
ASHBURTON DISTRICT COUNCIL BYLAW

CHAPTER 16 -SOLID WASTE

SCOPE

- 1600** The purpose of this Bylaw is to ensure that refuse is collected and disposed of in the interests of public health and to ensure the minimal obstruction of streets and to provide for the efficient collection and recovery of recyclable waste. The Bylaw has a Policy which gives more concise information where required.

INTERPRETATION

- 1601** For the purposes of this Bylaw the following definitions shall apply:

APPROVED CONTAINER means any mobile bin, plastic bag or multi-wall paper bag or other container from time to time approved by the Council and collected by or on behalf of the Council.

COMMERCIAL REFUSE means any scrap or waste material resulting from the carrying on of any business, manufacturing, process, trade, market or other undertaking

HAZARDOUS WASTES means any wastes 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.

HOUSEHOLD REFUSE means cold ashes, sweepings, dust, paper, bottles, bones and waste food, cans, cartons, or other food containers, or any other refuse arising or resulting from domestic housekeeping operations.

RECYCLABLES means any items approved by Council from time to time and may include paper, cardboard, aluminium cans, tin/steel cans, bottles, glass jars and which are collected or accepted at any Refuse Disposal Site by or on behalf of the Council for recycling or reuse.

REFUSE CONTAINER in relation to household refuse means any household refuse container approved by the Council from time to time, and all references to refuse containers in this Part of the Bylaw shall, where the context permits, include official containers.

SUPERVISOR means any person for the time being appointed to control or manage or assist in the control or management of any Refuse Disposal Site and shall include any representative of any contractor contracted by the Council to operate or manage any Refuse Disposal Site.

WASTE MANAGEMENT FACILITY means any landfill, resource recovery park, transfer station, recyclables drop-off site or other land or facility operated by or for the Council for the disposal or temporary storage of refuse or any specified recyclable.

PROHIBITED ACTIVITIES:

- 1602** No person shall:
- (a) Place household refuse, commercial refuse, garden refuse, rubbish, rubble, debris or any other matter on vacant land within the District that is not set aside for that purpose by the Council
 - (b) Deposit in an approved container
 - (i) Any explosive material, highly flammable material, hot ashes, infectious material, or any other refuse or other matter that is not domestic refuse;
 - (ii) Any liquid, paint, printer's ink, acid or viscous fluid unless contained so that there shall be no damage to, or deterioration of the approved bag;
 - (iii) Any broken glass, china, crockery, bottles, other glass articles or sharp objects unless wrapped to prevent the possibility of injury to persons engaged in collection or disposal work.
 - (iv) Any radioactive waste, excluding domestic smoke detectors.
 - (c) Leave an approved container for collection which, together with its contents, weighs more than 15 kilograms.

APPROVED CONTAINERS

- 1603** Council may either directly or by way of private contract supply approved containers to individual properties.
- 1603.1** Any individual approved containers supplied in accordance with 1603 may be registered against specific properties and shall remain at that property. Mobile containers no longer required shall be returned to the Council.

HOUSEHOLD REFUSE

- 1604** 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.

REFUSE COLLECTION

- 1605** The Council may from time to time by resolution make and amend policy governing the collection of all types of refuse and recyclables by or for the Council and such policy shall be enforceable as part of this Bylaw.

DISPOSAL OF REFUSE

- 1606** 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.

OWNERSHIP OF REFUSE

- 1607** 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.

RESTRICTIONS ON REFUSE COLLECTION OPERATIONS

- 1608** 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 impose at any time.

RECYCLING

- 1609** The Council may arrange for the collection of specified recyclables in association with any refuse collection service provided by or for the Council or from specified or agreed recycling stations.
- 1609.1** No person shall interfere with or remove any recyclables or any container of recyclables that has been put out for collection or placed at a recycling facility for collection by or for the Council, except in the course of collecting the same on behalf of the Council.
- 1609.2** No person shall place or leave any non-recyclable materials in any recycling container or at any recycling station/or drop-off.

COMMERCIAL REFUSE

- 1610** No commercial refuse will be removed or disposed of by Council unless the refuse is contained in an approved container.
- 1610.1** The disposal of commercial refuse not collected by Council in the approved containers is the responsibility of the generator of that refuse.
- 1610.2** Where Council agrees to accept commercial refuse for disposal, then such refuse shall be taken to the place appointed and at the time specified by Council and disposed of at such charge as Council shall determine by resolution from time to time. No person shall take to any place of disposal material of any kind which has been prohibited by Council.

HAZARDOUS WASTES

- 1611** Should hazardous wastes require disposal by Council the generator shall supply a complete description of the wastes including chemical composition, form, volume and any other information needed to assess the environmental and operational impact of its disposal.
- 1612** Council may require hazardous wastes to be pre-treated to neutralise and stabilise them before being accepted for disposal.

STREET LITTER BINS

- 1613** No person shall make use of any street litter bin or other public refuse container for the purpose of placing or depositing in the bin any household, shop, office, commercial enterprise, trade, hazardous waste, commercial refuse or offensive matter.
- 1613.1** No person shall interfere with, or remove any refuse container erected or placed on any road or other public place for the deposition of litter by the general public, or the contents thereof other than an employee or agent of the person or organisation responsible for the emptying, cleansing or repair of that container.
- 1613.2** No unauthorised person shall remove, relocate, damage, deface, write or place any sign upon or in any way interfere with any refuse container being the property of the Council.

PENALTY

- 1614** The maximum penalty for an offence against any provision of this Chapter of the Bylaw is a fine not exceeding \$5000.

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POLICY DOCUMENT – CHAPTER 16 - SOLID WASTE

1.0 PLACEMENT OF CONTAINERS FOR EMPTYING OR REMOVAL

- 1.1 This section shall apply where the Council makes provision for a refuse collection service.
- 1.2 Every occupier shall, on the day and not later than the time specified in the relevant policy statement for the removal of refuse, cause the refuse container or containers to be packed and secured to prevent dispersal by wind or spillage and placed for collection in such situation as may be described in the relevant policy statement or as may be required by a Council officer.
- 1.3 No person shall leave or place refuse arising from one property outside another property unless the location has been approved by a Council officer.
- 1.4 No person shall put out for collection by or on behalf of the Council any refuse which is not in an approved container.
- 1.5 Where the refuse container is emptied rather than removed the occupier shall return it to the occupier's premises as soon as practicable after emptying.
- 1.6 The person collecting refuse on behalf of the Council may refuse to remove refuse or recyclables where:
- a) The container is damaged or otherwise likely to cause injury to the collector; or
 - b) The refuse is in an insanitary or offensive condition; or
 - c) The refuse includes refuse prohibited under this Bylaw; or
 - d) The container is not an official container; or
 - e) The container is in a condition that allows spillage of refuse; or
 - f) The containers or the refuse do not comply with the relevant policy statement notified under clause 7.0 of this part of the Bylaw in terms of type, volume, weight, numbers, placement or any other detail.
- 1.7 Where the above clause 1.6 of this part of the policy document applies and the refuse or recyclables are not collected the collector shall notify the occupier accordingly by the placing of a notice on the container, or by other means. In such circumstances the occupier shall return the refuse or recyclables to the occupier's premises and make alternative arrangements for their disposal as soon as practicable.

2.0 CONTROL OF REFUSE DISPOSAL SITES

- 2.1** Subject to the provisions of the Resource Management Act 1991 and any resource consent required the Council may set aside an area for the deposit or disposal of refuse. The use of a site set aside for the deposit or disposal of refuse is subject to the conditions outlined below.
- 2.2** All persons entering any Waste Management Facility shall observe and comply with all signs therein erected or any instructions given by a Council officer or Supervisor with regard to operational and safety matters relating to the Waste Management Facility or depositing refuse.
- 2.3** No child under the age of fifteen (15) years shall be permitted within or upon the disposal area unless accompanied by a person of 15 or more years of age.
- 2.4** A Council officer or Supervisor may refuse to accept at any Refuse Disposal Site any refuse for which any imposed fees or charges have not been paid or which, in his opinion:
- a) May cause hazard to the health and safety of the public or to any operator of the Waste Management Facility; or
 - b) May damage the environment; or
 - c) Cannot be adequately treated or handled by the normal methods used on that site.
- 2.5** All refuse, garden waste, recyclables, recoverables unwanted articles or other things deposited and left at any Waste Management Facility shall be deemed to be the property of the Council which may dispose of such materials by recycling as it wishes. The person so depositing and leaving such refuse etc. shall be deemed to have abandoned all claims to ownership thereof but shall not be relieved of any liability for damage which may arise nor from the penalties provided for offences against this part of the Bylaw.
- 2.6** No person shall remove any deposited refuse, article or materials from any Waste Management Facility without the consent of a Council officer or Supervisor, providing that this shall not apply to any person authorised by the Council to remove articles or materials for recycling or reuse.
- 2.7** No person shall move or operate a vehicle within a Waste Management Facility except according to such instructions and signs and shall at all times keep to the speed limits indicated and drive with due care and consideration to other persons and vehicles.
- 2.8** No person shall light a fire or cut any vegetation within the disposal area unless authorised by a Supervisor or Council officer.
- 2.9** Offensive refuse shall only be disposed of when a Supervisor or Council officer is present at the disposal area. A Supervisor or Council officer shall be notified prior to disposal of the offensive refuse that it is offensive.

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- 2.10** The discharge of firearms is prohibited without the approval of a Supervisor or Council officer. In granting an approval the Supervisor or Council officer must be satisfied that the operator holds a valid firearms licence in accordance with the relevant legislation and that the discharge of firearms relates to a legitimate purpose.
- 2.11** Every person disposing of refuse in the disposal area shall place the refuse in the position and manner directed by the person having charge of the disposal area. If there is no person in charge present at the disposal area refuse permitted to be disposed of in terms of this part of the policy document shall be placed in the part of the disposal area that is in practical use, and is marked with signs indicating the point of disposal.
- 2.12** The disposal of hazardous waste requires prior approval of a Supervisor or Council officer to be granted at their sole discretion. Unless this has been obtained the disposal of toxic and/or hazardous refuse is prohibited.
- 2.13** No person shall take any animal on to any Waste Management Facility or allow any stock to wander or graze thereon without the prior consent of a Supervisor or Council officer.
- 2.14** No person shall damage any fence, gate, building, plant or equipment, water supply, road, sign or tree, on any Waste Management Facility.
- 2.15** It shall be unlawful for any unauthorised person to loiter or disturb refuse or to remove refuse from a disposal area.
- 2.16** A Council officer or Supervisor may require any person to leave any Refuse Disposal Site, with or without any refuse brought by that person for disposal, who is on the site contravening the provisions of this Bylaw.
- 2.17** Every person on any Waste Management Facility shall if asked by a Supervisor or Council officer give that person's name and address in full to the Supervisor or Council officer and no person so requested shall give a false name or address.
- 2.18** The disposal area may be closed in an emergency, or at any time at the discretion of a Council officer.

3.0 RECYCLABLES ON REFUSE DISPOSAL SITES

- 3.1** Any materials entering any Waste Management Facility which are designated as recyclables shall be deposited in such places and in such a manner as directed by a Supervisor or Council officer.
- 3.2** All persons entering any Waste Management Facility shall observe and comply with all signs erected or any instructions given by a Supervisor or Council officer with regard to operational and safety matters relating to the Waste Management Facility or depositing refuse.
- 3.3** No person shall deposit any general refuse in any place or container designated for the deposition of recyclables.
- 3.4** Any person shall obey any reasonable instruction of a Supervisor or Council officer to separate recyclables from general refuse and to deposit them as directed.