

## PART I - PLACEMENT OF REFUSE

### 6 PLACEMENT OF REFUSE FOR COLLECTION

Any Refuse left for collection shall be placed in the Designated Collection Area in such manner as facilitates its removal by an Authorised Refuse Collector or in such manner as the Council may direct from time to time, and if in a Receptacle, the Receptacle must be positioned for collection in accordance with any instructions stipulated on the Receptacle or as directed by Council from time to time. All Refuse other than Inorganic Refuse must be placed in a Receptacle. Every Receptacle (other than a Recycling Crate) must be sealed so as to minimise the spillage of Refuse from the Receptacle. If Refuse is not so placed or positioned, the Authorised Refuse Collector will not be required to collect the Refuse.

### 7 CONTAMINATION

Household Refuse, Commercial Refuse, KCR and Inorganic Refuse shall be separately placed for collection unless Council directs otherwise. No Occupier shall mix any of these different types of Refuse, except where Council has permitted such mixing.

### 8 TIME AT WHICH REFUSE MAY BE PLACED FOR COLLECTION

No person shall place Household Refuse or KCR for collection earlier than the collection day and in any event not later than 07:30 on that collection day unless otherwise directed by Council from time to time. Commercial Refuse must be placed for collection at the times directed by Council from time to time.

No person shall place Inorganic Refuse for collection earlier than the Saturday prior to the day fixed for that collection unless otherwise directed by Council from time to time.

### 9 SPECIAL PICK UP OF INORGANIC REFUSE

The Council may from time to time provide special collection services for Inorganic Refuse. The period fixed for collection and the type of Refuse which will be collected will be publicly notified by Council.

Inorganic Refuse for the purposes of Council's special collection shall comply with Council's notified requirements and, unless otherwise specified, be subject to the same rules as other Refuse under this bylaw.

## PART II - REMOVAL OF REFUSE

### 10 REMOVAL OF REUSABLE RECEPTABLES

Every Refuse collector shall return every emptied reusable Receptacle to an upright position within the relevant Occupier's Designated Collection Area. Prior to the expiry of the day fixed for collection, every Occupier must remove the Occupier's emptied reusable Receptacle, or the emptied reusable Receptacle that relates to that Occupier's premises, from the Designated Collection Area.

11 UNCOLLECTED REFUSE TO BE REMOVED

Uncollected Refuse must not be left in a public place after expiry of the day fixed for collection. The Occupier shall be responsible for returning uncollected Refuse which relates to that Occupier's premises, to the Occupier's premises. Compliance with this clause shall not be an offence under Clause 12 of this bylaw.

12 OFFENCE TO REMOVE REFUSE WITHOUT A LICENCE

Every person commits an offence who, without a Licence, removes Refuse from a Designated Collection Area. Where a person removes more than one Receptacle or item of Refuse without a Licence, each such removal constitutes a separate breach of this bylaw. It shall not be an offence if Council collects Refuse which is left for collection otherwise than in a Receptacle or where for any reason Refuse is not collected by an Authorised Refuse Collector.

PART III - AUTHORISED REFUSE COLLECTORS

13 LICENSING OF REFUSE COLLECTORS

The Council may from time to time grant Licences authorising applicants to carry on the trade or business of collection of Refuse in accordance with this bylaw and on such other terms as the Council sees fit.

14 MATTERS AFFECTING GRANT OF LICENCE

The Council will consider the following matters in deciding whether to grant or refuse consent to any person applying to carry on a trade or business involving the collection of Refuse:

- (a) The objectives of Council's Waste Management Plan;
- (b) The impact of granting or refusing a licence on the volumes of recyclable Refuse and any existing recycling system;
- (c) The nature and frequency of the proposed Refuse collection;
- (d) The type and capacity of Receptacles the applicant proposes to collect;
- (e) Proposals to assist the Council with its reasonable information requirements;
- (f) Public liability insurance;
- (g) Such evidence of the applicant's good character and track record as the Council may require;
- (h) Such evidence as to the applicant's intentions with respect to the disposal of Refuse as the Council may require, and confirmation as to the terms and conditions under which such disposal of Refuse is permitted, and the existence of any statutory approvals.

authorisations or consents required to be held or complied with in respect of such disposal.

#### 15 REQUIREMENTS OF LICENCE

A licence granted by Council may require each Authorised Refuse Collector as a condition of its licence:

- (a) To provide a work performance bond of \$100,000 or such other amount as Council deems appropriate from time to time;
- (b) To pay Council a charge per tonne of waste collected;
- (c) To charge the same fee per unit of Refuse (from wherever the Refuse was collected), however that unit is measured, without restriction by Council as to what that fee may be;
- (d) To provide Refuse collection services to one or all of the designated Zones;
- (e) To offer Refuse collection services for the entire Zone or Zones, and publicise that service and the fee charged;
- (f) To provide reports to Council weekly (or such other frequency as Council determines) on the quantity and type of Refuse, and source and destination of Refuse;
- (g) To collect only that Refuse which each Licence permits;
- (h) To comply with all conditions of any other statutory approvals, authorisations or consents required to be held or complied with in respect of the disposal of Refuse collected by the Authorised Refuse Collector.

#### 16 BREACH OF CONDITION OF LICENCE

Breach of any of the conditions set out in the Licence shall entitle Council to terminate the Licence.

### PART IV - ENFORCEMENT, PENALTIES AND AMENDMENT TO BYLAW

#### 17 POWER TO ENFORCE

Any Officer may enforce the provisions of this bylaw.

#### 18 OFFENCES AND PENALTIES

Every person commits an offence against this bylaw who does any act in contravention of or fails to comply with any requirements thereof. Every person who commits an offence against this bylaw is liable on summary conviction to a fine not exceeding \$500 and where the offence is a

continuing one to a further fine not exceeding \$50 for every day or part of the day during which the offence continues. The continued existence of anything in a state contrary to any requirement of this bylaw shall be deemed to be a continuing offence.

19 AMENDMENT TO GENERAL BYLAW NO. 4, 1990 - CHAPTER 6

Clause 602.1 of Council's General Bylaw No. 4, 1990 - Chapter 6 - Removal of Refuse, Baling and Disposal is hereby amended by deleting "60 litres" and inserting "240 litres".

The common seal of the )  
WAITAKERE CITY COUNCIL )  
was hereunto affixed )  
pursuant to a resolution )  
of Council passed on 1999 in the )  
presence of )

CHIEF EXECUTIVE

GENERAL MANAGER: SUPPORT SERVICES

## North Shore City Bylaw 2000

### Part 20

#### Refuse and Recycling Collection

##### Explanatory note:

This part of the Bylaw regulates refuse collection, and contains provisions dealing with refuse containers, recyclables, inorganic refuse and commercial refuse. The purpose of this part of the Bylaw is to regulate the collection and disposal of waste in North Shore City in keeping with North Shore City Council's Waste Reduction Plan. The bylaw recognises the needs of both current and future residents and businesses. Immediate needs include protection of public places and private property from obstruction and health hazard. Long term needs relate to practices supporting Council's ultimate goal of zero waste to landfill.

North Shore City Council's policy is that refuse collection be a user pays service. Residents can choose to use the Council collection service or services provided by competing private operators. Council provides a rates-funded weekly recycling service to residential and commercial properties, plus an annual household inorganic refuse collection to residences.

Council may require all commercial collection operators to hold a licence from Council to collect refuse and/or recycling from the berm and other public places within North Shore City.

The bylaw is made pursuant to section 542 of the Local Government Act 1974. It draws on NZS 9201:Part 6:1999; Model General Bylaws Part 6 - Solid Waste 1999.

##### **OBJECTIVES**

The objectives of this Bylaw are:

- To ensure effective and efficient waste management in North Shore City while minimising any obstruction of North Shore City streets; and
- To regulate the collection and disposal of refuse in such a way as to encourage minimisation of the quantity of waste being generated in North Shore City which requires disposal to landfill, in keeping with Council's Waste reduction Plan.

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## 20.1 SPECIFIC DEFINITIONS

These definitions apply specifically to this part of the Bylaw, in addition to the general definitions in Part 1: General Provisions:

<b>approved container</b>	a container of a kind approved by us for the keeping of refuse and/or recycling and for use by our collection service or by refuse collectors licensed under the provisions of this bylaw.
<b>commercial collection area</b>	a shopping and/or commercial area specifically identified by us to receive a refuse and recycling service at a higher frequency and/or of a different nature from our residential service.
<b>commercial refuse</b>	any scrap or waste material other than special refuse resulting from the carrying on of any business, manufacturing process, trade, market or other undertaking.
<b>excess capacity fee</b>	a fee prescribed by us in accordance with the North Shore City Waste Reduction Plan as an economic disincentive on the use of large refuse containers and to encourage recycling and composting.
<b>household refuse</b>	wrapped cold ashes, sweepings, dust, paper, bottles, waste food, cartons or other containers, or any other refuse arising or resulting from housekeeping activities.
<b>household inorganic refuse</b>	means those inorganic materials determined by us to be output for collection from residential premises as notified by us from time to time and includes household appliances and furniture of a weight and size which can be lifted by two people.
<b>multi-unit property</b>	a property which contains more than one residential and/or business occupancy in one or more buildings
<b>recyclables</b>	clean paper, cardboard, aluminium cans, tins, bottles, glass jars, and recyclable plastic containers and similar items of a kind which arise or result from housekeeping activities and other items that are specifically identified

by us.

**special refuse**

any waste whether from commercial or any other source which is hazardous, toxic or by its nature requires special disposal because of environmental considerations or landfill operational requirements and includes any dressings, needles, syringes, or other material used on patients in medical rooms, laboratories, veterinarian clinics and dental rooms.

**20.2**

**GENERAL PROVISIONS APPLYING TO ALL RECYCLABLES, HOUSEHOLD AND COMMERCIAL REFUSE**

**20.2.1** In this section the term "refuse" refers to household refuse and commercial refuse.

**20.2.2** You must put refuse and recyclables for collection in approved containers.

**20.2.3** You must not:

(a) cause or permit an accumulation of refuse or recyclables to remain in or about any premise occupied by you;

(b) place any container which contains refuse or recyclables in or on any public place which is not next to your premises;

(c) place any refuse or recyclables in or on a road and/or other public place other than for collection by us or a refuse collector authorised by us to collect refuse.

**20.2.4** You must immediately remove any uncollected non-conforming refuse or recyclables or any uncollected conforming refuse or recyclables in non-approved containers from the road and/or public place.

**20.2.5** We will determine the type, capacity or weight of any approved container for the storage of refuse and recyclable refuse, for use either by our collection service or by a licensed refuse collector.

**20.2.6** We will not collect any non-conforming refuse or recyclables or any unapproved container.

**20.2.7** You must keep every reusable refuse container clean and in good repair, covered at all times with a close fitting lid or securely tied and the contents protected from rain or ingress or egress of flies or any vermin, except when the refuse container is actually being used, emptied, cleaned or repaired.

**20.2.8** You must not put out any approved container which is torn, punctured, sodden or weakened and which may collapse or split when reasonably handled.

**20.2.9** Except in cases where disposable containers are used, you must not pack refuse and recyclables tightly in containers, but must pack in a manner which allows the whole of the contents of the receptacle to fall out easily and cleanly when the container is emptied.

**20.2.10** We may impose an excess capacity fee on any person, premises or in respect of any approved container.

**20.2.11** You must not in any way obstruct or hinder any person authorised to collect refuse.

### **20.3 HOUSEHOLD REFUSE COLLECTION**

**20.3.1** You must place an approved container for collection:

- (a) in an upright position as close to the kerb as possible without obstructing the footpath or carriageway;
- (b) not earlier than 5.00pm on the day preceding the collection day and not later than 7.00am on the day of collection; and
- (c) directly in front of the residence discarding the refuse.

**20.3.2** You must not deposit, allow or permit any of the following to be placed in any approved container:

- (a) any explosive, hot ashes, highly inflammable material, infectious material or any matter, thing, or refuse of any kind other than household refuse;
- (b) any liquid, acid, printers ink, paint, or any viscous fluid;
- (c) any broken bottles, broken glass, broken crockery or other broken or sharp articles or materials unless the articles or materials are wrapped to prevent injury to people engaged in the collection or disposal of refuse; or

(d) any special refuse

- 20.3.3** Refuse will be collected from private roads and access ways only by written prior arrangement with us.

## **20.4 COMMERCIAL REFUSE COLLECTION**

**20.4.1** We may decide to designate specific areas and/or streets as "commercial collections areas".

**20.4.2** Commercial collection areas will receive a specific collection service different from our other services.

**20.4.3** In "commercial collection areas", refuse shall be put out for a regular kerbside collection:

(a) as close to the kerb as possible without obstructing the footpath or carriageway;

(b) directly in front of your own premises unless otherwise with the written approval of an officer; and

(c) not earlier than 4.30pm prior to the advised collection day or as otherwise notified by us.

**20.4.4** You must remove any perishable or putrescible refuse from your premises daily, unless it is stored in a place and in a manner authorised by us.

**20.4.5** If you are an occupier of premises which generates special refuse, you must make particular arrangements for the collection and disposal of the refuse.

## **20.5 RECYCLABLES COLLECTION**

**20.5.1** All recyclables deposited for collection become the property of North Shore City Council from the time they are deposited at the place of collection.

**20.5.2** Except as specified in clause 20.5.4, recyclables shall only be put out for collection in approved containers.

**20.5.3** You must fill containers with clean recyclables only. Non-complying materials or containers which are heavily soiled, contaminated with refuse, broken glass or other health hazards will not be collected.

**20.5.4** Paper and or cardboard must be placed neatly in bundles next to the approved container. Cartons are to be broken down into dense bundles. Bundles of paper and or cardboard are to be securely tied or placed tightly into supermarket bags.

**20.5.5** Containers of recyclables must be self draining and not exceed a weight of 10kg and or volume of 50 litres unless with the written approval of an officer.

**20.5.6** In residential areas, recyclables shall be put out for a regular kerbside collection::

(a) not earlier than 5.00 pm on the day preceding the collection day and not later than 7.00 am on the day of collection:

(b) as close to the kerb as possible without obstructing the footpath or carriageway; and

(c) directly in front of the residence discarding the recycling.

**20.5.7** In "commercial collection areas", recyclables shall be put out for a regular kerbside collection:

(a) as close to the kerb as possible without obstructing the footpath or carriageway;

(b) directly in front of your own premises unless otherwise with the written approval of an officer; and

c) not earlier than 4.30 pm prior to the advised collection day or as otherwise notified by us.

**20.5.8** In commercial collection areas no recyclables or recycling containers may remain in a public place between the hours of 9.30 am and 4.30 pm

## **20.6**

### **HOUSEHOLD INORGANIC REFUSE COLLECTION**

**20.6.1** All complying household inorganic refuse deposited for collection becomes the property of North Shore City Council from the time it is deposited at the place of collection.

**20.6.2** Residents are permitted to put out not more than 2 cubic metres of household inorganic refuse which must not include:

(a) garden waste:

(b) demolition waste, asbestos/fibrolite sheeting, chemicals, gas cylinders, paint, oil, batteries; or

(c) bags of household refuse.

**20.6.3** You must place household inorganic refuse on the berm:

(a) directly in front of the residence discarding the refuse, in accordance with the annual collection notice issued by us;

(b) stacked in a manner which does not endanger or obstruct pedestrians or other persons passing by; and

(c) not over or around power or telephone plinths or trees.

**20.6.4** You must not put out household inorganic refuse earlier than one week prior to the Monday commencing the week of collection as notified, and not later than 7 am of the Monday of the notified collection week.

## **20.7 MULTI-UNIT PROPERTIES**

**20.7.1** You, as an owner of a multi-unit property or a body corporate, must comply with this bylaw as if you were the occupier of each of the units.

**20.7.2** You, as the owner of the multi-unit property or a body corporate, must ensure that no refuse or recyclables accumulate or collect on the property, except as provided by this bylaw.

**20.7.3** You, as the owner of a multi-unit property, must:

(a) provide or cause to be provided an area which is adequate for the hygienic storage of refuse and/or recycling containers, in circumstances where no approved alternative method of refuse disposal is available.

(b) ensure that no refuse or recyclables remain in or about the multi-unit property or its precincts except in accordance with this bylaw.

## **20.8 COUNCIL COLLECTION SERVICE**

**20.8.1** This section applies to the use of our collection service only.

**20.8.2** You must not put out for collection any container which contains refuse in excess of 18 kg and/or 60 litres.

**20.8.3** We will only collect refuse which is out in an approved container.

**20.8.4** If Our recycling collection service for commercial collection areas is restricted to three approved recycling containers per designated collection day unless otherwise by written approval of an officer. You are responsible for arranging for the removal of your recyclables which exceed the capacity of three approved containers per collection day.

**20.8.5** Reusable recycling containers put out for collection must be open so that the contents are clearly visible.:

## **20.9**

### **RESTRICTIONS ON REFUSE AND RECYCLING COLLECTION OPERATIONS**

**20.9.1** You, as a contractor, must not engage in the collection of refuse or recyclables without prior approval by us and subject to any conditions we may impose.

**20.9.2** We may license you at any time for a period of up to one year (or any other period which we decide) as a suitable operator to collect refuse or recyclables. We can impose conditions on any licence including the following:

(a) the types of vehicles to be used by you when collecting refuse or recyclables;

(b) the days and hours during which you may collect refuse or recyclables;

(c) the place and the position from which you may collect refuse or recyclables;

(d) the provision of any bond by you for the efficient and effective collection of refuse or recyclables;

(e) the type and capacity of your refuse or recyclables containers;

(f) an "excess capacity fee" for refuse containers;

(g) the premises on which refuse or recyclables is stored;

(h) the provision of and the methods of the provision of any information required by us on the waste stream;

(i) the method of treatment or disposal of any refuse or recyclables;

(j) the provision of public liability insurance; and

(k) any other conditions as may be determined by us.

**20.9.3** We may consider any matter necessary, in deciding whether to grant or deny a licence including the following:

(a) the objectives of the waste reduction plan;

(b) the impact of granting or denying a license on the volumes of recyclables and any existing recycling system;

(c) the nature and frequency of the collection system; and

(d) any other matter as determined by us.

**20.9.4** We may impose any conditions on your licence, and you must comply with the conditions. If you breach any conditions we may cancel the licence.

**20.9.5** You must ensure that all refuse or recyclables normally contained in your refuse or recycling containers are cleared from the road on the collection day and that accidentally spilt bags or strewn refuse or recyclables are cleared.

**20.9.6** All refuse containers provided by you must be clearly identified with the name of the collection company and a customer services telephone number.

**20.9.7** You must not permit a vehicle used for refuse or recycling collection to stand, or remain stationary in or on a public place except as is reasonably necessary to collect refuse or recycling from an adjacent property.

**20.9.8** You must ensure that at all times that refuse or recycling contained in any vehicles is adequately secured to prevent material falling from or being blown from the vehicles. All refuse and/or recycling collection vehicles must be maintained in a clean and sanitary condition.

**20.9.9** You must replace all refuse and recycling containers emptied from the street intact on the street berm and in a position which does not obstruct footpaths, driveways, or carriageways.

**20.9.10** You must not keep or store, or permit to be kept or stored, any collected refuse except on premises approved by us and only in accordance with any

conditions imposed by us.

**20.9.11** All refuse shall be treated or disposed of as directed by us.

**20.9.12** We will decide the fees payable on a licence.

**20.10 ENFORCEMENT**

**20.10.1** You commit an offence if you breach any provision of this part of the Bylaw, or fail to comply with any term or condition of a licence given under this part of the Bylaw.

**20.10.2** If you are convicted, the Court may impose a fine up to \$500. If the offence is a continuing one, the Court may impose a further fine of up to \$50 per day for each day that the offence continued.

**20.10.3** We may serve a notice in writing upon you as the occupier of any residential, commercial or non-commercial premises to remove any accumulated or collected refuse which, in our opinion is likely to:

(a) be harmful to health;

(b) be offensive;

(c) contain vermin; or

(d) create a fire hazard.

**20.10.4** The notice will require you as the occupier to remove and dispose of the refuse within the time specified in the notice. If you fail to comply with the notice, we may remove the refuse and charge the cost of removal to you.

**20.10.5** An officer may serve the notice on the owner of the premises, including the owner of a multi-unit property, in which case the removal and disposal of the refuse becomes the responsibility of the owner.

**20.10.6** Failure to place refuse for collection in the manner and place set out in this bylaw may incur a fine of \$100 under the Litter Act 1979.

**RODNEY DISTRICT COUNCIL**

**RODNEY DISTRICT COUNCIL GENERAL BYLAW: 1998**

**CHAPTER 13**

**REMOVAL AND STORAGE OF WASTE**

**EXPLANATION**

This Bylaw is prepared pursuant to powers granted by:

- Section 12 of the Litter Act 1979
- Section 684(1)(8) and 542(1)(a) and (b) of the Local Government Act 1974
- Section 64(1) of the Health Act 1956.

Because of the potential to cause nuisance, to become a health risk and to affect the amenity of the district, the manner in which waste is stored and disposed of is of considerable concern to the Council. The Council will exercise control over the manner in which waste is stored on site, the manner in which it is placed for collection from properties and the manner in which collectors of waste are controlled so as to ensure minimum health risk and nuisance to the public.

The Council is also concerned to ensure that its waste management objectives are met. This Bylaw will facilitate the implementation of the Zero Waste Plan adopted under section 539 of the Local Government Act 1974. Amongst other requirements of that Plan, the Council needs the ability to require waste collectors to provide the Council with information and, in addition, the Council is able in some circumstances to create economic incentives and disincentives, such as fees, to promote its waste management objectives.

*Note - The Auckland Regional Council operates a free hazardous waste collection service.*

**1. STORAGE OF HOUSEHOLD AND TRADE WASTE**

- 1.1 No person of any premises shall cause or permit any household waste, trade waste, or recyclables to be on those premises unless that waste is secured and contained to exclude rain, insects and vermin.
- 1.2 Every person shall keep all household waste, trade waste, recyclables and green waste containers as clean as practicable and maintained in good repair.
- 1.3 If any person does not comply with the provisions of Clauses 1.1 and 1.2 of this chapter it shall be the duty of the owner of those premises, where the owner is not the occupier, to comply with those clauses as if the owner was the occupier.

2. DISPOSAL OF HOUSEHOLD WASTE, TRADE WASTE, RECYCLABLES AND GREEN WASTE IN A PUBLIC PLACE

2.1 No person of any premises shall cause or permit any household waste to be placed beside or in any public litter bin provided in a public place for the use of the public.

2.2 No person of any premises shall cause or permit any household waste, trade waste, recyclables or green waste from those premises to be, or to remain, in any public place unless that waste is in a suitable container, specified by the Council or an Authorised Officer, which is secure and capable of preventing its contents from escaping or spilling prior to collection. Non-compliance with this Clause shall constitute a deposit of litter for the purpose of the Litter Act.

2.3 No person shall place a container of household waste, trade waste or recyclable waste in any public place other than at the kerb line adjacent to the premises on which the container was filled with waste.

2.4 No person shall place a container of household waste, trade waste, recyclables or green waste in any public place for collection:

(a) Prior to 5.00 pm on the day before the day on which it is to be collected; or

(b) In such a way that it obstructs any footpath or carriageway.

2.5 No person shall allow uncollected household waste, trade waste, recyclables or green waste to remain in any public place after the expiry of the day fixed for collection. The person placing that waste for collection shall be responsible for removing that waste.

2.6 No person shall deposit waste in or on any private land without the consent of the owner or occupier of that land

2.7 Any contravention of Clauses 2.1, 2.2, 2.3, 2.4, 2.5, or 2.6 shall constitute a deposit of litter for the purposes of the Litter Act 1979

2.8 No person may remove any waste from the public place it has been placed in for collection (this does not apply to the person who placed the waste or the person authorised to collect it).

3. DEPOSIT OF CERTAIN MATERIALS PROHIBITED

3.1 No person shall deposit or cause or permit to be deposited in any household waste, trade waste, recyclables or green waste container, or put out, or cause or permit to be put out, for collection from a public place:

(a) Any explosive, hot ashes, highly inflammable material or infectious material, hypodermic needles, hospital or medical or veterinary waste;

(b) Any liquid, acid, printer's ink, paint, or any other viscous or toxic fluid;

(c) Any pesticides or poisons;

- (d) Any broken or sharp object unless it is well wrapped so as to prevent the possibility of injury to persons engaged in the collection and disposal of waste; or
- (e) Any hazardous waste.

4. COLLECTION OF HOUSEHOLD WASTE, TRADE WASTE, RECYCLABLES AND GREEN WASTE

4.1 Any person who engages in the collection and disposal of household waste, trade waste, recyclables or green waste shall take such steps as are necessary to inform persons using that person's service of the days and times of collection and any other conditions or information necessary to ensure the provisions of this Bylaw are complied with.

4.2 No person who engages in the collection and disposal of household waste, trade waste, recyclables or green waste shall:

- (a) Operate in public places in a way that causes a danger or nuisance to the public;
- (b) Use vehicles or containers for waste which are not secure and capable of preventing their contents from escaping or spilling out prior to their disposal.

4.3 No person shall engage in the collection from a public place of household waste, trade waste, recyclables or green waste without the prior written consent of the Council or any authorised officer.

4.4 Any written consent referred to in Clause 4.3 shall be subject to such conditions as the Council or an Authorised Officer may impose in any particular case. Without limiting the generality of the foregoing, conditions may be imposed, following consultation with the consent holder, relating to:

- (a) The types of vehicles to be employed in waste collection;
- (b) The hours during which and the days on which waste may be collected; and
- (c) The payment of a bond by the consent holder to allow the Council to recover any costs it may incur as a result of a breach of the conditions of written consent by the consent holder.
- (d) The types of waste containers to be used and the information to be displayed on such containers;
- (e) The payment of any fee or fees by the consent holder to the Council. For the avoidance of doubt, such a fee may include a fee calculated by reference to the type and/or quantity of any waste collected by the consent holder;
- (f) A requirement to provide returns of information at monthly intervals setting out the quantities and types of waste collected under the consent by reference to how much, in volume or weight, of the total waste is household waste, trade waste, green waste and recyclables; and

- (g) A requirement to provide returns of information at monthly intervals setting out the source and destination of the waste collected and transported under the consent.

## 9.4 Appendix IV – Overview of the bylaw making process

### Bylaw making

The Local Government Act 2002 sets out the procedure and process the Councils are required to follow in order to create a bylaw. The bylaw making process is as follows:

1. Determination
  - Determine most appropriate mechanism
  - Determine most appropriate form of bylaw
2. Special Consultation Procedure – public consultation
  - Prepare Statement of Proposal
  - Advertise Consultation
  - Submission period minimum 1 month
  - Hearings
  - Consider information and redraft bylaw as appropriate
3. Adopt and implement the bylaw, or otherwise

Section 155 of LGA02 requires councils to make a determination that a bylaw is the most appropriate way of addressing the perceived problem. This involves identifying the problem, the outcome sought, and then assessing the merits of the different options. As bylaws are coercive powers which require people to do certain things and, if breached, penalties may be imposed, it is important that alternative mechanisms for dealing with a problem are carefully considered.

Having identified that a bylaw is the most appropriate way of addressing the problem, the second part of this process requires council to determine the most appropriate form of bylaw. It is anticipated that a subsequent report will be prepared and presented to the councils outlining the most appropriate form of bylaw. This report will also address whether the proposed bylaw gives rise to any implications under the NZ Bill of Rights Act 1990.

### Decision making

In addition to the specific bylaw criteria, the councils must ensure that it complies with the general principles of decision making (section 76) and the five specific decision-making requirements set out in sections 77,78,80,81 and 82 of LGA 2002.

The five requirements are:

1. Identify and assess options (section 77)
2. Consider the views and preferences of affected or interested people (section 78)

3. Identify and explain any decisions inconsistent with council policy or plan (section 80)
4. Provide Maori with opportunity to contribute (section 81)
5. Promote compliance with principles of consultation (section 82)