



People First

Southland District Council

Te Rohe Pōtae O Murihiku

SOLID WASTE BYLAW 2008

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SOUTHLAND DISTRICT COUNCIL SOLID WASTE BYLAW 2008

1 Introduction

This Bylaw may be cited as the Southland District Council Solid Waste Bylaw 2008.

This Bylaw shall come into force on the 30th day of June 2008, and shall apply throughout the District.

The Southland District Council Refuse Collection Bylaw 1999 and Sanitary Landfill Bylaw 1995 are consequently repealed.

2 Purposes of the Bylaw

The general purposes of the Bylaw are:

- (a) To ensure that household waste is 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.

3 Definitions

In this Bylaw, unless the context otherwise requires:

APPROVED CONTAINER means a container, bin or bag approved by Council used for the keeping of waste and recyclables for collection.

AUTHORISED OFFICER means any person authorised by the Council for the purpose of administering and monitoring this Bylaw and includes any employee of any contractor of the Council.

COMMERCIAL WASTE means any scrap or waste material resulting from the carrying on of any business, manufacture, process, trade, market or other undertaking. Commercial waste does not include household waste, prohibited waste, hazardous waste or trade waste.

COUNCIL means the Southland District Council.

ORGANIC MATERIAL means materials that are organic in origin and appropriate to be used as feedstock for composting. Organic Waste may be defined by its material components, eg grass, leaves, food, wood, garden trimmings etc.

DISTRICT means the district of the Council.

GREEN WASTE means compostable plant material, excluding flax, toi toi and cabbage trees.

HAZARDOUS WASTE means any waste defined as such in the current WasteNet Council's Waste Acceptance Protocol.

HOUSEHOLD WASTE means solid waste resulting from domestic housekeeping operations including waste that the Council has agreed to take from retail premises, businesses and offices where the Council has agreed to provide a collection service. Household waste does not include recyclable waste, green waste, commercial waste, prohibited waste, hazardous waste, trade waste, liquid waste of any kind or building materials waste.

OCCUPIER means any person who occupies any building or land and if the building or land is not occupied, means the owner.

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

PROHIBITED WASTE means:

- (a) Any broken glass, broken crockery, broken plastic, blades from saws, knives, skewers, syringes, syringe needles or any other object or material capable by reason of its shape or sharpness of causing injury, unless 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 the waste is properly and sufficiently wrapped or contained so as to prevent injury, damage or loss.
- (c) Any explosive, hot ashes, inflammable 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 into contact with it any time prior to, during or following collection.
- (d) Any liquid or viscous fluid.
- (e) Any radioactive wastes, but excluding domestic smoke detectors.
- (f) Any used oil, lead acid battery, refrigerators and/or freezers that have not been professionally degassed.
- (g) Any hazardous waste.

PUBLICLY NOTIFIED means published in one or more newspapers circulating in the District.

RECYCLABLES means rags, second hand clothing or used clothing, textiles, wood, cardboard, steel, paper, cans (both steel or aluminium), glass, plastic products and containers as publicly notified by Council from time to time.

SOLID WASTE means waste generated as a solid or converted to a solid for disposal.

SPECIAL WASTE means any waste which requires special disposal as specified by the Council.

TRADE WASTE means any sewage or 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.

WASTE MANAGEMENT FACILITY means a facility provided by Council and includes, but is not limited to landfill sites, transfer stations, tips, recycling and sorting centres, transfer points, waste pads, transportation points, cleanfill sites, recycling collection plants, composting facilities, Green Waste sites or waste consolidation points.

WASTE means materials and substances of any kind, form or description discarded, discharged or selected for disposal.

4 Council Collection

The occupier of a property must not allow the accumulation of household waste or commercial waste, recyclables or organic material on that property to be or become a nuisance or likely to be injurious to health.

The Council may, by ordinary resolution, set Policy regarding the collection of household waste and/or recyclables and/or organic material including determining:

- (a) requirements for approved containers, including type of receptacle, weight, size, capacity, and the types of waste, recyclables and organic material that are appropriate for collection using such approved containers;
- (b) requirements for storage and placement of household waste and/or recyclables and/or organic material;
- (c) appropriate times and days for occupiers to place approved containers for collection;
- (d) the areas serviced by the Council's collection.

The Council may amend or revoke a resolution made under Clause 4 at any time.

The Council will publicly notify any resolution made or amended under this clause.

5 Approved Containers

Every occupier must use an Approved Container for the collection of household waste and recyclables.

6 Use of Approved Containers

Every occupier using a reusable Approved Container must keep it clean and in good repair, odour free and covered at all times with a close-fitting lid (where a lid is provided) with no protruding items. Non-reusable approved containers must be securely fastened. The contents of all approved containers must be protected from rain and wind or ingress of flies, vermin and animals, where practicable.

Household waste, recyclables and organic material placed in a reusable approved container must be placed in a manner which allows the whole of the contents to fall out easily and cleanly when the container is emptied.

7 Acceptable Waste for Collection

No waste other than household waste, recyclable waste and organic material shall be placed in an approved container.

Where a recyclable or organic material collection service is provided, recyclable and organic material items put out for collection shall be placed in the approved container.

Approved containers must not contain prohibited waste.

8 Collection - General

Approved containers shall be placed on the road frontage so that they do not cause any obstruction or hazard to traffic or pedestrians. The Council or its contractors may specify the location on the road, whether or not on the road frontage, where the approved container is to be placed.

No other person shall interfere with or remove such household waste and/or recyclables put out for collection except in accordance with this Bylaw or as authorised by Council.

9 Wheelie Bin Collection

9.1 Ownership of Wheelie Bins

Wheelie bins remain the property of the contractor or Council. The contractor or Council will have responsibility for all normal wear and tear and any damage caused by the contractor or Council.

9.2 Responsibility for Damage to Wheelie Bins

The property owner or occupier will have responsibility for any damage or loss as a result of misuse, neglect or absence of reasonable security measures.

9.3 Contractor Issued Wheelie Bins

Only wheelie bins issued by the contractor will be collected.

9.4 Responsibility for Preventing Ingress of Rainwater into Containers

The property occupier shall be responsible for putting out for collection the wheelie bin with its lid closed to prevent any ingress of rainwater.

9.5 Responsibility for Placement of Wheelie Bins for Collection

Putting out and return of bins is the responsibility of the property occupier.

9.6 Weight Limit

Wheelie bins, when put out for collection, shall not exceed a gross weight of 60 kg.

9.7 Collection Times

Wheelie bins shall be out for collection not earlier than 5.00 pm on the day preceding collection or later than 7.30 am on the day of collection.

9.8 Placement of Wheelie Bins for Collection

Where practical and no safety hazard is likely to result, wheelie bins shall be placed according to the following instructions:

- (a) Place 1.0 metre from the road or asphalt where there is no kerb.
- (b) Place behind and flush with the kerb face on the road or street edge where there is a kerb so as to avoid obstructing any footpath.
- (c) Leave 1.0 metre clearance from any obstacle, eg mailbox etc.
- (d) Place 1.0 metre to the side of property's access to the road or asphalt.
- (e) Place with the front of the bin facing the street.
- (f) Place where obstruction by vehicles at the time of collection is not likely.
- (g) Place no closer than 0.3 metres to another wheelie bin

Where the above results in either the wheelie bin being difficult for the contractor to access or there is a reasonable risk the wheelie bin may fall over and cause a safety hazard to traffic or pedestrians then the wheelie bin must be placed out in an alternative appropriate location. The Council may in any case agree to an alternative method of refuse disposal for the site if its topography or other physical characteristics render the use of a wheelie bin impractical.

9.9 Right of Refusal to Collect Wheelie Bin

Failing to observe the requirements of this Bylaw may result in the wheelie bin not being collected.

9.10 Owner Responsibility for Wheelie Bin Content

All wheelie bin content remains the responsibility of the property occupier until it is picked up for collection.

9.11 Return of Wheelie Bins after Collection

Wheelie bins should be returned to private property not later than 7.30 am on the day after collection.

9.12 Accumulation of Refuse

The occupier of any premises served by a Waste or Recyclables or Organic Material collection vehicle authorised by the Council shall not permit any accumulation of Waste or Recyclables or Organic Material to be or remain on any public place unless contained in an Approved Container.

9.13 Authority to Collect Refuse

No person shall collect Waste and /or Recyclables and/or Organic Material placed out for collection (except the Contractor or other person authorised by Council).

9.14 Occupier's Responsibility for Uncollected Refuse

The occupier of every property from which Waste or Recyclables or Organic Material is collected shall ensure that:

- (a) No undue accumulation of Waste or Recyclables or Organic Material is permitted to remain in or about the property.
- (b) Waste or Recyclables or Organic Material that has been put out for collection but has not been collected shall be removed from the public place.

10 Collection for Stewart Island

10.1 Responsibility of Occupier

The occupier of every property from which Waste or Recyclables is collected shall ensure that:

- (a) No undue accumulation of Waste or Recyclables is permitted to remain in or about it.
- (b) Waste or Recyclables that has been put out for collection but has not been collected shall be removed from the public place.
- (c) All Waste or Recyclables is put out for collection in accordance with the following requirements:
 - (i) Approved Containers shall be stapled or tied or otherwise sealed, as appropriate to prevent spillage.
 - (ii) Approved Containers shall not be put out for collection if they are torn punctured or softened by prolonged exposure to moisture or if for any other reason they are likely to collapse or split when reasonably handled.

- (iii) Waste and Recyclables shall be put out for collection:
 - a. Not earlier than 5.00 pm on the day preceding collection day and not later than 7.30 am on the day of the collection.
 - b. In an upright position as close to the kerb as possible without obstructing the footpath or carriageway.
 - c. Uncollected Waste or Recyclables must not be left in a public place after expiry of the day fixed for collection. The person putting out the Waste or Recyclables shall be responsible for returning uncollected refuse to that person's property.
- (d) Approved Container shall be removed from any public place prior to 7.30 am following the day upon which the contents are collected.

10.2 Authority to Collect Refuse

No person shall collect Waste and/or Recyclables placed out for collection except the Council's Contractor or other person authorised by Council.

10.3 Weight and Volume Limits of Approved Container

Where the Approved Container is a bag, this may be either of paper or plastic construction of not more than 54 litre capacity and the total weight of bag and contents shall be not more than 15 kilograms.

10.4 Right to Decline to Collect

- (a) If the gross weight of any receptacle put out for collection is greater than that specified under this Bylaw the Council or its Contractor may decline to collect.
- (b) In any such case it shall be the responsibility of the occupier to remove any such overweight Approved Container and dispose of the Waste or Recyclables contained therein.

11 Special Collections

The Council may from time to time provide special collection services for Waste or Recyclables or organic material not able to be collected by the normal collection service. The period fixed for collection shall be specified by the Council and shall be publicly notified.

Refuse for the purpose of Council's special collection shall:

- (a) Be put out not earlier than the weekend prior to the date fixed for that collection.
- (b) When placed on the street or grass berm be neatly stacked in a manner which does not endanger or obstruct pedestrians or other persons passing by.

12 Inorganic Bulky Item Collections

No person shall include any Hazardous Waste, Prohibited Waste, household waste or Green Waste in any waste intended to be collected as part of any Council inorganic bulky item waste collection.

Any inorganic waste for collection as part of any Council inorganic bulk item waste collection must:

- (a) Not exceed 3 m³;
- (b) Be placed on the road frontage so that it is not a danger or obstruction to traffic or pedestrians;
- (c) Be placed in a tidy fashion and secured so that it is not able to be dispersed by wind.

13 Litter Bins

No person shall deposit waste from a household or trade premises in any litter bin provided in a public place for the use of the public frequenting the area.

14 Waste Management Facilities

14.1 Use of Waste Management Facilities

The disposal of waste at any waste management facility shall be subject to such conditions as Council may, by ordinary resolution, from time to time decide in respect of:

- (a) The hours of opening and closing;
- (b) The nature of the waste which may be disposed of therein;
- (c) The nature of the waste to be directed to a recycling area;
- (d) The charges in respect of any disposal;
- (e) The position in any such place, in which waste may be placed; and
- (f) Any other matter which Council may consider necessary or desirable to determine by any such resolution.

Council may amend or revoke a resolution made under Clause 14.1 at any time. The Council will publicly notify any resolution made under Clause 14.1.

14.2 Conditions of Use

Any person using a waste management facility shall abide by notices and the instructions of an authorised officer or operator of that facility for the placing or disposal of different classes of waste.

14.3 Limits on Disposal of Waste and Recyclables at Waste Management Facilities

No person shall:

- (a) Deposit or dispose of any waste, recyclables or organic material at a waste management facilities or any other waste that is not permitted to be disposed of at that facility;
- (b) Deposit or dispose of any particular type of waste, recyclables or organic material at any location within a waste management facility which has been marked off and designated for the depositing or disposal of a different type of waste;
- (c) Deposit or dispose of any hazardous waste, prohibited waste, special waste or trade waste at a waste management facility unless authorised to do so by the operator of that facility;
- (d) Enter waste management facility without authorisation from the operator of that facility; or
- (e) Move or remove any article, waste or recyclables or organic material found in waste management facilities without the permission of the operator of that facility.

15 Restriction on Collection Operations

No person shall engage in the collection of waste or recyclables from a public place without the prior written consent of the Council subject to such conditions as the Council may impose.

16 Recovery of Costs

The Council may recover costs under the Local Government Act 2002 relating to Sections 150 and 151, wilful damage or negligent behaviour (Section 175) and remedying damage arising from breach of Bylaw (Section 176).

17 Breaches and Infringement Offences

Any person who is in breach of this Bylaw commits an offence and shall on summary conviction be liable to a maximum penalty of \$20,000 in accordance with Section 242(4) of the Local Government Act 2002.

This Bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on 25 June 2008.

THE COMMON SEAL of the
SOUTHLAND DISTRICT COUNCIL
was hereunto affixed in the presence of: }

_____ MAYOR

_____ CHIEF EXECUTIVE