

WAITAKERE CITY COUNCIL

BYLAW NO. 19 1990

SEPTIC TANKS AND DISPOSAL SYSTEMS

(Incorporating Amendments)

The Waitakere City Council, acting on behalf of the Mayor, Councillors and citizens of the City of Waitakere hereby makes by Special Order the following bylaw pursuant to the powers contained in the Local Government Act 1974 and the Health Act 1956 and any other act or authority in any way enabling Council in that behalf.

1. **SHORT TITLE**

The short title of this bylaw shall be the Waitakere City Bylaw No. 19 1990 - Septic Tanks and Disposal Systems.

2. **INTERPRETATION**

In this bylaw, unless the context otherwise requires:-

"Council" means the Waitakere City Council.

"Disposal System" means any system for the reception and disposal of effluent, trade waste, or liquid waste; and includes any cesspit, or drainage or soakage pit, and the field tiles, scoria, or stone contained therein; and also includes any distribution box or weir formation that is part of and connected with any such system."

"Water Closet Flusher" means a water closet flushing apparatus controlled by a manual, dual volume, flush controlling device of an approved type which, when activated, discharges:

- (i) In the case of a full volume flush, 11 litres (plus or minus 1 litre) within a period of not less than 5 seconds nor more than 7 seconds;
- (ii) In the case of a reduced volume flush, 5.5 litres (plus or minus 0.5 litres) within a period of not less than 3 seconds nor more than 5 seconds".

"The Engineer" means that the salaried officer of the Council for the time being delegated by the Council to administer and enforce this bylaw.

"Septic Tank" means any fixed receptacle for the reception and disintegration of solid matters in foul water."

"Vault Toilets" means a storage unit for direct deposition of human body waste and includes pit toilets, composting toilets, dehydrating toilets, incineration toilets; wet vaults including aqua privies, septic closets and chemical closets."

3. **COMMENCEMENT**

This bylaw shall come into force on the 13th day of March 1990.

4. No septic tank, vault toilet or disposal system shall be installed within the City of Waitakere, except in accordance with a design prepared by a Registered Engineer with competence in public health engineering and approved by the Engineer. Every such design shall take into consideration the characteristics of the site, and the nature, size, and proposed use of the building or buildings erected or to be erected thereon.
5. No building within the City of Waitakere whose drainage system discharges into a septic tank or disposal system, shall be enlarged or altered in such a way that the operation of the septic tank or disposal field may, in the opinion of the Engineer, be affected thereby unless a report prepared by a Registered Engineer with competence in public health engineering certifying as to the suitability of the existing disposal system and septic tank, or recommending alterations to that system or septic tank, is submitted and approved by the Engineer. Any such recommended alterations to the disposal system or septic tank shall be carried out as a condition of the issue of a building permit for the alteration or extension to the building.
6. Every application to install a septic tank and/or disposal system shall be accompanied by a maintenance programme for that system, prepared by a registered engineer, with competence in public health engineering, and subject to the approval of the Engineer. The owner of the property shall carry out the requirements of the maintenance programme, in default of which the Council may carry out the required maintenance work itself and may recover the cost of such work from the owner of the property as a debt.
7. Notwithstanding anything contained in Clauses (4), (5) and (6) of the Bylaw, the Council shall not approve the installation of any septic tank disposal system unless:-
 - (a) The septic tank is designed and is, or is to be constructed in accordance with the Standard Specification NZS 4610 and the Auckland Regional Water Board Technical Publication No. 58 (on site waste water disposal from households and institutions) or such other standard or publication as may replace them from time to time.
 - (b) The septic tank is to serve only a single unit dwelling which shall be the only dwelling erected or to be erected on the one parcel of land.
 - (c) The Council shall have approved the site as being suitable for septic tank drainage.
 - (d) The only type of water closet pan installed shall be a dual flush water closet pan.
 - (e) Any on-site domestic wastewater treatment unit is constructed in accordance with AS/NZS 1546.1:1998.

7A. **Waste Disposal Units**

No person shall connect to any disposal system or septic tank any type of waste disposal unit."

8. INSPECTION

- (a) For the purposes of this bylaw any inspector, officer or person contracted to Council to carry out maintenance work, and duly appointed by the local authority in that behalf may at all reasonable times enter upon any land, building, or premises in order to carry out an inspection or maintenance work.
- (b) Every person who obstructs or hinders any such duly appointed person as aforesaid in the execution of his powers hereunder shall be liable to prosecution for an offence against this bylaw.

9. OFFENCES

Any person commits a breach of this bylaw who:-

- (a) Does, or causes to be done, or knowingly permits or suffers to be done or be concerned in doing, anything whatsoever contrary to or otherwise than as provided by this bylaw;
- (b) Omits or neglects to do, or knowingly permits or suffers to remain undone anything which according to the true intent and meaning of this bylaw, ought to be done by him at the time and in the manner therein provided; or
- (c) Does not refrain from doing anything which under this bylaw he is required to abstain from doing; or
- (d) Knowingly permits or suffers any condition of things to exist contrary to any provision contained in this bylaw; or
- (e) Refuses or neglects to comply with any notice duly given to him under this bylaw; or
- (f) Obstructs or hinders any officer of the local authority in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon him by this bylaw; or
- (g) Fails to comply with any notice or direction given under this bylaw.

10. PENALTIES FOR BREACH OF BYLAWS

- (a) Every person who commits a breach of this bylaw is liable to a fine not exceeding \$500 and, where the breach is a continuing one, then to a further fine not exceeding \$50 for every day or part of a day during which the breach has continued.
- (b) The local authority may, after a conviction for the continuing breach of any bylaw, apply to any court of component jurisdiction for an injunction to restrain the further continuance of the breach by the person so convicted.
- (c) The continued existence of any work or thing in a state contrary to this bylaw shall be deemed a continuing offence within the meaning of this clause.

