



## **WASTE MANAGEMENT BYLAW**

The Matatiele Local Municipality in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996, read with section 11(3) of the Local Government: Municipal Systems Act No. 32 of 2000, enacts as follows:

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## Section 1: Definitions

For the purposes of these by-laws, unless the context indicates otherwise:

**"authorised official"** means any official of the Council who has been authorised by the Council to administer, implement or enforce the provisions of these bylaws;

**"affected person"** means a person who has been issued, or who is being issued with an enforcement notice;

**"bill of rights"** means chapter 2 of the Constitution of the Republic of South Africa Act, (108 of 1996);

**"bin"** means an approved receptacle for the storage of less than 1,5 cubic metres of waste which may be supplied by the Council or service provider to premises in terms of these By-laws;

**"bin liner"** means an approved loose plastic or other suitable material liner for use in the interior of a bin;

**"builder's refuse"** means refuse generated by demolition, excavation or building activities on premises;

**“bulky waste”** means business waste or domestic waste which by virtue of its mass, shape, size or quantity is inconvenient to remove in the routine door to door Council service provided by the Council or Service Provider;

**“bulky garden waste”** such as tree-stumps, branches of trees, hedge-stumps and branches of hedges and any other grade waste of quantities more than 2 cubic metre;

**“health care risk waste”** means waste capable of producing any disease and includes, but is not limited to the following:

- (a) laboratory waste;
- (b) pathological waste;
- (c) isolation waste;
- (d) genotoxic waste;
- (e) infectious liquids and infectious waste;
- (f) sharps waste;
- (g) chemical waste; and
- (h) pharmaceutical waste;

**“container”** means an approved receptacle having a capacity greater 1,5 cubic metres for the temporary storage of waste in terms of these By-law;

**“Council”** means the council of the Matatiele Local Municipality

**"disposal facility"** means a site for the disposal of refuse which is owned by the Council or has been approved for that purpose by the Council;

**"domestic refuse"** means refuse of a kind normally produced or generated on residential premises, but shall not include sand, earth, liquid matter, garden refuse or the carcass of any animal or special domestic refuse;

**"garden refuse"** means light refuse which is generated as a result of normal gardening activities on any premises, including without limiting the generality of the foregoing grass cuttings, leaves, plants, flowers, weeds, hedge clippings or the branches of trees;

**"industrial refuse"** means refuse in solid form which is generated as a result of industrial manufacturing activities but shall not include builder's refuse, special industrial refuse or commercial refuse;

**"occupier"** includes any person in actual occupation of premises without regard to the title under which he or she occupies, if any;

**"owner"** means -

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of his property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of the premises or a building or buildings thereon;
- (d) in a case where such premises have been leased for a period of 30 years or longer, the lessee thereof;
- (e) in relation to -
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or
  - (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;

**"refuse container"** means a container other than a refuse receptacle and whether wheeled or otherwise, designed for the temporary storage and removal of refuse which is supplied by the Council in terms of section 3(4) or by a contractor approved in terms of section 2(3);

**"refuse receptacle"** means a receptacle which complies with either South African Bureau of Standards specification 493-1973: Steel Refuse Bins or 1310-1980: Refuse Bins of Polymeric Materials, both as published by General Notice No. 463 of 9 July 1982;

**"residential premises"** means premises occupied for the purposes of human habitation, but excludes an accommodation establishment as defined in section 1 of the Hotels Act, 1965 (Act 70 of 1965);

**"special domestic refuse"** means refuse discarded from residential premises which cannot by virtue of its mass, shape, size or volume be conveniently stored in a refuse receptacle or container;

**"special industrial refuse"** means refuse, consisting of a liquid or sludge, resulting from industrial operations which may not be discarded into a sewer;

**"tariff charge"** means the appropriate charge as set out in the tariff of charges adopted by resolution of the Council from time to time; and

**"commercial refuse"** means refuse generated in the course of the conduct of a business but shall not include industrial refuse.

## **Section 2: General Provisions**

### **Duty to provide facilities for litter**

(1) The Municipality, or owner of premises in the case of privately owned land, must take reasonable steps to ensure that sufficient and appropriate receptacles are provided for the discarding of litter by the public, in any place to which the public has access

(2) The Municipality, or owner of privately owned land, must ensure that all receptacles installed on the premises for the collection of litter are –

- (a) maintained in good condition;
- (b) suitably weighted and anchored so that they cannot be inadvertently overturned;
- (c) constructed in such a manner as to ensure that they are weatherproof and animal proof;
- (d) of suitable size to contain all litter likely to be generated on the premises and by the users thereof;
- (e) placed in locations convenient for the use by users or occupants of the premises to discourage littering or the unhealthy accumulation of waste; and emptied and cleansed periodically or when full. The emptying and cleansing of receptacles must be done frequently to ensure that no receptacle or its contents may become a nuisance or provide reasonable grounds for complaint.

(3) In any public place where a receptacle has been placed for the depositing of litter, the Municipality may put up notices about littering.

### **Section 3: Collection and removal of refuse**

- (1) The occupier of every premises upon which refuse is generated or, in the case of premises which are occupied by more than one person, the owner of such premises, shall make provision for the temporary storage, collection and removal of such refuse either by the Council or by a refuse removal contractor.
- (2) The Council shall at approved tariffs collect and remove –
- (a) domestic refuse; and
  - (b) Commercial refuse.
- (3) The Council may, in its discretion, and subject to the charge set out in its tariff of charges, collect and remove –
- (a) builders' refuse;
  - (b) industrial refuse;
  - (c) special industrial refuse; and
  - (d) special domestic refuse.
- (4) Where the Council declines to collect and remove any waste referred to in subsection (3), the owner or occupier shall make appropriate arrangements for the lawful collection, removal and disposal of such waste.
- (5) The owner or occupier of premises may himself or herself remove or cause to be removed any refuse generated thereon to a disposal site, provided that such removal and disposal is conducted in a lawful manner.
- (6) Every occupier of new premises or premises on which the generation of domestic or commercial refuse is about to be commenced, or in the case of premises being occupied by more than one person, the owner of such premises shall, prior to the commencement of the generation of such refuse, notify the Council in writing -
- (a) that the premises are being occupied; and
  - (b) whether commercial refuse or domestic refuse or both is or are to be generated on the premises.

#### **Section 4: Refuse receptacles**

(1) Subject to the provisions of subsection (4), every occupier or owner referred to in section 2(1) shall provide on his or her premises such number of refuse receptacles as is adequate for the purpose of the temporary storage of all refuse, other than garden, special domestic and special industrial refuse, as may be generated on his or her premises pending its removal in terms of these by-laws.

(2) The occupier or owner referred to in subsection (1) shall ensure that refuse receptacles provided by him or her in terms of that subsection are maintained in a sound and serviceable condition and that receptacles which are no longer capable of being so maintained are replaced by him or her.

(3) Whenever the Council is of the opinion that a person has not complied with the provisions of this section it may cause a written notice to be served on such person calling upon him or her to comply with such provisions within a period specified in the notice.

(4) The Council may at its sole discretion supply refuse containers to premises if Council considers such containers more appropriate for the storage and removal of refuse than refuse receptacles having regard to –

- (a) the quantity of refuse generated on the premises concerned;
- (b) the suitability of such refuse for storage in such containers; and
- (c) the accessibility of the refuse storage area to the Council's refuse collection vehicles.

(5) Refuse containers supplied by the Council in terms of sub-section (4) –

- (a) may not be used for any purpose other than the storage of commercial, domestic, industrial or garden refuse;
- (b) remain the property of the Council and may at any time either be replaced or removed by it; and
- (c) are the responsibility of the owner or occupier, as the case may be, who shall be liable to the Council for the loss thereof or any damage thereto, except such as has been caused by the Council's employees.



## **Section 5: Duties of owner or occupier**

Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises, shall ensure that-

- (a) all domestic and commercial refuse generated on the premises is placed and kept in refuse receptacles, refuse containers or disposable plastic refuse bags for removal;
- (b) builders' refuse, garden refuse, industrial refuse, special industrial refuse and special domestic refuse is appropriately stored and clearly indicated as such;
- (c) no hot ash, unwrapped glass fragments or other refuse which may cause damage to refuse receptacles, refuse containers or disposable plastic refuse bags, or which may cause injury to the persons or vehicles employed in removing the refuse from the premises, is placed in refuse receptacles or refuse containers before such steps as may be necessary to avoid such damage or injury have been taken;
- (d) no material, including any liquid, which by reason of its mass or other characteristics is likely to render such refuse receptacles or disposal plastic refuse bags unreasonably difficult for the Council's employees to handle or carry, is placed therein;
- (e) every refuse receptacle and refuse container on the premises is properly covered by means of a lid or other covering supplied therewith so as to prevent any nuisance or health hazard;
- (f) every receptacle or container is kept in a clean and hygienic condition;
- (g) all which has toxic or other harmful properties is suitably treated to the satisfaction of the Council.
- (h) where domestic waste is generated on the premises –
  - (i) be in such a position as will allow the collection and removal of waste by the Council's employees without hindrance;
  - (ii) be not more than 20m from the entrance to the premises, used by the Council's employees;

## **Section 6: Collection and removal of refuse**

(1) The Council shall from time to time determine the day or days upon which refuse which is to be removed by the Council in terms of these by-laws will be collected in the various areas under its jurisdiction.

(2) On the day or days which have been determined in terms of subsection (1) for a particular area every owner or occupier, as the case may be, of premises within that area shall place such refuse containers, refuse receptacles or disposable plastic refuse bags containing refuse immediately inside the boundary of the premises and adjacent either to the pedestrian or the vehicular access to the premises from a street.

(3) No owner or occupier, as the case may be, of any premises shall, unless authorised in writing by the Council, deposit or allow to be deposited any refuse other than domestic refuse or commercial refuse in any refuse receptacle or refuse container the contents of which are removable free of charge by the Council.

(4) The owner or occupier of any premises on which bulky refuse of any kind is produced, kept, or accumulated shall, when required thereto under notice in writing from the Council, tie up securely or cause to be tied up securely such refuse into bales or bundles of convenient size.

## **Section 7: Access to premises**

The occupier or owner of premises to which the council provides a refuse removal service, as the case may be, shall grant the council convenient access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Council and its employees in the carrying out of its service. This section only applies to businesses and the hospitals that have made prior arrangements with council.

## **Section 8: Accumulation of refuse**

Where any refuse accumulates on premises so as to constitute a nuisance or so as to render it likely that a nuisance will be created thereby, the Council may make a special removal of such refuse and the owner or occupier shall be liable in respect of such special removal to pay the tariff charge therefor.

## **Section 9: Removal and disposal of garden, special domestic and bulky refuse**

- (1) The occupier or, in the case of premises occupied by more than one person, the owner of premises on which garden, special domestic or bulky refuse is generated shall ensure that such refuse is disposed of in terms of this section within a reasonable time after the generation thereof; provided that garden refuse may be retained on the premises for the making of compost.
- (2) Any person may remove and dispose of his own garden, special domestic and bulky refuse.
- (3) Garden, special domestic and bulky refuse shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the Council as a disposal facility for such refuse against payment of the tariff charge.
- (4) At the request of the owner or any occupier of premises the Council may at the tariff charge remove garden, special domestic and bulky refuse from premises.

## **Section 10: Responsibility for builder's refuse**

### **No building waste removal by Municipality**

The Municipality is not obliged to collect and remove building waste

The owner of premises on which builder's refuse is generated shall ensure that such refuse is disposed of in terms of section 11 within a reasonable time after the generation thereof.

### **Section 11: Disposal of builder's refuse**

(1) Subject to the provisions of subsection (2) hereof all builder's refuse shall be deposited at the Council's disposal sites and the person depositing the refuse shall be liable to pay the tariff charge therefor.

(2) Builder's refuse may, with the prior written consent of the Council, be deposited at a place other than the Council's disposal sites for the purpose of reclamation of land.

(3) Any consent given in terms of subsection (2) shall be subject to such conditions as the Council may deem necessary having regard to -

- (a) the safety of the public;
- (b) the environment of the proposed disposal site;
- (c) the suitability of the area including the drainage thereof;
- (d) the expected manner and times of depositing of refuse at the site;
- (e) the levelling of the site;
- (f) the control of dust; and
- (g) Other relevant factors.

(4) Storage of building waste

The waste generator and the building contractor whose activities produce the Building waste must ensure that—

- (a) adequate provision for the temporary storage of building waste is provided;
- (b) the waste is not unsightly;
- (c) it does not constitute a nuisance or a safety hazard to any person; and
- (d) it does not pollute the environment

### **Section 12: Special measures for collection, storage and disposal**

(1) If the Council is of the opinion that, in order to avoid any health hazard or nuisance arising, special measures for the collection, temporary storage or disposal of any refuse should be adopted or that such refuse should be specially treated to render the same inoffensive or non-injurious to health, the Council must serve written notice on the occupier of any premises or in the case of vacant land, the owner thereof, to carry out any of the aforesaid measures within a reasonable time.

(2) The owner or occupier of any premises shall, on being served with a notice in terms of subsection (1)-

(a) either remove any refuse which is likely to be offensive or injurious to health from such premises and dispose thereof in such a manner as may be stipulated in such notice; or

(b) when permitted by the terms of such notice, treat any refuse on such premises so as to render it innocuous and inoffensive and so as to prevent infestation thereof by flies, mosquitoes, rats and other vermin.

(3) Any owner or occupier who refuses to carry out the measures specified in a notice given under this section or who fails to comply therewith within the time specified in the notice shall be guilty of an offence and the Council may arrange for such measures to be carried out at the expense of the person on whom the notice was served.

### **Section 13: Removal of refuse or offensive matter along the street**

(1) Any person removing or conveying any refuse or other offensive matter or any builder's refuse shall remove the same by means of a properly constructed and enclosed vehicle and in such manner as will prevent any nuisance arising from such conveyance or the escape of the contents therefrom.

(2) The Council may serve a written notice upon any person restricting or stipulating the means to be adopted and specifying the times during which refuse may be conveyed through or along any street or public place if the Council is of the opinion that the conveyance of such refuse is likely to be objectionable or give rise to nuisance. Any person who fails to comply with the requirements of subsection (1) of this section or with any notice given under this subsection shall be guilty of an offence.

**Section 14: Notification of generation of special industrial refuse**

- (1) The occupier of premises on which special industrial refuse is generated shall inform the Council in writing of the composition thereof, the quantity generated, how it is stored, and how and when and by whom and to which place, it will be removed.
- (2) If so required by the Council the notification referred to in subsection (1) shall be verified by an analysis certified by a duly qualified industrial chemist.
- (3) Any officer or servant of the Council and any other person duly authorised by the Council may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.

**Section 15: Storing of special industrial refuse**

- (1) The occupier of premises on which special industrial refuse is generated shall ensure that the special industrial refuse generated on the premises is kept and stored thereon in terms of subsection (2) until it is removed from the premises in terms of section 15.
- (2) Special industrial refuse stored on premises shall be stored in such a manner that it cannot become a nuisance or pollute the environment.
- (3) The Council may in writing order the person referred to in section 14(1) to remove special industrial refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Council may by itself or through a contractor remove it at the expense of such person or the owner, as the case may be.

**Section 16: Removal of special industrial refuse**

1. No person shall remove special industrial refuse from the premises on which it was generated unless such refuse is lawfully and properly removed to a disposal site by a competent person with the necessary equipment to remove the special industrial refuse.

2. The Municipality may give its consent in terms of subsection (1), subject to such conditions as it may deem fit. In laying down conditions, the Municipality shall have regard to –

- (a) the composition of the special industrial waste;
- (b) the suitability of the vehicle and container to be used;
- (c) the place where the waste shall be dumped; and
- (d) proof to the Municipality of such dumping.

(3) The Municipality shall not give its consent in terms of subsection (1), unless it is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial waste and to comply with the conditions laid down by the Council.

## **SECTION 17: COLLECTION, STORAGE AND DISPOSAL OF SPECIAL INDUSTRIAL, HAZARDOUS OR HEALTH CARE RISK WASTE**

(1) A licensee licensed to collect and dispose of special industrial, hazardous or health care risk waste, must inform the Council at those intervals the Council may stipulate in the licence or elsewhere, about the removal of special industrial, hazardous or health care risk waste, the date of such removal, the quantity, the composition of the waste removed and the facility at which the waste has been disposed.

A licensee must dispose of special industrial, hazardous or health care risk waste at a waste disposal facility designated

### **Storage of infectious waste**

- (1) All infectious waste must be placed at the point of generation into a container approved by the Council.
- (2) The container used for the storage of sharp objects must be constructed of such a material that the object cannot pierce the container. The container must be fitted with a safe and hygienic lid, which must be sealed after use.
- (3) The container used for the disposal of other infectious waste must be constructed of a suitable material, preventing the leakage of the contents. The container must be fitted with a safe and hygienic lid, which must be sealed after use.
- (4) All containers must be adequately labelled and marked with the universal biohazardous waste symbol.

## **Transport of infectious waste**

- (1) All containers of infectious waste must be sealed at the point of generation. The vehicle transporting infectious waste must be clearly marked indicating infectious waste in transit.
- 2) The vehicle used for the transport must be so designed that the drivers cab is separated from the load area. The load area must be enclosed with suitable sealable, lockable doors.
- (3) All loads being carried must be invoiced, indicating the premises from which the infectious waste was generated and the premises where the waste will be disposed of.

## **Section 18: Liquid waste**

- (a) No person shall deliver to or discharge at a disposal site any liquid refuse or cause the same to be done, except with the prior written permission of the Council and in accordance with such conditions as may be imposed by it.
- (b) Any costs incurred by the Council in remedying damage or in abating any nuisance caused by the discharge of liquid refuse at a disposal site in contravention of the provision of these by-laws or of any condition imposed and the amount of any legal liability or costs incurred by the Council in respect of any claim arising from any such nuisance shall be borne by and be recoverable from the owner of such refuse.

## **Section 19: transportation of waste**

- (1) Notwithstanding the provisions of any other legislation, no person may –
  - a) Operate a vehicle for the conveyance of waste upon a street unless the vehicle has a body of adequate size and construction for the type of waste being transported;
  - b) fail to maintain the vehicles used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times;
  - b) cause or permit any waste being transported in or through the Council to become detached, leak or fall from the vehicle transporting it, except at a waste disposal facility;
  - c) knowingly dispose waste at a waste disposal facility that is not permitted to accept such waste.



## **Section 20: Event waste**

### **Responsibility for event waste**

- (1) An event organizer and venue owner, as defined in section 1, is responsible for storing, collecting, recycling and disposing of waste generated before, during and after an event.
- (2) An event organiser and venue owner must ensure that an authorised waste Removal contractor is contracted to collect and dispose of waste generated before, during and after an event in terms of this By-law.

### **Integrated waste management plans for events**

- (1) An event organiser and venue owner must develop an integrated waste Management plan in respect of each event.
- (a) be delivered to the Municipality at least 10 working days before the proposed event; and
- (2) deal with at least the following matters:
- (i) the full names and contact details of the event organiser;
  - (ii) the full names and contact details of the owner of the premises at which the event will be held;
  - (iii) the nature and duration of the event;
  - (iv) the estimated costs of waste management associated with the event; and the information as required under subsection 38(2).
- (3) The Municipality must consider the integrated waste management plan and—
- (a) approve it subject to any conditions;
  - (b) request that additional information be furnished within a specified time frame;
  - (c) require amendments to be made within a time frame so specified; or
  - (d) reject the plan and provide reasons therefore.
- (4) If an event organiser and venue owner fail to comply with any provision of this section or the integrated waste management plan submitted in terms of this section, the Municipality may arrange for the collection, recycling and disposal of the waste at the cost of the event Organiser and venue owner and recover the cost from the deposit paid.

(5) If no deposit was paid by the event organiser and venue owner, the event organiser and venue owner are jointly and severally liable for any expenses incurred by the Municipality in this regard

(6) Should an event holder fail to provide an integrated waste management plan in respect of an event, the Municipality may appoint a service provider to obtain information and prepare a plan at the cost of the event organiser.

## **Section 21: Integrated waste management plans**

(1) An integrated waste management plan must be submitted to the Council by waste generators who generate the following types of waste before they begin generating such waste:

- (a) Business waste;
- (b) Industrial waste;
- (c) Building waste;
- (d) Event waste;
- (e) Hazardous waste; and
- (f) Health care waste.

(2) An integrated waste management plan must include at least the following information:

- (a) a description of the type of waste that will be generated;
- (b) an assessment of the quantity of waste that will be generated;
- (c) the premises at which the waste will be generated;
- (d) how waste generated will be stored, collected, recycled and disposed of;
- (e) the full names and contact details of any authorised waste removal contractor contracted by the waste generator and proof that he or she has been contracted to collect and dispose of waste;
- (f) a description of how the waste generator intends separating recyclable and no recyclable material at the point of source;

- (g) a description of the waste generator's waste minimisation and pollution prevention plans;
  - (h) An assessment of the impact or potential impact on the environment of the waste generated;
  - (i) the waste generator's targets for waste reduction, re-use and recycling; and
  - (j) the waste generator's reduction measures or programmes that can minimise the consumption of natural resources.
- (3) The Council may, on 90 days' notice, instruct any waste generator to supply a new or amended integrated waste management plan in order to comply with this By-law and any other relevant legislation.
- (4) When instructed to submit an integrated waste management plan or a new or amended integrated waste management plan in terms of this By-law, a waste generator shall do so within the time stipulated in the instruction.
- (5) The Council must consider the integrated waste management plan and—
- (a) approve it subject to any conditions;
  - (b) request that additional information be furnished within a specified time frame;
  - (c) require amendments to be made within a time frame so specified; or
  - (d) reject the plan and provide reasons therefore.
- (6) If an integrated waste management plan is rejected or not submitted at all, the Council shall give directives as to what waste management measures must be taken by the waste generator and should the waste generator fail to take such measures within the time frame specified by the Council, the Council may implement such measures and the waste generator will be liable for the cost thereof.
- (7) The Head of Department may by written notice require any person to provide Such information as he or she requires when considering an integrated waste management plan.
- (8) Should a person fail to provide the information referred to in this section, the Council may appoint a service provider to obtain information and prepare a plan at the cost of the waste generator.

**Exemptions from submitting an integrated waste management plan**

(1) A waste generator may apply in writing for exemption from the requirement to Prepare an integrated waste management plan.

(2) The Council may declare—

- (a) certain classes of waste;
- (b) a particular mass or volume of waste;
- (c) a particular waste generator or a class of waste generators; or
- (d) waste generators whose waste management plans have been approved by other spheres of government in terms of applicable legislation, to be exempt from the requirement to submit an integrated waste management plan.

**Section 22: Conduct at disposal site**

(1) Every person who, for the purpose of disposing of refuse enters a disposal facility controlled by the Council, shall -

- (a) enter the disposal facility only at an authorised access point indicated as such;
- (b) present the refuse for weighing in the manner required by the Council's official having authority at such site;
- (c) give to such official all the particulars required in regard to the composition of the refuse;
- (d) follow all instructions given to him in regard to access to the actual disposal point, the place where and the manner in which should be deposited; and
- (e) provide the said official with full information as to the person who is liable to pay the tariff charge for the refuse deposited to enable an account to be rendered to him, provided that the provisions of paragraphs (b), (c) and (e) above shall not apply to a person who, in terms of section 9(3). has entered a disposal site for the purpose of disposing of garden refuse.

(2) No person shall bring any intoxicating liquor onto a disposal site controlled by the Council.

(3) No person shall enter a disposal site controlled by the Council for any purpose other than the disposal of refuse in terms of these by-laws and then only at such times and between such hours as the Council may from time to time determine.

### **Section 23: Ownership of refuse**

All refuse removed by the Council and all refuse on disposal sites controlled by the Council shall be the property of the Council and no person who is not duly authorised by the Council to do so shall remove or interfere therewith.

### **Section 24: recycling, re-use, sorting and reduction of waste**

#### **Recycling, re-use, sorting and reduction of waste**

(1) No person may, except for their own domestic purposes—

(a) recycle, re-use or recover waste;

(b) sort waste; or

(c) operate as a scrap dealer or buy-back center, without a permit issued by the Council.

(2) When applying for a permit from the Council, the applicant must—

(a) submit an environmental impact assessment or any similar assessment

required by national or provincial legislation, showing that the proposed recycling, re-use or reduction of the waste will be less harmful to the environment than its disposal;

(b) submit an integrated waste management plan; and

(c) comply with any other requirements set by the Council.

(3) Any person who handles, transports, processes, treats or disposes of waste for recycling purposes must provide the Council with a written report on their activities in a format and at such frequencies as may be determined by the Council.

(4) The Council may exempt waste generators, handlers, transporters or agents from the requirements of this Chapter in circumstances where the mass or volume of the waste generated is below a threshold stipulated by the Council.

- (5) The Council may determine—
- (a) categories of waste which must be recycled;
  - (b) categories of waste generators which must engage in specified forms of recycling; and
  - (c) standards and other rules applicable to recycling.

### **Section 25: Prohibition of littering**

- (1) No person may –
- (a) cause litter;
  - (b) sweep any waste into a gutter, onto a road reserve or onto any other public place;
  - (c) disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause the contents of the receptacle to spill or fall onto the ground around it; and
  - (d) allow any person under his control to do any of the acts contemplated in paragraphs (a), (b) or (c) above.
- (2) Notwithstanding the provisions of subsection 8 (1), the Municipality, or owner in the case of privately owned land to which the public has access, must within a reasonable time after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed.

### **Section 26: Prohibition of nuisance**

- (1) Any person handling waste within the Municipality, either through storage, collection, transportation, recycling or disposal must-
- (a) take reasonable measures to prevent nuisance, injury, harm, damage, annoyance or inconvenience to any person and the environment;
  - (b) take measures to remedy any spillages, harm, damage or nuisance referred to in section (a) above;
  - (c) at their own cost, clean any waste causing nuisance to any person or the environment;
  - (d) ensure compliance to the notice contemplated in sub section (1) (c); the Municipality may clean or remedy waste causing nuisance to any person or the environment, at the Municipality's cost and claim such cost from the offender.

### **Section 27: Burning of waste**

- (1) No person may-
- (a) dispose of waste by burning it, either in a public or private place;
  - (b) incinerate waste either in a public or private place except in an incinerator licensed by the relevant national or provincial authorities to do so, or at a place designated by the Municipality for such purpose.

## **Section 28: Abandoned articles**

(1) Any article, other than a motor vehicle deemed to have been abandoned in terms of the Road Traffic Act, which, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition of such article, is reasonably regarded by the Municipality as having been abandoned, may be removed and disposed of by the Municipality as it may deem fit.

(2) The Municipality may remove and dispose of any article which is chained or fastened to any pole, parking meter or any other property belonging to the council, without authorisation as it may deem fit.

## **Section 29: On-site disposal**

(1) The Municipality may, as it deems fit in an area where a municipal waste management service is not already provided, after consultation with the concerned community, declare an area(s) as demarcated for on-site disposal of general waste.

(2) A declaration contemplated in subsection (1) must be published in a provincial gazette and may include but not limited to—

- (a) time frames for such a declaration;
- (b) minimum standards to be adhered to for on-site disposal; and
- (c) quantity of waste that may be disposed.

(3) The Municipality has a right to inspect the areas contemplated in subsection (1) on a regular basis

## **Section 30: Offences and penalties**

Any person who contravenes or fails to comply with any provision of these bylaws; or contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these by-laws; or fails to comply with the terms of any notice served upon or given to him in terms of these by-laws, shall be guilty of an offence and liable for a fine not exceeding R30 000 or imprisonment for a period not exceeding two years or for both such fine and imprisonment.

**Section 31: Repeal of existing By-laws**

The Council's existing by-laws are hereby repealed to the extent said out in these By-laws; Provided that the repeal of such By-laws shall not affect anything done in terms of or any right, obligation or liability acquired or incurred under those Bylaws.

**Section 32: Short title and commencement**

These by-laws shall be called the Waste Management By-laws 2018, and shall come into operation from the date of proclamation in the Provincial gazette.