



# Litter Infringement Policy

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## 1 Introduction

This Policy is to provide guidance to Council Officers on issuing infringement notices under the Litter Act 1979. It shall also define what is meant by litter; provide a graduated level of litter for infringement purposes, provide a fee schedule for infringements and define the rights of the Council in litter removal. Only by adopting Section 13 and 14 of the Litter Act by resolution, can the Council issue infringements for any breach of the Act.

## 2 Purpose

This Policy shall ensure that the Tararua District is kept tidy and free from illegal dumping.

## 3 Statutory Framework

Litter Act 1979

Summary Proceedings Act 1957

The Litter Act 1979 provides for the issuing of infringement notices up to a maximum of \$400 for any offence as specified under Section 13(4) of the Act. The Act also provides notices for occupiers to clear private land of litter (Section 10), and fines on conviction through court proceedings.

## 4 Definitions

**Hazardous litter** means bottles (broken or not), glass, anything containing glass, sharp or jagged material, or any substance of a toxic or poisonous nature that is likely to endanger any person or to cause physical injury or to transmit any disease or infection to any person coming into contact with it. This includes commercial waste or waste that has a chemical residue.

**Litter** is defined under the Act as including 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 Control Officer or authorised officer** means any person appointed or deemed to have been appointed as such under section 5 or 6 of the Act.

**Occupier** in relation to any land or premises, means any lessee, licensee, or other occupant of the land, and includes the owner or the agent of the owner where there is no apparent occupier.

**Public Place** as defined under section 2 of the Litter Act 1979.

## 5 Policy

### 5.1 Scope of Policy

The Tararua District Council Litter Infringement Policy outlines the requirements of legislation, defines how the Council interprets sections of the Litter Act 1979, and covers the operation and infringement process undertaken by the Council when issuing infringements or notices to clear land.

### 5.2 Infringement Notices

#### 5.2.1 Officers Authorised to Issue Infringements

- a) Any Officer warranted by Tararua District Council under Section 5 of the Litter Act 1979, as a Litter Control Officer, is authorised to issue infringement notices in Tararua District.

#### 5.2.2 When to Issue Infringement Notices

- a) Litter Control Officers are to use their professional judgement and discretion whether or not to issue an infringement notice.
- b) Litter infringement notices shall not be issued when an alleged offender cleans up the litter when requested to do so by a Litter Control Officer on the first occasion.
- c) Infringement notices can be issued if a littering offence has been observed by a Litter Control Officer, any Council staff, or if a Litter Control Officer has investigated and has reasonable cause to believe an individual is responsible for the offence and has not rectified the matter.
- d) An infringement notice can be issued if a notice to clear litter has not been met (either by time or compliance).
- e) Every person has the right to object to their infringement notice in writing; this is to be in the prescribed form addressed to the Regulatory Services Manager. The Regulatory Services Manager will review the infringement and will decide if the infringement stands or is waived.

- f) As per the Summary Proceedings Act any non-payment of an infringement which has not been waived, will be sent to the District Court to recoup the fee of the infringement.
- g) Every person has the right to defend the infringement at the District Court.

### 5.3 Types of Littering Offences Requiring Infringement Fees

Infringement notices for disposal of waste in the Tararua District in a public place or on private land.

Fine	Descriptors for typical offences
<b>\$100.00</b>	Depositing litter of less than one litre by volume.  <i>Example: a takeaway container or contents of an ashtray.</i>
<b>\$200.00</b>	Depositing litter from one to 20 litres by volume.  <i>Example: Roadside dumping of a 1.5 litre plastic container or placing household rubbish bags or accumulated car waste in public litter bins.</i>
<b>\$300.00</b>	Depositing litter from 20 to 120 litres by volume. OR Depositing any litter in a Council park or reserve.  <i>Examples: Roadside dumping of small volumes of household or green waste, or of any pest plant material.</i>
<b>\$400.00</b>	Depositing litter of more than 120 litres by volume OR Depositing of hazardous litter.  <i>Examples: Dumping commercial waste, disposable nappy[s], car parts or glass, e-waste, animal remains or anything that has a hazardous chemical residue.</i>

### 5.4 Legal Action

The Council reserves the right to prosecute offenders in respect of any breaches of the Litter Act 1979. Council reserves the right to take legal action in the form of summary proceedings against anyone who:

- a) Wilfully obstructs a Litter Control Officer who is acting in the execution of any powers or duties conferred on him/her under the Act.
- b) Fails to comply within a stated time frame with the requirements of a Litter Control Officer (either by notice or infringement).

- c) Fails to disclose their true name and place of residence or gives a general description of his/her place of residence as is illusory for the purpose of discovery.
- d) Provides a false name or place of residence; and impersonates or falsely pretends to be a Litter Control Officer.

## 5.5 Private Land with Litter

- a) The Tararua District Council or appointed Litter Control Officer, may serve any occupier of any private land or any land vested in or controlled by the Crown or any local authority, a notice in writing requiring the occupier, to the satisfaction of the Officer,
  - to clear away, or remove, from the land;
  - to clean up; or
  - to screen, cover, or otherwise obscure from view

such litter as may be specified in the notice within 14 days or such further time that may also be specified, being litter which, in the opinion of the territorial authority, tends to grossly deface or to defile the area in which the private land is situated.

- b) A Litter Control Officer is able to extend the time specified on a notice, if the occupier has been prevented by reasonable cause from completing the necessary work within the time specified.

## 5.6 Objection Process for Notice to Clear Litter (occupier of private land)

- a) Every person receiving a notice under Subsection 10 (1) of the Litter Control Act 1979, may object to the requirements of the notice, in writing, within 14 days after receipt on the grounds that those requirements are unreasonable.
- b) Every objection shall be made in writing to the Tararua District Council.
- c) The Tararua District Council shall appoint a time and place for a hearing of the objection.
- d) The Objector shall be given reasonable notice of the time and place of the hearing and shall be entitled to be present and heard.
- e) The Hearing Panel may, after hearing an objection, confirm, cancel, or vary the requirements of the notice and shall within 14 days after the hearing, give the objector written notice of its decision.

## 5.7 Review of Policy

This policy shall be reviewed every five years or earlier if required, to ensure the policy remains effective and efficient at achieving its objectives.

## 6 Contacts in the Operations Group and Regulatory Services

Environmental Health Officer

Regulatory Services Manager

Tararua District Council - phone 06 374 4080

