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Document number:	XXXX
Sponsor/Group:	Group Manager: Policy & Operations

# 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 **[to be determined]**.

## Revocations

4. Taupō District Council Litter Bylaw 2016 is revoked at the time of the Taupō District Council Litter Bylaw 2021 coming into force.
- 5.

## Definitions

6. 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.
7. In this Bylaw, if not inconsistent with the context:

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

## Litter

8. A person must not deposit or leave ***litter*** in a public place, or on private land without the occupiers' consent
9. A person must not deposit or leave household or trade refuse, in a public litter bin.
10. 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.
11. A person must not interfere with any ***rubbish*** awaiting collection by **Council**.

## Exemptions

12. 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.

13. 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.
14. 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

15. A person commits an offence under this Bylaw if they deposit or leave **litter** contrary to the prohibitions of this Bylaw.
16. 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.
17. 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.
18. **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.
19. **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

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

THIS BYLAW WAS MADE BY RESOLUTION [to be determined] OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON [to be determined].

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive