

CHBDC:Part 6:2008

# **CENTRAL HAWKE'S BAY DISTRICT COUNCIL BYLAWS**



## **Part 6 – Solid Waste**

Superseding Model General NZS 9201:Part 6:1999

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### **Explanatory Note**

This Bylaw is based on the Model General Bylaw NZS9201:Part 6:1999 Solid Waste as compiled by Standards New Zealand. This Bylaw amends that Standard as necessary to meet the requirements of the Central Hawke's Bay District Council.

### **Copyright**

The copyright of the Model General Bylaw NZS9201:Part 6:1999 Solid Waste is the property of the Standards Council. The copying and amendment of the Model Bylaw has been carried out by a Territorial Authority in the process of preparing its local bylaw, as permitted by the Standards Council.

### **Referenced Documents**

Reference is made in this document to the following:

Land Transport Rule: Dangerous Goods 1999

Hazardous Waste Guidelines - Landfill Waste Acceptance Criteria and Landfill Classification  
*[Ministry for the Environment publication Module 2]*

NZ Standard 5433: 1999 - Transport of Dangerous Goods on Land

### **New Zealand Legislation**

- Hazardous Substances and New Organisms Act 1996
- Health Act 1956
- Litter Act 1979
- Local Government Act 1974
- Local Government Act 2002

**Foreword**

The CHBDC Bylaws series covers various matters under local authority jurisdiction. Local authorities are empowered under a variety of Acts including the Local Government Act 2002 to make Bylaws.

This CHBDC Bylaw is a revision of the Model General NZ Standard Solid Waste Bylaw prepared by Standards New Zealand. The Model General has been reviewed by technical staff and considerable amendments have been necessary to meet the requirements of the Central Hawke's Bay District Council. Further updates have been made where necessary to reflect changes in related legislation. It now covers recycling, refuse storage and special wastes.

The purpose of this bylaw is to regulate Waste Management including the collection, transportation and disposal of waste. The aim is to support waste minimisation and reduction, to assist in the implementation of Council's Solid Waste Management Plan and the New Zealand Waste Strategy, to ensure effective and efficient waste management, and to impose performance standards for waste handling for the benefit of the community.

Reference should be made to CHBDC:Part 1 *Introductory* and to the legislation referred to under Referenced Documents, for any other definitions not included in this Part.

## CHBDC BYLAWS

### Part 6 - SOLID WASTE

#### 600 SCOPE

- 600.1** The purpose of this bylaw is to regulate Waste Management including the collection, transportation and disposal of waste. The aim is to support waste minimisation and reduction, to assist in the implementation of Council's Solid Waste Management Plan and the New Zealand Waste Strategy, to ensure effective and efficient waste management, and to impose performance standards for waste handling for the benefit of the community.
- 600.2** The Solid Waste Bylaw is made pursuant to section 146 of the Local Government Act 2002, section 542 of the Local Government Act 1974, section 12 of the Litter Act 1979 and sections 64(1) and 65 of the Health Act 1956.
- 600.3** This bylaw will come into force on the 1<sup>st</sup> day of July 2008.
- 600.4** So far as they are applicable, and are not contrary to the provisions of this bylaw, the provisions of the Central Hawke's Bay District Council Introductory Bylaw 2008 are incorporated into and form part of this bylaw.
- 600.5** Council may from time to time by resolution, make and amend a set of policy statements governing the classification of waste by reference to its nature and / or its origin, the collection of all types of waste and / or recyclables by or for Council. This will include the weights and contents of containers which will be collected, the placing of containers for such collection and such other matters as Council considers relevant and such policy will be enforceable as part of this bylaw.

#### 601 DEFINITIONS AND INTERPRETATION

For the purposes of this bylaw the following definitions apply:

**Approved Receptacle** - means a container or bag used for the keeping of waste and approved by Council or other authorised waste collector pursuant to the provision of this bylaw.

**Commercial Household Waste** - means household sized quantities of solid waste of a domestic nature generated by occupiers of industrial and commercial premises, and of a similar type to that defined as household waste, but does not include green waste, industrial waste, prohibited waste, hazardous waste, trade waste or liquid waste of any nature generated by those activities.

**Commercial Industrial Waste** - means any solid waste resulting from any business, manufacture, process, trade, market, or other undertaking, to an extent that it does not exceed two paper or plastic bags from business premises on each collection day. Flattened cartons tied in bundles are also included. It does not include commercial household waste, recyclable waste which is accepted by Council for separate collection, green waste, prohibited waste, hazardous waste or trade waste.

**Council** - means the Central Hawke's Bay District Council, and will include all Council officers authorised to act on Council's behalf.

**Deposit Or Dispose / Disposal** - in relation to waste, means to cast, place, throw or drop, or to cause or permit waste or other materials or thing to be cast, placed, thrown or dropped.

**Green Waste** - means combustible plant materials but does not include household waste, industrial waste, recyclable waste, paper waste, prohibited waste, hazardous waste, trade waste or liquid waste of any nature.

**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 Organisms 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) is defined in the Ministry for the Environment publication Module 2: Hazardous Waste Guidelines - Landfill Waste Acceptance Criteria and Landfill Classification;
- (d) is publicly notified by 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 including wrapped cold ashes, floor sweepings, dust, paper, bottles, wrapped bones and waste food, cans, cartons, or other food containers, but does not include hot ashes, garden refuse, hedge clippings, or similar materials or things. It does not include green waste, industrial waste, prohibited waste, hazardous waste, trade waste or liquid waste of any nature.

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

**Occupier** - means any person who occupies any land or building and, if the land or building is unoccupied, includes the owner.

**Person** - includes a Company, Corporation or other corporate 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 or lead-acid batteries;
- (g) any Hazardous Waste.

**Property** - means land or buildings which are separately occupied.

**Publicly Notified** - means a notice published in a newspaper or newspapers circulating in the district to which the notice relates.

**Public Litter Bin** - means a bin provided by Council for the disposal of litter.

**Recyclable Waste** - items Council currently recycle include cardboard and paper, glass, plastic products including plastic containers (Grades 1 and 2 only), steel, steel cans, tin cans, aluminium cans, steel household appliances. Many other materials may be recyclable through other outlets.

**Recyclable Waste Collection Station** - means the land, containers, bins or buildings used for the collection, management, treatment or disposal of recyclable waste.

**Solid Waste** - means any waste generated as a solid or converted to a solid for disposal.

**Trade Waste** - means any wastewater or liquid, with or without matter 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** - means any solid, material or thing that is discarded, discharged or selected for disposal and includes:

- (a) industrial waste, household waste, recyclable waste, commercial household waste, green waste, hazardous waste, kitchen food waste, and prohibited waste;
- (b) any object which has been abandoned;
- (c) litter.

**Waste Management Facilities** - means land or a building designated by Council for the management, treatment or disposal of waste and includes any Landfill, cleanfill, commercial composting operation, recovery operation (scrap metal merchants), transfer station, tip / dump, recyclable waste collection station, transfer point, waste pad, transportation point and waste consolidation point.

## **602 HOUSEHOLD, COMMERCIAL HOUSEHOLD AND RECYCLABLE WASTE**

**602.1** Every owner or occupier of any premises shall ensure that no accumulation or collection of household waste, commercial household waste or recyclable waste is permitted to be or become unsightly, offensive, a nuisance, or likely to be injurious to health.

**602.2** Every occupier must use an approved receptacle for household waste and for commercial household waste, other than cardboard waste.

**602.3** Approved receptacles for waste include:

- (a) Council approved bags for refuse collection;
- (b) any receptacle provided by a licensed waste collector and approved by Council for the purposes of collecting household waste;
- (c) any other receptacle provided by or on behalf of Council from time to time for the purpose of collecting household waste;
- (d) any suitable receptacle for recycling that distinguishes the contents from household waste.

- 602.4** Reusable approved receptacles for household waste and commercial household waste must be kept clean, covered or closed at all times, securely tied and the contents protected from rain or access by flies or any vermin, save when matter is being placed in the receptacle. Reusable receptacles for recyclable waste must be kept clean and in good repair.
- 602.5** Approved receptacles for all waste must be placed in an upright position at the designated collection point; the road reserve outside the property from which the waste originates immediately adjacent to the kerb or carriageway and occupying a limited space so that the placement of the waste does not unduly interfere with the free passage of road or footpath users, or such other place from time to time approved by Council as a waste collection area.
- 602.6** Only household waste, commercial household waste and the following recyclable waste, may be placed in the designated collection point:
- (a) aluminium cans, steel cans, and glass bottles;
  - (b) plastic recyclable containers of a specified type, and any other recyclable items, publicly notified by Council from time to time;
  - (c) clean paper and cardboard.
- Recyclable paper and cardboard waste must be bound together or contained in a manner approved by Council.
- 602.7** Prohibited waste must not be put out for kerbside collection or in any other public place and no person other than the occupier of the property from which the waste is generated shall collect, transport or dispose appropriately of prohibited waste unless qualified and licensed to do so.
- 602.8** Waste placed in a reusable approved receptacle must be placed in a manner which allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied.
- 602.9** Approved receptacles must not contain prohibited waste or be overloaded. The maximum permitted weight and volume of a household or commercial household waste approved receptacle is ten (10) kilograms and thirty five (35) litres respectively. The maximum permitted weight and volume of a recyclable waste approved receptacle is twenty (20) kilograms and sixty (60) litres respectively.
- 602.10** Household waste and commercial household waste for kerbside collection and, separately, residential recyclable waste and commercial recyclable waste for kerbside collection must be put out for collection no earlier than 5.30 pm the evening before, and no later than 7.30 am on the morning of the day for collection unless otherwise directed from time to time by Council.
- 602.11** The number of approved receptacles put out from each property for collection or emptying must not exceed the maximum number determined by Council by resolution from time to time.
- 602.12** Waste which is not collected on the day for collection must be removed from the designated collection point at the end of that day by the occupier of the property from which the waste was generated.
- 602.13** Waste left on the road reserve outside, or in the vicinity of, the property from which the waste originates after 8.30 pm on the day following the day for collection may be removed by Council and the cost of collection and disposal of that waste shall be borne by the Occupier of the property from which the waste was generated.

- 602.14** Reusable approved receptacles, whether full or empty, must be removed from the designated collection point before the end of the day for collection by the occupier or owner of the property from which the reusable approved receptacle came.
- 602.15** Only persons with the prior permission from either Council, or the occupier or owner of the property from which the waste has come, shall remove waste from the designated collection point or from a property.
- 602.16** No person shall obstruct or hinder any Council approved waste collector from removing waste from any designated collection area in accordance with a licence under this bylaw.
- 602.17** No person shall place or leave any waste that is not recyclable waste out for kerbside recycling collection or at any Recyclable Waste Collection Station.
- 602.18** No person shall deposit or dispose of household, commercial household and recyclable waste on any property that is not the Waste Management Facility for the type of waste being disposed of unless they have authorisation from the property owner.

### **603 GREEN WASTE**

- 603.1** Every owner or occupier of any premises shall ensure that no accumulation or collection of green waste is permitted to be or become unsightly, offensive, a nuisance, or likely to be injurious to health or create a fire risk.
- 603.2** A Green waste collection receptacle may not be put out for kerbside collection, without prior permission from Council. When permission is granted, Council will inform the person gaining permission the rules relating to the storage and collection of the waste and receptacles.

### **604 COMMERCIAL / INDUSTRIAL WASTE**

- 604.1** Every owner or occupier of any premises shall ensure that no accumulation or collection of industrial waste is permitted to be or become unsightly, offensive, a nuisance, or likely to be injurious to health.
- 604.2** Industrial waste must not be put out for kerbside collection, without prior permission from Council. When permission is granted, Council will inform the person gaining permission the rules relating to the storage and collection of the waste and receptacles.

### **605 Hazardous Waste**

- 605.1** Every owner or occupier of any premises shall ensure that no accumulation or collection of hazardous waste is permitted to be or become unsightly, offensive, a nuisance, or likely to be injurious to health.
- 605.2** A licensed hazardous waste collector must not collect, transport or dispose of hazardous waste unless it does so in accordance with the terms of their licence and the terms of their contract with the customer.
- 605.3** No person shall deposit or dispose of hazardous waste on any property that is not an approved Waste Management Facility for the type of waste being disposed of.

**605.4** The delivery of hazardous waste to a Council operated facility or service for collection and disposal is an offence under this bylaw, unless prior permission has been given by Council.

**606 PUBLIC LITTER BINS AND RECYCLABLE WASTE COLLECTION STATION**

**606.1** No person shall:

- (a) place any household waste, commercial household waste, green waste, industrial waste, prohibited waste or hazardous waste in any public litter bin or public Recyclable Waste Collection Station; or
- (b) put or attempt to put any waste into a public litter bin or Recyclable Waste Collection Station if they are already full; or
- (c) remove any waste from a public litter bin or Recyclable Waste Collection Station unless authorised by Council to do so; or attach any advertising material (including but not limited to stickers and posters) to, or paint or vandalise any public litter bin or public Recyclable Waste Collection Station unless authorised by Council to do so.

**606.2** Any occupier required by Council to provide public litter bins or recycling bins in any public place in the vicinity of those premises for the deposit of litter or recyclable materials shall maintain the litter bins and empty and dispose of all litter deposited therein, to Council's satisfaction, including ensuring the bins are regularly emptied so that they do not become full or overflow, and thoroughly cleaned and sanitised.

**607 WASTE MANAGEMENT FACILITIES**

**607.1** Council may own and operate Waste Management Facilities, and this bylaw will apply to all waste management facilities under the control of Council.

**607.2** The disposal of waste on any land or premises set aside by Council for the disposal of waste will be subject to conditions that Council may impose. This may include the hours of operation, the nature of the waste which may be disposed, disposal charges, the position in any such place in which waste may be placed, and any other matter which Council may consider necessary or desirable.

**607.3** All persons entering a Waste Management Facility for the purpose of waste disposal must abide by or comply with the designated requirements and pay any fees and charges.

**607.4** At a Waste Management Facility, no person shall:

- (a) deposit or dispose of any waste which is not permitted to be disposed of at that facility; or
- (b) deposit or dispose of any waste without paying the correct fee if a fee is applicable; or
- (c) deposit or dispose of any waste when the facility is closed; or
- (d) deposit or dispose of at any location which has been marked off, or designated for a particular type of waste, any other waste type; or
- (e) deposit or dispose of any Hazardous Waste, Prohibited Waste, or Trade Waste unless authorised to do so by the operator of that facility; or

- (f) enter or remain without legitimate purpose, without the authorisation from the operator of that facility; or
- (g) interfere with, damage or remove any structure, equipment, vehicle (other than the vehicle being lawfully operated by such person) or thing, without the authorisation from the operator of that facility; or
- (h) leave any vehicle without authorisation from the operator of that facility; or
- (i) behave in a disorderly or offensive manner, be intoxicated by alcohol or drugs, or otherwise act in a manner that will or is likely to interfere with the proper operation of the Waste Management Facility; or
- (j) light any fire, cause any fire to be lit, spread or increase any fire already alight, or dump any hot or combustible material; or
- (k) dump any liquid chemicals or solid chemicals which are soluble in water or may be carried by water into the subsoils if such chemicals are in a quantity and of a kind which could on reasonable enquiry be determined as likely to be harmful to the underground water in aquifers below or adjacent to the site; or
- (l) deposit any motor vehicle body unless the same has first been cut into pieces or otherwise reduced in size or modified in a manner from time to time to be prescribed by the Council; or
- (m) aid or abet or instruct any person to do any act in a Waste Management Facility which is not permitted under this bylaw; or
- (n) move or remove any article, material or waste without the permission of the operator of that facility; or
- (o) fail to comply with any sign or the direction of any facility operator; or
- (p) fail to give their correct name and address upon request by any facility operator.

**607.5** Every person contravening Section 607.4 shall immediately leave the waste management facility upon being requested to do so by any facility operator or authorised officer and in the event of the person failing to do so such person will commit a further offence against this bylaw.

**607.6** All waste, unwanted articles, or things, deposited and left at a waste management facility by any person will be deemed then and there to have been abandoned by such person who will from that time onwards have no rights of ownership therein but such abandonment will not relieve such person from liability for damage flowing in any way from such action nor from the penalties provided for offences against this bylaw.

**607.7** Council may provide for the emergency disposal (to the extent permitted by Legislation or Regulation) of any waste at a Council owned Waste Management Facility.

## **608 OFFENCES**

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

**608.2** Any person commits an offence against this bylaw, and will be liable upon summary conviction for each such offence to such penalty as is specified for the time being in Section 239 of the Local Government Act 2002, who:

- (a) does, or causes to be done, or knowingly permits to be done anything whatsoever contrary to or otherwise than as provided by this bylaw: or
- (b) omits or neglects to do, or knowingly permits to remain undone, anything which according to the true intent and meaning of this bylaw, ought to be done by them at the time and in the manner therein provided; or
- (c) does not refrain from doing anything which under this bylaw they are required to abstain from doing: or
- (d) knowingly permits any condition of things to exist contrary to any provision contained in this bylaw; or
- (e) neglects to comply with any notice duly given under this bylaw; or
- (f) obstructs or hinders any authorised officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon them by this bylaw; or
- (g) fails to comply with any notice or direction given under this bylaw.

**608.3** Any notice issued under Section 608.2 will state the time within which any remedial action is to be carried out, and may be extended from time to time in writing by an authorised officer.

**608.4** Where it is suspected that any person has committed a breach of this bylaw, that person will, on the direction of an authorised officer, provide their full name and address.

**609 PENALTIES**

**609.1** Every person who fails to comply with any part of this bylaw commits an offence and will be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Local Government Act 2002. Specific provisions are also provided under other legislation such as the Land Transport Act (Schedule 4) and the Land Transport (Offences and Penalties) Regulations.

**609.2** Pursuant to the offences, penalties, infringement offences, and legal proceedings provisions of the Local Government Act 2002, for the continuing breach of any bylaw, Council may apply to any Court of competent jurisdiction for an injunction to restrain the further continuance of the breach.

**609.3** The continued existence of anything in a state, or the intermittent repetition of any action, contrary to any of the provisions of this bylaw will be deemed to be a continuing offence.

**610 DATE BYLAW APPROVED**

The Common Seal of the Central Hawke's Bay District Council was attached, under Resolution (*Reference - CHBDC:Part6:2008*) passed at a meeting of the Central Hawke's Bay District Council held on ..... (Day) ..... (Month) ..... (Year).

DATE CONFIRMED : \_\_\_\_/\_\_\_\_/\_\_\_\_