



**Hauraki District Council
Consolidated Bylaw**

DRAFT PART 8: (SOLID WASTE)

PART 8 (SOLID WASTE)

Purpose

The purpose of Part 8 (Solid Waste) of the Hauraki District Council Consolidated Bylaw is to provide for collection and disposal of refuse in an efficient and cost effective manner, serving the interests of public health, enhancing the amenity of the residential and business environment and protecting the natural environment while at the same time ensuring that any impact on the road network in the district is kept to a minimum. General issues relating to recycling, ownership of the waste stream, refuse storage, waste management and minimisation are also covered by this Part of the Bylaw.

Part 8 (Solid Waste) is part of the Hauraki District Council Consolidated Bylaw. Part 1 (Introduction) of the Consolidated Bylaw contains provisions that apply to Part 8 (Solid Waste) by providing generally applicable definitions, administrative measures and enforcement measures.

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1.0 INTRODUCTION

1.1 SCOPE

1.1.1

The purpose of Part 8 (Solid Waste) of the Bylaw is to provide for collection and disposal of refuse in an efficient and cost effective manner, serving the interests of public health, enhancing the amenity of the residential and business environment and protecting the natural environment while at the same time ensuring that any impact on the road network in the district is kept to a minimum.

1.1.2

General issues relating to recycling, ownership of the waste stream, refuse storage, waste management and minimisation are also covered by this Part of the Bylaw.

1.2 TITLE

This Part shall be known and cited as the Part 8 (Solid Waste) of the Hauraki District Council Consolidated Bylaw 2007 and shall come into operation on the date specified by public notice after the Hauraki District Council makes this Bylaw. For expediency this Part of this Bylaw may be referred to in this or other Parts of this Bylaw as Part 8 (Solid Waste).

1.3 ENABLING ENACTMENTS

This Part is made pursuant to sections 145 and 146(b)(iv) of the Local Government Act 2002 and section 12 of the Litter Act 1979.

2.0 DEFINITIONS AND INTERPRETATIONS

2.1

The provisions of the Part 1 (Introduction) shall apply to this Part of the Bylaw.

2.2

For the purposes of this Part the following definitions shall apply:

HOUSEHOLD REFUSE means cold ashes, sweepings, dust, paper, bottles, bones and waste food, cans, cartons, or other food containers, or any other refuse arising or resulting from domestic housekeeping operations.

INORGANIC HOUSEHOLD COLLECTION means a kerbside collection of unwanted household items specifically allowed by a policy statement notified under clause 3 of this Part of this Bylaw.

OFFICIAL CONTAINER means any mobile bin, plastic bag or multi-wall paper bag or other container from time to time approved by the Council and collected by or on behalf of the Council.

RECYCLABLES means items which are specifically allowed by a policy statement notified under clause 3 of this Part of this Bylaw and for which arrangements have been made by or on behalf of the Council for collection or acceptance at any refuse disposal site for recycling or reuse.

REFUSE CONTAINER in relation to household refuse means any household refuse container approved by the Council from time to time, and all references to refuse containers in this Part of this Bylaw shall, where the context permits, include official containers.

REFUSE CONTRACTOR means a person or persons whom the Council has authorised to collect refuse.

REFUSE DISPOSAL SITE means any landfill, transfer station or other land or facility operated by or for the Council for the disposal or temporary storage of refuse or any specified recyclable.

RESIDENTIAL FLAT means a single self-contained residential unit, not necessarily separately rated.

SPECIAL WASTES means any wastes 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.

TRADE REFUSE means any scrap or waste material resulting from the carrying on of any business manufacture, process, trade, market, or other undertaking.

3.0 HOUSEHOLD REFUSE COLLECTION

The Council may from time to time by resolution publicly notified and set out in Schedule 1 of this Part of this Bylaw, make and amend a set of policy statements governing the collection of all types of refuse and recyclables by or for the Council, including the weights and contents of containers which will be collected, the placing of containers for such collection and such other matters as the Council considers relevant.

4.0 CONTAINERS TO BE KEPT CLEAN AND IN REPAIR

Every occupier shall keep their refuse container as clean as practicable and shall maintain the same in good repair to the satisfaction of the Council.

5.0 CONTAINERS TO BE PLACED CONVENIENTLY FOR EMPTYING AND REMOVAL

5.1

Every occupier shall, on the day and not later than the time specified in Schedule 1 cause the refuse container to be securely fastened or closed to prevent spillage and placed for collection.

5.2

Refuse for collection shall be placed near the edge of the public road in front of the property. The position shall be readily accessible for collection but shall not obstruct vehicle or foot traffic.

5.3

Every refuse container put out for collection by or on behalf of the Council shall be an official container.

5.4

No person shall leave or place refuse arising from one property outside another property unless the location has been approved by the Council.

6.0 DEPOSIT OF CERTAIN MATERIALS PROHIBITED

No person shall deposit or cause or permit or allow to be deposited in any refuse container or at any refuse disposal site:

- (a) Explosive, highly inflammable or infectious material or hot ashes;
- (b) Liquids, acids, printer's ink, paint, or any other viscous fluid;
- (c) Broken bottles, glass, glass articles, broken crockery, china or other such sharp articles or materials unless such sharp articles or materials are wrapped so as to prevent injury to persons engaged on collection or disposal work;
- (d) Any matter, thing or refuse of any kind whatsoever, other than household refuse unless specifically allowed by a policy statement notified under clause 3 of this Part of this Bylaw.

7.0 ACCUMULATION AND STORAGE OF HOUSEHOLD REFUSE

7.1

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.

7.2

Every refuse container, unless it is being emptied, cleansed, repaired or used for depositing refuse, shall be kept closed or covered at all times for the protection of the interior of the container and its contents from rain, flies or vermin.

7.3

Refuse shall not be packed tightly in rigid walled refuse containers, but shall be stored in such a manner that the whole of the contents of the container fall out easily and cleanly when the container is upended.

7.4

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.

7.5

No person shall dispose of household refuse on any other property than the property on which the refuse was generated, except if the other property is a refuse disposal site.

8.0 REMOVAL OF TRADE REFUSE

8.1

Where the council has reached an agreement to remove trade refuse, such refuse will be removed or disposed of by the Council, only when the refuse is contained within an official container.

8.2

Every owner or occupier of any premises shall ensure that there is no undue accumulation of trade refuse or salvaged material in, on, about or on any portion of such premises.

8.3

Any perishable or putrescible trade refuse shall be removed from the premises daily, except where stored in a container specifically allowed by a policy statement notified under clause 3 of this Part of this Bylaw and which does not cause a nuisance.

8.4

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

9.0 DISPOSAL OF REFUSE

The disposal of refuse on a refuse disposal site shall be subject to the conditions imposed by any consent or approval given to the Council under the Resource Management Act 1991 and other enactments and such conditions as the Council may from time to time by resolution publicly notified and set out in Schedule 2 of this Part of this Bylaw, impose and amend in respect of the hours of opening and closing, the nature of the refuse which may be disposed of therein, the position in any such

place in which refuse may be placed, and any other matter which the Council may consider necessary or desirable to determine by such resolution.

10.0 RECYCLING

10.1

The Council may arrange for the collection of specified recyclables in association with any refuse collection service provided by or for the Council or from specified or agreed recycling stations.

10.2

The Council may supply to owners and occupiers a specifically marked container or containers for the recyclable materials to be placed in.

10.3

No person shall interfere with or remove any recyclables or any container of recyclables that has been put out for collection or placed at a recycling facility for collection by or for the Council, except in the course of collecting the same on behalf of the Council.

10.4

No person shall place or leave any materials other than the appropriate recyclable material in any recycling container or at any recycling station.

11.0 RESTRICTIONS ON REFUSE COLLECTION OPERATIONS

11.1

No person shall engage in the collection of trade or household refuse or recyclables, where the materials awaiting collection are left outside the property from which they are to be collected, without the prior written consent of the Council and subject to such conditions as the Council may from time to time impose.

11.2

No person shall leave or place any refuse of any kind or any recyclables for collection in any public place unless such refuse or recyclables are in a suitable container or containers which are secured to prevent spillage, are placed in a position that does not obstruct or present a hazard to pedestrian or vehicular traffic or the flow of storm water.

12.0 OWNERSHIP OF WASTE STREAM

Except with the prior permission of the Council, no person other than the occupier of the property from which the waste has come, shall on any public place interfere with or remove any refuse or recyclable article which is awaiting collection by an authorised collector.

13.0 SPECIAL WASTE

No person shall place any special waste in a public place.

14.0 CONTROL OF REFUSE DISPOSAL SITES

14.1

All persons entering any refuse disposal site shall observe and comply with all signs or any instructions given by the Council with regard to refuse disposal site operational and safety matters or the deposition of refuse or recyclables therein.

14.2

Any person driving a vehicle in a refuse disposal site shall obey all signs or notices concerning traffic movement and parking displayed in that refuse disposal site.

14.3

No vehicle shall be driven at a greater speed than indicated on any road within the refuse disposal site, and in any other direction other than indicated by traffic notices. In the absence of speed limit signs, no vehicle may be driven at a speed greater than 10 kilometres an hour in any refuse disposal site.

14.4

Every person driving or in charge of any vehicle in any refuse disposal site shall stop or move such vehicle as directed by the Council.

14.5

No person shall enter any refuse disposal site other than for the purposes of depositing refuse and/or recyclables and during such hours as the refuse disposal site is open except with the approval of the Council.

14.6

No person shall dispose on any refuse disposal site any special waste without the express consent of the Council 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.

14.7

The Council may refuse to accept at any refuse disposal site any refuse for which any imposed charges have not been paid or which, in that in its opinion:

- (a) May cause undue hazard to the health and safety of persons; or
- (b) May damage the environment; or
- (c) Cannot be adequately treated or handled by the normal methods used on that site.

14.8

No person shall remove any deposited refuse, article or materials from any refuse disposal site without the consent of the Council, providing that this shall not apply to any person authorised by the Council to remove articles or materials for recycling or reuse.

14.9

All refuse, garden waste, unwanted articles or other things deposited and left at any refuse disposal site shall be deemed to be the property of the Council which may dispose of such materials by recycling or in such other manner as it sees fit. The person so depositing and leaving such refuse, garden waste, unwanted articles or other things 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 of this Bylaw or any other enactment.

14.10

Except when secured to or confined completely within a vehicle, no person shall take any animal on to any refuse disposal site or allow any stock to wander or graze thereon without the prior consent of the Council.

14.11

No person shall light any fire on any refuse disposal site.

14.12

No person shall damage any fence, gate, building, plant or equipment, water supply, road, sign or tree, on any refuse disposal site.

14.13

The Council may require any person who is contravening the provisions of this Part of this Bylaw to leave any refuse disposal site, with or without any refuse brought by that person for disposal.

14.14

No person shall in any manner tip, throw, or deposit any refuse at any place on any refuse disposal site which is not designated for that purpose.

15.0 RECYCLABLES ON REFUSE DISPOSAL SITES

15.1

Any materials which are designated as recyclables brought to any refuse disposal site shall be deposited in such places and in such a manner as directed by the Council.

15.2

No person shall deposit any general refuse in any place or container designated for the deposition of recyclables.

15.3

Any person shall comply with a reasonable instruction of an authorised officer to separate recyclables from general refuse and to deposit them as directed.

16.0 REFUSE REMOVAL VEHICLE

No person for the time being in charge of or operating any refuse collection vehicle shall:

- (a) Allow the vehicle to stand or park, in any public place for any period of time other than is necessary for the collection of refuse from any premises;
- (b) Permit or allow the vehicle to be in an unclean or offensive condition;
- (c) Neglect or omit to immediately collect refuse spilled from a refuse collection vehicle on any road or other place and redeposit it in the collection vehicle.

17.0 REFUSE TO BE COVERED DURING TRANSPORTATION

No refuse shall be transported by vehicle through, over or upon any road or public place unless such refuse is sufficiently and adequately covered to prevent the refuse from falling or otherwise escaping on to any road or other public place.

18.0 FEES AND CHARGES

18.1

The Council may prescribe fees for this Part of this Bylaw in accordance with Section 150 of the Act.

18.2

The Council may from time to time by resolution publicly notified and set out in Schedule 3 of this Part of this Bylaw, make and amend a system of charges and fees for the disposal of solid waste.

19.0 OFFENCES AND BREACHES

Every person who fails to comply with this Part of this Bylaw commits an offence and shall be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Act, Part 1 (Introduction) of this Bylaw and the other enabling enactments contained in clause 1.3 of this Part of this Bylaw.

THE COMMON SEAL OF HAURAKI DISTRICT COUNCIL WAS HERETO AFFIXED
PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE HAURAKI
DISTRICT COUNCIL HELD ON 30th OF JANUARY 2008.

_____ Mr. John Tregidga, MAYOR

_____ Mr. Langley Cavers, CHIEF EXECUTIVE