

General Bylaw 2008

Chapter 6

Waste

Explanatory Note

The objective of this *Bylaw* is to ensure an effective and efficient collection of *Household* and *Commercial Waste* by setting out administration and collection procedures.

The *Bylaw* aims to:

- (a) protect the general public from having *Waste* create a *Nuisance* or annoyance;
- (b) provide for the protection of *Waste* collectors by prohibiting the placing for collection of hazardous materials;
- (c) regulate the types of materials and substances which may be deposited at any *Waste Disposal Area*.



Western Bay of Plenty District Council

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Chapter 6

Waste

Pursuant to the powers vested in it under sections 145 and 146 of the Local Government Act 2002, section 542 of the Local Government Act 1974, and section 64 of the Health Act 1956, the Western Bay of Plenty District Council makes this Bylaw.

1. Household Waste

- 1.1 The *Occupier* of a *Premises* must not permit or suffer any accumulation of any *Waste* in or about that property to be or become unsightly, offensive, a *Nuisance* or likely to be injurious to health. *Waste not to be accumulated*
- 1.2 *Waste Receptacles* must be kept covered at all times with a close-fitting lid or covering except when the receptacle is being actually used for the placing of matter in it, or being emptied, cleaned or repaired. *Waste Receptacles*
- 1.3 The *Council* may by resolution approve *Waste Receptacles* for *Household Waste* which (without limitation) may include – *Approved Receptacles for Household Waste*
- (a) plastic bags *Approved* by the *Council* and sold by or on behalf of *Licensed Waste Collectors*;
 - (b) any receptacle provided by a *Licensed Waste Collector* and *Approved* by *Council* for the purpose 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*.
- 1.4 No *Waste* other than *Household Waste* may be placed in an *Approved Waste Receptacle* for *Household Waste*. *Use of an Approved Receptacle*
- 1.5 Except in cases where disposable plastic bags are used, *Household Waste* must be placed in an *Approved Waste Receptacle* to allow the whole of the contents to fall out easily and cleanly when that Receptacle is emptied.
- 1.6 *Approved Waste Receptacles* must not be overloaded, and the maximum permitted weight of an *Approved* bag is 15 kilograms.
- 1.7 The *Council* may by resolution prohibit certain materials being deposited in *Approved Waste Receptacles* and no person may place or allow such materials to be deposited in any *Approved Waste Receptacles*.



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| 1.8 | In areas where a kerbside collection is available, <i>Approved Waste Receptacles</i> must be put out for collection only on the allocated collection day, and no later than 7.30am on that day unless otherwise directed from time to time by <i>Council</i> . | Placing of Receptacles for Kerbside Collection - Time |
| 1.9 | In areas where a kerbside collection is available, <i>Approved Waste Receptacles</i> for <i>Household Waste</i> must be placed in an upright position on the road reserve outside the property from which the <i>Waste</i> originates immediately adjacent to the kerb. The placement of receptacles must not unduly interfere with the free passage of pedestrians or vehicles. | Placing of Receptacles for Kerbside Collection - Place |
| 1.10 | <i>Household Waste</i> which is not collected on the day for collection must be removed from the kerbside by 6pm by the <i>Occupier</i> of the property from which the <i>Household Waste</i> was generated. | Retrieval of Uncollected <i>Waste</i> |
| 1.11 | <i>Household Waste</i> which is not collected on the day for collection and still remains on the kerbside after 8.30am on the following day, may be removed by or on behalf of <i>Council</i> , and the <i>Occupier</i> of the <i>Premises</i> from which the <i>Waste</i> was generated is liable for the costs of disposal of that uncollected <i>Waste</i> . | Cost of Removal of Uncollected <i>Waste</i> |
| 1.12 | Reusable <i>Approved Waste Receptacles</i> , whether full or empty, must be removed from the kerbside by 6pm of the day for collection by the <i>Occupier</i> of the <i>Premises</i> from which the reusable <i>Approved</i> receptacle came. | Retrieval of reusable <i>Approved</i> Receptacle |
| 1.13 | Only persons authorised by the <i>Council</i> may collect or transport <i>Waste</i> in the <i>District</i> . On written application, the <i>Council</i> may grant a <i>Licence</i> to any person to commercially collect and transport <i>Household Waste</i> . The following conditions apply to every <i>Licence</i> granted by the <i>Council</i> and require that each licensee must –

(a) provide a suitable works performance bond or security for the performance of the works <i>Licensed</i> .

(b) provide <i>Council</i> with annual reports setting out:

(i) the quantities and types of <i>Waste</i> collected and transported under the <i>Licence</i> ; and

(ii) both the source and destination of the <i>Waste</i> collected and transported under the <i>Licence</i> . | Authorised Collectors |
| 1.14 | Every owner of any <i>Multi Unit Property</i> for which building consent is granted after 1 July 2008 must make adequate provision for <i>Household Waste</i> within the property to the satisfaction of the <i>Council</i> . Any <i>Multi Unit Property</i> for which building consent is granted after 1 July 2008 must be accompanied by a <i>Waste</i> management plan which identifies –

(a) an adequate area for the storage of <i>Approved</i> receptacles which is accessible to <i>Occupiers</i> and <i>Licensed Waste Collectors</i> .

(b) the methods to be employed to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism. | Waste management plan for multi unit properties |



2. Recyclable Materials

- 2.1 The *Occupier* of any *Premises* must not permit or suffer any accumulation of *Recyclable Materials* in or about that property to be or become unsightly, offensive, a *Nuisance* or likely to be injurious to health. Recyclables not to be accumulated
- 2.2 The *Council* may by resolution approve *Waste Receptacles* for *Recyclable Materials* which (without limitation) may include – *Approved Receptacles for Recyclable Materials*
- (a) any receptacle provided by a *Licensed Waste Collector* and *Approved* by *Council* for the purpose of collecting *Recyclable Materials*:
- (b) any other receptacle provided by or on behalf of *Council* from time to time for the purpose of collecting *Recyclable Materials*.
- 2.3 No material other than *Recyclable Materials* may be placed in an *Approved Recyclable Materials* receptacle. Use of an *Approved Receptacle*
- 2.4 Except in cases where disposable plastic bags are used, *Recyclable Materials* placed in an *Approved Recyclable Materials* receptacle must be placed –
- (a) in a manner which allows the whole of the contents to fall out easily and cleanly when the receptacle is emptied; and
- (b) in a manner that prevents the contents becoming a litter *Nuisance*.
- 2.5 In areas where a kerbside collection is available, *Recyclable Material* must be put out for collection only on the allocated collection day, and no later than 7.30am on that day unless otherwise directed from time to time by *Council*. Placing of Receptacles for Kerbside Collection - Time
- 2.6 In areas where a kerbside collection is available, *Approved* receptacles for *Recyclable Material* must be placed in an upright position on the road reserve outside the property from which the recyclable material originates immediately adjacent to the kerb. The placement of receptacles must not unduly interfere with the free passage of pedestrians or vehicles. Placing of Receptacles for Kerbside Collection - Place
- 2.7 *Recyclable Material* which is not collected on the day for collection must be removed from the kerbside by 6pm by the *Occupier* of the property from which the *Recyclable Material* was generated. Retrieval of Uncollected Recyclable Material
- 2.8 Reusable *Approved* receptacles, whether full or empty, must be removed from the kerbside by 6pm of the day for collection by the *Occupier* of the *Premises* from which the reusable *Approved* receptacle came. Retrieval of reusable *Approved* Receptacle
- 2.9 Removal of *Recyclable Materials* deposited within the *District* for collection is prohibited by any person other than the *Occupier* of the *Premises* from which the material has come or a person authorised by the *Council*.



- 2.10 On written application, the *Council* may grant a *Licence* to any person to commercially collect and transport *Recyclable Material*. The following conditions apply to every *Licence* granted by the *Council* and require that each licensee must –
- Authorised Collectors
- (a) provide a suitable works performance bond or security for the performance of the works *Licensed*.
 - (b) provide the *Council* with annual reports setting out:
 - (i) the quantities and types of *Waste* collected and transported under the *Licence*; and
 - (ii) both the source and destination of the *Waste* collected and transported under the *Licence*.
- 2.11 Every owner of any *Multi Unit Property* for which building consent is granted after 1 July 2008 must make adequate provision for *Recyclable Materials* within the property to the satisfaction of the *Council*. Any *Multi Unit Property* for which building consent is granted after 1 July 2008 must be accompanied by a waste management plan which identifies –
- Waste management plan for multi unit properties
- (a) an adequate area for the storage of *Approved* receptacles which is accessible to *Occupiers* and *Licensed Waste Collectors*.
 - (b) the methods to be employed to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism.
- ### 3. Commercial Waste
- 3.1 Unless a prior agreement in writing has been entered into, no *Commercial Waste* will be removed or disposed of by the *Council*.
- Commercial Waste Agreement*
- 3.2 The *Occupier* of any commercial *Premises* must not permit or suffer any accumulation of *Commercial Waste* in or about those *Premises* to be or become unsightly, offensive, a *Nuisance* or likely to be injurious to health.
- Commercial Waste not to be accumulated*
- 3.3 A *Licensed Waste Collector* must not collect, transport or dispose of *Commercial Waste* unless it does so in accordance with the terms of its *Licence* and the terms of its contract with the customer.
- Contract for Removal
- 3.4 On written application, the *Council* may grant a *Licence* to any person to commercially collect and transport *Commercial Waste*. The following conditions apply to every *Licence* granted by the *Council* and require that each licensee must –
- Authorised Collectors
- (a) provide a suitable works performance bond or security for the performance of the works *Licensed*; and
 - (b) provide the *Council* with annual reports setting out:
 - (i) the quantities and types of *Waste* collected and transported under the *Licence*; and
 - (ii) both the source and destination of the *Waste* collected and transported under the *Licence*.



- 3.4 Every person who has the duty or authority to collect and transport any *Commercial Waste* must do so in an *Approved* manner or by written agreement under 3.1, so that no *Nuisance* is created or likely to be created.
- 3.5 Every owner of any commercial property for which building consent is granted after 1 July 2008 must make adequate provision for *Commercial Waste* and *Recyclable Materials* within the property to the satisfaction of the *Council*. Any commercial property for which building consent is granted after 1 July 2008 must be accompanied by a *Waste* management plan which identifies:
- (a) an adequate area for the storage of *Approved* receptacles which is accessible to *Occupiers* and *Licensed Waste Collectors*.
- (b) the methods to be employed to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism.

Waste management plan for Commercial properties

4. Waste Disposal Areas

- 4.1 This clause applies to all *Waste Disposal Areas* under the control of the *Council*.
- 4.2 The *Council* may, by resolution, specify the type of materials acceptable for deposit at any *Waste Disposal Area* and no person may deposit any material other than that specified at any *Waste Disposal Area*.
- 4.3 No person may use any *Waste Disposal Area* or enter upon any portion of it except for the purpose of depositing and leaving *Waste*, *Recyclable Materials* or things as specified by the *Council* in accordance with Clause 4.2 above and such depositing and leaving constitutes "using" for the purpose of this *Bylaw*.
- 4.4 All *Waste and Recyclable Materials* or things deposited and left at any *Waste Disposal Area* by any person are deemed then and there to have been abandoned by that person who from that time onwards has no rights of ownership but such abandonment does not relieve that person from liability for damage flowing in any way from such action nor from the penalties provided for *Offences* against this *Bylaw*.
- 4.5 No person may move or remove any item, material or *Waste* found in a *Waste Disposal Area* without the permission of an *Authorised Officer* of the *Council*.
- 4.6 Every person using the *Waste Disposal Area* or entering any portion of it must comply in all respects with any direction or instructions given verbally by any *Authorised Officer*, or appearing in any signs erected at the area for that purpose, and any such direction or instructions may include a requirement for the person depositing material to sort the same into separate classes (for example but not to be taken as exclusive: glass, ferrous metal, non ferrous metal), to facilitate reuse, recycling and recovery of materials.
- 4.7 Persons using any *Waste Disposal Area* must pay such amounts as the *Council* by resolution may from time to time determine.
- 4.8 The *Council* may from time to time by resolution prescribe the period or periods during which the *Waste Disposal Area* will be open for use by the public and no person may use the *Waste Disposal Area* during any other hours.

Applicability of *Bylaw*

Materials

Control of Use

Ownership of Deposited Material

Waste not to be Removed

Directions and instructions

Charges

Opening Times



- 4.9 Every person committing any breach of the provisions of this *Bylaw* – Breach of *Bylaw*
- (a) must on request by an *Authorised Officer* of the *Council* immediately leave any *Waste Disposal Area* taking with him or her the material which he or she brought there and as the Officer considers to be of a kind which is prohibited under this *Bylaw*; and
 - (b) is also liable to be prosecuted for that breach; and any person failing with all reasonable speed to comply with such request commits a further *Offence*.
- 4.10 No person may in a *Waste Disposal Area* – Fire and combustible materials
- (a) Light any fire; or
 - (b) Cause any fire to be lit; or
 - (c) Spread or increase any fire already alight; or
 - (d) Deposit any combustible material within 12 metres of any apparent fire; or
 - (e) Deposit any prohibited or hazardous *Waste*; or
 - (f) Deposit any *Household Hazardous Waste* unless authorised to do so by the operator of that facility.

5. Waste Management for Special Events

- 5.1 The organiser of a special event held in or on a Public Place must at the time of making application to Council for consent to use that Public Place provide, to the satisfaction of Council, a waste management plan produced for the special event. Organisers responsibility
- 5.2 The waste management plan must identify: Waste Management plan
- a) An estimate of the types and volumes of waste to be generated by the event; and
 - b) Any opportunities for waste minimisation; and
 - c) The steps to be taken to maximise the use and collection of recyclable and re-usable materials; and
 - d) The method of collection and disposal of waste and recyclable materials generated by the event; and
 - e) The person responsible for implementing the waste management plan.