.1 The organiser of a special event held in a Public Place shall at the time of making application to Council for consent to the use of the Public Place provide, to the satisfaction of Council, a Waste Management Plan produced for the special event.

9.2 The Waste Management Plan shall identify:

- a) An estimate of the types and volumes of waste to be generated by the event;
- b) Any opportunities for waste minimisation;
- c) The steps to be taken to maximise the use and collection of recyclables or re-useable materials;
- d) The waste and recyclables collection, storage and transportation equipment to be provided;
- e) The method of and person responsible for the collection and disposal of waste generated by the event;
- f) The arrangements made for the provision of post-event waste analysis and reporting of that information to Council.

10.0 LICENSING OF WASTE COLLECTORS

10.1 Obligation to Obtain Licence

10.1.1 All waste collectors operating or intending to operate within the District must within six months from the date that this Bylaw becomes operational obtain a licence from Council to do so.

10.2 Application for Licence

10.2.1 Applications for licences, permissions or approvals under this part of bylaw must be made in the prescribed form as determined by Council from time to time and be accompanied by any application or processing fee and such further supporting information as Council requests.

10.2.2 No application made under Section 10.2.1 and no payment of or receipt for any fee paid in connection with such an application, shall confer any right, authority or immunity on the person making the application.

10.3 Granting of Licence

10.3.1 Licences, permissions or approvals shall be granted at the discretion of the Council, and may be subject to such terms and conditions as Council thinks fit.

10.3.2 In considering whether to grant a licence to any person to carry on a trade or business that involves the collection of any waste or recyclables from the street, Council may take into account any matters bearing on the suitability of the applicant to hold the licence and the need for and suitability of the collection including but not limited to the following matters:

- (a) The extent to which the licensed activities will promote public health and safety and achievement of Council's waste management and minimisation plan and zero waste philosophy;
- (b) The type of waste or recyclables proposed to be collected;
- (c) The type and specification of vehicles, equipment and containers proposed to be used for the collection services;
- (d) The frequency and location of the proposed services;
- (e) The proposed manner of treatment (if any) and disposal of the waste and recyclables.
- (f) The applicant's experience, reputation and track record in the waste industry;
- (g) The applicant's financial position;
- (h) The terms of any contracts or proposed contracts between the applicant and the occupiers of premises, and in particular contractual provisions relating to:
 - (i) Waste minimisation;
 - (ii) Containers not obstructing footpaths, carriageways, cycleways or pedestrian ways or otherwise causing an obstruction that would endanger the public.

10.3.3 The terms and conditions upon which a licence to carry on a trade or business that involves the collection of any waste or recyclables from the street may be granted will include but are not limited to the following matters:

- (a) The term of the licence;
- (b) The licence fee;
- (c) The provision to Council of a works performance bond or security for the performance of the work licensed, of an amount determined by Council from time to time;
- (d) Compliance with any relevant Council standards and policies for the collection, transportation and/or disposal of refuse or recyclables;
- (e) Provision of services on the days and times and at the locations, specified in the licence;
- (f) The identification and display by the collector of a telephone number free of charge to callers from the District;
- (g) The holding of public liability insurance acceptable to Council;
- (h) Provision to Council of information as specified by Council from time to time relating to:
 - (i) The quantities and types of waste and recyclables collected; and
 - (ii) The source and destination of the waste and recyclables collected.

10.4 Suspending or Revoking Licences

10.4.1 Council may revoke or suspend a licence granted under this bylaw if it reasonably believes the licence holder:

- (a) Has acted or is acting or is proposing to act in breach of the licence; or
- (b) Is unfit in any way to hold or retain such a licence.

10.4.2 Council may require the licence holder to attend a hearing to explain why the licence should not be revoked or suspended. Council may revoke or suspend the licence at its discretion, if either;

- (a) The licence holder does not attend the hearing; or
- (b) If after the hearing the Council is satisfied that either of the grounds in clause 10.4.1 existed beyond a reasonable doubt.

10.4.3 Council may suspend any licence granted under this bylaw for a period not exceeding 72 hours during the staging of any special event, by giving the licence holder 15 days notice in writing. Council may suspend any such licence for the purposes of protecting the public from nuisance or for protecting, promoting or maintaining public health and safety.

Common Seal of Waitomo District Council:



The Common Seal of the Waitomo District Council was hereto affixed in the presence of:

Mayor

Chief Executive