



First adopted:	1 June 2016
Next review date:	1 May 2031
Document number:	A2882906
Sponsor/Group:	General Manager Planning and Strategy

TAUPŌ DISTRICT COUNCIL LITTER BYLAW 2021

Purpose and Scope

1. The purpose of this Bylaw is to set the requirements for **litter** within Taupō District to ensure the health and safety of any persons, and for the protection of the environment.
2. The Bylaw is made under the authority of section 145 of the *Local Government Act 2002*, and section 12 of the *Litter Act 1979*. In addition, **litter** is also regulated and controlled by other Acts, regulations, standards, rules, bylaws, Taupō District Plan, policies, reserve management plans, and consent conditions which should be referred to in conjunction with this Bylaw.

Commencement

3. The Bylaw will come into force throughout the district on 1 July 2021.

Revocations

4. Taupō District Council Litter Bylaw 2016 is revoked at the time of the Taupō District Council Litter Bylaw 2021 coming into force.

Definitions

5. Any words, phrases or expressions used in this Bylaw which have meanings assigned to them by the *Local Government Act 2002*, and the *Litter Act 1979* will have the meanings as are respectively assigned in those Acts and corresponding supplementary legislation, unless inconsistent with the context in which such words occur.
6. In this Bylaw, if not inconsistent with the context:

Chief Executive	The chief executive of Council and any person delegated to perform any duties of the chief executive
Council	Taupō District Council
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
Private land	every place other than a public place
Public Place	as per section 2 of the <i>Litter Act 1979</i>

Litter

7. A person must not deposit or leave **litter** in a public place, or on private land without the occupiers' consent
8. A person must not deposit or leave household or trade refuse, in a public litter bin.
9. A person must not deposit or attempt to deposit any litter in, on, under, or beside any **litter** receptacle if the receptacle is full; or if the **litter** is likely to escape.
10. A person must not interfere with any **rubbish** awaiting collection by **Council**.

Exemptions

11. A person is not in breach of this Bylaw if that person:
 - a. proves the act was taken to avoid death or injury of a person; or
 - b. was taken at the direction of an enforcement officer.

12. Any person may apply in writing to the **Chief Executive** for written permission for any activity that would be in breach of any prohibition under this Bylaw.
13. Fees may be prescribed for processing these permissions. This fee may be refunded, remitted, or waived at the **Chief Executive's** discretion.

Offences/Penalties/Powers

14. A person commits an offence under this Bylaw if they deposit or leave **litter** contrary to the prohibitions of this Bylaw.
15. A person is in breach of this Bylaw who fails to comply with this Bylaw and commits an offence under section 239 of the *Local Government Act 2002*, and is liable on conviction to the penalties set out in section 242(4) of the *Local Government Act 2002*, for which a person is liable on conviction to a fine not exceeding \$20,000. These fines are current at the time of adoption of this bylaw.
16. Any person that breaches a provision of this Bylaw made under section 12 of the Litter Act 1979 commits an offence and is liable to an infringement under the *Litter Act 1979* not exceeding \$400.00. These fines are current at the time of adoption of this bylaw.
17. **Council** may, after the conviction of any person for a continuing offence against this Bylaw, apply to the court for an injunction to restrain the further continuance of the offence.
18. **Council** may remove, or cause to remove, any **litter** in breach of this Bylaw, and/or recover all charges in connection with the removal of any **litter**.

Public Availability

19. This Bylaw, and any supporting documentation, is available for public inspection.

THIS BYLAW WAS MADE BY RESOLUTION TDC202104/11 OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON 27 APRIL 2021.

The Common Seal of Taupo District Council was hereo affixed in the presence of:

Mayor

Chief Executive

