



Solid Waste Bylaw 2019

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1 Preliminary Provisions

1.1 This Bylaw is the Solid Waste Bylaw 2019.

1.2 This Bylaw is made under the:

- (a) Local Government Act 2002;
- (b) Waste Minimisation Act 2008 (“the Act”);
- (c) Health Act 1956; and
- (d) Litter Act 1979.

2 Purpose

2.1 The purpose of this Bylaw is to:

- Promote and deliver effective and efficient Waste management and minimisation in the District, as required under the Waste Minimisation Act 2008;
- Assist in implementing the Council’s Waste Management and Minimisation Plan;
- Promote the purpose of the Act and the goals of the New Zealand Waste Strategy;
- Regulate the collection, storage, management, transportation and Depositing of Waste (including Recyclable Material) from Public Places or by persons licensed by the Council;
- Protect the health and safety of Commercial Waste Operators, Resource Recovery Centre (RRC) Operators and the public; and
- Manage Nuisance and Litter in Public Places.

3 Commencement

3.1 This Bylaw comes into force on 10 October 2019.

4 Interpretation and Definitions

4.1 The provisions of the Manawatū District Explanatory Bylaw 2022 and its amendments are implied into and form part of this Bylaw.

4.2 In this Bylaw, unless the context requires otherwise:

Act means the Waste Minimisation Act 2008.

Animal Waste Receptacle means a receptacle provided for the collection of Animal Waste in a Public Place.

Approved Container means any container (including any Reusable Container) or Official Council Bag used for the collection of Waste and/or Recyclable Material by a Commercial Waste Operator.

Cleanfill Material means materials such as clay, soil and rock, and other inert materials such as concrete or brick that are free of:

- (a) combustible, putrescible (except that cleanfill material may contain up to 5% by weight putrescible matter), degradable or leachable components

- (b) hazardous substances
- (c) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices
- (d) materials that may present a risk to human health
- (e) liquid waste.

Cleanfill Site means the land used for the disposal of Cleanfill Material.

Commercial Waste means Waste resulting from the carrying on of any business, manufacture, process, trade, market or other undertaking.

Commercial Waste Operator means any person, or legal entity who is licensed by Council to collect or transport Waste and includes companies, operators, contractors, sub-contractors and partnerships.

Collection Point means a Council advertised location used for the collection of Official Council Bags, or Recyclable Materials as advertised on the Council's website.

Deposit, Deposited or Depositing means to cast, place, throw or drop Waste, or to allow Waste to be cast, thrown, dropped or to escape from any motor vehicle or trailer.

Disposal or Dispose means the final deposit of waste into or onto land set apart for that purpose; or the incineration of waste.

Diverted Material means any thing that is no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be Disposed of or discarded.

Donated Goods Container means a weather tight container for the temporary collection of reusable material e.g. clothing, toys, furniture, linen.

Event means any organised temporary activity that is likely to create Litter in a Public Place including, but not limited to, an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration.

Farm Dump or Offal Hole means the disposal of Waste, including animal carcasses or parts of carcasses, into or onto the property from which the Waste is sourced, in the Rural Area. The Waste must not include any Hazardous Waste or sewage.

Fly Tipping means Litter or Recycling Material that is Deposited or Disposed of at a Public Place or onto private property without the Owner's consent.

Hazardous Waste means Waste that:

- (f) Contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organism Act 1996; or
- (g) Meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433: 1999 – Transport of Dangerous Goods on Land; or
- (h) Meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982.

Home Composting means Organic Waste processed by worms and microorganisms to produce humus.

Horizons or **Horizons Regional Council** means the Manawatū-Whanganui Regional Council (trading name).

Horizons' One Plan means the current Regional Policy Statement and Regional Plan of the Manawatū-Whanganui Regional Council. It also includes any equivalent document, should the One Plan be changed or replaced.

Household Waste means Waste from a household that is not entirely from construction, renovation, or demolition of the house.

Landfill means a disposal facility as defined in s7 of the Act, excluding incineration and Farm Dumps.

Litter includes any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature.

Litter and Recycling Plan means a plan approved by Council for the collection, management, transportation and Depositing of Waste and Recyclable Material at an Event.

Litter Receptacle means a receptacle provided for the collection of Waste or Recyclable Material in a Public Place.

Loose Filled means the amalgamated contents of a reusable container that are not subjected to a compression loading to squash more recyclable material into the reusable container. Individual items such as plastic bottles and cans may be squashed before being deposited into the particular Reusable Container.

Managed Fill Site means a Disposal site to accept well defined types of non-municipal waste, e.g. low-level contaminated soils.

Manager means any person appointed by the Council's Chief Executive to control or manage or to assist in the control and management of any Council Premises or service and includes any person directed by the Council's Chief Executive to perform the duties of the Manager for the time being.

Official Council Bag means a plastic rubbish bag identified with the Council logo and/or other images or text, and which is approved by the Council for use in its Waste collection service.

Organic Waste means material from plants and trees. Without limitation, it excludes tyres, petroleum plastics, polystyrene, metals, insecticides and herbicides.

Overfilled in relation to Approved containers means:

- (a) The lid of a Reusable Container is not able to be fully closed; or
- (b) Glass bottles and/or jars sit above the top rim of the plastic recycling crate.

Prohibited Waste means Waste containing any:

- (a) material capable of causing any injury to any person or Animal unless that material is sufficiently contained to prevent injury;
- (b) material capable of causing damage to the Approved Container or likely to shatter in the course of collection unless the material is sufficiently contained to prevent damage to the Approved Container or to prevent injury;
- (c) liquid or viscous fluid;
- (d) radioactive Wastes, but excluding domestic smoke detectors;

- (e) used oil and lead acid batteries;
- (f) Hazardous Waste;
- (g) medical Waste; or
- (h) Other material deemed by Council to be unsuitable for Depositing at a Resource Recovery Centre.

Recyclable Material means Waste specified by the Council in accordance with this Bylaw as permitted Recycling.

Recycling means the reprocessing of Waste or Diverted Material to produce new materials.

Resource Recovery Centre (RRC) means any facility that receives, collects, sorts, stores or processes Waste or Recyclable Material to ensure Waste minimisation and includes, but is not limited to, a composting operation, a recovery operation, a materials recovery facility, a mobile recycling centre and a refuse transfer station.

Resource Recovery Centre Operator or RRC Operator means a person who owns or manages a Resource Recovery Centre.

Reusable Container means any container for Waste or Recyclable Materials approved by Council that can be reused, including mobile garbage bins or mobile recycling bins and recycling crates.

Rural Area means the land that is Zoned Rural 1, Rural 2, Flood Channel 1 or Flood Channel 2 in the Manawatū District Plan.

Special Collection Areas means an area or road determined by Council that will receive a Waste collection service in the commercial Zoned areas.

Special Waste means Waste that requires special handling and/or Disposal. Examples include used oil, tyres, polystyrene, expanded polystyrene, end-of-life vehicles, batteries, electronic goods and asbestos.

Waste means any thing Deposited or discarded; and includes:

- (a) a type of Waste that is defined by its composition or source (for example, Organic Waste, Household Waste, Commercial Waste, electronic waste, or construction and demolition waste);
- (b) Abandoned material and Litter;
- (c) Any other material specified by the Council in accordance with this Bylaw; and
- (d) To avoid doubt, includes any component or element of Diverted Material, if the component or element is Deposited or discarded.

Waste Management and Minimisation Plan means the Waste Management and Minimisation Plan adopted by the Council under section 43 of the Act.

- 4.3 Reference should be made to section 2 of the Manawatū District Explanatory Bylaw 2022 for any other definitions not included in Clause 4.2.
- 4.4 Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this Bylaw or the Explanatory Bylaw, has the meaning given by the Act.
- 4.5 Any explanatory notes are for information purposes only. They do not form part of the Bylaw, and may be made, amended, revoked, or replaced by the Council at any time.

- 4.6 In addition, the Bylaw should be read in conjunction with, but not in replacement of, the Waste Management and Minimisation Plan and the Public Places Bylaw and any policy statements referred to in Clause 6.

Part One – General

5 Compliance with the Bylaw

- 5.1 No person may Deposit, collect, transport, sort, store or process Waste other than in accordance with this Bylaw.
- 5.2 To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable acts, regulations, bylaws and rules of law.

6 Controls specified under Bylaw

- 6.1 A person must comply with any terms and conditions which Council may from time to time by resolution, make or amend for the classification, collection, and transportation and Depositing of Waste. In making or amending such terms and conditions, the Council may account for (but not be limited to) the following:
- (a) The nature and origin of the Waste;
 - (b) Categories and types of waste that may be received, collected, stored, sorted, processed or Deposited by any Commercial Waste Operator or RRC Operator
 - (c) Types of Waste that are prohibited;
 - (d) The geographic areas and provisions that apply to the different categories of Waste including collection services;
 - (e) The types of Waste that may be placed in Approved Containers;
 - (f) The type, size, construction and placement of Approved Containers for the storage and collection of Waste and Recyclable Materials from a Public Place in different parts of the District;
 - (g) The correct separation of Recyclable Materials and Waste into Approved Containers;
 - (h) The correct treatment of Recyclable Material, including, but not limited to, cleaning and the removal of lids from containers.
 - (i) Restrictions on the weights of Official Council Bags and volumes of Approved Containers, including any maximum allowable limits of Waste or Recyclable Material that may be placed in, collected and transported from a Public Place in an Approved Container;
 - (j) The right for Council to retrieve a Council owned Approved Container from a Premises.
 - (k) Collection times, conditions of use and any other operational matter relating to Collection Points; and
 - (l) Any other terms or conditions which may be required for the efficient and safe storage, collection and Depositing of Waste and Recyclable Materials.

- 6.2 A Commercial Waste Operator, RRC Operator and the Owner or Occupier of a Premises must comply with this Bylaw and the terms and conditions made under it, including (but not limited to) the matters set out in Clause 6.1 and any additional controls that may be required from time to time for the collection of Waste from a Public Place.

Part Two – Collection of Waste and Recyclable Material

7 Use of Approved Containers

- 7.1 The Occupier or manager of a Premises must ensure that Waste and Recyclable Materials are separated into Waste types or Recyclable Materials as determined by Council, and Deposited into the Approved Container for the type of Waste or Recyclable Material.
- 7.2 Any Occupier or manager of a Premises that fails to comply with clause 7.1 will be issued with a written warning by the Manager.
- 7.3 If the Occupier or manager of a Premises fails to comply with two written warnings issued under clause 7.2 a Council Officer or Authorised Agent will be directed by the Manager to remove the Approved Container(s) from the Premises upon the third non-compliance with clause 7.1.
- 7.4 For the Approved Container(s) to be removed from the Premises under clause 7.3, the three breaches of clause 7.1 must occur within a 12 month period.
- 7.5 No person may:
- (a) Cause, permit or allow the Deposit of any Waste or Recyclable Material into an Approved Container that is not approved for that type of Waste or Recyclable Material.
 - (b) Cause, permit or allow the Deposit of any Prohibited Waste or Special Waste into an Approved Container;
 - (c) Interfere with or remove any Waste from an Approved Container or a Collection Point, except by a Commercial Waste Operator, or the person who Deposited the Waste, without the Approval of Council or the Occupier of the Premises;
 - (d) Cause, permit or allow the Deposit of any Waste in an Approved Container that has been allocated to someone else, without that person's consent;
 - (e) Remove an Approved Container from the Premises to which it has been allocated (by Council or a Commercial Waste Operator) or from any other Premises, without the Approval of Council or the Commercial Waste Operator;
 - (f) Obstruct or hinder a Commercial Waste Operator from lawfully collecting Waste or Recyclable Material from an Approved Container.

8 Restrictions on the Depositing of Waste

- 8.1 The Council may, from time to time by resolution, prohibit certain material from being Deposited in an Approved Container, RRC, or Litter Receptacle provided by the Council in a Public Place.
- 8.2 A person must not Deposit Household Waste or Commercial Waste into a Litter Receptacle provided by the Council in a Public Place.

9 Responsibilities of Owners, Occupiers and Managers

9.1 The Owner, Occupier or manager of any Premises must ensure that:

- (a) Waste and Recyclable Materials is only collected and stored in an Approved Container.
- (b) Approved Containers are kept in a safe location and in a hygienic state, including regular washing of an Approved Container with detergent and water;
- (c) Reasonable steps are taken to prevent any Waste and Recyclable Material from escaping any Approved Container;
- (d) Badly punctured or torn Official Council Bags are promptly repaired or replaced before the scheduled Waste collection occurs;
- (e) Any Approved Container is not Overfilled and in the case of lidded Approved Containers to be only Loose Filled; and
- (f) Any lidded Approved Container must have its lid closed when not in use and when presented for Waste collection, so that its contents are protected from rain ingress, or egress of flies and access by Animals.

9.2 In addition, with respect to the collection of Approved Containers, the Owner, Occupier or manager of a Premises must ensure:

- (a) The Approved Container is placed for collection in an upright position off the Road, in front of the Premises from which the Waste or Recyclable Material originated, as close to the kerbside as possible by 7:30am on the day of collection;
- (b) Reasonable steps are taken to prevent any Approved Container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the Premises;
- (c) If Waste or Recyclable Material is not collected and/or emptied on the day of collection, Approved Containers must be removed from the kerbside by the Occupier or manager no later than 7pm on the scheduled collection day, except when notified by Council to do otherwise; and
- (d) Approved Containers are placed for collection of Waste and Recyclable Materials and retrieved in accordance with any applicable control specified by the Council under Clause 6.

9.3 The Owner, Occupier and manager of any Premises is responsible for any Waste generated and stored on the Premises until it has been collected from an Approved Container at the kerbside.

10 Deposit of Waste and Recyclable Material at Collection Points

10.1 The Manager may specify:

- (a) Any place, or an Approved Container in a Public Place as a Collection Point for the collection of Household Waste and Recyclable Materials;
- (b) Controls relating to the Deposit of Household Waste and Recyclable Materials at a Collection Point including the use of Approved Containers.

Part Three – Special Collection Areas

11 Special Collection Areas

- 11.1 The Council may declare by resolution a specific area and/or road a Special Collection Area.
- 11.2 In Special Collection Areas, Waste and Recyclable Materials must not be placed out for collection between 10am and 5.30pm. These hours may change from time-to-time with the Approval of the Manager.

Explanatory Note: Clause 9.2(c) also relates to Waste or Recyclable Material in Approved Containers within Special Collection Areas.

Part Four – Resource Recovery Centre (RRC)

12 Depositing of Waste and Recyclable Material

- 12.1 A person wishing to Deposit Waste or Recyclable Materials at a RRC must comply with the terms and conditions as determined by Council resolution or by the RRC Operator from time to time. These terms and conditions may include, without limitation:
- (a) Hours of access;
 - (b) The payment of fees for Depositing different types of Waste and Recyclable Material, as set out in Council’s Schedule of Fees and Charges from time-to-time;
 - (c) The nature of the Waste and Recyclable Material that may be Deposited;
 - (d) Any other matters identified at Clause 6.1 of this Bylaw; and
 - (e) Any other conditions considered necessary for the proper control and management of the RRC.
- 12.2 No unauthorised person may loiter, or disturb any Waste or Recyclable Material at any RRC, or remove any article or material, except with the Council’s written consent.
- 12.3 No person may Deposit any Waste or Recyclable Material at any RRC other than in an approved manner as directed by the RRC Operator.

Part Five – Licensing Provisions

13 Licensing of the Collection or Transportation of Waste and Donated Goods Containers

- 13.1 Any Commercial Waste Operator, RRC Operator and owners of a donated goods container(s) must obtain a Licence from the Council prior to operating within the District.
- 13.2 Clause 13.1 does not apply where the total amount of Waste collected by the Commercial Waste Operator or RRC Operator does not exceed 20 tonnes when measured over a continuous 12 month period.
- 13.3 The holder of a Licence under this clause must comply with any conditions imposed on the Licence by the Council, in accordance with Sections 15 and 16 of the Bylaw.

Explanatory Note: Horizons' One Plan contains rules relating to discharges to land and water, including the discharge of Cleanfill Material. Commercial Waste Operators or RRC Operators should consult with Horizons regarding any consent requirements prior to any discharge.

14 Application for Licence

14.1 Every application for a Licence under this Bylaw must:

- (a) Be in the form the Council may prescribe from time-to-time;
- (b) Describe the activities in respect of which the Licence is sought;
- (c) Be accompanied by any fees set out in the Council's Schedule of Fees and Charges; and
- (d) Include any supporting information the Council may require for the processing of the application.

Explanatory note: when including "supporting information" in an application for the purposes of sub-clause (d) above, Sections 15, 16 and 20 of this Bylaw set out the matters which the Council may have regard to in granting a Licence.

14.2 The holder of an existing Licence must apply to the Council for renewal of that Licence at least two months before it expires.

14.3 The grant or renewal of a Licence (in whole or in part) is at the discretion of the Council, upon such terms and conditions as it considers fit.

14.4 Where the Council refuses to grant or renew a Licence, or only partially grants or renews a Licence, it will provide the applicant with reasons for its decision.

14.5 Failure to comply with terms or conditions of the Licence will result in the Licence being suspended by the Manager.

15 Consideration of Application for Licence

15.1 In considering whether to grant or renew a Licence and the conditions to be imposed under it, the Council may take into account matters relating to the suitability of the applicant to hold a Licence and the need for and suitability of the collection, including (without limitation):

- (a) The extent to which the licensed activities will promote public health and safety and achievement of the objectives of the Council's Waste Management and Minimisation Plan and Waste reduction initiatives;
- (b) The applicant's experience, reputation and track record in the Waste and/or Recycling industry, including any known past operational issues which may affect or may in the future affect, the applicant's performance;
- (c) The type of Waste proposed to be collected or transported;
- (d) The proposed manner of treatment (if any) and Depositing of the Waste type, and the identity of the RRC, at which it is proposed that treatment or Depositing will occur;
- (e) The frequency and location of the Waste collection, transportation or Depositing services;

- (f) The specification of Vehicles, equipment and Approved Containers to be used for the collection, transportation or Depositing of Waste; and
- (g) The percentage of Waste diverted from Landfill by Recycling.

16 Conditions of Licence

16.1 The terms and conditions upon which the Council may grant or renew a Licence include, but are not limited to, the following:

- (a) The term of the Licence, up to a maximum of five years;
- (b) The payment of a Licence fee as may be prescribed in the Council's Schedule of Fees and Charges from time to time;
- (c) From time-to-time and on a case-by-case basis the provision of a performance bond or security, or both, for the performance of the Licensed work;
- (d) Compliance with Council standards and policies for Waste collection, transportation or Depositing services including in respect of the collection services:
 - (i) The collection of Litter within five metres of an Approved Container awaiting collection and any Litter spillage from the Licence holder's Vehicle during the collection, transportation or Depositing process; and
 - (ii) Provision of Waste collection services within reasonable times specified by the Council.
- (e) Provision of Waste data to the Council during the term of the Licence in the form and at the times determined by the Council from time to time including:
 - (i) The quantity, composition and destination of each type of Waste including Recyclable Materials recorded during the Waste collection, transportation or Depositing process;
 - (ii) Weighbridge receipts; and
 - (iii) Gate records of Waste tonnage.

16.2 The Council will take all reasonable measures to keep commercially sensitive information confidential including by the aggregation of such information for recording purposes.

Part Six – Events on Public Places

17 Events

17.1 Any organiser of an Event must submit to the Council a Litter and Recycling Plan for Approval by Council 14 days before the Event is due to commence.

Explanatory Note: A permit is also required under the Public Places Bylaw 2015 to hold events in Public Places.

17.2 The Council will require the Litter and Recycling Plan to include (without limitation):

- (a) An estimate of the types and amounts of Waste to be generated by the Event;
- (b) How Waste generated at the Event will be minimised;

- (c) How the collection and use of Recyclable Materials and reusable material will be maximised;
 - (d) The number and placement of Litter and Recycling bins, and scheduled emptying times at Events;
 - (e) Controls relating to separation of Recyclable Materials at designated locations; and
 - (f) Details of Commercial Waste Operators or person responsible for collection, transportation and Depositing of Waste and Recyclable Materials.
- 17.3 The organiser of an Event must comply with the approved Litter and Recycling Plan.
- 17.4 The organiser of an Event must submit to Council a report within 20 Working Days following the event that details how the approved Litter and Recycling Plan was implemented, including a Waste summary.

Part Seven - Nuisance

18 Nuisances

- 18.1 A person must not:
- (a) Allow any accumulation of Waste or Recyclable Material on any Premises they own, occupy or manage to become unsightly, offensive, a Nuisance or likely to be injurious to health;
 - (b) Use an Approved Container in a manner that creates a Nuisance, is offensive or is likely to be injurious to health.

18.2 Except as provided for under this Bylaw, no person may:

- (a) Store or burn, or allow to be burnt, any Waste or Recyclable Material on any Premises that they own, occupy or manage where this activity may result in Nuisance effects;

Explanatory Note: The Manawatū District Council manages Nuisance effects from residential chimneys but does not manage Nuisance effects from outdoor burning, small-scale fuel burning or other burning activities that are the responsibility of Horizons. Fire and Emergency New Zealand are responsible for issuing urban and rural fire permits and for responding to outdoor fires and rural fires.

- (b) Bury or allow to be buried on any property that they own, occupy or manage any Waste or Recyclable Material except:
 - (i) Organic Waste;
 - (ii) dead Animals; or
 - (iii) Organic Waste for the purposes of Home Composting.

Explanatory Note: Horizons' One Plan permits the disposal of Waste or Recyclable Material on production land, which is sourced from that property and is being disposed of into a Farm Dump. For the avoidance of doubt, any disposal of Waste or Recyclable Material into or onto land that is permitted by the One Plan complies with this Bylaw.

- (c) Despite the exceptions listed in sub-clause (b), no person may bury or allow to be buried any Organic Waste or dead Animals that in the opinion of the authorised

officer is likely to be a Nuisance, injurious to health, cause an offensive smell or is otherwise offensive.

Explanatory Note: Users should refer to Horizons' One Plan for rules relating to the burying of Organic Waste for the purposes of composting; and the burying of Waste, Recyclable Material, or dead Animals in offal holes and farm dumps on production land. For the avoidance of doubt, a resource consent may be required from Horizons before burying Waste or Recyclable Material.

- (d) Dispose of any Waste or Recyclable Material or Deposit, permit or suffer the Deposit of any Litter on any Premises except at an RRC or a Premises they own, occupy or manage, for the purposes of Home Composting.

Explanatory Note: The Disposal of Waste or Recyclable Material at a Landfill, Cleanfill Site or Managed Fill Site is administered under the Horizons' One Plan.

19 Litter

19.1 A person must not:

- (a) Use any Litter Receptacle provided by the Council in any Public Place for Depositing any dangerous or offensive material, including Prohibited or Special Waste;
- (b) Deposit or attempt to Deposit any Litter in any Litter Receptacle in a Public Place if the Litter Receptacle is full or the Litter is likely to escape;
- (c) Remove or interfere with any Waste or Recyclable Material from any Litter Receptacle provided by the Council in any Public Place, where this results in Litter being Deposited outside the Litter Receptacle, unless authorised by the Council to do so;
- (d) Fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any Litter Receptacle provided by the Council in any Public Place, except with the Approval of Council.

19.2 No person may use any public Animal Waste Receptacle for Depositing any dangerous material or any Household Waste or Commercial Waste of any kind.

Part Eight - Donated Goods Containers

20 Donation of Goods

- 20.1 Any person who places a Donated Goods Container for the collection of donated goods on:
- (a) A Public Place; or
 - (b) Any privately owned Premises where the donated goods are likely to be left on an adjoining Public Place, or carried from or otherwise escape from that Premises onto an adjoining Public Place:
- must obtain a Licence to do so from the Council in accordance with section 13 of this Bylaw.
- 20.2 The grant of a Licence (in whole or in part) is at the discretion of the Council, on such terms and conditions as it sees fit.
- 20.3 The Licence holder must comply with any conditions of the Licence.
- 20.4 The Licence Holder must take all steps to the satisfaction of the Council to prevent the donated goods from:
- (a) Being carried from or otherwise escaping from the Donated Goods Container onto a Public Place or from becoming Litter;
 - (b) Accumulating on a Public Place within a radius of 10 metres from the Donated Goods Container.
- 20.5 The Council may recover costs associated with the removal and Disposal of accumulated donated goods overflowing from or within 10 metres of the Donated Goods Container from the owner of a Donated Goods Container.

Part Nine - Enforcement

21 Non-compliance with this Bylaw

- 21.1 The Council may use its powers under the Act, the Local Government Act 2002, the Litter Act 1979, and the Health Act 1956 to enforce this Bylaw.
- 21.2 Where a person does not comply with this Bylaw the Council may without limitation:
- (a) Refuse to collect Recyclable Material from Approved Containers which contained Prohibited Waste for the first two offences;
 - (b) Issue written warnings requiring compliance;
 - (c) Withdraw or suspend the Waste collection service for a stated period of time; and
- 21.3 The Council may remove and impound:
- (a) Approved Containers or Receptacles found in Public Places; and
 - (b) Donated Goods Containers;
- which are in breach of this Bylaw.
- 21.4 The Council may hold onto the impounded Donated Goods Containers for a 14 day period following notice to the owner (if known to Council) after which it may Dispose of the Containers.

21.5 The Council may seek reimbursement of its costs relating to removal of, disposal of goods under Clause 20.5.

22 Offences and Breaches

22.1 A person who fails to comply with this Bylaw commits an offence and is liable to pay:

- (a) The maximum fine set out in the Local Government Act 2002;
- (b) The maximum fine or penalty specified in the Act, the Litter Act 1979, and the Health Act 1956; and
- (c) Any other fine or penalty specified in another Act for the breach of the Bylaw.

Explanatory Note: This clause should be read in conjunction with clauses 9 and 10 of the Manawatū District Explanatory Bylaw 2022.

Part Ten - Repeals, Savings and Transitional Provisions

23 Repeals, Savings and Transitional Provisions

23.1 Every consent, exemption or Approval granted under the Solid Waste Bylaw 2015 that was in force immediately before the commencement of this Bylaw, continues in force as if it is a consent, exemption or Approval of that kind issued under this Bylaw, but:

- (a) Expires on the date specified in that consent; or
- (b) Where no expiry date is specified, expires 12 months from the commencement of this Bylaw; and
- (c) May be renewed only by application made and considered in accordance with this Bylaw.

This bylaw was made by the Manawatū District Council by resolution at a Council meeting on 10 October 2019 and must be reviewed within ten years.

Sealed with the Common Seal
of the **MANAWATU DISTRICT COUNCIL**
in the presence of:





Mayor



Chief Executive