



Solid Waste Management and Minimisation Bylaw 2020

Date in Force: 1 July 2020

Purpose: To regulate the management of solid waste in the Stratford district through:

- a) The promotion of effective and efficient waste management, reduction and minimisation practices in the Stratford District
- b) The implementation of the Council's Waste Management and Minimisation Plan
- c) The implementation of the purpose of the Waste Minimisation Act
- d) The regulation of refuse collection and disposal, including recycling, ownership of the waste stream, refuse storage and waste management.
- e) The definition of rules governing waste collection and the responsibilities of customers who use the council's solid waste services.
- f) The protection of the health and safety of waste collectors, waste operators and the public.
- g) The regulation of litter and nuisance in public places.

Review Date 1 July 2030

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1. **TITLE**

1.1 This Bylaw shall be known as the '*Stratford District Council Solid Waste Management and Minimisation Bylaw 2020*'.

1.2 The Stratford District Council ('the Council') makes this Bylaw pursuant to:

- a) Section 54 of the Waste Minimisation Act 2008;
- b) Section 64 of the Health Act 1965;
- c) Section 12 of the Litter Act 1979; and
- d) Sections 145 and 146 of the Local Government Act 2002.

2. **COMMENCEMENT**

This Bylaw shall come into force on 1 July 2020.

3. **REPEAL**

As from the day this Bylaw comes into force, the previous *Refuse Bylaw 2008* in force in the Stratford District shall be repealed.

4. **APPLICATION OF BYLAW**

This Bylaw shall apply to the Stratford District.

5. **SCOPE**

5.1 The solid waste management and minimisation activity is subject to the following Statutory Acts and any associated Regulations.

- a) The Waste Minimisation Act 2008;
- b) The Health Act 1965;
- c) The Litter Act 1979;
- d) The Local Government Act 2002;
- e) The Local Government Act 1974; and
- f) The Resource Management Act 1991.

6. **PURPOSE**

The purpose of this Bylaw is to regulate the management and minimisation of solid waste in the Stratford district by contributing to:

- a) The promotion of effective and efficient waste management, reduction and minimisation practices in the Stratford District
- b) The implementation of the Council's Waste Management and Minimisation Plan

- c) The implementation of the purpose of the Waste Minimisation Act
- d) The regulation of refuse collection and disposal, including recycling, ownership of the waste stream, refuse storage and waste management.
- e) The definition of rules governing waste collection and the responsibilities of customers who use the council's solid waste services.
- f) The protection of the health and safety of waste collectors, waste operators and the public.
- g) The regulation of litter and nuisance in public places.

7. REVIEW

This bylaw will be reviewed in accordance with Section 3 of the Waste Minimisation Act 2008

8. INTERPRETATION

8.1 The Interpretation Act 1999 applies to this bylaw.

8.2 In this Bylaw – unless the context otherwise requires:

Act means the Waste Minimisation Act 2008.

Approval or Approved means a written approval from the Council

Approved container means any container approved by Council for the collection, transportation or disposal of a category of waste collected by or on behalf of the Council.

Authorised Officer means any person appointed by the Chief Executive of the Council for purposes of acting as an Authorised Officer under this Bylaw.

Bylaw means a bylaw of the Council for the time being in force, made under the provisions of any Act or authority enabling the Council to make bylaws.

Cleanfill material means:

- a) any inert material that does not undergo any physical, chemical, or biological transformation that, when deposited or with the effluxion of time, is unlikely to have adverse effects on the environment or human health; and
- b) is not diverted material; and
- c) includes virgin materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:
 - I. combustible, putrescible, degradable or leachable components;
 - II. hazardous waste;
 - III. products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
 - IV. materials that may present a risk to human health or the environment; and
 - V. liquid waste; and

d) has less than two per cent by volume by load of tree or vegetable matter.

Cleanfill site means the land used for the disposal of clean fill material.

Collection point means a site or safe collection point along a refuse collection route for residents to deposit approved containers for collection.

Commercial premises means premises which are occupied substantially for retail; office or other commercial purposes and includes halls, schools and public buildings.

Commercial refuse means refuse from commercial premises and includes floor sweepings, waste paper; flattened cartons tied in bundles and refuse of a type similar to household refuse but does not include trade refuse.

Commercial waste and Industrial waste means waste from industrial, commercial and institutional undertaking and includes waste generated by the carrying on of any business, factory, manufacture, process, trade, market, or other operation or undertaking such as scrap, waste material, liquid waste, floor sweepings, waste paper; flattened cartons tied in bundles and waste of a type similar to household waste but does not include trade waste.

Construction and demolition waste means waste generated from any building construction or demolition works; and includes any concrete, plasterboard, wood, steel, brick, cardboard, metals, plastic or glass.

Council means the Stratford District Council.

Dispose means in relation to waste to:

- a) Cast, place, throw, drop; and/or
- b) Cause or permit waste or other material or thing to be cast, placed, thrown or dropped.

District means the district of Stratford District Council

Diverted material has the same meaning as used in section 2 of the Act.

Event means any organised temporary activity of significant scale that is either open to the public or ticketed, and is likely to create litter including an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration; and

- a) receives Council funding; OR
- b) is held on Council land such as parks, reserves, roads or Council owned or managed venues; OR
- c) the organiser seeks Council support for event waste management and minimisation.

It does not include regularly occurring recreational activities (such as weekly sports events)

Greenwaste means lawn clippings, weeds, plants, other soft vegetable matter, which by nature or condition and being free of any contaminants will degenerate into compost. This does not include timber, ponga trees, agapanthus, flax, bamboo, ginger plant, gorse

cuttings, cabbage tree, norfolk pine, tree stumps or branches greater than 100 millimetres in diameter or species of plant defined as a plant pest under the *Taranaki Regional Council's Regional Pest Management Plan or the National Pest Plant Accord*.

Hazardous waste means waste THAT:

- a) contain substances defined in Section 2 of the Hazardous Substances and new Organisms Act 1996, which exceed the minimum degree of hazard specified by the Hazardous Substances (Classes 1 to 5) Controls Regulations 2001; 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) Meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982.

It does not include household waste, commercial waste, industrial waste, inorganic material, or construction and demolition waste.

Hours of operation is in regard to any transfer station or landfill means the hours during which the disposal facility shall be open to receive waste from commercial operators or the public or such other hours as shall be publicly notified by the Council from time to time.

Household refuse means waste from household premises arising or resulting from domestic housekeeping operations but does not include recyclable refuse, commercial waste, prohibited waste, hazardous waste, trade waste or liquid waste.

Kerbside refuse collection contractor means any person or company contracted by the Council for the purpose of the collection of refuse and recycling.

Landfill means land set aside by the Council upon which the deposit and disposal of solid wastes to ground can lawfully occur.

Licence means a licence, permit, consent or approval to do something under this Bylaw and includes any conditions to which the licence is subject.

Liquid waste means any waste with a solid content of less than 20 per cent per volume and waste which liberates free liquids when transported.

Litter shall have the same meaning as described in the Litter Act 1979 and means any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth or waste matter or any other thing of a like nature.

Litter receptacle means a receptacle provided for the collection of litter.

Nuisance has the meaning of any unreasonable interference with the peace, comfort or convenience of another person and includes a statutory nuisance as defined in Section 29 of the Health Act 1956 or any statutory enactment.

Occupier means the inhabitant of any property or premises, and in any case where any

property or premises are unoccupied includes the owner of that property or premises.

Organic means relating to or derived from living matter.

Owner (of any property or premises) means any person who would be entitled to receive the rack rent of the property or premises, if the property or premises was let to a tenant at a rack rent, and where any person is absent from New Zealand, includes that person's attorney or agent, or any other person acting on their behalf.

Person includes a corporation sole and also a body of persons, whether corporate or unincorporated.

Premises means any separately occupied land, building or part of the same.

Prohibited waste means waste containing:

- a) Any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury;
- b) Any material capable of causing damage to the approved container or likely to shatter in the course of collection material unless the material is sufficiently contained to prevent damage to the approved container or to prevent injury;
- c) Any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation or disposal;
- d) Any liquid or any viscous fluid;
- e) Any radioactive wastes, but excluding domestic smoke detectors;
- f) Any used oil and lead-acid batteries;
- g) Any hazardous waste;
- h) Medical waste; and
- i) Any material prohibited by the Council.

Proprietary bin means a commercially provided mobile refuse bin, drum, or similar container provided under contract by a licensed waste operator, and which is emptied on a regular basis.

Public place:

- a) Means a place that is
 - I. under the control of the Council and/or
 - II. open to or being used by the public, whether admission is free or on payment of a charge; and
- b) Includes:
 - I. A road, whether or not the road is under the control of the Council and including the berm and footpath; and
 - II. Any part of the public place.

Recovery has the same meaning as defined in the Act.

Recyclable refuse means any waste that is potentially recyclable such as, aluminium cans, steel cans, plastic products, glass, paper, cardboard and other such items as may be publicly notified by the Council as recyclable refuse from time to time. It does not include

diverted material, but it includes any component or element of diverted material, if the component or element is disposed of or discarded.

Recycling has the same meaning as defined in the Act.

Refuse / waste means any waste material or thing that is discarded or selected for disposal that cannot be diverted or recycled and must be disposed of at a disposal facility. It does not include diverted material but it includes any component or element of diverted material, if the component or element is disposed of or discarded.

Refuse disposal site means any landfill or closed landfill operated by or for the council for the disposal or temporary storage of refuse or any specified refuse. It includes those transfer stations owned by and operated for the Council.

Rejected refuse sticker or tag means an official sticker/tag to explain why the kerbside refuse collection contractor has elected not to remove or empty any approved container placed out for collection.

Resident means any person who resides in the District; or any person who operates a business from premises within the District.

Residual waste or solid waste means:

- a) Anything disposed of or discarded
- b) Includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste); and
- c) To avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.

Resource recovery facility means any facility that receives, collects, sorts, stores or processes waste to ensure waste minimisation and may include a commercial composting operation, a recovery operation, a materials recovery facility, a transfer station and a recycling depot.

Special Waste means any waste which requires special disposal because of environmental considerations or the operational requirements of the Landfill at which disposal is to occur but does not include Household Waste, Commercial Household Waste, Recyclable Waste, Green Waste, paper waste, inorganic waste, Commercial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or liquid waste of any nature.

Trade refuse means scrap, waste material, any sewerage or liquid, or rubbish resulting from the conduct of any factory, manufacture, process, trade, market or other industrial operation or undertaking.

Transfer station means any land or other place owned by or vested in the council or under its control and set aside by the council for the receiving, containment or transfer of refuse.

Waste collector means any person who collects or transports waste and includes commercial and non-commercial collectors and transporters of waste.

Waste Disposal facility has the same meaning as that term in section 7 of the Act.

Waste management and minimisation plan has the same meaning as defined in the Act.

Waste operator (or operator) means a person who owns or manages a landfill site, cleanfill site, managed fill site, monofill site or a resource recovery facility.

9. LICENCING

9.1 Transitional provisions

Any person (as defined under section 9.2.1 and 9.3.1 of this Bylaw) who collects, transports or disposes of waste, must obtain a licence to do so from the Council by 1 July 2021.

9.2 Licensing of Commercial Waste Collectors and Waste Disposal Operators

9.2.1 No person shall, unless licensed by the Council to do so, engage in the collection, transportation, or disposal of:

- a) Waste (excluding hazardous waste) in excess of 10 tonnes per annum; or
- b) Any hazardous waste; or
- c) Diverted materials in excess of 10 tonnes per annum.

9.2.2 Applications for licences must be made in the Council's prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the application and processing fees and such further supporting information as the Council may require to enable processing of the application:

- a) The holder of an existing licence may apply to the Council for a renewal of that licence.
- b) Licences may be granted or refused at the discretion of the Council, upon such terms and conditions as the Council deems fit.

9.2.3 When considering an application for a licence and the conditions to be imposed under it, the Council may take into account matters relating to sustainability of the applicant to hold a licence, including but not limited to the following:

- a) The extent to which the licensed activities will promote public health and safety, and achievement of the Council.
- b) The applicant's experience, reputation, and track record in the waste industry, including any known past operational issues which may affect, or may in the future affect, the applicant's performance.
- c) The type of waste to be collected or transported.
- d) The manner of treatment (if any) and disposal of the waste type, and the identity of the disposal facility, resource recovery facility, landfill site, managed fill site, mono fill site, or cleanfill site, at which it is proposed that treatment or disposal will occur.
- e) The terms and conditions under which such disposal of waste is permitted and the existence of or need for any statutory approvals, authorisations, or consents required to be held or complied with in respect of such disposals.

- f) The frequency and location of the waste collection, transportation, or disposal services.
- g) The specification of the vehicles, equipment, and approved containers to be used for the collection, transportation or disposal of waste.

9.2.4 The Council may impose such terms and conditions on any licence as it determines which may include without limitation, the following:

- a) A licence may be granted for a term up to five years, but will be reviewed annually to ensure compliance.
- b) The licensee must pay an annual licence fee in an amount determined within the Council's fees and charges schedule.
- c) The Council may from time to time and on a case by case basis, require a licence holder to post a bank guaranteed bond.
- d) The licence holder must comply with the Council's standards and policies for waste collection, transportation, or disposal services.
- e) The collection of any litter within five meters of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation, or disposal process;
- f) The provision of waste collection services within reasonable times specified by the Council.
- g) The provision of waste data by the licence holder to the Council during the term of the licence in the form and at times determined by the Council from time to time, including the following data:
 - I. Waste log books for each vehicle operated in accordance with the licence recording the quantity, composition and destination of each waste type, and the point in time when such data was recorded during the waste collection, transportation, or disposal process.
 - II. Weighbridge receipts.
 - III. Gate records of waste tonnage.

9.2.5 The Council will take all reasonable measures to keep commercially sensitive information confidential, including the aggregation of such information for recording purposes.

9.3 **Licensing of resource recovery facilities and fill sites**

9.3.1 Any operator who operates a disposal facility, resource recovery facility, landfill site, cleanfill site, managed fill site or mono-fill site, must obtain a licence to do so from the Council.

9.3.2 Section 9.3.1 does not apply to land used for the disposal of cleanfill material where such disposal:

- a) Is of cleanfill material directly from that land; and
- b) Consists solely of:
 - I. Hardfill that is natural or uncontaminated or cover material, or both; or
 - II. Not more than 30 cubic meters, or such greater amount as the Council may approve of, measured over any continuous 12 month period.

9.3.3 The Council may grant a licence in the case of a:

- a) Municipal Solid Waste Industrial Waste Landfill.
- b) Cleanfill site.
- c) Controlled/managed fill site.
- d) Construction and Demolition Industrial Waste Landfill.

9.3.4 The determination and issuing of the licences shall be in accordance with [section 9.2](#).

9.3.5 The holder of a licence under this section must comply with the conditions of the licence.

10. RULES GOVERNING COLLECTION

10.1 The Council may from time to time, by resolution publicly notified, make and amend rules governing the collection of refuse and recyclable refuse by or for the Council, including (without limitation):

- a) The weights, sizes, numbers, types and contents of approved containers for disposal of refuse and recyclable, refuse.
- b) The placing of approved containers for such collection in urban and rural areas.
- c) Recycling, including items that can be recycled and procedures for disposal of these items.
- d) The separation of recyclable refuse and residual waste.
- e) The days and hours that an operated transfer station will be available for solid waste disposal and management.
- f) The ability for Council to require a fee for receiving a service under this bylaw;
- g) The ability for Council to allow for the rebate of a fee;
- h) The ability for Council to remit a rate, in accordance with a rates remission policy adopted in accordance with the Local Government Act 2002, for receiving part of a service or not receiving a service under this bylaw; or
- i) The size, location, quantity and general management of propriety bins allowed in public places.

Such rules shall be enforceable under this Bylaw.

10.2 The Council must, before making, amending or revoking controls or rules in Section 10.1:

- a) comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002;
- b) be satisfied that the controls or rules ensure that the purpose of the bylaw will be met;
- c) have regard to:
 - I. the feasibility and practicality of effecting a transition from current practices to new practices and any adverse effects that may result from such a transition; and
 - II. any other matters considered relevant by the Council.

10.3 Any control or rule made, amended or revoked under Section 10.1 must be made publicly available and shall be enforceable under this bylaw.

10.4 To avoid doubt, compliance with the bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws and rules of law.

11. HOUSEHOLD WASTE AND RECYCLABLES COLLECTION

- 11.1 Any occupier of a dwelling or any portion separately occupied may lease a proprietary bin for the depositing of household domestic refuse.
- 11.2 A leased proprietary bin does not negate the property owner from paying the targeted refuse rate on the property rate account.
- 11.3 Any clean up, disposal and/or repair costs as a result of the incorrect disposal of waste or disposal of unacceptable waste in approved receptacles, shall be recovered from the customer responsible.
- 11.4 Any cost of repair or replacement of any waste receptacle issued to a customer by the Council, that is damaged, stolen, lost, or missing other than caused by the kerbside refuse collection contractor, shall be charged to the customer.
- 11.5 Every resident participating in the Council's kerbside refuse and recycling service shall be provided with one set of approved general waste and recycling containers for the collection of household refuse and specified recyclable refuse.
- 11.6 Any additional approved general waste and recycling containers to the provided containers will be provided in accordance with the *Stratford District Council Kerbside Collection Policy*.

Conditions of Collection

- 11.7 Where the Council makes provision for a refuse and recycling collection service, users of that service must:
- a) Place approved containers out after 5.00 pm the night before the collection day, or by 7.30 am on the day of the collection. Neither the council nor the kerbside refuse collection contractor or agent employed by the Council will accept responsibility for the non-collection of waste if it is not put out for collection by 7.30 am on the day appointed for collection in the area concerned, or in the case of special circumstances, the time specified on the notification.
 - b) Ensure that all refuse and recyclables are placed in an appropriate approved container or proprietary bin.
 - c) Ensure that the contents of any approved container do not soak or escape so as to be injurious or dangerous to health, cause an offensive smell or be a source of litter.
 - d) Protect contents of the approved container from the rain, dispersal by wind or ingress of flies and vermin.
 - e) Ensure that containers are not overfilled, and the contents stored in such a manner that the whole of the contents of the container fall out easily and cleanly when the container is upended.

Refusal to collect

- 11.8 No person shall deposit refuse in a manner where:

- a) The container is damaged or otherwise likely to cause injury to the waste collector;
- b) In the opinion of the Council or kerbside refuse collection contractor, the refuse is in an unsanitary or offensive condition;
- c) The refuse includes waste prohibited under this Bylaw;
- d) The container is not an approved container or proprietary bin;
- e) The container is in a condition that allows spillage of refuse;
- f) The container does not comply with the rules under this Bylaw in terms of type, volume, weight, numbers, placement or any other detail;
- g) The refuse does not comply with the rules under this Bylaw in terms of type, volume, weight, contamination of recycling, placement or any other detail;
- h) the number of approved containers placed out for collection is greater than the refuse units rated on the household rate account; or
- i) Any other reason which the kerbside refuse collection contractor deems would cause a health and safety concern to the refuse collection operation.

11.9 No person shall:

- a) put waste into an approved container provided to any other person, without that other person's consent;
- b) remove waste from, or interfere with any waste deposited in, an approved container, except the Council, a licensed waste collector or the person who deposited the waste;
- c) remove a container provided by the Council from the premises to which it has been allocated, except with the prior written approval of the Council; or
- d) put their approved container outside another person's property without the prior approval of an authorised officer or that other person's consent.

11.10 Where any of the conditions in Section 11.9 occur, the kerbside refuse collection contractor shall not be obligated to collect the refuse.

Obstruction to Refuse Collectors/Auditors

11.11 No person shall in any way obstruct or hinder any person, for the time being employed by or operating under the sanction of the Council for the audit of and removal of household refuse or trade refuse, from entering upon any premises for the purpose of collecting and removing the contents of any container being on such premises and used for the reception of household refuse or trade refuse, or from disposing of such refuse into the refuse collection vehicle.

Note: Refer to Appendix 1 for conditions of service.

12. CONTAMINATION, AUDITS AND SERVICE CONTINUITY

12.1 Bin audits are carried out by the Council and its authorised Agents to check for bin contamination. The results are an indication of the resident's recycling behaviour, which is reported to Council.

12.2 The bin audits are carried out prior to kerbside collection.

- 12.3 All contamination occurrences will be recorded and tagged/stickered.
- a) A Green tag/sticker means the recycling has been done correctly;
 - b) An Amber tag/sticker means the recycling contains non-recyclable materials; and
 - c) A Red tag/sticker means the recycling contains general refuse.
- 12.4 Each red-stickered bin is recorded as a contamination occurrence.
- 12.5 Red-stickered bins, and any other bins that the contractor deems as containing incorrect materials, will not be emptied.

Service Suspension

- 12.6 The Council will issue a letter to residents following each contamination occurrence up to three (3) occurrences.
- a) At the first occurrence, the Council will send a letter to the resident outlining the correct materials to go into the bins, including the appropriate contact for more information.
 - b) At the second occurrence, the Council will send a letter to the resident outlining the contamination incident, the contamination history recorded at the property, date the previous incident occurred and advice of service suspension should a third contamination incident occur.
 - c) At the third occurrence, Council will send a letter to the resident outlining the contamination incident, the contamination history recorded at the property, and date the previous incidents occurred. The letter will also advise the resident to contact Council within five (5) working days. At this stage, the recycling service may be suspended for a period of up to 3 months.

Service Reinstatement

- 12.7 Following the suspension period, the Council may reinstate the service, following appropriate communication with the service recipient and upon being satisfied that there will be no further reoccurrence by the service recipient.
- 12.8 In the instances of a tenanted (rental) property where the recycling service has been suspended and there is a tenant change, the suspension may be lifted upon evidence of tenant change being provided to Council.
- a) In instances where a suspended tenant changes address, the suspension period will carry over to the new property until fully discharged.
 - b) In the event of a dispute over any aspect of this bylaw, immediate action will be taken by the Assets Services Manager through effective and constructive consultation between the parties concerned and in accordance with any Council complaints or dispute resolution policies.
 - c) If a resolution cannot be reached, the Director of Assets will have final say on the matter.

Occupier responsibilities

- 12.9 The occupier is responsible for any refuse not collected because of non-compliance with this Bylaw. Any refuse or recyclables shall be removed back to the occupier's premises by noon on the day following collection day and alternative arrangements for disposal shall be made by the occupier as soon as practicable but not exceeding 48 hours.
- 12.10 No person, other than the occupier of the property from which the waste has come, shall interfere with or remove any waste which is awaiting collection in a public place.
- 12.11 No person shall bury any household refuse in such a manner as to cause a nuisance.
- 12.12 No refuse shall be transported by vehicle through, over or upon any road or public place unless such refuse is sufficiently and adequately covered to prevent the refuse from falling or otherwise escaping on to any road or other public place.

Note: Refer to Appendix 1 for conditions of service.

13. TRADE REFUSE

- 13.1 Where the Council has reached an agreement to remove trade refuse, such refuse will be removed or disposed of by the Council, only when the refuse is contained within the official containers.
- 13.2 Every owner or occupier of any premises shall ensure that no undue accumulation of trade refuse or salvaged material is permitted or suffered to remain or be in, on, or about such premises or any portion thereof.
- 13.3 Any perishable or putrescible trade refuse shall be removed by the occupier or owner of a premises on a daily basis, at the cost of the owner or occupier, except where stored in an approved manner that does not cause a nuisance of any kind.
- 13.4 Notice to remove Trade Refuse:
- a) Where, in the opinion of any authorised Council officer, any such accumulation or collection of trade refuse exists in, on or about such premises as is or is likely to be injurious to health, or offensive, or to harbour vermin, or is likely to create a fire hazard, the said authorised Council officer may serve on the person, a notice in writing under the hand of the said authorised Council officer requiring the person to remove and dispose of such trade refuse within a time specified in the notice.
 - b) If the person fails to comply with the notice, the Council may remove the trade refuse and charge the cost of removal to the aforesaid person.

14. REFUSE DISPOSAL FACILITIES

User Responsibilities

- 14.1 All persons entering any refuse disposal site, transfer station or landfill shall observe and comply with all erected signs, or any instructions given by an Authorised Officer with regard

to operational and safety matters relating to the site or the deposition of refuse or recyclable refuse therein.

- 14.2 No person shall at any refuse disposal site or landfill site:
- a) Enter other than for the purposes of depositing refuse and/or recyclables and only during such hours as the site is open, except with the prior approval of an Authorised Officer.
 - b) Dispose any special waste without the written consent of an authorised officer and in accordance with whatever conditions may be imposed in relation to the nature of the disposal required, or any charges that may be imposed.
 - c) Tip, throw, or deposit any refuse in any manner at any place on any refuse disposal site which is not intended for that purpose.

Refusal of Waste

- 14.3 An Authorised Officer may refuse to accept, at any refuse disposal site any refuse for which fees or charges have not been paid or which, in his or her opinion:
- a) May cause undue hazard to the health and safety of the public or to any operator of the site;
 - b) May damage the environment; or
 - c) Cannot be adequately treated or handled by the normal methods used on that site.
- 14.4 No person, other than a person authorised by the Council to remove articles or materials for recycling or reuse shall remove any deposited refuse, article or materials from any refuse disposal site without the consent of an Authorised Officer.
- 14.5 All refuse, garden waste, recyclable refuse, unwanted articles or other things deposited within any refuse disposal site shall be deemed to be the property of the Council, and the Council may dispose of such materials by recycling or in such other manner as it sees fit. The person depositing refuse shall be deemed to have abandoned all claims to ownership, but shall not be relieved of any liability for damage following in any way from such action nor from the penalties provided for offences against this Bylaw.
- 14.6 No person shall take any animal on to any refuse disposal site or allow any stock to wander or graze thereon without the prior consent of an Authorised Officer.
- 14.7 No person or organisation may use a Council facility for the disposal of refuse from outside the district boundary without the Council's written permission.
- 14.8 An Authorised Officer may require any person who is on any refuse disposal site to leave a refuse disposal site, with or without any refuse brought by that person for disposal, where that persons is contravening the provisions of this Bylaw.

Note: Refer to Appendix 1 for conditions of service.

15. COUNCIL TRANSFER STATION

- 15.1 The disposal of refuse at the transfer station shall be subject to such conditions as Council may from time to time by resolution require, including:
- a) the hours of operation
 - b) the nature of refuse accepted at the transfer station
 - c) the nature of refuse directed to the recycling station
 - d) the charges for disposing of refuse at the transfer station
 - e) any other conditions that the Council may consider necessary or desirable for the proper control and management of the transfer station
- 15.2 Vehicles entering the transfer station may be subject to audits of their contents in addition to being subject to any other waste acceptance criteria as the council may require.
- 15.3 No person shall remove or disturb any deposit of refuse or remove any article or material of any kind from the transfer station unless authorised to do so by the Council.
- 15.4 Every transfer station attendant is hereby authorised to:
- a) Ensure that any person entering the transfer station complies with the conditions of entry and with any other conditions to ensure compliance with health and safety standards, with operational requirements and with the laws governing the use of the site.
 - b) Prevent a particular person or organisation from entering the transfer station whether for any previous failure to comply with this Bylaw or any direction given under it, failure to pay fees due to Council, failure to comply with health and safety standards or with operational requirements or with the laws governing the use of the site.
- 15.5 All persons using the facilities of a transfer station shall ensure that:
- a) All refuse is separated into greenwaste, recyclable refuse and residual waste categories.
 - b) All refuse is off-loaded at the place and in the manner directed.
 - c) All reasonable steps are taken to assist in the minimisation of waste.
 - d) All reasonable steps are taken to protect and promote the health and safety of all of those persons on site including site staff.
 - e) No prohibited waste is off-loaded.
- 15.6 No person shall deposit any special or hazardous waste in any place except at the hazardous disposal facility at the Stratford Transfer Station.
- 15.7 Persons using the hazardous disposal facility must, abide by all rules as advised by the Authorised Officer.
- 15.8 The hazardous disposal facility at the Stratford transfer station shall only accept domestic quantities of household hazardous waste.
- 15.9 No person shall:
- a) Deposit any general refuse in any place, facility or container designated for the deposition of recyclables and/or diverted materials.

- b) Disregard any reasonable instruction of an Authorised Officer whilst on site as to the separation and disposal of waste.
- c) Wrongly or unlawfully dispose of non-recyclable refuse or hazardous waste through the recycling system.
- d) Dispose of greenwaste without first ensuring it is free of contaminants.

15.10 Access by the general public to all transfer stations outside of normal operating hours is prohibited.

Note: Refer to Appendix 1 for conditions of service.

16. NUISANCE AND LITTER

16.1 No person may:

- a) allow any accumulation of waste or diverted material on any premises they own, occupy or manage to become offensive, a nuisance or likely to be injurious to health; or
- b) use an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health.

16.2 Except as provided for as permitted or consented activities under any Taranaki Regional Plan or under this bylaw, no person may, on any urban property they own, occupy or manage:

- a) burn or allow to be burnt any waste;
- b) bury or allow to be buried any waste except:
 - I. organic waste;
 - II. dead companion animals and nuisance pests; or
 - III. for the purposes of home composting.
- c) dispose of any waste on any premises except at:
 - I. a waste disposal facility; or
 - II. any premises they own, occupy or manage, for the purposes of home composting.

16.3 No person may:

- a) deposit any waste arising from that person's household or that person's business activities in any litter receptacle provided by the Council in any public place;
- b) remove any waste from any litter receptacle provided by the Council in any public place, where this results in any waste being deposited outside the receptacle, unless authorised by the Council to do so;
- c) deposit or attempt to deposit any litter in any receptacle provided by the Council in any public place if:
 - I. the receptacle is full; or
 - II. the litter is likely to escape.
- d) fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the Council in any public place; or
- e) damage any litter receptacle provided by the Council in any public place.

16.4 The owner, occupier or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the satisfaction of the Council to prevent it becoming litter and to clean it up in the event that it does become litter.

16.5 No person shall deposit, or permit or suffer to be deposited, or to accumulate any refuse or litter as defined in the Litter Act 1979 or rubbish of any description including sawdust, plastics materials, tyres, waste paper, shavings, filth, tins, glass, rags, straw, garden refuse, tree cuttings, iron, or steel on any land not being a place set apart for such purpose by the Council, unless in so doing he takes sufficient precautions to prevent the creation of a nuisance or anything offensive or likely to be injurious to health.

17. EVENTS

17.1 Any organiser of an event must obtain prior approval from the Council of an Event Waste Management and Minimisation Plan (EWMMP) for the event. The plan content must be appropriate for the scale of the event.

17.2 The Council may require an event waste management and minimisation plan (EWMMP) to set out the following:

- a) An estimate of the types and amounts of waste to be generated by the event;
- b) How waste generated by the event is minimised;
- c) The steps to maximise the collection and use of recyclables and refuse material;
- d) The equipment to be provided for the storage, collection and transportation of waste and diverted material;
- e) The person responsible for the collection and disposal of waste and the methods to be used;
- f) A waste analysis following the conclusion of the event; and
- g) Any other matters relating to event waste management and minimisation that may be specified by the Council in the future.

17.3 The organiser of an event must comply with the approved event waste management and minimisation plan (EWMMP).

17.4 On completion of the event, the Council may require the organiser to provide an implementation report for their event waste management and minimisation plan (EWMMP), including:

- a) the waste analysis giving a comparison of the predicted and actual types and amounts of waste generated by the event; and
- b) which waste management facility was used to recover, recycle, treat or dispose of this waste.

18. FEES

18.1 The Council reserves the right to charge fees that, by resolution from time to time, it may prescribe in its current Fees and Charges Schedule, as determined by Council through the Special Consultative Procedure.

19. NOTIFICATIONS AND ACTIONS

19.1 Any person who does not comply with this Bylaw or a decision made under it may (without limitation) be subject to the following action being taken:

- a) Non-compliant notification including a time period to rectify the issue. If compliance is not reached within the specified time period of the notification, the Council may rectify or organise for the issue to be rectified, recover all costs from that person in doing so, or temporarily suspend the service or part of the service until compliance is verified;
- b) Enforcement for a breach of this Bylaw, as provided for in the Local Government Act 2002 or the Waste Minimisation Act 2008;
- c) Enforcement of any offence that may have been committed under the Litter Act 1979 as a result of the non-compliance;
- d) An enforcement order or abatement notice under the Resource Management Act 1991; and
- e) Any other steps that may be taken by the Council at law.

20. PENALTIES AND OFFENCES

20.1 Every licensee breaches this Bylaw who fails to act in full compliance with the terms and conditions of its licence, this Bylaw and the decisions made under this Bylaw.

20.2 Every person commits a breach of this Bylaw who:

- a) Does, or causes anything that is contrary to this Bylaw
- b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this Bylaw
- c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing
- d) Knowingly permits any condition or thing to exist contrary to any provision contained in this Bylaw
- e) Knowingly provides wrong information to any Authorised Officer.
- f) Refuses or neglects to comply with any notice or direction given to them under this Bylaw
- g) Obstructs or hinders any Authorised Officer in the exercise of any power conferred upon them by this bylaw; or
- h) Fails to divulge their full name, address and date of birth or other relevant information when requested to do so by an Authorised Officer.

20.3 Any person commits a breach of this bylaw who fails to comply with the requirements of this bylaw and the decisions made under this bylaw and is liable to a penalty under the Waste Minimisation Act 2008, the Local Government Act 2002, the Health Act 1956 and/or the Litter Act 1979.

20.4 Every person who is convicted of an offence against this Bylaw is liable on summary conviction to a fine not exceeding \$20,000.

Appendix 1

Appendix 1

In accordance with Sections 11, 12, 14 & 15 of the Stratford Council Solid Waste Management and Minimisation Bylaw 2020, the Council resolves the following rules in relation to solid waste collection and disposal.

1.0 Approved Refuse Container

- 1.1 The approved refuse containers shall consist of a 120 litre mobile bin (wheelie bin).

2.0 Approved Recycling Container

- 2.1 The approved co-mingled recycling containers shall consist of a 240 litre mobile bin (wheelie bin).
- 2.2 The approved glass recycling containers shall consist of a 60 litre crate.

3.0 Weights, types and contents of containers which will be collected

- 3.1 No person shall deposit or cause or allow any of the following materials to be deposited in any approved refuse container placed for collection:
- a) Any hazardous, prohibited or special waste co-mingled with domestic waste; or
 - b) Explosive, hot ashes, highly inflammable material or infectious material; or
 - c) Liquids, acids, printer's ink, paint, or any other viscous fluid; or
 - d) Any matter, thing or refuse of any kind whatsoever, other than household refuse unless specifically allowed by a specific policy; or
 - e) Any trade refuse; or
 - f) Any pesticides, herbicides, fungicides or other toxic compounds; or
 - g) Any effluent from chemical toilets or waste removed from any part of a drainage or sewerage system; or
 - h) Any medical waste, including medical needles, skin piercing devices; or
 - i) Such other types of prohibited waste as may be publicly notified by the council from time to time.
- 3.2 Any approved refuse container in excess of the numbers, over and above the approved number of containers for the property, will not be collected.
- 3.3 Only the following Recyclable Waste may be deposited in approved containers placed for collection:
- a) In co-mingled recycling containers: newspaper, cardboard, aluminium cans, steel cans, aerosols, and plastic recyclable containers of a type publicly notified by Council from time to time; and

- b) In glass recycling containers: glass bottles and jars.
- c) Any other recyclable items as publicly notified by the Council from time to time;
which arise from, or result from residential housekeeping activities.

3.4 Any approved refuse container in excess of 35kg nett weight will not be collected.

4.0 Placing of containers for collection

4.1 Residents who live in rural areas, along routes which refuse collection vehicles travel on, and uses the service shall place approved containers adjacent to the roadway in an obvious, safe location or in designated specific collection points.

4.2 All urban approved containers put out for collection shall be placed in a safe collection point on the kerb with the front of the container facing the road.

5.0 Recycling

5.1 A kerbside recycling service shall be provided to all designated urban collection areas in the Stratford District.

5.2 Recycling facilities shall be provided at the Stratford District Council transfer station.

5.3 Recycling services and waste minimisation by community organisations and the private sector are encouraged.

6.0 Waste Separation

6.1 Any person disposing of solid waste for household collection must separate recyclable refuse and residual waste.

6.2 No person shall place or leave any non-recyclable materials in any recycling container or at any recycling station.

7.0 Days and hours during which transfer station will be available for solid waste disposal and management

7.1 The opening hours for the council transfer station are as provided on the Council website and amended by Council Resolution from time to time, as the case may be.

This Bylaw was made by the Stratford District Council on 1 July 2020.

THE COMMON SEAL of the STRATFORD DISTRICT COUNCIL was hereto affixed by resolution of said Council in the presence of:

..... **Mayor**

..... **Chief Executive**