

## **Infringement fines for breaching Trade Waste Bylaws**

### **NZS 9201: Part 23:2004**

The following information is from NZS 9201: Part 23:2004 and relates to fines and offences under the Trade Waste Bylaw.

#### **G6.7 Offences** (page 74)

Every Person commits an offence who breaks the Trade Waste Bylaws, and is liable on summary conviction to a fine not exceeding \$200,000 (s. 239, s. 242[5] of the LGA). The LGA also provides for the implementation of Infringement notices and Infringement fees (s. 243 to s. 246). For these to be implemented the necessary regulations under s. 259(a) need to be passed.

Discharge offences under the Resource Management Act are applicable.

### **Local Government Act 2002**

The relevant statutes from the Local Government Act 2002, referred to by NZS 9201: Part 23:2004 are reproduced below.

#### **PART 8 - REGULATORY, ENFORCEMENT, AND COERCIVE POWERS OF LOCAL AUTHORITIES**

##### **Powers of territorial authorities to make bylaws**

##### 145. General bylaw-making power for territorial authorities

A territorial authority may make bylaws for its district for 1 or more of the following purposes:

- (a) protecting the public from nuisance:
- (b) protecting, promoting, and maintaining public health and safety:
- (c) minimising the potential for offensive behaviour in public places.

To view this statute [click here](#)

#### **PART 8 - REGULATORY, ENFORCEMENT, AND COERCIVE POWERS OF LOCAL AUTHORITIES**

##### **Powers of territorial authorities to make bylaws**

##### 146. Specific bylaw-making powers of territorial authorities

Without limiting section 145, a territorial authority may make bylaws for its district for the purposes

Without limiting section 145, a territorial authority may make bylaws for its district for the purposes—

- (a) of regulating 1 or more of the following:
  - (i) on-site wastewater disposal systems:
  - (ii) waste management:
  - (iii) trade wastes:
  - (iv) solid wastes:
  - (v) keeping of animals, bees, and poultry:
  - (vi) trading in public places:
- (b) of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with 1 or more of the following:
  - (i) water races:
  - (ii) water supply:
  - (iii) wastewater, drainage, and sanitation:
  - (iv) land drainage:
  - (v) cemeteries:
  - (vi) reserves, recreation grounds, or other land under the control of the territorial authority:
- (c) subject to sections 20 to 22 of the Forest and Rural Fires Act 1977, of preventing the spread of fires involving vegetation.

To view this statute [click here](#)

**PART 9 - OFFENCES, PENALTIES, INFRINGEMENT OFFENCES, AND  
LEGAL PROCEEDINGS**  
**Offences against bylaws**

### 239. Offences punishable on summary conviction

Every person commits an offence and is liable on summary conviction to the penalty set out in section 242(4) or (5), as the case may be, who breaches a bylaw made under Part 8 of this Act.

To view this statute [click here](#)

## **PART 9 - OFFENCES, PENALTIES, INFRINGEMENT OFFENCES, AND LEGAL PROCEEDINGS**

### **Information laid by local authority**

#### 242. Penalties for offences

- (1) A person who is convicted of an offence under section 225, section 227, section 228, or section 232(2), is liable to a fine not exceeding \$20,000.
- (2) A person who is convicted of an offence under section 224, sections 229 to 231, or sections 233 to 238 is liable to a fine not exceeding \$5,000.
- (3) A person who is convicted of an offence under section 232(1) is liable to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$20,000 or both.
- (4) A person who is convicted of an offence against a bylaw made under Part 8 (other than a bylaw made under Part 8 referred to in subsection (5)) is liable to a fine not exceeding \$20,000.
- (5) A person who is convicted of an offence against a bylaw made under section 146(a) (iii) (which relates to trade wastes) is liable to a fine not exceeding \$200,000.

To view this statute [click here](#)

## **PART 9 - OFFENCES, PENALTIES, INFRINGEMENT OFFENCES, AND LEGAL PROCEEDINGS**

### **Information laid by local authority**

#### 243. Interpretation

In this subpart,—

“infringement fee”, in relation to an infringement offence, means the amount prescribed by regulations made under section 259(b) as the infringement fee for the offence

“infringement offence” means an offence specified as such in regulations made under section 259(a).

To view this statute [click here](#)

**PART 9 - OFFENCES, PENALTIES, INFRINGEMENT OFFENCES, AND LEGAL PROCEEDINGS**  
**Information laid by local authority**

246. Entitlement to infringement fees

A local authority may retain the infringement fee received by it for an infringement offence if the infringement notice was issued by an enforcement officer appointed by that local authority.

To view this statute [click here](#)

**PART 11 - REGULATIONS AND OTHER ORDERS IN COUNCIL**

259. Regulations

The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for 1 or more of the following purposes:

- (a) prescribing breaches of bylaws that are infringement offences under this Act:
- (b) prescribing infringement fees (not exceeding \$1,000) for infringement offences:
- (c) prescribing infringement notice forms:
- (d) prescribing forms to be used—
  - (i) in polls on a reorganisation scheme:
  - (ii) for any other matter for which forms are required under this Act:
- (e) providing for such matters as are contemplated by, or necessary for giving full effect to, this Act and for its due administration.

To view this statute [click here](#)

To view the Local Government Act 2002 in full [click here](#)