



WAIPA DISTRICT REFUSE COLLECTION AND DISPOSAL BYLAW 2007

In pursuance and exercise of the powers and authorities vested in it by Sections 145 and 146 of the Local Government Act 2002 and of each and every other power and authority it thereto enabling the Waipa District Council makes and ordains this Bylaw.

1. TITLE

This Bylaw shall be cited and referred to as the “Waipa District Refuse Collection and Disposal Bylaw 2007”

This Bylaw shall apply within the boundaries of the Waipa District.

2. PURPOSE

The purpose of this Bylaw is to:

- (a) protect the health and safety of the public and persons involved in the collection and disposal of refuse; and,
- (b) ensure that any nuisances created from the collection and disposal of refuse are minimal; and,
- (c) maintain the visual amenity of the District; and,
- (d) provide for the appropriate disposal of refuse and recyclable materials.

3. DEFINITION

For this Bylaw the following definitions shall apply: -

“Approved Refuse Container” means any container or bag approved by the Authorised Officer and used for the disposal of refuse.

“Approved Recycling Container” means a container approved by the Authorised Officer and used for the disposal of recyclables.

“Authorised Officer” means an employee of the Waipa District Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this Bylaw.

“Council” means the Waipa District Council and **“Waipa District”** means the area administered by the Council.

“Hazardous Waste” means any item that may present a significant risk to the health and safety of any person and includes:

- (a) Explosive, highly combustible or highly flammable materials or matter;
- (b) Hot ashes;
- (c) Any infectious matter;
- (d) Any solvents, acid, printers ink, paint or any other viscous fluid;
- (e) Unwrapped sharp objects;
- (f) Radioactive material;
- (g) Any waste removed from any part of a drainage or sewer system;
- (h) Any machinery, metal or other material that could damage collection or disposal equipment; and
- (i) Any material classified as a hazardous substance pursuant to the Hazardous Substances and New Organisms Act 1996.

“Recyclables” means any item so designated from time to time by the Council for which arrangements have been made by or on behalf of the Council for collection and/or acceptance at an Recycling Disposal Site.

“Recycling Disposal Site” means any transfer station or other land or facility used in accordance with a consent, for the disposal and temporary storage of any specified recyclables.

“Refuse” means all types of waste, but excludes:

- (a) Trade Waste as defined in the Trade Waste Bylaw 2005; and,
- (b) Hazardous waste as defined in this Bylaw.

“Refuse or Recycling Collector” means any person or organisation authorised by Council for the collection of refuse.

4. HAZARDOUS WASTE

4.1 Hazardous waste may only be disposed of in a manner, or to a site, approved by the Authorised Officer or a public authority that has statutory responsibility for the management of hazardous substances, including hazardous waste.

5. COLLECTION OF REFUSE

5.1 No person shall put out for collection any refuse that is not in an Approved Container.

5.2 All Approved Containers shall be securely fastened so as to prevent the spillage of the contents.

5.3 All refuse put out for collection shall remain the responsibility of the disposer until removed by the collector.

5.4 No person shall remove or permit to be removed any refuse placed out for collection unless that person is –

(a) the disposer of the refuse; or,

(b) the refuse collector; or,

(c) otherwise authorised by either the Authorised Officer or the disposer to do so.

5.5 Approved Refuse Containers shall be placed –

(a) as close as practicable to the kerb, where there is a kerb, or roadside, where there is no kerb, in front of the property from which the refuse is discarded; and,

(b) in such a manner so as to avoid obstructing the footpath or normal flow of traffic; and,

(c) on the usual day of collection of refuse for that property.

5.6 All Approved Refuse Containers shall be removed by the disposer no later than the day after the usual day of collection for that property.

6. COLLECTION OF RECYCLING MATERIAL

6.1 No person shall put out for collection any Recyclables (except for newspaper and cardboard) that are not in an Approved Recycling Container.

- 6.2** Newspaper and cardboard which is put out for collection must be securely fastened and placed in accordance with the provision of clause 6.6 below.
- 6.3** All recyclables put out for collection must be clean and free from contamination.
- 6.4** All recyclables put out for collection shall remain the responsibility of the disposer until removed by the collector.
- 6.5** No person shall remove or permit to be removed any recyclables from any Approved Recycling Container unless that person is –
- (a) the disposer of the recyclables; or,
 - (b) the Recycling Collector; or,
 - (c) otherwise authorised by either the Authorised Officer or the disposer to do so.
- 6.6** All Approved Recycling Containers and newspapers or cardboard put out for collection shall be placed –
- (a) as close as practicable to the kerb, where there is a kerb, or roadside, where there is no kerb, in front of the property from which the recyclables are discarded; and,
 - (b) in such a manner so as to avoid obstructing the footpath or normal flow of traffic; and,
 - (c) on the usual day of collection, or as circumstances warrant, some other approved day of collection, for that property.
- 6.7** All authorised containers shall be removed by the disposer no later than the day after the day of collection for that property.

7. LICENSING OF RECYCLING AND REFUSE COLLECTORS

- 7.1** No person or organisation shall engage in the collection of any Refuse or Recyclables, in excess of 30 tonnes per annum, unless licensed by Council to do so and any applicable fees paid.
- 7.2** Council may impose such conditions on any licence as it may determine, which may include, but are not limited to:
- Recording and reporting to Council the quantities and types of waste collected, transported, processed, or disposed of;

- Requiring that wastes of specified types be separated at source from other wastes;
- Recording and reporting to Council the source and the destination of waste transported; and,
- Such other conditions that the Council may apply from time to time in accordance with the purpose of this Bylaw.

7.3 Failure to adhere to any conditions imposed on any licence may result in that licence been revoked.

7.4 All refuse or recycling operators operating within the Waipa District at the time this Bylaw comes into force must be licensed within two months of the commencement of this Bylaw.

8. PENALTIES

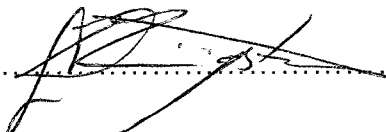
Any person who does, or causes or allows to be done, anything in contravention of this Bylaw, or who omits or neglects to do, or knowingly permits to remain undone, any matter or thing required under this Bylaw, commits an offence and shall be liable to a fine not exceeding \$20,000.00.


9. REVOCATION

The Waipa District Refuse Removal and Disposal Bylaw 1991 is hereby revoked.

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of Council held on the 31st day of July 2007. This Bylaw becomes operative on the 1st day of August 2007.

IN WITNESS WHEREOF the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on the 31st day of July 2007 in the presence of:

..... Mayor

..... Chief Executive

