

KĀPITI COAST DISTRICT COUNCIL SOLID WASTE BYLAW 2010


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1 Title, Commencement and Application

- 1.1 This Bylaw may be cited as the Kāpiti Coast District Council Solid Waste Bylaw 2010.
- 1.2 This Bylaw comes into force on 01 July 2010.
- 1.3 This Bylaw is made pursuant to sections 145 and 146 of the Local Government Act 2002, section 56 of the Waste Minimisation Act 2008, section 12 of the Litter Act 1979 and any other Act or Authority enabling the Council in that behalf.
- 1.4 This Bylaw applies to the Kāpiti Coast District.
- 1.5 This Bylaw revokes Part 9 of the Kāpiti Coast District Council General Bylaw 1991.

2 Kāpiti Coast District Council General Bylaw 2010 Validation

- 2.1 The Kāpiti Coast District Council Solid Waste Bylaw 2010 was approved at a meeting of the Kāpiti Coast District Council held on 22 April 2010 after completion of the Special Consultative Procedure.
- 2.2 The Common seal of the Kāpiti Coast District Council was affixed, pursuant to a resolution of Council on 1/6/10 in the presence of:


.....
Jenny Rowan
Mayor


.....
Pat Dougherty
Chief Executive Officer



3 Objectives

3.1 The objectives of this Bylaw are:

- a) To monitor and regulate the collection, transportation, disposal and management of waste in such a way as to encourage the reduction of waste (both in the generation and disposal of waste); and
- b) To impose specific requirements for waste collection that apply to occupiers and collectors, to impose requirements for transportation, disposal and treatment services on collectors and operators, to ensure effective and efficient waste management in the District; and
- c) To licence all collectors, transporters and disposers of waste and operators of Waste Management Facilities to assist Council to manage

waste in a manner which is consistent with its statutory responsibilities and waste management objectives; and

- d) To promote Council's waste minimisation and waste reduction objectives; and
- e) To assist in the implementation of Council's Waste Management Plan and the New Zealand Waste Strategy.

3.2 Nothing in this Bylaw derogates from any provision of, or the necessity from compliance with:

- i. the Summary Offences Act 1981 or any Act passed in amendment or substitution of that Act;
- ii. the Litter Act 1979;
- iii. the Hazardous Substances and New Organisms Act 1996 and the Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001;
- iv. any other applicable Acts, regulations or rules;
- v. any other Council Bylaws, District Plan Requirements;
- vi. any other requirements imposed by Greater Wellington Regional Council.

4 Interpretation

4.1 In this Bylaw, unless the context requires otherwise:

Approved Receptacle	has the meaning given to that term in clause 6
Authorised Officer	<ul style="list-style-type: none"> (a) means any person authorised by the Council to carry out any of the duties provided for under this Bylaw or any Council Bylaw; and (b) includes any Enforcement Officer; and (c) includes any agent licensed by Council to carry out a duty or operate in a public place on Council's behalf.
Authorised Agent	means a person who is not an employee of the Council but is authorised in writing by the Chief Executive or by the Council to act on its behalf.
Commercial Waste	means waste, (excluding trade waste), that results from the carrying on of any business, manufacture process, trade or market or other undertakings (and includes residual waste, recyclable waste and organic waste).
Council	means the Kapiti Coast District Council or any committee, community board, or an officer authorised to exercise the authority of the Council.
Deposit	<p>includes, in relation to waste and litter -</p> <ul style="list-style-type: none"> a) to cast, place, throw or drop; and b) to cause or permit waste or litter or other material thing to be cast, placed, thrown or dropped.
Disposal	means the final (or more than short-term) deposit of waste into or onto land set apart for that purpose and the incineration of waste.
Enforcement Officer	means any person appointed by the Council to enforce the provisions of this Bylaw and who holds a warrant under section 177 of the Local Government Act 2002 and section 76 of the Waste Minimisation Act 2008.
Event	means an event that is defined in the Kapiti Coast District plan as an 'temporary event': an event of an intermittent nature that can include entertainment, cultural and sporting events
Hazardous Waste	means waste containing 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.
Inorganic Waste	has the meaning given to that term in clause 8.1.
Kerbside Recyclables	means recyclable materials that are so determined by Council resolution to be kerbside recyclables and which are collected at the kerbside.

Licence	means a licence, permit, written consent or approval issued as per the requirements of any Act of Parliament, Council Bylaw or policy.
Licensed waste collector	means a person who has a licence to collect, transport and dispose of waste.
Licensed waste operator	means a person who has a licence to operate a waste management facility.
Litter	has the same meaning as in section 2(1) of the Litter Act 1979 and, for the purposes of this Bylaw, “waste matter” includes dog faeces in a container or a bag and disposable nappies.
Nuisance	has the same meaning as in section 29 of the Health Act 1956 and includes anything obnoxious, offensive or injurious to the community or any member of it.
Occupier	means any person who occupies any land or building (including commercial premises) and, if the land or building is unoccupied, includes the owner or the owner’s agent.
Official council bag	means a biodegradable plastic bag or a paper bag sold on behalf of Council and available at local shops.
Organic waste	includes garden waste, kitchen waste and food process waste, free of inorganic and unsanitary contamination and that is appropriate to be used for composting. Council can by resolution for the purposes of kerbside collection specify what is deemed to be organic waste that is acceptable or non-acceptable for collection.
Person	includes a corporation sole, and also a body of persons, whether corporate or unincorporated.
Primary collection	means the collection of residual waste in approved receptacles either on the Council collection days or on the collection day specified in a private contract for collection.
Prohibited waste	has the meaning given to that term in clause 11.1
Property	means land or buildings which are separately occupied.
Public place	means an area that is open to or used by the public, which is under the management or regulatory control of the Council, and includes roads, streets, footpaths, courts, alleys, pedestrian malls, cycle tracks, lanes, access-ways, bridle-ways, thoroughfares, squares, reserves, parks, pools, community halls, cemeteries, beaches, and recreational grounds.

Recovery	means a) extraction of materials or energy from waste or diverted material for further use or processing; and b) includes making waste or diverted material into compost.
Recycling	means the reprocessing of waste to produce new materials.
Recyclable waste	means any waste that is potentially recyclable such as rags, second hand or used clothing, textiles, wood, concrete, steel, paper, steel, steel cans, tin cans, aluminium cans, glass, plastic products, and includes kerbside recyclables.
Residual waste	means all waste to be disposed in approved receptacles from domestic activities being waste that is not suitable for either recycling or composting and that is not prohibited waste.
Trade waste	has the meaning as defined in the Kapiti Coast District Trade Waste Bylaw 2007.
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.
Trolleys	means any movable receptacle on wheels, including shopping trolleys and excluding wheelie bins.
Waste	means any material or thing that is discarded or selected for disposal, and includes: a) recyclable waste, organic waste, residual waste, commercial waste, inorganic waste, prohibited waste, hazardous waste; and b) abandoned material; and c) litter.
Waste collection area	means the area on the road reserve outside the property from which the waste originates adjacent to the kerb (or road edge) and limited in size so that the placement of the waste does not unduly interfere with the free passage of pedestrians or such other place approved by Council as a waste collection area.
Waste management facility	means a facility where waste is managed and includes, but is not limited to, Transfer Stations, Recovery Stations, Landfills, Recycling centres, Clean fills or Composting facilities.

5 Accumulation of waste

5.1 Every occupier of a property must not permit or suffer any accumulation of any type of waste in or on or about that property to be or become unsightly, offensive, a nuisance or likely to be injurious to health.

5.2 Every owner or keeper of any apartment building must not permit any accumulation of any type of waste in or on or about such apartment building

or any portion of the building, to become unsightly, offensive, a nuisance or likely to be injurious to health.

6 Approved Receptacles

6.1 For the purpose of this Bylaw, approved receptacles are:

- a) official Council bags;
- b) kerbside recyclables bins (provided by a licensed waste collector);
- c) supermarket bags only for the purpose of collection of recyclable paper;
- d) mobile bins (includes wheelie bins) approved by an authorised officer and provided by licensed waste collectors;
- e) any receptacle provided by a licensed waste collector and approved by an authorised officer to be fit for the purpose of

collecting residual waste, kerbside recyclables, commercial waste and organic waste;

- f) any other receptacle that has been approved by an authorised officer for the purposes of this Bylaw.

6.2 To avoid any doubt, receptacles need to be approved by an authorised council officer to be fit for purpose, whether used for collection on behalf of Council or on behalf of a private customer.

7 Requirements for collection of waste for occupiers and collectors

7.1 To avoid any doubt, this clause applies to all waste that can and may be put within approved receptacles for collection from the waste collection area, including collections based on private contracts.

7.2 A licensed waste collector must not collect, transport or dispose of any type of waste unless that collector does so in accordance with the terms of its licence, the terms of its contract with its customer and this Bylaw.

7.3 Waste for collection must be placed in an approved receptacle.

7.4 An occupier must separate and prepare all waste so as to comply with this Bylaw.

7.5 With regard to the protection and maintenance of reusable approved receptacles, every occupier must:

- a) Keep the (reusable) approved receptacles clean and in good repair so as not to cause offence or nuisance; and
- b) Notify the licensed waste collector or Council, as the case may be, of any loss of or damage to an approved receptacle.

7.6 In order to prepare waste for collection every occupier must:

- a) Ensure that only clean kerbside recyclables are put in the kerbside recyclables bin and that this is done in such a way as to protect the contents from the wind when put out for collection; and
- b) Ensure that the approved receptacles are not overloaded; and
- c) Ensure that any approved receptacles being bags that are put out for collection are not badly punctured, torn or softened by prolonged

exposure to moisture or if for any other reason it is likely to collapse or split open when reasonably handled by the collector.

7.7 Placement of Approved receptacles for collection

7.7.1 Day

- a) Approved receptacles may only be put out for collection services:
 - (i) in accordance with the collection days for Council collection as specified on the Rubbish Collection Maps (Council website) or
 - (ii) in accordance with a contract for collection between the occupier and a licensed collector.
- b) Council may change the collection days for Council collection by amending the Rubbish Collection Maps.
- c) Approved receptacles for kerbside recyclables may only be put out for collection services in conjunction with the primary collection.
- d) The Council may specify different days for collection for specific types of waste.

7.7.2 Time

- a) Approved receptacles are to be placed for collection:
 - (i) on the day before collection no earlier than noon; or
 - (ii) on the day of collection before 7.30 am;
- b) The Council may change the times specified under a).
- c) An authorised officer may approve that other times will apply for placement and removal of approved receptacles for the purpose of facilitating collection in a specific area where out-of-hours collection is preferred.
- d) Approved receptacles that have not been collected and/or emptied on the day of collection, must be removed by the occupier from the waste collection area on the collection day unless otherwise directed by Council.

7.7.3 Manner (before, during and after collection)

- a) Official council bags must be placed for collection in the waste collection area in a stable manner with the contents secured; and
- b) Kerbside recyclables bins must be placed for collection in the waste collection area in a manner which allows easy, safe and efficient sorting and collection of the kerbside recyclables; and
- c) Mobile bins must be placed for collection in the waste collection area and in a manner that allows the whole of the contents to fall out easily and cleanly when the bin is emptied; and
- d) During collection any waste spilled from approved receptacles must be picked up and put into the collection vehicle by the collector; and
- e) After emptying, approved receptacles must be placed in the waste collection area; and
- f) Where possible, approved receptacles must be placed clear of car parking areas; and
- g) At all times approved receptacles must be placed clear of public footpaths or private driveways.
- h) The Council may amend the requirements relating to manner (7.3.3. a - g) or specify other requirements relating to the manner of collection.

8 Inorganic Waste

8.1 For the purpose of this Bylaw, inorganic waste –

- a) is waste from domestic activities that will not fit within an approved receptacle; and
- b) excludes organic waste; and
- c) may include builder's waste or prohibited waste of a particular class; and
- d) can be either collected by a licensed waste collector or be disposed of at a waste management facility.

8.2 The Council or a licensed waste collector may arrange for collection of inorganic waste.

8.3 A licensed inorganic waste collector must not collect, transport or dispose of inorganic waste unless the collector does so in accordance with the

terms of its licence and the terms of its contract with its customer.

- 8.4 Inorganic waste may be collected -
- a) from a private property; and
 - b) from the waste collection area if an authorised officer has, before the collection, approved collection from that collection area.
- 8.5 If inorganic waste is collected, clauses 7.7.1 and 7.7.2 (day and time of collection) apply.
- 8.6 If inorganic waste is put in the waste collection area for collection, the occupier must comply with clause 7.7.3 (f) and (g) as to the placement of the inorganic waste.
- 8.7 Any debris left after collection in the waste collection area must be removed by the occupier to prevent it becoming a nuisance.

9 Waste and Prohibited Activities

- 9.1 For the purpose of this Bylaw, prohibited waste means:
- a) Any explosive, highly inflammable or infectious material, hot ashes or any other matter, thing or waste of any kind whatsoever that may endanger any person, animal or vehicle which may come into contact with it any time prior to, during or following collection or during or after disposal; or
 - b) Liquids, acids, printer's ink, paint, or any other viscous fluid; or
 - c) Any ashes, broken bottles, glass or glass particles, broken crockery, broken china, razor blade, syringe, knife or any other object or material capable by reason of its shape or sharpness of causing injury unless such waste is properly and sufficiently wrapped/contained so as to prevent injury to waste collectors, damage or loss; or
 - d) Hazardous waste
- 9.2 No person shall deposit any prohibited waste in any approved receptacle and put it out for collection in the collection area.
- 9.3 No person, other than the occupier of the property from which the waste was generated, shall remove waste from the waste collection area unless that person is licensed to collect waste under this Bylaw.
- 9.4 No person shall obstruct or hinder any licensed waste collector from collecting and disposing waste into a collection vehicle in accordance with a license under this Bylaw.

10 Waste Management for events

Obligation of organisers of events

10.1 The organiser (or the organiser's agent) of an event that requires resource consent may be required to provide, at the time of applying to Council for consent for that event, a waste management plan produced for the event.

10.2 The waste management plan may be required to identify:

- a) The opportunities for waste minimisation; and
- b) The steps to be taken to maximise the use and collection of recyclable waste; and
- c) The method of, and person responsible for the collection and transport and disposal of waste generated by the event; and
- d) Any possibility for a post-event waste analysis and reporting of that information to the Council.

10.3 The requirements can be customised on a case by case basis by an authorised council officer in cooperation with the organiser or the organiser's agent.

11 Public Litter Bins

11.1 No person shall:

- a) Place any sort of waste other than litter in any public litter bin;
- b) Put or attempt to put any waste into a public litter bin if the bin is already full;
- c) Remove any waste from a public litter bin unless permitted by an authorised officer to do so;
- d) Attach any advertising material (including but not limited to stickers and posters) to any public litter bin, or paint any public

litter bin;

- e) Vandalise any public litter bin.

11.2 If Council has provided extra public litter bins in public place adjoining a Fast Food Outlet or other high waste generating facilities, the occupier or owner of the outlet or facility must:

- a) Manage overflow of the bins; and
- b) Remove any overflow waste from the direct area around the bin to prevent litter.

12 Private Collection Bins in Public Places

12.1 Placement of privately owned bins for the collection of recyclable waste (such as clothing and shoes) in a public place, must be approved by an authorised officer.

12.2 The authorised officer may specify the required quality and condition of these bins.

12.3 The owner of the bin or the owner's agent must ensure that:

- a) information is provided on the bin that specifies:
 - 1) the owner's name and a contact telephone number; and
 - 2) which recyclable waste can be deposited in the bin; and
- b) that the bin is kept clean and in good condition; and
- c) the bin is regularly emptied so that the bin does not become full or overflows; and
- d) when the bin is emptied, any waste placed in the vicinity of the bin is taken away.

12.4 If the bin is not emptied in accordance with clause 12.3, Council may

- a) empty the bin and enable the owner of the bin (or the owner's agent) to collect the recyclable waste from Council and recover the costs for

emptying the bin from the owner (or the owner's agent) and

b) remove and impound the bin under clause 14.2 as if it were a trolley or receptacle.

12.5 No person shall place recyclable waste outside the bin if the recyclable waste can not be deposited in the bin.

13 Depositing Waste, Receptacles and Shopping Trolleys in a Public Place

13.1 No person shall deposit, or permit, or suffer the deposit of any waste or litter in a public place other than in a manner provided for by this Bylaw.

13.2 The occupier of a property shall take reasonable steps to prevent the escape of any waste, trolley, or receptacle from that property into, on or upon any public place.

14 Removal, impounding and disposal of shopping trolleys and receptacles found on a public place

14.1 In any case where a shopping trolley or receptacle has been found in a public place, the Council shall if reasonable and if the owner's identity is known give notice to the owner to remove that trolley or receptacle within two working days.

14.2 Council may remove, impound and dispose of the shopping trolley or receptacle in accordance with sections 164, 167 and 168 of the Local

Government Act 2002 or section 81, 84 and 85 of the Waste Minimisation Act 2008.

15 Licensing of Waste Collectors and Operators of Waste Management Facilities

Waste Collectors and Operators to be licensed

- 15.1 No person shall, unless licensed by Council to do so, engage in the collection, transportation or disposal of;
- a) waste (excluding hazardous waste) in excess of 10 tonnes per annum;
 - b) any hazardous waste.
- 15.2 No person shall be involved in the operation of a waste management facility unless licensed by Council to do so.

Licences

- 15.3 Every application for a licence must
- a) be made in the prescribed form; and
 - b) describe the activities in respect of which the licence is sought; and
 - c) be accompanied by the application and processing fees; and
 - d) include such further supporting information as the Council may require to enable processing of the application.
- 15.4 The Council will process the application with all due speed and diligence.
- 15.5 Licences shall be granted at the discretion of the Council, upon and subject to such terms and conditions as the Council considers are appropriate taking into account the matters such as those listed in clauses 15.6 and 15.7.

Licence conditions

- 15.6 Council may impose such terms and conditions on any licence as it may determine, which may include (without limitation);
- 1) That the holder of a licence to collect kerbside recyclables must collect all kerbside recyclables determined as such by Council;
 - 2) That the licensee must comply with Council's requirements for collection, transportations and disposal as set out in this Bylaw and any

Council policies;

- 3) That the licensee must provide waste data to the Council during the term of the licence in the form and at the times determined by Council including the following:
 - i. Recording and reporting the quantity, source and destination of waste type collected, transported, processed or disposed of;
 - ii. Weighbridge receipts, gate records of waste tonnages per type as specified in the licence

The minimum requirement will be an annual performance report due within one month of the completion of each year of the licence.

- 4) That the licence may be granted for the term of up to 5 years but will be reviewed every year upon compliance with the terms and conditions of the licence.

15.7 When exercising its discretion to grant a licence and the conditions to be imposed under it, the Council may consider such matters as have a bearing on the suitability to hold a licence including (without limitation);

- a) the extent to which the licensed activities will promote public health and safety and achievement of the Council's waste management plan and waste reduction initiatives; and
- b) the type of waste to be collected and/or transported; and
- c) the manner of treatment (if any) and disposal of the waste type, and the identity of the waste management facility at which it is proposed that treatment or disposal will occur; and
- d) the frequency and location of the waste collection, removal, transportation or disposal services; and
- 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 disposal.

16 Kāpiti Coast General Bylaw

16.1 The provisions of the Kāpiti Coast District Council General Bylaw 2010 (as amended from time to time) are implied into and form part of this Bylaw.

17 Offences

- 17.1 Every person commits a breach of, and an offence against, this Bylaw who fails to comply with the requirements of this Bylaw and the decisions made under this Bylaw.
- 17.2 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.

18 Notifications, Actions and Penalties

- 18.1 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 against them:
- 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, then Council may rectify or organise for the issue to be rectified, and recover all costs from the owner/occupier in doing so;
 - 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;
 - e) Where a licensee fails to comply with any of the terms or conditions of the licence or acts in a manner which, in the opinion of Council, renders the licensee unfit to hold such licence then the Council may revoke the licence in accordance with the process for suspension and revocation of licenses as stipulated in the Kapiti Coast District Council General Bylaw 2010;
 - f) Any other steps that may be taken by the Council at law.