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Advice Notes

PART 6: SOLID WASTE - COLLECTION AND DISPOSAL

6.0 Short Title and Commencement - This Bylaw shall be known as the Dunedin City Solid Waste Bylaw 2002.

This Bylaw shall come into force on 9 July 2002.

6.1 Scope - The purpose of this Bylaw is to regulate the collection and disposal of solid waste in Dunedin City.

6.2 Objectives - (1) - The objectives of this Bylaw are:

- To ensure that refuse is collected and disposed of in an efficient and cost effective manner and also to ensure that the obstruction of Dunedin City streets by refuse is kept to a minimum.

- To regulate the collection and disposal of refuse in such a way as to encourage minimisation of the quantity of refuse being generated and disposed of in Dunedin City.

(2) General issues such as recycling, refuse storage and waste management are also covered by this Bylaw.

6.3 Interpretation - In this Bylaw:

AUTHORISED OFFICER means an employee of the Council who is authorised by the Council to enforce this Bylaw.

DUNEDIN CITY means the area currently administered by the Dunedin City Council

REFUSE means waste of any kind, whether or not of reusable or recyclable or of monetary value.

GARDEN REFUSE means lawn clippings, branches, weeds, plants or other vegetable matter.

HOUSEHOLD REFUSE means wrapped cold ashes, sweepings, dust, paper, bottles, wrapped glass, bones and waste food, cans, cartons or other food or liquid containers, or any other refuse from normal domestic housekeeping operations.

COMMERCIAL REFUSE means all waste resulting from the operation of any business, manufacture, process, trade, market or other similar undertaking.

COLLECTION DAY means the day nominated by the Council for the collection of refuse from a street kerb.

AUTHORISED REFUSE CONTAINER means any contained approved by the Council.

RECYCLABLES means paper, aluminium cans, tins, bottles, glass jars, small ferrous items, plastic products and other items that are specifically identified and advertised from time to time by Council.

RECYCLING BIN means a Council approved bin for the placement of recyclables for collection.

HAZARDOUS WASTE means a component of the waste stream, which, by its nature, poses a threat or risk to public health, safety, or to the environment. NOTE: Includes substances that are toxic, infectious, mutagenic, carcinogenic, teratogenic, explosive, flammable, corrosive, oxidising or radioactive.

SPECIAL WASTE means any waste, whether from a commercial premise or any other source, which includes hazardous waste and which, by its nature, requires disposal in a particular way because of environmental considerations or landfill operational requirements.

LANDFILL means a waste disposal site used for the controlled deposit of solid waste onto or into land.

TRANSFER STATION means a facility which receives materials from the waste stream for possible segregation consolidation or compaction for bulk transport for resource recovery, treatment or disposal facilities.

RESIDENTIAL UNIT – means a building or part of a building which is self contained at least in respect of sleeping, cooking, dining, bathing and toilet facilities, where one or more persons live together whether related or not, but excludes units where staff provide for more than 18 residents living on the site. Staff living on the site are not included in that limit.

MULTI RESIDENTIAL UNIT - multi-unit residential building or complex of greater than 10 residential units.

Note: For the purposes of this Bylaw the word “shall” refers to practices that are mandatory while the word “should” refers to practices which are advised or recommended.

6.4 Authorised Refuse Collections - (1) The interference with or removal of any Household or Commercial refuse or Recyclables from any public place by anyone other than the occupier of the property on which the Household or Commercial refuse or Recyclables

was generated, or a person authorised by the Council to remove such Household or Commercial refuse or Recyclables, is prohibited.

(2) Waste Collection Licence - Without being granted a licence from the Council, no person (“Refuse Collector”) shall as a commercial undertaking, collect and transport Household or Commercial Refuse or Recyclables from:

- a) the road (including footpath and kerbside); or
- b) from any private property; or
- c) from any public place.

(3) Authorised Refuse Collectors (Collectors of Household, Commercial Refuse and Recyclables only):

a) The licence will be for a term nominated by the Council.

b) The Council will consider the following matters in deciding whether to grant or refuse a licence to any Refuse Collector applying to undertake a commercial collection of Household or Commercial Refuse or Recyclables from the road, private property or public place:

i) The Refuse Collector’s refuse collection plan. This plan shall detail how the Refuse Collector intends to collect and dispose of the refuse, and where refuse is to be disposed of within the Greater Dunedin Area. If a Household or Commercial refuse/recycling collection is proposed, the plan shall include the method of service delivery to all areas of the City serviced by Council’s refuse/recycling service, (that shall be equal to and not less than the refuse collection service offered by the Dunedin City Council), and not just densely populated areas. Consideration shall also be given to any national or local waste strategies.

ii) The type and capacity of the collection container the Refuse Collector proposes to collect.

iii) Reasonable information which is to be given to Council (weights and types of refuse landfilled or recycling materials recycled) to monitor the City’s waste stream and any waste minimisation initiatives.

iv) Collection days, times and areas that the Refuse Collector proposes to collect Household or Commercial Refuse and Recyclables.

v) The frequency of the collection.

vi) Public liability insurance.

vii) The vehicle(s) proposed to be used.

viii) The Council may require evidence of the Refuse Collector's management skills and track record.

c) All Household or Commercial Refuse and recycling containers shall be clearly identifiable with the name of the Refuse Collector and a customer service number in the event of public complaints.

d) The Refuse Collector is required to ensure that all Household or Commercial Refuse and/or Recyclables normally contained in the Refuse Collector's authorised refuse container/s or recycling container is cleared from the street on the collection day and that any split or accidentally spilt bags or strewn refuse or recyclables are cleared.

e) Where reusable containers are emptied from the street they must be replaced to the collection point on the existing street berm or close to the property (but not obstructing the footpath or accessways).

f) The Refuse Collector shall provide Council with or assist Council to obtain such information on the waste stream as Council may reasonably require. This shall include the type and quantity, source and destination of the refuse or recyclables collected. The information shall be in a form and of a nature and frequency to be determined in the licence.¹

(4) Collection Vehicles of Household, Commercial Refuse or Recyclables

a) The Refuse Collectors may be required by Council to provide additional warning devices eg flashing lights, warning signs or the like.

b) No Refuse Collector shall permit a vehicle to be used for the collection of Household or Commercial Refuse or Recyclables to stand or remain stationary, in or on a public place except for such times as may be reasonably necessary for collection or transportation of refuse or recyclables.

c) All refuse collection vehicles operating shall be maintained in good working condition and designed with fully enclosed bodies so as to prevent refuse being seen and the escape of refuse material and/or leachate.

d) All refuse collection vehicles shall be maintained in a clean and tidy condition.

¹ This information will be used to analyse the Dunedin waste stream so Council can make informed decisions on waste minimisation options and assess how strategies for minimising waste are impacting on the waste stream. All information supplied will be treated as strictly confidential as Council recognises the commercial sensitivity of the information supplied. Any information released will only detail waste stream totals. No company information will be used separately.

(5) Storage of Household or Commercial Refuse - No Refuse Collector shall permit refuse to be kept or stored except on premises approved by, and in accordance with any conditions of the licence or imposed by any Environmental Health Officer. All refuse shall be treated or disposed of in accordance with the licence and any directions of an Environmental Health Officer.

(6) Operational/Administration Fee and Bond - a) Council may impose an operational/administration fee.

This fee is for Council handling of complaints, clean ups of spillage and split bags or animal strike, illegally dumped bags with the Refuse Collector's identification branded refuse bags/containers.

The fee will be collected as a tonnage fee on all Household or Commercial Refuse collected.

b) The Council may require the provision of a works performance bond or security for the provision of the bond.

(7) Breach of the Licence Conditions - a) Any breach of the licence conditions may result in the licence being terminated.

b) The licence may include any other conditions the Council considers necessary for a safe and efficient waste collection system.

(8) Dispute Resolution - a) All disputes shall be directed to the General Manager City Environment who shall ensure the dispute is heard.

6.5 Authorised Refuse Containers and Recycling Bins To Be Kept Clean and in Good Repair - Occupiers of land or buildings shall keep their Authorised Refuse Container(s) and Recycling Bin(s) as clean as is reasonably practicable and maintain the same in good repair to the satisfaction of any Authorised Officer.

6.6 Authorised Refuse Containers to be Covered - Every Authorised Refuse Container shall be closed or covered at all times so that the container's contents are protected from the weather,, vermin, domestic animals and/or insects.

6.7 Council Refuse Collection- (1) The placement of any refuse, other than household refuse or recyclables, at the kerbside for collection in any residential area is prohibited.

(2) Persons wishing their household refuse or recyclables to be collected shall place only that refuse at the kerbside outside the property, which they occupy, in Authorised Refuse Containers (in the case of refuse) and Recycling Bins (in the case of recyclables).

(3) Refuse shall not be packed tightly in rigid walled refuse containers but shall be placed in such containers so that their entire contents fall out easily and cleanly when the container is up ended.

(4) No Authorised Refuse Container or Recycling Bin shall be placed at the kerbside in any residential areas for collection any earlier than 7pm on the day preceding the collection day and not later than 8am on the collection day.

(5) All Authorised Refuse Containers and Recycling Bins placed at the kerbside for collection shall be placed in an upright position as close to the kerb as possible without obstructing the footpath or carriageway.

(6) All occupiers of property shall remove serviced Recycling Bins and Authorised Refuse Containers from all public places not later than 7pm on the day in which their contents are collected.

(7) Refuse, which for any reason has not been collected, shall not be left in a public place after collection day. The occupier of the property shall be responsible for returning uncollected refuse to the property not later than 7pm on the collection day.

(8) **Weight Limit** - Authorised Refuse Containers for collection by the Council shall not exceed 20 kilograms.

6.8 Contents of Authorised Refuse Containers - No person shall deposit the following materials in any Authorised Refuse Container:

- explosive material, hot ashes, highly flammable material, infectious material or any matter, thing or refuse of any kind whatsoever that may endanger any person or vehicle before or during collection or during or after disposal; or

- liquids, acid, printer's ink, paint, or any other viscous fluid; or

- any sharp objects or materials capable by reason of brittleness of shattering in the course of collection, unless those objects or materials are wrapped so as to prevent injury to persons engaged in refuse collection or disposal work eg broken mirrors, crockery, window glass, etc.

- any sharp medical objects or materials capable of puncturing the Authorised Refuse Container eg syringe needles, scalpels, etc.
- any matter, thing or refuse of any kind whatsoever, other than household refuse.

6.9 Accumulation and Storage of Refuse - (1) No person shall dispose of any refuse of any kind other than in any Landfill, Transfer Station or in accordance with this Bylaw.

(2) No person shall bury any refuse of any kind, without the appropriate consents and approval from the Otago Regional and Dunedin City Councils.

(3) No occupier of any land or building (or in the case of any unoccupied land or building the owner) thereof, shall permit or allow any refuse to accumulate or remain in or upon any building or land which is, or likely to be, either a nuisance, injurious to health, a fire risk, cause an offensive smell or is otherwise offensive, or be a source of litter or harbour vermin.

(4) Where, in the opinion of any Authorised Officer, an accumulation of refuse or litter exists which is, or is likely to be, either a nuisance, injurious to health, a fire risk, cause an offensive smell or is otherwise offensive, a source of litter or which may harbour vermin, an Authorised Officer may issue to the occupier of the premises on which the refuse or litter has accumulated, a Notice of Removal.

(5) The occupier of the premises shall, after being served with a notice of removal by an Authorised Officer, remove and dispose of the refuse by such methods and within such time as specified in the Notice.

(6) If a person served with a Notice of Removal fails to comply with the Notice, the Council may remove the refuse or litter which is the subject of the Notice and recover the costs of removal and disposal of the refuse or litter from that person. The occupier(s) or owner(s) of the property shall also be liable to fines under the Local Government Act 1974 for breaching this Bylaw.

6.10 Non Complying Refuse - If refuse is left for collection which breaches this Bylaw for any reason whatsoever, the refuse collector shall not collect the refuse and shall issue a Non-Complying Refuse Notice to the owner(s) or occupier(s) of the property on which they believe the refuse was generated. If the occupier(s) or owner(s) of the property do not comply with this Notice, then the Council or its agent may remove the refuse and recover the costs of removal and disposal of the refuse from the occupier(s) or the owner(s). The occupier(s) or

owner(s) of the property shall also be liable to fines under the Local Government Act 1974 for breaching this Bylaw.

6.11 Owners of Multi-Unit Residential Buildings or Complexes - (1) Every person who owns any multi-unit residential building or complex shall ensure that no refuse remains in or about the multi-unit building or complex or its precincts (including kerbside) except in accordance with this Bylaw.

(2) In every multi-unit residential building or complex of less than 10 residential units where no approved alternative method of refuse disposal is available, the owner(s) of the building shall provide or cause to be provided an area within the building complex which is adequate for the hygienic storage of Authorised Refuse Containers and Recycling Bins, prior to the collection at the kerbside on collection day.

(3) Every person who owns any multi-unit residential building or complex of 10 residential units or more shall:

a) provide or cause to be provided an area within the building complex which is adequate for the hygienic storage of Authorised Refuse Containers and Recycling Bins; and

b) dispose or cause to be disposed all refuse generated from their buildings on at least a weekly basis.

Note: Special arrangements may be made with the Council. In granting exemptions the Council may impose special condition for refuse collection.

6.12 Removal of Commercial Refuse - (1) The Council shall not be required to remove any commercial refuse unless it is on an authorised refuse collection route.

(2) Where Council removes commercial refuse, such refuse will be removed or disposed of by Council only where the refuse is contained within an Authorised Refuse Container.

6.13 Landfills and Transfer Stations - (1) Landfills and Transfer Stations are for the disposal and recycling of refuse only. All other activities (which may include but are not limited to filming, photographing, recreational shooting, fishing or landfill tours) are prohibited unless authorised in writing by an Authorised Officer.

(2) No article, substance or chemical of a flammable, hazardous, toxic or explosive nature, or any substance that necessitates special handling shall be disposed of at any Landfill or Transfer Station without the prior written approval of an Authorised Officer.

(3) An Authorised Officer shall have the discretion to prohibit the disposal of any refuse at any Landfill or Transfer Station which in their opinion is or may be unsuitable for disposal in or may affect the safe and effective operation of that Landfill or Transfer Station.

(4) No child under the age of 15 years shall be permitted within any Landfill or Transfer Station unless accompanied by a person aged 15 years or over.

(5) The discharge of firearms at any Landfill or Transfer Station is prohibited unless the prior approval of an Authorised Officer has been obtained. Before granting approval, an Authorised Officer shall be satisfied that the operator holds a valid firearms licence in accordance with the Arms Act 1983 and that the discharge of firearms is for a legitimate purpose.

(6) All persons entering any Landfill or Transfer Station shall observe and comply with all erected signs and any instructions given to them by an Authorised Officer.

(7) a) every person disposing of refuse at the disposal area of any Landfill or Transfer Station shall dispose of the refuse at the place and in the manner directed by the person in charge of the disposal area.

b) if the person in charge of the disposal area in any Landfill or Transfer Station is not present at the disposal area, refuse shall be placed in the part of the disposal area that is in practical use, and is marked with signs indicating the point of disposal.

(8) No person shall:

a) damage any fence, gate, building, water supply, road, sign or damage or remove any tree at any Landfill or Transfer Station.

b) dispose, throw or deposit any refuse in any manner at or about any gate, fence, entrance, building or on any road or on any other place not designated as a discharge area on any or Transfer Station.

c) exceed the speed limits indicated within any Landfill or Transfer Station.

d) slaughter any animal at any Landfill or Transfer Station.

e) loiter at any Landfill or Transfer Station.

f) light any fire at any Landfill or Transfer Station.

(9) No unauthorised person shall enter any Landfill or Transfer Station outside of the hours during which the site is open to the public.

(10) Any Authorised Officer may issue special written permission to persons to permit the disposal of refuse in a Transfer or Landfill outside of the hours during which the site is open to the public.

(11) An Authorised Officer may grant permission to persons in an emergency to allow them to dispose of refuse at a Landfill or Transfer Site outside of the hours during which the site is open to the public.

(12) No unauthorised person shall interfere with or remove any refuse, article or materials from any Landfill or Transfer Station.

(13) An Authorised Officer may grant permission, with such conditions as he or she sees fit, to allow persons to remove refuse, articles or materials from a Landfill or Transfer Station for recycling purposes.

(14) All refuse deposited at any Landfill or Transfer Station shall be deemed to belong to the Council.

(15) Any Authorised Officer may require any person to leave any Landfill or Transfer Station at any time.

(16) All persons depositing materials in any Landfill or Transfer Station that are designated by an Authorised Officer as recyclable shall place those materials at the site within the Landfill or Transfer Station nominated by the Authorised Officer.

For the purposes of this clause, "recyclable materials" may include but are not limited to:

- ferrous and non-ferrous metals
- cardboard, paper, glass
- timber, sawdust, shavings, road metal and sand
- plastic materials
- garden vegetation
- batteries
- computers
- clothing
- engine oil

(17) No person shall dispose of any items or materials at any Landfill or Transfer Station which are deemed to be unsuitable for disposal at those sites by an Authorised Officer. Items deemed to be unsuitable for disposal at a Landfill or Transfer Station may include, but are not limited to;

- Whole motor vehicle bodies
- Special wastes or hazardous wastes

(18) An Authorised Officer may refuse entry to any Landfill or Transfer Station to any person, organisation or company who they believe on reasonable grounds may contravene this Bylaw.

6.14 Recycling - (1) The Council may arrange for the collection of specified recyclables from specified locations. Such locations shall be notified by public notice.

(2) The Council may supply occupiers with a Recycling Bin or Bins for containment of recyclables before collection.

(3) No person shall place or leave any non-recyclables in any Recycling Bin or at any recycling station.

(4) The Council may, from time to time, specify the location of recycling stations at which recyclables can be received from the public, and may issue instructions for the use of such recycling stations.

(5) Where the instructions issued by the Council for the use of a recycling station are displayed at that station every person using that station shall comply with those instructions.

6.15 Special Waste - No person shall place any special waste in a public place.

6.16 Use of Public Litter Bins - (1) No person shall:

- a) place any offensive matter, any household, garden or commercial refuse, or any special or hazardous waste of any description in any public litter bin; or
- b) put or attempt to put anything into any litter bin if the bin is already full; or
- c) remove anything from any litter bin unless authorised by the Council to do so.

(2) No person, apart from an Authorised Officer, shall attach any advertising material (including but not limited to stickers and posters) to, paint or vandalise any City Council owned street furniture or public litter bins.

ADVICE NOTES:

1 The Council may make (and once made, may vary) operational statements and guidelines dealing with the collection of refuse and recyclables. Such statements and guidelines may deal with (but are not limited to) the following:

- landfill acceptance criteria.
- criteria for public litter bin servicing, maintenance, installation and removal.
- recycling.

2 The deposit of litter in a public place, or on private land without the consent of the occupier of that land, is an offence under the Litter Act 1979. Persons believed to have deposited litter in a public place or on private land without the consent of the occupier of that land may be liable to an infringement fee of \$100.00. They may also be liable to other penalties under the Litter Act 1979.

3 Under the Litter Act 1979, a territorial authority may serve on the occupier of any private land a notice in writing requiring the owner:

- a) to clear away, or remove from the land; or
- b) to clean up; or
- c) to screen, cover or otherwise obscure from view.

such litter as may be specified in the notice within 14 days or such further time as may be so specified, being litter which in the opinion of the territorial authority, tends to grossly deface or defile the area in which the private land is sited. If such a notice is issued, the provisions of Section 10 of the Litter Act 1979 apply.



NOTICE OF REMOVAL

You are the occupier of property on which refuse or litter has accumulated.

In the opinion of an Authorised Officer, this accumulation of refuse or litter is, or is likely to be:

- the cause of an offensive smell []
- otherwise offensive []
- a nuisance []
- injurious to health []
- harbouring vermin []
- a fire hazard []
- a source of litter []

and therefore breaches the Dunedin City Council Solid Waste Bylaw 2002. In accordance with that Bylaw, you must remove and dispose of this refuse and/or litter using the method and within the timeframe set out below:

Method for removal and disposal of refuse and/or litter: _____

Timeframe for removal and disposal of refuse and/or litter: _____

Officer Issuing Notice: _____ Council Dept: _____

If you fail to comply with this Notice, the Dunedin City Council or its agent may remove and dispose of the refuse and/or litter on your behalf and recover the costs of removal and disposal of the refuse and/or litter from you. You may also be fined under the Local Government Act 1974 for breaching the Dunedin City Council Solid Waste Bylaw 2002.

**FOR MORE INFORMATION, PLEASE CONTACT
THE DUNEDIN CITY COUNCIL 477 4000**



NON-COMPLYING REFUSE NOTICE

**This refuse has not been collected because it breaches
the Dunedin City Council Solid Waste Bylaw 2002
for the reason(s) set out below**

REASONS	COMMENTS (if any)
• Contains garden refuse	[]
• Out too late	[]
• Not an approved container	[]
• Damaged container	[]
• Contents of refuse breach Bylaw	[]
• Special/hazardous waste	[]
• Gross weight exceeds 20kg	[]
• Sharp and dangerous items not wrapped	[]
• User pays service	[]
• Other (_____)	[]

**IF YOU ARE THE OCCUPIER(S) OR OWNER(S) OF THE PROPERTY ON WHICH
THIS REFUSE WAS GENERATED, YOU MUST REMOVE THIS REFUSE NOT
LATER THAN 7PM TODAY. IF YOU FAIL TO DO SO, THE DUNEDIN CITY
COUNCIL OR ITS AGENT MAY REMOVE AND DISPOSE OF THE REFUSE AND
RECOVER THE COSTS OF REMOVAL AND DISPOSAL FROM YOU.**

IF THIS NON-COMPLYING REFUSE IS

NOT REMOVED WITHIN 24 HOURS

**YOU MAY BE PROSECUTED, FINED AND CHARGED FOR THE COST OF
REMOVAL.**

**You are in breach of the Local Government Act 1974 for the Dunedin City Council Solid
Waste Bylaw 2002 and/or the Litter Act 1979**

**FOR MORE INFORMATION, PLEASE CONTACT
THE DUNEDIN CITY COUNCIL REFUSE COLLECTION OFFICER ON 477 4000**



**NOTICE TO REMOVE LITTER
WITHIN 24 HOURS**

Infringement Date: ___/___/___ **Time:** _____

DEPOSIT OF LITTER IN A PUBLIC PLACE OR ON
PRIVATE LAND IN CONTRAVENTION OF
THE LITTER ACT 1979

**IF THIS LITTER BELONGS TO YOU,
PLEASE REMOVE IT IMMEDIATELY**

**IF THIS LITTER IS NOT
REMOVED WITHIN 24 HOURS,
AN INFRINGEMENT NOTICE WITH AN
INSTANT FINE OF \$100 MAY BE ISSUED
UNDER THE LITTER ACT 1979**

**YOU MAY ALSO BE LIABLE TO FURTHER
PENALTIES AND THE COST OF REMOVING THE
LITTER**

Officer Issuing Notice: _____ Council Dept: _____

**FOR MORE INFORMATION, PLEASE CONTACT
THE DUNEDIN CITY COUNCIL 477 4000**