

**CITY OF
NAPIER**



NAPIER CITY

Solid Waste Bylaw 2012

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NAPIER CITY SOLID WASTE BYLAW 2012

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1. Scope

- 1.1 The purpose of this Bylaw is to regulate waste management, including the collection, transportation and disposal of waste. The aim is to ensure effective and efficient waste management, to support waste minimisation and reduction, to assist in the implementation of the Council's Solid Waste Management Plan and the New Zealand Waste Strategy, and to impose minimum requirements for the handling of waste for the benefit of the public.
- 1.2 The Solid Waste Bylaw is made pursuant to Section 64 of the Waste Minimisation Act 2008, Section 12 of the Litter Act 1979 and Sections 64(1) and 65 of the Health Act 1956.
- 1.3 This Bylaw comes into force on the 1st day of July 2012.
- 1.4 So far as they are applicable, and are not contrary to the provisions of this Bylaw, the provisions of the Napier City Introductory Bylaw 2008 are incorporated into, and form part of, this Bylaw.

2. 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 the Council or other Licensed Waste Collector pursuant to the provisions of this Bylaw.

COMMERCIAL HOUSEHOLD WASTE means 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 occupiers of industrial and commercial premises.

COUNCILS means the Hawke's Bay Regional Council, Hastings District Council and Napier City Council and Council means any one of those Councils, 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, drop, or cause or permit Waste or other materials 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 the *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 publicly notified by the 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, kitchen food Waste, cartons, or other non-recyclable food containers, but does not include hot ashes, garden Waste, hedge clippings, or similar materials. It does not include Green Waste, Industrial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid Waste of any nature.

INDUSTRIAL WASTE means any Solid Waste resulting from the carrying on of any business, manufacture, process, trade, market, or other undertaking, to an extent that it does not exceed two paper or plastic bags from premises on each collection day. Flattened cartons tied in bundles are also included. It does not include Green Waste, Commercial Household Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid Waste of any nature.

LANDFILL means land upon which the deposit and disposal of Solid Waste can lawfully occur, and is designated as such in the Councils' District Plans.

LICENSED WASTE COLLECTOR means a person who has a licence to collect, transport or dispose of Waste.

LICENSED WASTE OPERATOR means a person who has a licence to operate a Waste Management Facility.

LITTER includes Waste, rubbish, animal remains, glass, metal, garbage, plastic, debris, dirt, filth, rubble, ballast, stones, earth, or any other thing of a like nature.

MULTI UNIT DEVELOPMENT means a site containing two or more households, as defined in the District Plan.

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, flammable or infectious material, hot ashes, or any other matter or Waste of any kind whatsoever that may endanger any person animal, or vehicle which may come into contact with it at any time prior to, during or following 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 motor/engine oil or lead-acid batteries;
- (g) Any Hazardous Waste.

PUBLICLY NOTIFIED means a notice published in a newspaper or newspapers circulating in the District to which the notice relates.

RECYCLABLE WASTE means any clothing, textiles, wood, concrete, steel, paper, cardboard, metal cans, glass, plastic products (including plastic containers), and anything of a similar nature not included in other Waste types. Recyclable Waste does not include Household Waste, Commercial Household Waste, Green Waste, Industrial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid Waste of any nature.

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 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 means any solid or material that is discarded, discharged or selected for disposal and includes:

- (a) Industrial Waste, Household Waste, Recyclable Waste, Commercial Household Waste, Green Waste, Hazardous Waste and Prohibited Waste;
- (b) Any object which has been abandoned;
- (c) Litter.

WASTE MANAGEMENT FACILITIES means land, or buildings, used for management, treatment or disposal of Waste and includes any Landfill, commercial composting operation, recovery operation (e.g. scrap metal merchants), Transfer Station, tip, recycling centre, transfer point, Waste pad, transportation point and Waste consolidation point.

3. Household and Recyclable Waste (including from commercial properties)

3.1 The following will be subject to such conditions as Council may, from time to time by resolution, publicly notify:

- (a) The classification of waste by reference to its nature and/or its origin.
- (b) The collection of all types of waste and/or recyclables by or for the Council.
- (c) The weights and contents of containers which will be collected.
- (d) The placing of containers for such collection.
- (e) Any other similar matters as the Council considers relevant.

3.2 Every owner or occupier of any premises will 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.

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

3.4 Approved receptacles for household and recyclable waste include:

- (a) Plastic, biodegradable plastic or paper bag.
- (b) Any receptacle provided by a licensed Waste Collector and approved by Council for the purposes of collecting household or recyclable waste e.g. mobile garbage bins.
- (c) For the purpose of Council Collections:
 - (i) Any suitable receptacle for recycling that distinguishes the contents from household waste.
 - (ii) Any other receptacle provided by or on behalf of Council from time to time for the collection of household or recyclable waste.

In addition to the above, approved receptacles for commercial household waste, also include:

- (d) Plastic crates, skip bins and cages for the purposes of collecting commercial household waste.
- 3.5 Receptacles for household waste, recyclable 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 vermin. Receptacles for recyclable waste must be kept clean and safe to handle by collection staff.
- 3.6 Approved receptacles for all waste must be placed at the designated collection point; the road reserve outside the premises from which the waste originates immediately adjacent to the kerb and occupying a limited space so that the placement of the waste does not unduly interfere with the free passage of pedestrians, or such other place from time to time approved by Council as a waste collection area.
- 3.7 Only household waste arising or resulting from residential housekeeping activities may be placed at the designated collection point.

For Council's kerbside recycling collection the following recyclable waste arising or resulting from residential housekeeping activities may be placed at the designated collection point:

- (i) Aluminium cans, steel cans, and glass bottles;
- (ii) Plastic recyclable containers of a specified type, and any other recyclable items, publicly notified by Council from time to time;
- (iii) Clean paper and cardboard.

Recyclable paper and cardboard waste must be bound together or contained in a manner approved by the Council.

- 3.8 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 premises from which the waste is generated must collect, transport or dispose of prohibited waste unless licensed under this Bylaw to do so.
- 3.9 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 approved receptacle is emptied.
- 3.10 Approved receptacles must not contain prohibited waste or be overloaded. The maximum permitted weight and volume of an approved Council receptacle bag is 10 kilograms and 60 litres respectively.
- 3.11 Household waste for Council kerbside collection and, separately, residential recyclable waste for Council kerbside collection, must be put out for collection no earlier than 5.30 pm the evening before, and no later than 6.30 am on the morning of the day of collection, unless otherwise directed from time to time by Council.
- 3.12 Commercial household waste and commercial recyclable waste for Council kerbside collection must be put out for collection no earlier than those times as publicly notified by Council from time to time on the day for collection.
- 3.13 The number of approved receptacles put out from each premises for Council kerbside collection or emptying must not exceed the maximum number allowed as determined by the Council by resolution from time to time and publicly notified.

- 3.14 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 premises from which the waste was generated.
- 3.15 Except where waste collection was missed by the Council or licensed Waste Collector, waste left on the road reserve outside or in the vicinity of the premises from which the waste originates after 8.30 am on the day following the day for collection, may be removed by the Council and the cost of collection and disposal of that waste will be borne by the occupier of the premises from which the waste was generated.
- 3.16 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 premises from which the reusable approved receptacle came.
- 3.17 Except with the prior permission of Council, no person, other than the occupier or owner of the premises from which the waste has come, must remove waste from the designated collection point or from a premises, unless licensed under this Bylaw to collect that type of waste.
- 3.18 No person will obstruct or hinder any licensed Waste Collector from removing waste from any designated collection area in accordance with a licence under this Bylaw.
- 3.19 No person will place or leave any waste that is not recyclable waste, as defined in 3.7 (i), (ii) and (iii), out for Council kerbside recycling collection or at any recycling station.
- 3.20 The owner(s) of any multi-unit development must make adequate provision for the management of household waste generated within the property, to the satisfaction of the Council.

4. Green Waste

- 4.1 Every owner or occupier of any premises will 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.
- 4.2 Green waste may be put out for kerbside collection only where a green waste collection contract exists between the occupier or the owner of the premises from which the green waste has come and a licensed Waste Collector, and only for green waste resulting from domestic gardening activities.
- 4.3 Every occupier or occupier of any premises using a green waste collection service from a licensed Waste Collector, must use an approved receptacle provided or approved by the licensed Waste Collector, and keep such approved receptacle clean and in good repair, and ensure it is used in a manner which minimises any adverse effects from the storage of green waste in that approved receptacle to surrounding premises and occupiers.
- 4.4 Green waste may only be placed in a designated collection point as agreed with the licensed Waste Collector, in an upright position and such as to occupy a limited space so that the placement of the green waste does not unduly interfere with the free passage of pedestrians and vehicles and access to adjacent premises.

- 4.5 Approved receptacles must not contain prohibited waste, and must not be overloaded. Green waste must be placed in a manner which allows the whole contents to fall out easily when the approved receptacle is emptied
- 4.6 Green waste which is not collected on the day of collection must be removed from any public place or shared access to premises at the end of that day by the occupier or owner of the premises from which the green waste was generated.
- 4.7 Green waste left in any public place after 8.30 am on the day following the day for collection may be removed by the Council and the cost of collection and disposal of that uncollected green waste will be borne by the occupier or owner of the premises from which the green waste was generated.
- 4.8 Reusable green waste 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 premises from which the reusable approved receptacle came.
- 4.9 Except with the prior permission of Council, no person, other than the occupier or owner of the premises from which the green waste has come, must remove green waste from the designated collection point or from a premises, unless licensed under this Bylaw to collect green waste.
- 4.10 No person will obstruct or hinder any licensed Waste Collector from removing green waste from any designated collection area in accordance with a licence under this Bylaw.

5. Industrial Waste

- 5.1 Every owner or occupier of any premises will 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.
- 5.2 Industrial waste may be put out for kerbside collection only where an industrial waste collection contract exists between the occupier or the owner of the premises from which the industrial waste has come and a licensed Waste Collector, and only for industrial waste from or resulting from activities on those premises.
- 5.3 Industrial waste may only be placed in a designated collection point agreed with the licensed Waste Collector, in a suitable orientation and position such as to occupy a limited space so that the placement of the industrial waste does not unduly interfere with the free passage of pedestrians, vehicles, access to adjacent premises or access to service access points.
- 5.4 A licensed Waste Collector must not collect, transport or dispose of industrial waste unless it does so in accordance with the terms of its licence.
- 5.5 The private collection from a premises, or delivery of, industrial waste to a Council operated service for collection and disposal of industrial waste will not be an offence under this Bylaw, unless that collection or delivery is of any prohibited waste.

6. Hazardous Waste

- 6.1 Every owner or occupier of any premises will 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.
- 6.2 A licensed Waste Collector must not collect, transport or dispose of hazardous waste unless it does so in accordance with the terms of its licence and the terms of its contract with the customer.
- 6.3 The delivery of hazardous waste to a Council operated Waste Management Facility or service for collection and disposal of hazardous waste will not be an offence under this Bylaw, unless that hazardous waste is not accepted at that Waste Management Facility or service. The transportation of hazardous waste must be done in accordance with any requirements of the Resource Management Act 1991, the District Plans, and the Land Transport Rule – Dangerous Goods 2005.

7. Transportation of Waste

- 7.1 No person, whether requiring a licence or not, will operate or authorise the operation of a vehicle transporting waste on any road within the Councils' Districts or into or in a Waste Management Facility, unless the waste on or in such vehicle is at all times:
- (a) completely enclosed and accessible only by means of a dustproof lid or dustproof door except for all liquids which must be enclosed in sealed containers; or
 - (b) contained within the vehicle by complete enclosure at the bottom and also the front, rear and sides as well as being covered on top with a tarpaulin, securely lashed, so as to ensure that no waste or dust arising from such waste is able to fall, escape, leak or be blown from such vehicle; or
 - (c) securely lashed or otherwise properly secured to the vehicle in such a way that no waste or dust arising from such waste is able to fall, escape, leak or be blown from such vehicle; or
 - (d) securely contained in a mesh or board enclosure properly secured to the vehicle in such a way that no waste or dust arising from such waste is able to fall, escape, leak or be blown from such vehicle.
- 7.2 Every person operating a vehicle transporting waste into or within a Waste Management Facility must:
- (a) comply with all signs and rules displayed relating to the operation (including cleaning) of vehicles and/or the depositing of waste; and
 - (b) comply with the directions of any Authorised Officer as to the operation (including cleaning) of the vehicle and/or the depositing of waste; and
 - (c) allow an Authorised Officer to inspect the waste on or in the vehicle; and
 - (d) if required by any Authorised Officer provide full and accurate information as to the waste on the vehicle.

8. Public Litter Bins and Recyclable Waste Collection Bins

8.1 No Person must:

- (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 bin; or
- (b) Put or attempt to put any waste into a public litter bin or recyclable waste collection bin if the bin is already full; or
- (c) Remove any waste from a public litter bin or recyclable waste collection bin unless authorised by Council to do so; or
- (d) 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 bin, unless authorised by Council to do so.

8.2 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 waste must maintain the litter bins to Council's satisfaction. Maintenance includes:

- (a) Ensuring the bins are regularly emptied.
- (b) Ensuring bins do not become full or overflow.
- (c) Thoroughly cleaning and sanitising the bins.
- (d) Disposing of all litter emptied from the bins.

9. Waste Management for Special Events

9.1 The organisers of a special event held in or on a public place must at the time of making the application to Council for consent to use that public place provide a Waste Management Plan.

9.2 The Waste Management Plan will identify to the satisfaction of Council:

- (a) An estimate of the types and volumes of waste to be generated by the event;
- (b) Any opportunities for waste minimisation;
- (c) The steps to be taken to maximise the use and collection of re-usable or recyclable materials;
- (d) The waste and recyclable waste collection, storage and transportation equipment to be provided;
- (e) The method of collection and person responsible for the disposal of waste generated by the event; and
- (f) The arrangements made for the provision of post-event waste analysis and reporting of that information to the Council.

10. Waste Management Facilities

10.1 The Councils may own and operate Waste Management Facilities and this Bylaw will apply to all Waste Management Facilities under the control of the Councils.

10.2 Any person wishing to operate a Waste Management Facility must obtain a licence from Council to do so under this Bylaw.

- 10.3 The disposal of waste on any premises set aside by Council for the disposal of waste, will be subject to such conditions as Council may, from time to time, by resolution publicly notify, impose in respect of the hours of opening and closing, the nature of the waste which may be disposed of therein, the charges in respect of any such disposal, the position in any such place in which waste may be placed, and any other matter which Council may consider necessary or desirable to determine by any such resolution.
- 10.4 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.
- 10.5 At a Waste Management Facility, no person must:
- (a) Deposit or attempt to deposit, any waste which is not permitted to be deposited at that Waste Management Facility, due to the waste type not being accepted or in contravention of any required licence.
 - (b) Deposit at any location which has been marked off, or designated for a particular type of waste, any other waste type;
 - (c) Deposit any hazardous waste, prohibited waste, or trade waste unless authorised to do so by the licensed Waste Operator of that Waste Management Facility;
 - (d) Enter or remain without legitimate purpose, without authorisation from the licensed Waste Operator of that Waste Management Facility; or
 - (e) Interfere with, damage or remove any structure, equipment, vehicle (other than the vehicle being lawfully operated by such person) or anything else, without authorisation from the licensed Waste Operator of that Waste Management Facility; or
 - (f) Leave any vehicle, without authorisation from the licensed Waste Operator of that Waste Management Facility; or
 - (g) 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
 - (h) Light any fire, cause any fire to be lit, spread or increase any fire already alight, or dump any combustible material or waste; or
 - (i) Dump any liquid or solid chemicals which are soluble in water or may be carried by water into the sub soils if such chemicals are in a quantity and of a kind which could be harmful to the underground water in aquifers below or adjacent to the site; or
 - (j) 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
 - (k) Aid, abet or instruct any person to do any act in the Waste Management Facility which is not permitted under this Bylaw; or
 - (l) Move or remove any article, material or waste without the permission of the licensed Waste Operator of that Waste Management Facility; or
 - (m) Fail to comply with any sign or with the direction of any licensed Waste Operator; or
 - (n) Fail to give their correct name and address upon request by any licensed Waste Operator.

- 10.6 Every person contravening 10.5 must immediately leave the Waste Management Facility upon being requested so to do by any licensed Waste Operator or authorised officer and in the event of the person failing to do so commits a further offence against this Bylaw.
- 10.7 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. However, 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.
- 10.8 The Council may provide for the emergency disposal (to the extent permitted by law) of any waste at a Council owned Waste Management Facility.

11. Offences

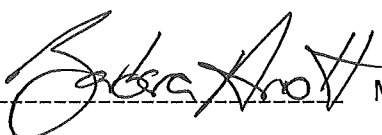
- 11.1 No person must do anything or cause any condition to exist for which a licence or approval from the Council is required under this Bylaw without first obtaining that licence or approval. The failure to do so will constitute a breach of this Bylaw.
- 11.2 Application for a licence or for authority from the Council, and payment of or receipt for any fee paid in connection with such application, licence, or authority, does not confer any right, authority, or immunity on the person making such application or payment.
- 11.3 Every person commits an offence against this Bylaw, and will be liable upon summary conviction for each offence to the penalty as specified for the time being in Section 239 of the Act, who:
- (o) 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
 - (p) 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 provided; or
 - (q) Does not refrain from doing anything which under this Bylaw they are required to refrain from doing: or
 - (r) Knowingly permits any condition of or things to exist contrary to any provision contained in this Bylaw; or
 - (s) 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
 - (t) Fails to comply with any notice or direction given under this Bylaw.
- 11.4 Any notice issued under 11.3 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.
- 11.5 Where it is suspected that any person has committed a breach of this Bylaw, that person must, on the direction of an authorised officer, provide their full name and address.

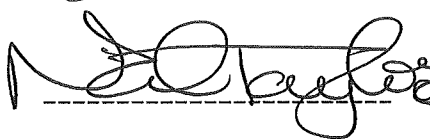
12. Penalties

- 12.1 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 Act. Specific provisions are also provided under other legislation such as the Land Transport Act (Schedule 4) and the Land Transport (Offences and Penalties) Regulations.
- 12.2 Pursuant to the offences, penalties, infringement offences, and legal proceedings provisions of the Act, for the continuing breach of any Bylaw, the Council may apply to any Court of competent jurisdiction for an injunction to restrain the further continuance of the breach.
- 12.3 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.
- 12.4 Any person, property owner, body corporate, or multi-unit development who does not comply with the terms and conditions applying to the waste collection services may be subject to the following action(s) being taken:
- (a) Non-collection of that person's, property owner's, body corporate or multi-unit development's waste, if the contents or placement of the waste or an approved receptacle is non-compliant;
 - (b) Withdrawal or suspension of the kerbside collection services provided to that person, property owner, body corporate or multi-unit development.

This Bylaw was made by the Napier City Council by resolution at a Council Meeting on **26 June 2012** and must be reviewed within 10 years.

Sealed with the common Seal
of the NAPIER CITY COUNCIL
In the presence of:


----- Mayor


----- Chief Executive