

GREY DISTRICT COUNCIL SOLID WASTE BYLAW 2012

The bylaw was adopted by the Grey District Council at an Extraordinary Meeting held on 27 August 2012 following consideration of submissions received as part of the Special Consultative procedure.

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1 Title and commencement

This bylaw is the Grey District Council Solid Waste Bylaw 2012.

2 Commencement

This bylaw comes into force on 1 September 2012.

Part 1 Preliminary provisions

3 Purpose of the bylaw

- (a) The purpose of this part of the bylaw is to ensure refuse is collected and disposed of in the interests of public health in an efficient and cost effective manner and at the same time ensuring that any obstruction of streets is kept to a minimum.
- (b) General issues relating to recycling, ownership of the waste stream, refuse storage and waste management are also covered by the bylaw.

4 Statutory basis

- (a) The Solid Waste Bylaw is made pursuant to section 146 of the Local Government Act 2002.

5 Definitions and interpretation

- (a) For the purposes of this bylaw the following definitions shall apply:

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 Council
COUNCIL DISPOSAL SITE	means facilities provided by the Council where public can dispose of recyclable materials, organic matter and residual waste as determined by the Council by resolution
COUNCIL	means the Grey District Council.
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
DISPOSAL SITE OPERATOR	Means the Council officer or contractor operating a Council disposal site
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
KERBSIDE COLLECTION SERVICES	means Councils recyclable materials and residual waste kerbside collections
ORGANIC MATTER	means materials that are organic in origin and appropriate to be used as feedstock for composting as determined by the Council by resolution
PERSON	includes any public body, board, society, or company, and any other body of persons, whether incorporated or not

OCCUPIER	means the occupier of any property, and in any case where any building, house, tenement, or premises is or are unoccupied shall be deemed to include the owner of such building, house, tenement, or premises
PUBLIC PLACE	means an area that is open to or used by the public and is under the control of the Council
RECYCLABLE MATERIALS	means recyclable materials as determined by the Council by resolution
RESIDUAL WASTE	means any waste to be landfilled as determined by the Council by resolution
SPECIAL WASTES	mean 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
TERMS AND CONDITIONS	means the terms and conditions relating to the kerbside collection service and the Council waste collection points as determined by the Council by resolution
TRADE REFUSE	means any scrap or waste material resulting from the carrying on of any business, manufacture, process, trade, market, or other undertaking
WASTE	means any material or substance that is discarded or selected for disposal and includes: <ul style="list-style-type: none"> (a) recyclable materials, organic matter, and residual waste; and (b) abandoned material; and (c) litter

Part 2 Kerbside waste collection

6 Kerbside collection services

- (a) Any person using a kerbside collection service must comply with the terms and conditions for that service as determined by the Council by resolution including, but not limited to, the following operational matters:
- (i) The geographic areas and provisions that apply to the different categories of kerbside collection services;
 - (ii) The correct separation of recyclable materials and residual waste into the correct official containers;
 - (iii) The cleaning of recyclable materials before being placed into official containers
 - (iv) The placement of official containers for collection;
 - (v) Collection times;
 - (vi) Retrieval of official containers;
 - (vii) The provision of on-site space for official containers for multi-unit buildings;
 - (viii) Restrictions on the weight of official containers;
 - (ix) Additional rules as may be required for the efficient operation of the respective collection systems.
- (b) Upon the making or amendment of such policy the Council shall in full give public notice of the policy so made or amended

The following note is explanatory and is not part of the Bylaw, but is intended to explain its general effect:

Where a kerbside collection service is provided by the Council to a property, persons residing at that property are entitled to use the service, unless it has been withdrawn or suspended under clause 6 of this bylaw. The bylaw does not require that any person must use a kerbside collection service, just because it is available, i.e. a service provided by another contractor can be used.

7 Official 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 an authorised Council officer.

8 Containers to be placed conveniently for emptying or removal

Every occupier shall, on the day and not later than the time specified by public advertisement from time to time for removal of refuse, cause the refuse container or refuse containers to be closed to prevent spillage and placed for collection in such situation as may be required by an authorised Council officer appointed for that purpose.

9 Types of containers to be collected

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

10 Deposit of certain materials in containers prohibited

No person shall deposit or cause or permit or suffer to be deposited in any refuse container:

- (a) Explosive, hot ashes, highly flammable material, infectious material;
- (b) Liquids, acid, 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;

Provided that if rigid wall containers are used, item 10(c) shall not apply.

11 Accumulation and storage of household refuse

- (a) 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.
- (b) 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.

12 Removal of trade refuse

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

13 Non-compliance with conditions for kerbside collection service

Any person who does not comply with the terms and conditions for the kerbside collection service that applies to them may be subject to the following action being taken against them:

- (a) The rejection (non-collection) of the contents of any official container left out for kerbside collection, if the contents or placement of the container is non-compliant;
- (b) The withdrawal or suspension of the kerbside collection service being provided to that person;
- (c) Enforcement of any offence that may have been committed under the Litter Act 1979 as a result of the non-compliance;
- (d) Enforcement for breach of this bylaw, as provided for in the Local Government Act 2002 and the Waste Minimisation Act 2008; or
- (e) Any other steps that may be taken by the Council in law.

Part 3 Council disposal sites

14 Disposal of refuse

The disposal of refuse on any land or premises set aside by Council for the disposal of refuse shall be subject to such conditions as Council may from time to time by resolution impose in respect of the hours of opening and closing, the nature of the refuse which may be disposed of therein, the charges in respect of any such disposal, the position in any such place, in which refuse may be placed, and any other matter which Council may consider necessary or desirable to determine by any such resolution.

15 Origin of waste

- (a) The only waste which may be deposited at or disposed of at disposal sites in the District shall be refuse which originates from within the Grey District, unless formally sanctioned by Council resolution.
- (b) Entry to disposal sites shall be refused to persons who have brought waste originating from any other district for the purpose of depositing at or disposing of such waste, whether in its original or some other form at any disposal site in the Grey District.
- (c) Council will, through its approved officer or disposal site operator, have the right to inspect all waste presented for disposal.
- (d) Any person intending to dispose waste at a disposal site can be required to complete a written declaration confirming the origin of waste intended for disposal.

16 Non-compliance with conditions for Council disposal sites

Any person who does not comply with the terms and conditions for a disposal site may be subject to the following action being taken against them:

- (a) Refusal of entry into any Grey District Council disposal site;
- (b) A trespass notice being issued against that person to prevent them from using the disposal site;
- (c) Enforcement of any offence that may have been committed under the Litter Act 1979 as a result of the non-compliance;
- (d) Enforcement for breach of this bylaw, as provided for in the Local Government Act 2002 and the Waste Minimisation Act 2008; or
- (e) Any other steps that may be taken by the Council in law.

Part 4 Miscellaneous

17 Ownership of the waste stream

Except with the prior permission of Council or an authorised officer, no person may remove or interfere with any waste from an approved container or a Council waste collection point except the person who deposited the materials, or the Council or its agent.

18 Deposit of waste in containers

No person may deposit any waste in an approved container provided to any other person, without that person's consent.

19 Restrictions on refuse collection operations

No person shall engage in the collection of trade or household refuse or recyclables awaiting collection from a public place without the prior written consent of Council and subject to such conditions as the Council may from time to time impose.

20 Recyclable materials bins and litter bins in public places

No person may deposit, or allow to be deposited, waste arising from that person's household or that person's business activities in any recyclable materials bin or litter bin provided by the Council in any public place.

21 Special waste

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

22 Grey District Council general bylaw

The provisions of the Grey District Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

23 Revocation

The following bylaws are revoked:

- The Grey District Solid Waste Bylaw adopted June 2008