

**WAIMATE DISTRICT CONSOLIDATED BYLAW 2008****CHAPTER 13****13 SOLID WASTE****Scope**

The purpose of this Chapter of the Bylaw defines the requirements for sorting, preparation, collection and depositing of Solid Waste at Waste Management Facilities

**1301 Council Kerbside Collection**

1301.1 Council may from time to time make and amend and publicly notify policy which may include but is not necessarily limited to the following.

- a) To determine areas within the Waimate District Eligible for Solid Waste collection.
- b) To designate the days and time of Solid Waste collection including alternative days for public holidays.
- c) To contract any Solid Waste collection contractor to carry out collection of Solid Waste for Council.
- e) To determine the area and type of properties that Council will provide a Kerbside collection service to.
- f) To assign Approved Containers to Eligible premises;
- g) To determine the frequency of collection of Solid Waste in each designated collection area of the District.
- h) To designate the conditions and guidelines relating to the acceptance of Solid Waste materials for collection as part of a Council Kerbside Collection and at Waste Management Facilities.

**1302 Owner and Occupier Responsibilities**

1302.1 Every Owner or Occupier of an Eligible Premise shall:

- a) Ensure that Approved Containers are not intentionally damaged.
- b) Utilise Approved Containers for the storing and collection of rubbish and Recyclable Materials.

- c) Separate and prepare all Solid Waste generated from within Eligible properties so as to comply with the acceptance criteria for Solid Waste.
  - d) Maintain Approved Containers in a sanitary manner so as not to cause offence or nuisance.
  - d) Place Approved Containers out for emptying by 7.00am in accordance with Council instructions for placement.
  - e) Ensure the lid of an Approved Container is closed shut when the container is placed out for emptying so that no material is sticking out of the Approved Container.
  - f) Remove any Approved emptied Containers from the Kerbside or roadside not later than 24 hours after the day of collection.
  - g) Notify Council immediately of any damage or loss to any Approved Container.
- 1302.2 Landlords shall ensure tenants Eligible Premises that are residential dwellings receive the appropriate allocation of Approved Containers and shall provide adequate space for storage of the Approved Containers.
- 1302.3 When an Approved Container has been placed outside a Premise for collection, no Person other than the Owner or Occupier of that property, or any Council staff, agent or contractor shall interfere with, add to or remove any of the contents of the Approved Container.
- 1302.4 No Person shall dispose of any Solid Waste from Eligible Premises or any commercial Premises in to a street litter bin.
- 1302.5 No Person other than the Occupier/Owner of the Eligible Premises to which the Approved Container has been allocated, Council staff, agent or contractor shall remove an Approved Container from its placement on the kerb.
- 1302.6 Approved Containers allocated to an Eligible Premises shall remain at the Eligible Premises the Approved Containers were originally assigned to. The Approved Containers shall not be removed and used at another Premises unless permission is granted by Council.
- 1302.7 Where an Approved Container has been damaged through negligence, misuse, abuse or alterations the repair of damage or replacement shall be a cost recoverable from the Owner or

Occupier of the Eligible Premises to which the Approved Container was assigned.

The Owner or Occupier of Eligible Premises shall not be liable for theft, vandalism or damage caused inadvertently by others.

- 1302.8 The Owner or Occupier of an Eligible Premises shall make the Approved Containers assigned to the Eligible Premises available to Council, or its contractors or agents for inspection purposes or repair within 24 hours of that request.

### **1303 Approved Containers**

- 1303.1 Council shall determine the type of Approved Containers to be supplied to Eligible Premises.

- 1303.2 Approved Containers will be identified by Council name.

- 1303.4 Containers that are not Approved Containers will not be emptied or removed.

### **1304 Disposal of Solid Waste**

- 1304.1 No Person shall, in an Approved Container or otherwise, present for disposal to landfill at a Council Waste Management Facility, a banned material or Prohibited Waste as specified within the First and Second Schedules of this chapter to the Bylaw.

### **1305 Preparation of Solid Waste Material**

- 1305.1 Every Occupier or Owner of Eligible Premises shall ensure that their Solid Waste is sorted and separated into the corresponding Approved Containers for recycling or rubbish to landfill.

- 1305.2 Solid Waste materials shall be prepared in accordance with instructions provided by Council.

- 1305.3 Except in cases where disposable containers are used Solid Waste shall not be packed tightly into Approved Containers, but shall be stored in a manner that enables the contents to tip out freely.

- 1305.4 Council may from time to time amend its instructions regarding the collection and disposal of Solid Waste. This may include but

is not limited to instruction on maximum weight for Approved Containers, the type of Solid Waste materials to be placed into Approved Containers and any other such matters Council considers relevant.

**1306 Placement of Approved Containers**

- 1306.1 Approved Containers shall where possible be placed for collection free of obstruction in the horizontal and vertical plane for emptying. Approved Containers shall be spaced at least 0.5 metres apart.
- 1306.2 Occupiers or Owners of Eligible Premises shall place their Approved Containers at the Kerbside or Roadside for emptying in accordance with instructions provided by Council or its contractor.
- 1306.3 Approved Containers placed out on the wrong collection day will not be emptied and the Owner or Occupier of the Eligible Premises shall be responsible for removing the container.
- 1306.4 An Approved Container will only be emptied once on each Collection Day unless approval is given by Council for any further emptying of an Approved Container of an Eligible Premises.
- 1306.5 Council collection contractor is not required to return to emptied Approved Containers that have not been placed out in time for emptying. In such circumstances the Owner or Occupier of the Eligible Premises shall be responsible for emptying the Approved Container. The Contractor, where possible, may return to empty an Approved Container.

**1308 Improperly prepared materials and contamination of Approved Containers**

- 1308.1 Council collection contractor shall not collect improperly prepared materials or empty contaminated Approved Containers.
- 1308.2 Where an Approved Container is declined for collection the Owner or Occupier of the Eligible Premises shall be notified of the problem by Council as soon as is practicable in the circumstances.

- 1308.3 When notified of improperly prepared materials or contamination of Approved Containers the Owner or Occupier of the Eligible Premises shall be responsible for remedying or mitigating the contamination or improperly prepared materials.
- 1308.4 An Approved Container so notified as being contaminated or improperly prepared will not be emptied until the next designated Collection Day.
- 1308.5 Council may advise the Owner/Occupier informing them of the acceptance criteria for preparation of and collection of materials.
- 1308.6 Where the Occupier/Owner of an Eligible Premises of an Approved Container fails to adhere to Council advice then Council may stop the Council Kerbside Collection for that Eligible Premises.

**1309 Commercial Premises**

- 1309.1 The disposal of Solid Waste not eligible for collection by Council is the responsibility of the generator of that Solid Waste.
- 1309.2 The Owner of commercial Premises shall ensure sufficient space is provided to accommodate containers for Solid Waste, including separate containers for Reusable, Recyclable and Compostable Material.
- 1309.3 The Owner or Occupier of a commercial premises shall sort and separate all Solid Waste generated at the Premises so as to facilitate the collection of materials for recycling and composting and to comply with Council's waste acceptance criteria.

This waste may be placed in Approved Containers or contractor containers or taken to the Resource Recovery Park.

**1310 Accumulation of Waste**

- 1310.1 The Occupier and the Owner of any Premises shall not permit or allow any accumulation of Solid Waste, Reusable, Recyclable and or Compostable Materials in, on, or about that Premises to be or become unsightly or offensive so as to be a nuisance or likely to be injurious to health.
- 1310.2 Where Approved Containers or contractor containers are provided Solid Waste shall be placed in the respective containers.

Home composting systems are permitted to dispose of Compostable Materials, as long as there is no breach of clause 1310.1 hereof.

**1311 Solid Waste Collectors and Operators to be Licensed**

1311.1 Any Person who as part of a commercial operation collects Solid Waste from residential dwellings or commercial Premises or who sorts and processes Solid Waste as part of a Solid Waste collection business shall be licensed by Council to do so.

1311.2 The purpose of such a licence is to ensure that the objectives of Councils Solid Waste Management Plan are achieved with regard to the separation of Reusable, Recyclable and Compostable Materials presented to Council for disposal.

1311.3 Every application for a Licence shall be made on the prescribed form, and shall include a description of the activities undertaken and shall be accompanied by a fee as set by Council from time to time.

1311.4 Licenses may be granted at the discretion of Council, and maybe subject to such terms and conditions as Council determines.

1311.5 A Licence shall be Personal to the holder and is not transferable.

**1312 Matters to be Considered for Issue of Licence**

1312.1 When exercising its discretion in granting a Licence and the conditions to be imposed, Council may take into account such matters including but not limited to the following:

- a) The suitability of the applicant to hold a licence.
- b) The extent to which the licensed activities will promote public health and safety and achievement of Council's Solid Waste Management Plan and waste reduction initiatives.
- c) The type of Solid Waste to be removed collected or transported.
- d) The manner of treatment (if any) and disposal of the Solid Waste type, and the location of the Waste Management Facility at which it is proposed that processing or disposal will occur.
- e) The frequency and location of the Solid Waste collection, removal, transportation or disposal services offered.

- f) The specifications of the Vehicles, equipment and containers to be used for the collection, removal, transportation, processing or disposal of Solid Waste.
- g) The applicant's experience, reputation and track record in the Solid Waste industry, including any past operational issues which may affect the applicant's performance.
- h) The applicant's financial ability to carry out the proposed business.
- i) The terms and conditions under which such disposal of Solid 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.

### **1313      Licence Conditions**

1313.1      The terms and conditions upon which a Licence may be granted include, but are not limited to the following:

- a) A licence may be granted for a term of not more than 5 years, and may be renewable.
- b) The licensee shall pay an annual Licence fee as determined by Council from time to time.
- c) The licensee shall comply with Council's standards and policies for the collection, removal, transportation processing or disposal of Solid Waste.

### **1314      Hours of Collection**

1314.1      Commercial Solid Waste collection operators shall operate only between the hours of 6.00am and 10.00pm. Collection outside these hours may only be undertaken with approval from Council as a variation to a Licence.

### **1315      Maintenance of Passage on Public Street, Kerbside, Footpath and Roadside.**

1315.1      Large contractor containers and skips for the collection of Solid Waste shall not be placed on a Kerbside, Footpath or Road Reserve so as to obstruct and Vehicle or pedestrian, without consent from Council.

1315.2      Contractor containers shall not be placed in situations that causes a hazard or blocks the passage of Vehicles or pedestrians to or from any Premises.

**1316 Contractor Containers**

- 1316.1 Containers supplied by a Licensee for Solid Waste Collection shall comply with any health and safety requirements. It is the responsibility of the licensee to ensure the safety and structural worthiness of containers.
- 1316.2 Licensee's containers shall be capable of containing the material deposited within.
- 1316.3 Licensee's containers shall be clearly labelled to indicate the material which can be placed into the container.
- 1316.4 The Licensee's name and contact telephone number shall be posted on the side of the container and maintained so that it is clearly and easily able to be read at all times.

**1317 Waste Acceptance Criteria**

- 1317.1 The Licensee shall ensure that all Solid Waste taken to Council's Waste Management Facilities complies with the waste acceptance criteria for the respective Waste Management Facility.
- 1317.2 The Licensee shall be liable for any extra costs for processing contaminated loads or loads that do not comply with the waste acceptance criteria for the Waste Management Facility.
- 1317.3 During the transition period until contractors are licensed the above clauses 1317.1 and 1317.2 will apply to collection contractors disposing Solid Waste at the respective Waste Management Facilities.

**1318 Improperly Prepared Materials and Contamination**

- 1318.1 It is the responsibility of the Licensee to ensure that customers properly prepare Solid Waste materials for collection.
- 1318.2 Council may assist in providing information and advice to assist with the proper preparation and separation of Solid Waste materials.
- 1318.3 The Licensees container shall be cleaned out regularly and as necessary to avoid any odours which may cause offence or nuisance.

1318.4 The Licensees container shall be emptied to avoid overflowing Solid Waste.

**1319 Disposal of Recyclable and Compostable Material**

1319.1 Licensees shall ensure Recyclable and Compostable Material is taken to the appropriate Waste Management Facility for processing. Recyclable and compostable material shall not be disposed of as rubbish into Council's landfill.

**1320 Illegal Dumping**

1320.1 No Person other than the hirer of a commercial Solid Waste collection contractor or other authorised Person shall place Solid Waste into a commercial container of the commercial collector.

**1321 Waste Importing**

1321.1 No Person shall import from outside the Waimate District commercial Solid Waste for disposal to Council's Waste Management Facility unless such importing and disposal is approved by Council.

**1322 Council Waste Management Facilities**

1322.1 All Persons entering a Council Waste Management Facility shall:-

- Observe and comply with all erected signs, notices and instructions.
- Comply with all waste acceptance criteria
- Pay the appropriate fees.
- Not damage any plant, equipment or Premise at the facility
- Separate Reusable, Recyclable and Compostable Materials as instructed by on site staff.
- Leave the site as instructed prior to closing time.

**1323 Access**

1323.1 Access to a Council Waste Management Facility outside normal opening hours is determined by Council or it's contractor or agent.

**1324 Removal of Material from Facilities**

- 1324.1 It shall be an offence against this chapter of the Bylaw for any unauthorised Person to enter, loiter, disturb or deposit any Solid Waste material at or to remove any Solid Waste or article of any kind from a Council Waste Management Facility.

**1325 Banned and Prohibited Materials**

- 1325.1 Materials identified in Schedule One to this chapter of the Bylaw are prohibited from being disposed to a landfill in the Waimate District. These materials must be taken to an appropriate recycling or composting facility. Waste acceptance criteria developed for disposal facilities within the District will determine if minimum threshold levels will apply for the materials in Schedule One hereof.
- 1325.2 Materials identified in Schedule Two of this chapter of the Bylaw are prohibited from being disposed to the Waimate landfill, either via Council or contractor container, or by any other means including private or commercial Vehicle. Waste acceptance criteria developed for disposal facilities within the District will determine if minimum threshold levels will apply for the materials in Schedule Two hereof.

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**WAIMATE DISTRICT CONSOLIDATED BYLAW 2008****CHAPTER 13****SOLID WASTE****FIRST SCHEDULE****BYLAW POLICY                      BANNED AND PROHIBITED MATERIALS**

**SUBJECT:**            Clause 1325.1 – Banned Materials

The following items shall not be disposed as rubbish into a Council Landfill, but shall be disposed of as Reusable, Recyclable or Compostable Material at appropriate processing facilities:

- 1        Petroleum oil
- 2        Lead acid Batteries
- 3        Newspaper and recyclable paper as notified by Council
- 4        Cardboard
- 5        Glass bottles and jars
- 6        Aluminium Cans
- 7        Rigid plastic containers as notified by Council
- 8        Compostable garden and food waste as notified by Council.
- 9        Steel Cans
- 10      Ferrous and Non Ferrous Metals as notified by Council
  
- 11      Any other material as may be determined from time to time by Council.

**WAIMATE DISTRICT CONSOLIDATED BYLAW 2008****CHAPTER 13****SOLID WASTE****SECOND SCHEDULE****BYLAW POLICY****BANNED AND PROHIBITED MATERIALS**

**SUBJECT:** Clause 1325.2 – Prohibited Waste

The following items shall not be disposed of into an Approved Container destined for a Council Waste Management Facility:

- 1 Unless any such waste is properly and sufficiently contained so as to prevent injury damage or loss, any broken glass, broken china, broken plastic, hacksaw blade, razor blade, skewer, knife or any other object or material capable by reason of its shape or sharpness of causing injury;
- 2 Unless such waste is properly and sufficiently wrapped or contained so as to prevent injury damage or loss, any sharp object or material capable of puncturing the Approved Container or capable by reason of its brittleness of shattering in the course of collection;
- 3 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 the material at any time prior to, during or following collection and disposal.
- 4 Any liquid or viscous fluid
- 5 Any radioactive wastes, but excluding domestic smoke detectors;
  - a. [Advice Note: Domestic smoke detectors may be disposed of as Household Waste]
- 6 Any waste oil, lead-acid batteries, refrigerators and/or freezers that have not been de-gassed;
- 7 Any Hazardous Substance;
- 8 Any Solid Waste that is not Compostable Material that is placed into an Approved Container or contractor container designated for Compostable Material.
- 9 Any non Approved biodegradable container that is placed into an Approved Container or contractor container designated for Compostable Material.

- 10 Any Solid Waste that is not Recyclable Material that is placed into an Approved Container or contactor container designated for Recyclable Material.
- 11 Compressed gas cylinders.
- 12 Or any other items or material as maybe determined from time to time by Council.