

UPPER HUTT CITY COUNCIL

SOLID WASTE BYLAW 2005

EXPLANATORY NOTE

This bylaw is called the Solid Waste Bylaw 2005 and was made pursuant to Sections 145 and 146 of the Local Government Act 2002.

The purpose of this bylaw is to ensure that refuse is collected and disposed of in the interests of public health and to ensure that any obstruction of streets is kept to a minimum.

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1.0 APPLICATION OF BYLAW

1.1 This bylaw applies within the district of the Upper Hutt City Council.

2.0 COMMENCEMENT

2.1 This bylaw came into force on 8 July 2005.

3.0 INTERPRETATION

3.1 In this bylaw, unless the context otherwise requires:

“Authorised Officer” means any person appointed or authorised by the Council to act on its behalf and with its authority.

“Council” means the Upper Hutt City Council and any authorised officer.

“Occupier” means the inhabitants, 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 as hereinafter defined.

“Owner” of any property, or as applied to any land, building, or premises, means any person for the time being entitled to receive the rent of such property, or who would be so entitled if the same were let to a tenant at a rack rent, and where any such person is absent from New Zealand, shall include their attorney or agent.

“Premises” means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of the same, or enclosed space separately occupied, and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.

“Recyclables” means paper, aluminium cans, tins, bottles, glass jars, small ferrous items and plastic containers and other items that are specifically identified.

“Refuse” means refuse of any kind arising or resulting from domestic housekeeping operations or from the carrying on of any business, manufacture, process, trade, market or other undertaking but does not include trade waste.

“Refuse Container” means any refuse container approved by the Council from time to time, and all references to refuse containers in this bylaw shall, where the context permits, include official containers.

“Trade Waste” means any waste 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.

3.2 For the purpose of this bylaw the word “shall” refers to practices that are mandatory for compliance with this bylaw while the word “should” refers to practices that are advised or recommended.

4.0 REFUSE COLLECTION

4.1 The Council may from time to time make and amend policy governing the collection of all types of refuse and/or recyclables by or for the Council and such policy shall be enforceable as part of this bylaw.

5.0 DEPOSIT OF CERTAIN MATERIALS IN CONTAINERS PROHIBITED

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

- (a) Explosives, 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;

but this sub clause [c] does not apply if rigid wall containers are used.

- (d) Trade Waste.

6.0 ACCUMULATION AND STORAGE OF HOUSEHOLD REFUSE

6.1 Every owner or occupier of any premises shall ensure that no accumulation or storage of refuse is permitted or suffered to remain or be in, on, or about such premises or any portion thereof.

7.0 DISPOSAL OF REFUSE

7.1 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 impose.

8.0 RECYCLING

8.1 The Council may arrange for the collection of recyclable material from specified or agreed locations.

8.2 The Council may supply to occupiers a special marked container or containers for the recyclable materials to be placed in.

8.3 When a Council provided container has been placed on any road for collection, no person shall interfere with or remove the container or the contents, except in the course of collecting the same by or for the Council.

8.4 No person shall place or leave any non-recyclable materials in any recycling container.

9.0 RESTRICTIONS ON REFUSE COLLECTION OPERATIONS

9.1 No person shall engage in the collection of 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.

10.0 OWNERSHIP OF REFUSE

10.1 Except with the prior permission of Council no person, other than the occupier of the property from which the refuse has come, shall on any public place interfere with or remove any refuse which is awaiting collection by an authorised collector.

11.0 TRADE WASTE

11.1 No person shall place any trade waste in a public place.

12.0 PENALTY

12.1 The maximum penalty for an offence against any provision of this bylaw is a fine not exceeding \$500