

## **Collection and Transportation of Refuse Bylaw 2006**

The Papakura District Council hereby makes by way of special order the following Bylaw pursuant to the Local Government Act 1974 and all other Acts or authorities enabling it on that behalf.

### **Part A. Introduction**

This Bylaw is to regulate the collection, removal and transportation of Household Refuse in Papakura District.

#### **1. Commencement of the Bylaw**

This Bylaw may be cited as the Papakura Collection and Transportation of Refuse Bylaw 2006.

This Bylaw comes into force on 1 July 2006.

#### **2. Application of the Bylaw**

This Bylaw shall apply to persons providing or intending to provide Household Refuse collection services in Papakura District.

#### **3. Revocation**

Papakura District Council revokes clause 3.5 Chapter 10 Removal of Refuse of the former Manukau City Council Consolidated Bylaw 1999 operative in part of the Papakura District by virtue of the Local Government Reorganisation Order gazetted 13 June 1989.

#### **4. Purpose of the Bylaw**

The general purposes of this Bylaw are:

- a) To regulate the collection and transportation of Household Refuse.
- b) To impose specific performance standards and requirements for Household Refuse collection and transportation for the benefit of the public.
- c) To ensure effective and efficient waste management in the Council's area.

## **Part B. Interpretation**

### **5. Definitions**

In this Bylaw

**“Approved Receptacle”** means a container or bag used for the keeping of Household Refuse and approved by the Council pursuant to the provisions of this Bylaw.

**“Commercial Waste”** means any Solid Waste resulting from the carrying on of any business, manufacture, process, trade, market, or other undertaking

**“Council”** means Papakura District Council and shall include all Council officers authorised to act on Council’s behalf.

**“Green Waste”** means compostable plant material.

**“Hazardous Waste”** means any waste that is publicly notified by the Council from time to time to be hazardous and to require special handling for the purposes of collection and transportation.

**“Household Refuse”** means Solid Waste resulting from domestic housekeeping operations. Household Refuse does not include Recyclable Waste, Green Waste, Paper Waste, Inorganic Waste, Commercial Waste, Prohibited Waste, Hazardous Waste, Trade Waste or Liquid Waste of any nature.

**“Inorganic Waste”** means domestic Solid Waste that will not fit within an Approved Receptacle.

**“Licence”** means a Licence granted by Council under this bylaw.

**“Licensed Waste Collector”** means a person which has a Licence to collect and transport waste.

**“Liquid Waste”** means waste generated in, or converted to, a liquid form for disposal.

**“Litter”** includes refuse, rubbish, animal remains, glass, metal, garbage, plastic, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature.

**“Occupier”** means any person who occupies any land or building and, if the land or building is unoccupied, includes the owner

**“Paper waste ”** means any paper, cardboard, or any other paper based waste.

**“Person”** includes a company or other corporate body.

**“Prohibited Waste”** means:

- a) any broken glass, broken crockery, broken plastic, hacksaw blade, razor blade, skewer, syringe, knife or any other object or material capable by reason of its shape or sharpness of causing injury unless any such waste is properly and sufficiently contained so as to prevent injury damage or loss;
- b) any sharp object or material capable of puncturing the Approved Receptacle or capable by reason of its brittleness of shattering in the course of collection; unless such waste is properly and sufficiently wrapped or contained so as to prevent injury damage or loss;
- c) any explosive, hot ashes, flammable material, infectious material, or any other matter, thing or waste of any kind whatsoever that may endanger any person, animal or vehicle which may come in to contact with it at any time prior to during or following collection before or during collection;
- d) any liquid or any viscous fluid;
- e) any radioactive wastes, but excluding domestic smoke detectors;

**[Advice Note: Domestic smoke detectors may be disposed of as Household Refuse]**

- f) any used oil, lead-acid batteries, refrigerators and/or freezers that have not been de-gassed;
- g) any Hazardous Waste.

**“Recyclable Waste”** means any rags, second hand or used clothing, textiles, wood, concrete, steel, paper, steel cans, tin cans, aluminium cans, glass, plastic products including plastic containers and other items publicly notified by the Council from time to time.

**“Refuse Collection Area”** means the area on the road reserve outside the property from which the Household Refuse originates immediately adjacent to the kerb and limited in size so that the placement of the Household Refuse does not unduly interfere with the free passage of pedestrians or such other place approved by Council as a Refuse Collection Area.

**“Solid Waste”** means any waste generated as a solid or converted to a solid for disposal.

**“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.

**“Trade Waste”** means any sewage or liquid, with or without matters in suspension or solution, produced in the course of any trade or industrial process.

## **Part C Collection and Transportation of Household Refuse**

### **6. Control of collection and transportation of Household Refuse**

No person, other than the Occupier of the property from which the Household Refuse was generated, shall collect, remove and transport that Household Refuse from within the District's Refuse Collection Area or from private property except in accordance with a Licence granted pursuant to this Bylaw.

### **7. Provision of Approved Receptacles**

7.1 Every Occupier must use an Approved Receptacle for Household Refuse.

7.2 Approved Receptacles for Household Refuse include:

- (a) Paper bag approved by Council and sold by or on behalf of Council or Licensed Household Refuse Collectors;
- (b) Plastic bag approved by Council and sold by or on behalf of Council or Licensed Household Refuse Collectors;
- (c) Biodegradable bags approved by Council and sold by or on behalf of Council or Licensed Household Refuse Collectors for specific Council services;
- (d) Mobile bin approved by Council and provided by or on behalf of Council or Licensed Household Refuse Collectors;
- (e) Any receptacle provided by a Licensed Household Refuse Collector and approved by Council for the purpose of collecting Household Refuse;
- (f) Any other receptacle provided by or on behalf of Council from time to time for the purpose of collecting Household Refuse.

7.3 For the purposes of this section clause 3.5 of Bylaw - Chapter 10 Removal of Refuse is revoked.

### **8. Application for Licences**

8.1 Applications for Licences must be made in the form prescribed by Council, and be accompanied by such further supporting information as the Council may require to enable processing of the application.

8.2 Licences shall be granted in the discretion of the Council, upon and subject to such terms and conditions as the Council thinks fit.

8.3 A Licence is personal to the holder and is not transferable.

## **9. Matters to be considered**

9.1 When exercising its discretion to grant a Licence and the conditions to be imposed under it, the Council may take into account such matters as bearing on the suitability 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's waste management plan and waste reduction initiatives.
- b) The frequency and location of the Household Refuse collection, removal, transportation.
- c) The specifications of the vehicles, equipment and Approved Receptacles to be used for the collection, removal, transportation of Household Refuse.
- d) 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.
- e) The applicant's financial position.

## **10. Licence conditions**

The terms and conditions upon which a Licence may be granted include, but are not limited to the following:

- a) Term – A Licence shall be granted for a term of 5 Years;  
or

if an application for the renewal of the Licence is made, until the application is determined.

The holder of a Licence may apply for the renewal of the Licence.

The terms and conditions upon which a Licence may be renewed shall be the same as those applying for an application for a Licence.

- b) Bond – The licensee must post a bank guaranteed (or cash, at the licensee's election) performance bond for an amount not exceeding \$50,000.

- c) Compliance with standards – The licensee must comply with the Council's standards and policies for Household Refuse collection, removal or transportation services including, in respect of collection services:
  - i) The collection of any Litter spillage from and within 5 metres of an Approved Receptacle awaiting collection by the licensee and any Litter spillage from the licensee's vehicle during the collection, removal or transportation process.
  - ii) Provision of Household Refuse collection services on the days and at the times nominated by Council.

**11. Failure to comply with Licence conditions**

Every licensee breaches this Bylaw who fails to act in full compliance with the terms and conditions of its Licence and may be liable on conviction by the courts for that breach to a fine not exceeding \$20,000.