



HOROWHENUA DISTRICT COUNCIL
SOLID WASTE BYLAW 2014

Contents

Clause	Topic	Page
1	Citation, Commencement, Application	3
2	Objectives	3
3	Interpretation.....	3
4	Accumulation of Waste	6
5	Approved Receptacles	6
6	Requirements for collection of waste	6
7	Placement of Approved Receptacles for collection.....	7
8	Inorganic Waste collection	7
9	Depositing Waste, Trolleys and Receptacles in a Public Place	8
10	Removal of Trolleys and Receptacles found on Public Land	8
11	Public Litter Bins and Public Recyclable Waste Collection Bins	8
12	Private Collection Bins in Public Places.....	8
13	Waste Management for Special Events	9
14	Waste Management Facilities.....	9
15	Licensing of Waste Collectors and Waste Management Facilities.....	9
16	Offences	11
17	Enforcement & Penalties	11
16	Attestation.....	11

1 Citation, Commencement, Application

- 1.1 This Bylaw may be cited as the Horowhenua District Council Solid Waste Bylaw 2014.
- 1.2 This Bylaw came into force on 2 July 2014 (“the commencement date”).
- 1.3 This Bylaw is made pursuant to section 145 and 146 of the Local Government Act 2002, section 56 of the Waste Minimisation Act 2008, section 12 of the Litter Act 1979 and sections 64(1) and 65 of the Health Act 1956 and any other Act or Authority enabling the Council in that behalf.

2 Objectives

- 2.1 The objectives of this Bylaw are:
 - (a) To monitor and regulate the collection, transportation, disposal and management of waste in such a way as to encourage minimisation of waste being generated and disposed of in Horowhenua District.
 - (b) To promote Council’s waste minimisation and waste reduction objectives.
 - (c) To assist in the implementation of Council’s Waste Management Plan and the New Zealand Waste Strategy.
 - (d) To ensure effective and efficient waste management in the Council’s area.
 - (e) To impose specific performance standards and requirements for waste collection, transportation, disposal and treatment services for the benefit of the public.

3 Interpretation

- 3.1 In this Bylaw a reference to a repealed document should be read as a reference to its replacement.
- 3.2 In this Bylaw, unless inconsistent with the context, the following definitions apply:

“Approved Receptacle” means both single use and reusable receptacles as follows:

- (a) Single use official council bags;
- (b) reusable kerbside recyclables bins (approved by Council and provided by a Licensed Waste Collector);
- (c) public litter bins and public Recyclable Waste Collection Bins approved and provided by Council;
- (d) reusable mobile bins (includes wheelie bins) approved by Council and provided by Licensed Waste Collectors;
- (e) any reusable receptacle provided by a Licensed Waste Collector and approved by Council to be fit for the purpose of collection of any type of Waste; and
- (f) any other receptacle, reusable or single use, that has been approved by Council for the purposes of this bylaw.

“Council” means Horowhenua District Council and includes all Council officers authorised to act on Council’s behalf.

“Deposit” means in relation to Waste to:

- (a) cast, place, throw or drop; and

(b) to cause or permit waste or other material or thing to be cast, placed, thrown or dropped.

"Hazardous Waste" means any waste that:

- (a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by *Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000* under the *Hazardous Substances and New Organism Act 1996*, or
- (b) meets the definition for infectious substances included in the *Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433: 1999 – Transport of Dangerous Goods on Land*; or
- (c) meets the definition for radioactive material included in the *Radiation Protection Act 1965 and Regulations 1982*; or
- (d) is publicly notified by the Council from time to time to be hazardous and to require special handling for the purposes of collection transportation or disposal.

"Household Waste" means Solid Waste resulting from domestic housekeeping operations, and includes compostable garden waste and waste of a domestic nature emanating from commercial premises but, for the avoidance of doubt, excludes Hazardous Waste, Trade Waste, Prohibited Waste, and Inorganic Waste.

"Inorganic Waste" means Solid Waste resulting from domestic housekeeping operations that will not fit within an Approved Receptacle. However, if the Council so decides for a particular collection, Inorganic Waste may include polystyrene, builder's waste or Prohibited Waste of a particular class.

"Kerbside Recyclable Waste" means a type or group of types of Recyclable Waste that the Council resolves to collect from Waste Collection Areas.

"Licence" means a licence granted by Council under this bylaw.

"Licensed Waste Collector" means a person who has a Licence to collect, transport or dispose of waste.

"Licensed Waste Operator" means a person which has a Licence to operate a Waste Management Facility.

"Litter" includes refuse, rubbish, animal remains, glass, metal, garbage, plastic, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature.

"Litter Control Officer" means any person appointed under section 5, or deemed to have been appointed under section 6, of The Litter Act 1979 as a litter control officer.

"Occupier" means any person who occupies any Property and, if the Property is unoccupied, means the owner.

"Person" means a natural person, corporation sole, a body corporate, or an unincorporated body.

"Prohibited Waste" means:

- (a) any broken glass, broken china, broken plastic, hacksaw blade, razor blade, skewer, syringe, knife or any other object or material capable by reason of its

shape or sharpness of causing injury unless any such waste is properly and sufficiently contained so as to prevent injury damage or loss;

- (b) any sharp object or material capable of puncturing the Approved Receptacle or capable by reason of its brittleness of shattering in the course of collection; unless such waste is properly and sufficiently wrapped or contained so as to prevent injury damage or loss;
- (c) any explosive, hot ashes, flammable material, infectious material, or any other matter, thing or waste of any kind whatsoever that may endanger any person, animal or vehicle which may come in to contact with it at any time prior to during or following collection before or during collection or during or after disposal;
- (d) any liquid or any viscous fluid;
- (e) any radioactive wastes, but excluding domestic smoke detectors;
- (f) any used oil, lead-acid batteries, refrigerators and/or freezers that have not been degassed;
- (g) any Hazardous Waste.

"Property" means

- (a) A property or allotment which is held under a separate certificate of title; or
- (b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- (c) A separately used or inhabited part of a rating unit as defined in the Council Funding Impact Statement.

"Publicly notified" means a notice published in one or more newspaper circulating in the Horowhenua district to which the notice relates.

"Recyclable Waste" means any rags, second hand or used clothing, textiles, wood, concrete, steel, paper, steel cans, tin cans, aluminum cans, glass, plastic products including plastic containers and other items publicly notified by the Council from time to time.

"Solid Waste" means any Waste generated as a solid or converted to a solid for disposal.

"Special Event" means any short term activity likely to be attended by more than 30 persons, and includes any event such as a gala, a sports event, a festival, a market, or an outdoor music event.

"Trade Waste" means any sewage or any liquid, with or without matters in suspension or solution, produced in the course of any trade or industrial process.

"Transfer Station" means land or buildings to which waste is delivered for sorting or consolidation before being taken away for treatment, processing, recycling or disposal.

"Trolley" means any movable receptacle on wheels, and includes a shopping trolley.

“Waste” means anything that is deposited, disposed of, discarded, discharged, or selected for disposal and includes;

- (a) a type of waste that is defined by its composition or source (for example, Household Waste, or Recyclable Waste)
- (b) an object which has been abandoned;
- (c) Litter;
- (d) to avoid doubt, includes an component or element of diverted material, if the component or element is disposed of or discarded.

“Waste Collection Area” means the area on the road reserve outside the Property from which the Waste originates.

“Waste Management Facilities” means facilities where Waste is managed and includes, but is not limited to, Landfill sites, Transfer Stations, tips, recycling centres, transfer points, waste pads, transportation points, cleanfill sites, composting facilities or waste consolidation points.

4 Accumulation of Waste

- 4.1 No occupier of a Property shall permit or suffer any accumulation of any type of Waste in, or on, or about that property, to be or become unsightly, offensive, a nuisance or likely to be injurious to health.

5 Approved Receptacles

- 5.1 Occupiers shall keep reusable Approved Receptacles clean and in good repair, covered at all times with a close-fitting lid where provided, and the contents protected from rain or ingress or egress of flies or vermin.

6 Requirements for Collection of Waste

- 6.1 No person shall put out Waste for collection other than in an Approved Receptacle, and Waste shall be sorted as follows:
 - (a) No Waste shall be placed in a kerbside recyclables bin other than Kerbside Recyclable Waste;
 - (b) No Waste shall be placed in any other Approved Receptacle other than Household Waste. For the avoidance of doubt, no person shall place Prohibited Waste in an Approved Receptacle for collection.
- 6.2 No Person shall place for collection more than a maximum number of Approved Receptacles where such a maximum has been determined by the Council and publicly notified.
- 6.3 No Person shall overload an Approved Receptacle.
- 6.4 No person shall obstruct or hinder any Licensed Waste Collector from removing Waste from any Waste Collection Area in accordance with a License under this Bylaw.
- 6.5 No person, other than the Occupier of the Property from which the Waste was generated shall remove Waste from a Waste Collection Area or from a Property, unless Licensed to do so.

7 Placement of Approved Receptacles for Collection

7.1 No person shall put out an Approved Receptacle for collection other than:

- (a) in accordance with a contract between the occupier and a Licensed Waste collector;
- (b) no earlier than noon on the day before a collection day specified by the Council; or
- (c) before 7.30 am on the day a collection day specified by the Council.

NOTE: The Council may change days for collection at its discretion (see the Council's website for current Collection Maps) or approve other times for the placement and removal of Approved Receptacles where out of hours collection is preferred in a specific location.

7.2 Occupiers shall only place Approved Receptacles for collection within the Waste Collection Area and they shall be placed as close to the kerb as possible but clear of private driveways, car parking areas and placed in such a way to ensure the receptacle does not unduly interfere with the free passage of pedestrians.

7.3 Occupiers shall place Approved Receptacles for collection in an upright, stable position with the contents secured.

7.4 Occupiers shall only place Waste in Reusable Approved Receptacles in a manner that allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied.

7.5 During collection, the Licensed Waste Collector, or its employees or agents, shall pick up any Waste spilled from Approved Receptacles and deposit it into the collection vehicle.

7.6 The Licensed Waste Collector, or its employees or agents shall return Approved Receptacles to the Waste Collection Area but clear of private driveways, car parking areas and placed in such a way to ensure the receptacles do not unduly interfere with the free passage of pedestrians

7.7 Removal

- (a) Occupiers shall remove Approved Receptacles, whether full or empty, from the Waste Collection Area before the expiry of the day for collection unless otherwise directed by Council.
- (b) Where an Occupier fails to remove Approved Receptacles or any Waste left in the Waste Collection Area in accordance with clause 7.6(a) the Council may remove the Receptacle and recover from, the Occupier, the cost of collection and disposal.

8 Inorganic Waste Collection

8.1 The Council or a Licensed Waste Collector may arrange with an Occupier to collect Inorganic Waste.

8.2 A Inorganic Waste Collector must not collect, transport or dispose of Inorganic Waste unless the Collector does so in accordance with the terms of its License.

8.3 Inorganic Waste shall not be placed for collection in a public place, including a Waste Collection Area, unless authorised by Council.

8.4 If Inorganic Waste is collected from a Waste Collection Area, the Occupier must comply with clause 7 of this Bylaw.

8.5 Any Waste or debris left in the Waste Collection Area after collection must be promptly removed by the Occupier to prevent it becoming a nuisance.

9 Depositing Waste, Trolleys and Receptacles in a Public Place

- 9.1 No person shall Deposit, or permit, or suffer the Depositing of, any Waste, Trolley, Approved Receptacle or Litter in a Public Place, including a Waste Collection Area, other than in a manner provided for by this Bylaw.
- 9.2 No person shall permit, or suffer the escape of any Waste, Trolley, or Receptacle from private property into, on or upon any public place.

10 Removal of Trolleys and Receptacles found on Public Land

- 10.1 In any case where a Trolley or receptacle has been found in a Public Place, including a waterway or channel, the Council may give notice to the owner to remove that Trolley or Receptacle within a stated timeframe.
- 10.2 Any person who receives notice under clause 10.1 shall comply with the Council's requirements.

Note: Council may remove, impound and dispose of any Trolley or receptacle found in a Public Place in accordance with sections 164, 167 and 168 of the Local Government Act 2002 or section 81, 84 and 85 of the Waste Minimisation Act 2008.

11 Public Litter Bins and Public Recyclable Waste Collection Bins

- 11.1 No person shall:
- (a) Deposit any sort of Waste other than Litter in any public litter bin;
 - (b) Deposit any sort of Waste other than Recyclable Waste in any public Recyclable Waste collection bin, and further, where that bin is identified as being only for the collection of a specific type of Recyclable Waste (for example glass, or plastic), no person shall place any other type of Recyclable Waste in that bin.
 - (c) Deposit or attempt to deposit any Waste into a public litter bin or Recyclable Waste collection bin if the bin is already full; or
 - (d) Remove any Waste from a public litter bin or Recyclable Waste collection bin unless authorised by Council to do so.
- 11.2 No person shall, unless authorised by Council, paint or vandalise, or attach any material (including but not limited to stickers and posters) to any public litter bins or public Recyclable Waste collection bins.

12 Private Collection Bins in Public Places

- 12.1 No person shall place a privately owned bin in a public place for the collection of Recyclable Waste without prior authorisation by the Council. The owner shall comply with all terms and conditions of that authorization.
- 12.2 The owner of the bin shall ensure that:
- (a) Information is maintained on the bin that specifies;
 - i. the owner's name and a contact telephone number;
 - ii. the type of Recyclable Waste that can be deposited in the bin; and
 - iii. that no Recyclable Waste is to be left outside the bin; and
 - (b) the bin is kept clean and in good condition;
 - (c) the bin is regularly emptied so that it does not become full or overflow; and

(d) when the bin is emptied any waste placed in the vicinity of the bin is removed.

12.3 In the event of non-compliance with clause 12.2, the Council may

(a) remove, impound and dispose of the bin and any waste contained therein in accordance with sections 164, 167 and 169 of the Local Government Act 2002 or section 81, 84 and 85 of the Waste Minimisation Act 2008, and may recover the cost from the owner.

13 Waste Management for Special Events

13.1 A Special Event shall not be held in or on a Public Place without prior authorisation by the Council. An application for authorisation must be made in the prescribed form, and shall include, to the satisfaction of Council having regard to the size and nature of the Special Event, a waste management plan. The waste management plan may be required to identify:

- (a) an estimate of the types and volumes of waste to be generated by the event;
- (b) any opportunities for waste minimization;
- (c) the steps to be taken to maximise the use and collection of recyclable or re-usable materials;
- (d) the waste and Recyclable Waste collection, storage and transportation equipment to be provided;
- (e) the Licensed Waste Collector and/or Licensed Waste Operator retained by the organiser for the event; and
- (f) the arrangements made for the provision of post-event waste audits and analysis and the reporting of that information to the Council.

13.2 Any organiser or agent of the organiser shall comply with the terms and conditions of the authorisation given by the Council, including any approved waste management plan.

14 Waste Management Facilities

14.1 Any person wishing to operate a Waste Management Facility, other than the Council, must obtain and hold a current License to do so under clause 15 of this bylaw.

14.2 No person shall:

- (a) Enter a Waste Management Facility without authorisation from the operator of that facility; or
- (b) Deposit at a Waste Management Facility any Waste of a type that is not permitted at that facility;
- (c) Deposit Waste at any location within a Waste Management Facility that has not been marked or designated for Waste of that particular type.
- (d) Move or remove any article, material or waste found in a Waste Management Facility without the authorisation of the operator of that facility.

15 Licensing of Waste Collectors and Waste Management Facilities

Waste Collectors and Operators to be Licensed

15.1 Any person involved in the removal, collection or transportation of Waste from within or to, or disposal of Waste from, the Council's district where the total amount of the Waste to be removed collected and transported in any 12 month period will exceed 20 tonnes must hold a current License to do so from the Council; or

15.2 Any person involved in the operation of a Waste Management Facility must hold a current License to do so from the Council.

Licenses

15.3 Applications for Licenses must be made in the prescribed form, describe the activities in respect of which the License is sought and be accompanied by such further supporting information as the Council may require to enable processing of the application, and an application fee in accordance with Council's fees and charges prevailing at that time.

15.4 Licenses shall be granted in the discretion of the Council, upon and subject to such terms and conditions as the Council considers are appropriate, taking into account matters as it sees fit, including those listed in clause 15.7.

15.5 A License is personal to the holder and is not transferable.

15.6 Should a licensee fail to comply with any of the terms or conditions of the License the Council may revoke the License.

License conditions

15.7 The terms and conditions upon which a License may be granted include, but are not limited to the following:

(a) Term – A License shall be granted for a term of up to 5 years and is able to be renewed for a further 5 years.

(b) License Fee – The licensee must pay an annual License fee in an amount determined by the Council from time to time and publicly notified.

(c) Bond – The licensee must post a bank guaranteed (or cash, at the licensee's election) performance bond for an amount not exceeding \$20,000, or such amount as determined by the Council from time to time based on the individual circumstances and risk of the particular applicant, and publicly notified.

(d) Compliance with standards – The licensee must comply with the Council's standards and policies for waste collection, removal, transportation or disposal services including, in respect of collection services:

i. Provision of waste collection services on the days and at the times nominated by Council.

(e) That the licensee must provide waste data to the Council during the term of the License in the form and at the times determined by the Council from time to time including the following:

i. Recording the quantity, source and destination of each waste type and the point in time when such data was recorded during the waste collection, removal, transportation or disposal process.

ii. Weighbridge receipts, Gate records of waste tonnages as specified in the license.

15.8 When exercising its discretion to grant a License and the conditions to be imposed under it, the Council may take into account such matters as it sees fit including but not limited to the following:

(a) The extent to which the licensed activities will promote public health and safety and achievement of the Council's waste management plan and waste reduction initiatives.

(b) The type of waste to be removed collected or transported.

(c) The manner of treatment (if any) and disposal of the waste type, and the identity of the Waste Management Facility at which it is proposed that treatment or disposal will occur.

- (d) The frequency and location of the waste collection, removal, transportation or disposal services.
- (e) The specifications of the vehicles, equipment and Approved Receptacles to be used for the collection, removal, transportation or disposal of waste.
- (f) The applicant's experience, reputation and track record in the waste industry, including any known past operational issues which may affect, or may in the future affect, the applicant's performance.
- (g) The applicant's financial position.
- (h) The terms and conditions under which such disposal of waste is permitted and the existence of or need for any statutory approvals, authorisations or consents required to be held or complied with in respect of such disposal.

16 Offences

16.1 Every person breaches this bylaw and commits an offence who:

- (a) Does anything, or permits anything to be done that is contrary to this bylaw;
- (b) Fails to do or perform any act or thing that is required by this Bylaw, within the time and manner required;
- (c) Fails to comply with any term or condition of any authorization, including a License, granted by the Council under this Bylaw.

17 Enforcement & Penalties

17.1 Any person who commits a breach of this Bylaw shall be liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002 and/or section 66 of the Waste Minimisation Act 2008, being a fine not exceeding \$20,000.

Note: In the event of a breach of this bylaw the Council also has available to it all the powers available to it under the Local Government Act 2002 and the Waste Minimisation Act 2008, including:

- (a) the powers under sections 81 and 82 of the Waste Minimisation Act 2008 to seize and impound property;
- (b) the power to issue an infringement notice under section 74 of the Waste Minimisation Act 2008;
- (c) the power under section 162 of the Local Government Act 2002 to apply for an injunction restraining a person from committing a breach of this bylaw or an offence;
- (d) the power under sections 164, 165, and 168 of the Local Government Act 2002 to seize and impound property and then to dispose of that property;
- (e) the power under sections 171, 172, and 173 of the Local Government Act 2002 to enter property.

18 Attestation

The foregoing Bylaw entitled the Horowhenua District Council Waste Bylaw 2014 was duly made at an ordinary meeting of the Horowhenua District Council held in the Council Chambers, 126 Oxford Street, Levin, on 5 February 2014 and following use of the Special Consultative Procedure as required by the

Local Government Act 2002, and meantime having been publicly notified, was confirmed at an ordinary meeting of Council held on the 2 July 2014.

The Common Seal of the)
HOROWHENUA DISTRICT COUNCIL)
was hereunto affixed pursuant to a resolution)
of the said Council in the presence of:)



B. J. Duffy)
..... His Worship the Mayor

DM Clapperton)
..... Chief Executive Officer