



WESTLAND DISTRICT COUNCIL

REFUSE BYLAW 1992

In pursuance of the powers vested in it by the Local Government Act 1974 and of all other enabling powers and authorities the Westland District Council hereby makes the following bylaw.

1. TITLE AND COMMENCEMENT:

- 1.1 This bylaw may be cited as the Westland District Council Refuse Bylaw 1992.

This bylaw shall come into force on 1 July 1992.

2. INTERPRETATION

- 2.1 "Approved Receptacle" means a disposable bag as approved by the Council by resolution from time to time for the containment of refuse and which bears the Council's official imprint .
- 2.2 "Council" means the Westland District Council.
- 2.3 "Engineer" means any person being for the time being appointed by the Council to perform the duties of an Engineer.
- 2.4 "Refuse" means:
- a) any rubbish or refuse arising or resulting from domestic operations and includes bones, waste food, cans, cartons, food containers, lawn clippings, weeds, plants;
 - b) any rubbish or refuse arising or resulting from any business, manufacture, process, trade, market or undertaking.
- 2.5 "Occupier" means the inhabitant occupier of any property or part of a property and in cases where any property is unoccupied shall mean the owner.

3. ACCUMULATION OF REFUSE:

No person being the Occupier of any building, land or premises shall permit or suffer any accumulation of refuse to remain or be in, upon or about such building, land or premises where such accumulation is or is likely to be injurious to health, offensive, a fire hazard or harbours or is likely to harbour vermin.

4. APPROVED RECEPTACLES TO BE COVERED:

Each approved receptacle for the storage of refuse shall be kept covered at all times with a close-fitting lid or covering for the protection of the interior of the approved receptacle from rain, dispersal by wind, or ingress of flies or any vermin.

5. CONTROL OF REFUSE DISPOSAL SITES:

The disposal of refuse on any land or premises set aside by the Council for the disposal of refuse shall be subject to such conditions as the Council may time to time by resolution impose in respect of the hours of opening and closing, the nature of the refuse which may be disposed of therein, the charges in respect of such disposal, the position in any such place in which refuse may be placed, and any other matters which the Council may consider necessary or desirable to determine by any such resolution.

6. UNLAWFUL ENTRY ON OR INTERFERENCE WITH REFUSE DISPOSAL SITES:

On any land or premises set aside by the Council for the disposal of refuse, it shall be unlawful for any unauthorised person to enter, loiter, or to disturb, or remove any article or material from any deposit of refuse.

7. UNAUTHORISED FIRES AT REFUSE DISPOSAL SITES:

No person shall light any fire upon or near any land or premises set aside by the Council for the disposal of refuse without the express approval in writing of the Engineer.

8. PLACEMENT OR RECEPTACLES:

Every occupier shall, on the day and not later than the time specified for removal of refuse, cause such approved receptacle or receptacles as are to be collected to be securely sealed and placed on the street in a position of such convenience for collection, as meets the requirement of the Engineer.

9. INTERFERENCE WITH APPROVED RECEPTACLES:

No person shall damage or cause to be damaged any approved receptacle placed in the street for collection.

10. ANNUAL DISTRIBUTION:

An annual distribution of twenty-six (26) approved receptacles, or such other number as Council may from time to time by resolution impose, will be made by or on behalf of the Council to each occupied property for which a refuse fee is paid.

11. PROVISION OF CHANGE OF OCCUPANCY:

The occupier of any residential property to which a distribution of approved receptacles is made by the Council shall on ceasing to be such occupier, leave for any subsequent occupier sufficient to provide not less than one for each fortnight of the balance of the period for which they have been currently distributed.

12. RESTRICTION OF CONTENTS:

No person shall deposit or cause, permit or suffer to be deposited in any approved receptacle, any explosive, hot ashes, highly inflammable material, infectious material, liquid, acid, printer's ink, paint or viscous fluid.

13. WRAPPING OF CERTAIN ARTICLES:

13.1 No person shall deposit or cause, permit or suffer to be deposited in any approved receptacle any broken glass, broken china, broken plastic, hacksaw blade, razor blade, tin, skewer, syringe, knife or any other object or material capable by reason of its shape or sharpness of causing injury to any person engaged in the collection and disposal of approved receptacles or of puncturing the receptacle unless properly and sufficiently wrapped to prevent injury.

13.2 No person shall deposit or cause, permit or suffer to be deposited in any approved receptacle any glass, china, plastic or other material capable of shattering in the course of collection and thereupon becoming capable by reason of its shape or sharpness of causing injury to any person engaged in the collection and disposal of approved receptacles or of puncturing the receptacle unless properly and sufficiently wrapped to prevent injury.

14. RESTRICTION ON WEIGHT:

No person shall place for collection by the Council any approved receptacle with contents exceeding a weight of 15 kilograms.

15. OBSTRUCTION OF REFUSE COLLECTORS:

No person shall in any way obstruct or hinder any person for the time being engaged in the duty of removing refuse or disposing of such refuse into the refuse collection vehicle.

16. OFFENCES AND PENALTIES:

16.1 Every person commits a breach of this bylaw who omits or neglects to do or knowingly permits or suffers to be done or remain undone anything contrary to the provisions of this bylaw.

- 16.2 Every person who commits a breach of this bylaw shall be liable to a fine not exceeding the amount of fine prescribed in Section 683 of the Local Government Act 1974 and where the breach is a continuing one, then to a further fine not exceeding the amount prescribed for a continuing breach under that section for every day or part of a day during which the breach has continued.

The foregoing Bylaw was duly made by the Westland District Council by a Special Order, passed at a meeting of the Council held on Thursday the Twenty First day of May 1992 and (meantime having been publicly notified) confirmed at a subsequent meeting of the said Council held on Thursday the Twenty Fifth day of June 1992.

The Common Seal of the Westland District Council was hereto affixed to the above written Special Order and Bylaw at the offices of and pursuant to the Resolution of the Westland District Council in the presence of:

Mayor: _____

General Manager: _____

This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 19 June 2008.