



DRAFT INTEGRATED WASTE MANAGEMENT BY-LAWS

LEKWA LOCAL MUNICIPALITY

INTEGRATED SOLID WASTE MANAGEMENT BY-LAWS

PURPOSE:

To regulate the avoidance, minimization, generation, collection, cleaning, and disposal of waste; and related matters.

PREAMBLE:

- The Municipality has, under Schedule 5 Part B of the Constitution of South Africa, 1996, a legislative competence in respect of refuse removal, refuse dumps, and solid waste disposal;
- Lekwa Local Municipality has an obligation to regulate and control waste management so as to ensure a safe, healthy and sustainable environment and to ensure that the rights of individuals are protected;
- The Council wishes to reduce the generation and the environmental impact of waste to ensure that the socio-economic development, the health of the people within the Council's boundaries and the quality of environmental resources are not unduly adversely affected by waste;
- The Council wants to ensure that all residents, organizations, institutions, businesses, visitors or tourists and government departments are able to access refuse removal services; and
- The Council wishes to regulate waste generation, cleaning, separation, storage, collection, processing, treatment, recycling, re-use and disposal of waste, including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimizing the generation of waste.

Be it enacted by the Lekwa Local Municipality, as follows: —

CHAPTER 1: GENERAL PROVISIONS

1. Definitions and interpretation

In this bylaw, words used in the masculine gender include the feminine, singular includes the plural and vice versa. For the purposes of these regulations, unless the context otherwise indicates –

“Accredited service provider”- means a person or entity accredited by the Municipality in accordance with its guidelines published from time to time and who provides a waste management service in the Municipality and may include, but is not limited to, large and small business, entrepreneurs, community cooperatives, and venture learnerships;

“Adequate” means adequate in the opinion of the Council.

“Animal” means any domestic or other animal that may be kept as a pet and includes any dog, cat, bird, and poisonous and non-poisonous reptile and include livestock such as cattle, sheep, goat, horse, mule, donkey, pig or any miniature of these species as well as any wild animals.

“Approved” in the context of containers, bins, bin liners, waste bags, containers and wrappers, means approved by the municipality or a licensed service provider for the collection and storage of waste;

“Approved container” means a container approved for the temporary storage of domestic or business waste until removed by the municipality or an approved service provider;

“Authorized official” means a waste management officer or other person in the employ of the municipality, authorized by the municipality for the purposes of this bylaw, or if the municipality has appointed a service provider to perform municipal services, an employee of such service provider, authorized in terms of this bylaw and acting within the scope of the powers, functions and duties assigned to that service provider by the municipality in terms of section 81(2) of the Systems Act or other applicable law;

“Building and demolition waste” means waste produced during the construction, alteration, repair or demolition of any structure and includes rubble, earth, rock, and wood, which is displaced during that construction, alteration, repair or demolition but excludes hazardous waste and garden waste.

“Bulky waste” means waste which can be classified as domestic or business waste, but which by virtue of its mass, shape, size and quantity cannot easily accumulated in or removed from an approved container

“Business waste” means waste, other than hazardous waste, health care waste, building waste, industrial waste, garden waste, bulky waste, special waste and special industrial waste generated on premises used for commercial purposes and at residential premises where commercial activities are being conducted;

“Charges” means a tariff, rate, tariff, flat rate, subsidy or any other cost prescribed, which is an amount levied for the removal of any waste in terms of these regulations and of which the amount is determined by Council in each financial year.

“**Collection**” means the act of collecting waste at the place of generation or storage by the municipality or licensed service provider and removal has a similar meaning;

“**Commercial services**” means any waste management service, relating or connected to accumulating, collecting managing, recycling, sorting, storing, treating, transporting, disposing, buying or selling of waste or any other manner of handling waste excluding services rendered by the municipality;

“**Construction work**” means any work in connection with –

- (a) The construction, erection, alteration, renovation, repair, demolition or dismantling of or addition to a building or any similar structure, or
- (b) The construction, erection, maintenance, demolition or dismantling of any bridge, dam, canal, road, railway, runway, sewer, or water reticulation system; or the moving of earth, clearing of land, the making of excavation, piling or any similar civil engineering structure or type of work;

“**Contractor**” means in relation to construction work, an employer who performs construction work;

“**Construction waste**” has the same meaning as building and demolition waste and includes soil, earth and rock from excavation work;

“**Container**” means a disposable or re-usable vessel in which waste is placed for the purposes of storing, accumulation, handling, transporting, treating, or disposing of that waste, and includes bins, bin liners and skips

“**Council**” means the Lekwa Local Municipality established in terms of Section 12 of the Extra Ordinary Provincial Gazette of 1 October 2000.

“**Council property**” means all movable and immovable municipal assets.

“**Dailies**” means putrescible business waste generated by hotels, restaurants, food shops, hotels, hospitals and canteens that must be collected on a more frequent basis, often a daily basis, to prevent the waste from decomposing and presenting a nuisance, environmental or health risk;

“**Demolition work**” means a method to dismantle, wreck, break, pull down or break down of a structure or part thereof;

“**Director**” means the Director responsible for solid waste management in the Municipality;

“**Disposal**” means the burial, deposit, discharge, abandoning, dumping, placing or release of any waste into, or onto any land.

“Disposal permit” is a permit obtained from the Council, which enables a person to deposit waste at a disposal facility.

“Domestic waste” means waste, excluding hazardous waste, that emanates from premises that are used wholly or mainly for residential, educational, religious, sport and recreational purposes.

“dump” means placing waste anywhere other than in an approved container or a place designated as a waste handling facility or waste disposal facility by the municipality;

“Environmental Health Practitioner” has the same meaning as “health inspector” in terms of the National Health Act, 2003 (Act 61 of 2003), as amended.

“Excavation work” means the making of any man made cavity, trench, pit or depression formed by cutting, digging or scooping;

“Garden waste” means waste, which is generated as a result of normal gardening activities such as grass cutting, leaves, plants and flowers and does not include soil, rock, earth or building or demolition waste.

“Garden services,” means a garden service rendered by a private person or company within the area of the Municipality.

“General waste” means waste that does not pose an immediate hazard or threat to health or to environment, and includes domestic waste, building and demolition waste, business waste and inert waste.

“Genotoxic waste” means highly hazardous waste that may have mutagenic, teratogenic or carcinogenic properties and includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cytostatic drugs, chemicals and radioactive material;

“Hazardous waste” waste, other than radioactive waste, which is legally defined as hazardous in the state in which it is generated, transported or disposed of. The definition is based on chemical reactivity or toxic, explosive, corrosive or other characteristics which cause, or are likely to cause, danger to health or to the environment, whether alone or in contact with other waste.

“Health care waste” is wastes emanating primarily from human and veterinary hospitals, clinics and surgeries, also from chemists, sanitary services and which include mortuaries, funeral undertakers and tattoo parlours. It may comprise of sharp waste, pathological waste, microbiological waste, surgical waste (soiled bandages, liners, dressings, and gloves), pharmaceutical waste, genotoxic waste, pressurized container waste, radioactive waste and waste, which is capable of causing an infectious disease.

“Holder of waste” means any person or entity that imports, generates, collects, handles, accumulates, stores, transports, transfers, processes, treats, trades, exports, recovers, recycles, re-uses or disposes of waste including sorters of waste such as recycling or waste minimization groups, scrap dealers and buy-back centers;

“Industrial waste” means waste that emanates from premises that are used wholly or mainly for industrial purposes and generate waste through manufacturing, industrial or fabricating processes including premises used for agricultural activities, mining activities or the operation of power stations;

“Inert waste” means waste that does not undergo any significant physical, chemical, or biological transformation after disposal, and does not burn, react physically or chemically biodegrade or otherwise adversely affect any other matter with which it may come into contact, and does not impact negatively on the environment, because of its pollutant content and because the toxicity of its leachate is insignificant.

“Infectious waste” means waste which is generated during diagnosis, treatment or immunization of humans or animals, in the research pertaining to this, in the manufacturing or testing of biological agents, including blood products, cultures, pathological waste, sharp objects, human and animal anatomical waste and isolation waste that contain or may contain infectious substances;

“Integrated waste management plan” means an integrated waste management plan which is required by the Municipality in terms of this By-law or that is required in terms of any other applicable legislation;

“Litter” means waste, excluding hazardous waste, arising from activities in public areas that has not been disposed of in a public litter container;

“Licensed service provider” – means a person or entity approved by and registered with the municipality and having obtained a license to collect and transport specified types of waste in the municipal area;

“Material recovery facilities (MRFs)” are specialised facilities that receive, separate and prepare recyclable materials. These recyclables will have been previously sorted or separated from other waste streams.

“Minimization” when used in relation to waste, means the avoidance of the amount and toxicity of waste that is generated and in the event where waste is generated, the reduction of the amount and toxicity of waste that is disposed.

“Municipality” means the Lekwa Local Municipality established in terms of Section 12 of the Provincial Notice No. 299 of 1 October 2000 and amended by Provincial Notice No.962 of 2002 in terms of section 16 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) read with section 157 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996).

“Municipal service” means the service relating to the collection of waste, including domestic waste, business waste and dairies and related waste activities provided by the municipality or a service provider on behalf of the municipality, in accordance with this bylaw;

“NEMA” means the National Environmental Management Act, 1998 (Act 107 of 1998)

“Nuisance” means a nuisance as defined in the National Health Act, 2003 (act 61 of 2003) as amended.

“Occupier” include any person, in actual occupation of land or premises without regard to the title under which he occupies, and, in the case of premises subdivided and let to lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and in the case of an unoccupied premises the owner/owners.

“Owner” includes-

- (a) The person in whom is vested the legal title to premises including but not limited to, the registered owner according to the title deed;
- (b) Where the person in whom the legal title to the premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator, or other legal representative;
- (c) In any case where the municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon; and
- (d) In the case of premises for which a lease agreement of ten years or longer has been entered into and registered in the Deeds Office, 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 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) A section as defined in the Sectional Titles 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;
- (f) The person who has purchased immovable property from the municipality, in terms of a scheme that allows for the purchase price to be paid in instalments and who has not received transfer from the municipality;

“pathological waste” includes all human tissues, organs, body parts, fetuses, blood and bodily fluids and those also those of animals;

“Person” means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

“pharmaceutical waste” includes expired, unused, spilt and contaminated pharmaceutical products, drugs, vaccines and sera that are no longer required and that need to be disposed of appropriately;

“Premises” means any land, building or structure or any portion of land, building or structure on or in which any of the activities regulated by these by-laws are carried on.

“Priority waste” waste that pose a serious threat to health and the environment.

“Public place” shall include any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, foot-path sidewalk, lane, square, open space, garden, park, enclosed space vested in a town or city, provided that for the purpose of by-laws regulating traffic under the Road Traffic Act the expression “public place” includes any road, place or thoroughfare however created which is in the undisturbed use of the public or which the public have the right to use.

“Public drop off facility,” has the same meaning as a waste transfer facility.

“radioactive waste” includes solid, liquid and gaseous materials contaminated with radionuclides, including waste produced as a result of procedures such as in vitro analysis of body tissue and fluid, in vivo organ imaging and tumor localization and various investigative and therapeutic practices;

“Reclaim” – means to retrieve or recover in a pure or usable form from refuse or discarded items;

“Recycle,” means a process to treat, or process used or waste materials so as to make it suitable for re-use; or to alter or adapt for new use without changing the essential form or nature; or to use again in the original form or with minimal alteration;

“recyclable materials” means any material that can be converted into raw material that can be re-used to make new products or resources;

“Refuse,” has the same meaning as waste.

“Refuse bin” has the same meaning as container.

“SAWIS” means the national waste information system established by the national government in accordance with NEM: WA;

“Service” means a waste removal service rendered by the municipality.

“sharp waste” includes items that could cause cuts or puncture wounds and includes, but is not limited to, needles, hypodermic needles, scalpels and other blades, knives, infusion sets, saws, broken glass and nails, and the word “sharp” has a corresponding meaning;

“Special industrial waste” means waste, consisting of a liquid or sludge, resulting from a manufacturing process or the pre-treatment for disposal purposes of any industrial liquid waste, which may not be discharged into a drain, municipal sewer or any other unauthorized public place.

“Special waste” – means waste that requires special handling due to its bulk state, or hazardous or offensive nature.

“Street” includes any street, road or thoroughfare shown on the general plan of a township, agricultural

holding or other division of land or in respect of which the public have acquired a prescriptive or other right of way, or any other word or expression to which a meaning has been assigned in the National Road Traffic Act, 1996 (Act 93 of 1996), shall have that meaning.

“Tariff” means an amount levied for the removal of any waste in terms of these regulations and of which Council determines the amount in each financial year.

“Treatment” means any method, technique or process that is designed to change the physical, biological, or chemical character or composition of waste, or remove, separate, concentrate or recover a hazardous or toxic component of waste, or destroy or reduce the toxicity of waste, in order to minimize the impact of the waste on the environment prior to further use or disposal.

“Unauthorized place” means any place that was not authorized by the Municipality for the discarding of waste.

“Waste” means any substance, whether or not that substance can be reduced, re-used, recycled and recovered, that is surplus, unwanted, rejected, discarded, abandoned or disposed of; or where the generator has no further use of for the purposes of production, reprocessing or consumption. Waste does not include any portion of waste, once re-used, recycled and recovered, ceases to be waste.

“Waste audit” - A waste audit is a formal, structured process used to quantify the amount and types of waste being generated.

“Waste bag” means a plastic bag at least 22micron thick with dimensions of 750mm x 950mm or as otherwise prescribed by the municipality and the same applies to a bin liner;

“Waste disposal facility”- means any site or premise which receives waste for treatment or disposal thereof, and which is operated in terms of a license obtained from a statutory license authority or otherwise in accordance with NEMA;

“Waste handling facility” – means any site or premise that receives, accumulates, handles, recycles, sorts and temporarily stores or treats waste prior to its transfer for final disposal and is operated in terms of a license obtained from a statutory license authority or otherwise in accordance with NEMA;

“Waste management activity” means any one or more of the activities, as listed in the NEM: WA, that a holder of waste may be involved in;

“waste generator” means a property owner, a household, organisation or business entity, the inhabitants, occupants or employees of which generate waste and includes sorters of waste such as recycling or waste minimisation groups, scrap dealers and buy-back centres;

“waste management officer” means a person designated by the municipality for co-ordinating matters pertaining to waste management;

“Waste management plan” means a waste management plan required by the municipality in terms of this bylaw and NEM: WA;

“Waste management services” means services that relate to any one or more of the waste management activities;

“Waste tyre” means a new, used, retreaded or un-roadworthy tyre, not suitable to be retreaded, repaired or sold as a part worn tyre and not fit for its original use;

2. Principles

- (1) The Municipality shall ensure that general waste generated within the municipal area is-
 - (a) Collected, disposed of or recovered in accordance with this bylaw; and
 - (b) Such collection, disposal or recovery takes account of the waste management hierarchy outlined in subsection (2).
 - (c) Render any other waste removal service at a prescribed tariff.
- (2) The principle underpinning this bylaw is the establishment of a waste management hierarchy in the following order of priority –
 - (a) Avoidance, minimization and reduction of waste;
 - (b) Re-use of waste;
 - (c) Recycling, re-claiming, reprocessing and treatment of waste; and
 - (d) Disposal of waste.
- (3) An authorized official must as is reasonably possible, take the hierarchy specified in subsection (2) into account.

3. Main objectives

- (1) The main objectives of this bylaw are-
 - (a) To regulate the collection, handling, storage, transport, recycling, treatment and disposal of waste;
 - (b) To promote the pursuance of an integrated waste management approach;
 - (c) To regulate the provision of municipal services by a service provider and commercial services by licensees; and
 - (d) To enhance sustainable development.
- (2) In pursuing the main objects of this bylaw, the municipality shall, within its financial and administrative capacity –
 - (a) Endeavor to ensure local community involvement in waste planning;

- (b) Endeavour to minimize the consumption of natural resources;
- (c) Promote the recycling and re-use of waste;
- (d) Encourage waste separation to facilitate re-use and recycling;
- (e) Promote the effective resourcing, planning and delivery of municipal services and commercial services;
- (f) Endeavor to achieve integrated waste management, planning and services in a local context;
- (g) Promote and ensure environmentally responsible municipal services and commercial services; and
- (h) Endeavor to ensure compliance with the provisions of this bylaw.

4. Duties and obligations

- (1) A holder of waste must take all reasonable steps to –
 - (a) Reduce or avoid waste generation and minimize the quantity of waste generated;
 - (b) Re-use, recycle and recover waste;
 - (c) Dispose waste in an environmentally sound manner by –
 - a. Making use of the waste removal services provided by the Municipality. Where the Municipality does not provide a waste removal service for the type of waste to be disposed of, the holder of waste shall make use of an accredited service provider, except where special exemption is granted;
 - b. storing waste in containers provided by either the holder of waste, municipality or an accredited service provider, prior to collection or where a container is not provided, store waste in plastic bin liners or black plastic bags, which containers or bags will be collected by the municipality or accredited service provider at least once a week according to the routes or waste collection schedule as published by the municipality or the service provider from time to time;
 - c. ensuring that waste in containers is placed out within an approved waste collection area, or where no waste collection area is available, on the outside of the premises next to the street boundary near the entrance of the premises or driveway entrance, before 06:00 according to the routes or waste collection schedule published by the municipality from time to time;
 - d. ensuring that sharp objects, or other objects which may cause harm or injury to Council employees or passers-by, do not protrude from a container;
 - e. Paying tariffs and rates charged by the Municipality for such waste removal services, individually or jointly. All refuse tariffs and rates is payable to the Municipality, with the

understanding that where the service of the Municipality or accredited service provider is used or not, the holder of waste shall still be responsible for payment of the applicable tariffs determined by Council;

f. No person shall be entitled to exemption from or a reduction in a tariff determined by Council merely on the grounds that such person makes no or limited use of the service rendered by the Council. Availability tariffs will be charged on empty plots or stands as determined by Council from time to time.

(d) Manage waste in a manner not endangering health or the environment and cause no nuisance related to sight, noise or odour;

(e) Prevent waste from being used for an unauthorized purpose including the prevention of persons under his supervision from contravening this bylaw;

CHAPTER 2: INTEGRATED WASTE MANAGEMENT

5. Waste Management Plans

(1) The Municipality must –

- a. Establish, review and revise its integrated waste management plan in accordance with the requirements of national legislation;
- b. Annually report on the implementation of the integrated waste management plan; and
- c. Follow prescribed processes of community consultation with regard to subsections (1) (a) and (b).

(2) The municipality may by written notice require from any holder of waste to provide such information as requires when preparing the Municipality's integrated waste management plan.

(3) Should a holder of waste fail to provide the information referred to in subsection (2), the municipality may appoint an auditor to obtain such information at the cost of waste generator.

6. Industry waste management plans

(1) The municipality shall require a holder of waste in a waste management activity, that have or are likely to have a detrimental effect on the environment, listed in terms of section 19 of NEM: WA to submit its integrated waste management plan within a specified time and thereafter at intervals coinciding with the requirements of national and provincial legislation or standards.

- (2) The municipality may require from any holder of waste to submit within a reasonable time and thereafter at intervals determined by the municipality a waste management plan containing such information as the municipality deems necessary or, applicable to the waste management officer for approval prior to the generation of the waste.
- (3) A waste management plan must include, but not limited too —
- a. an assessment of the quantity and type of waste that will be generated;
 - b. a description of the services required to store, collect, transport and dispose of such waste;
 - c. a description of how they intend separating recyclable and non-recyclable material at the point of source;
 - d. the waste minimisation and pollution prevention plans of such waste generator;
 - e. the impact or potential impact on the environment of the waste created by them;
 - f. the type or characteristics of waste produced of an environmentally sensitive nature or the amount of natural resources that are consumed in the manufacturing or production process that result in waste; and
 - g. targets for waste production through waste minimisation, re-use, recycling and recovery measures or programmes that can minimise the consumption of natural resources and the method of disposal of waste;
- (4) The waste generators of the following classes of waste must submit an integrated waste management plan:
- a. business waste;
 - b. industrial waste;
 - c. building waste;
 - d. event waste;
 - e. priority waste;
 - f. hazardous waste;
 - g. those who sort waste or undertake a recycling, re-use or waste recovery activity including but not limited to scrap dealers, recycling groups and buy back centres;
 - h. Any other person who is given notice to do so by the municipality.
- (5) If one of the waste generators for the categories of waste referred to in subsection (4) wishes to be exempt from submitting a waste management plan, an application must be made in writing to the waste management officer, stipulating reasons for the application.

- (6) A waste management officer may also declare—
 - a. certain types of waste or waste generators;
 - b. a particular mass or volume of waste;
- (7) Persons, who have submitted such a plan to the other spheres of government in terms of their applicable legislation, are not exempt from the submission of an integrated waste management plan to the municipality.
- (8) Failure to submit an industry waste management plan in terms of section 6 is a punishable offense.

7. Event waste management plans

- (1) A person, directly or indirectly involved or who wishes to organise or host a sporting, entertainment, cultural, religious or political event which is to take place on private or public property or owns or controls premises at which a sporting, entertainment, cultural, religious or political event is to take place, including sports stadia and conference centers, in the municipal area must at least one month prior to the event taking place, submit to the municipality an event waste management plan that includes the waste management services to be provided, including the storage, collection, recycling and disposal of waste at and after such event and such other information as required by the municipality.
- (2) The municipality may grant conditional exemption in terms of subsection (1) depending on the size, nature and duration of the event.
- (3) The event waste management plan must also include costing information, and the organizer, management or owner will be required to pay a refundable deposit as determined by the Municipality.
- (4) If the event is to be held in a public place, the use, sale or distribution of glass or similar containers is prohibited, unless the prior consent has been obtained from the waste management officer on such conditions as will be determined to reduce the likelihood of injury from broken glass.
- (5) Should a person fail to provide the Municipality with the event waste management plan or should there be waste left at the area where the event has been held or the surrounding area as a result of the event, the waste management officer may subject to subsection (6), arrange for the collection, clean-up, recycling and disposal of the waste.
- (6) The cost for the collection, clean-up, recycling and disposal of the waste shall be payable by the event organizer and may be recovered from the deposit paid or in terms of the Councils Credit Control and Debt Collection By-law or policy.
- (7) Failure to submit an event waste management plan in terms of section 7 is a punishable offense.

8. Construction waste management plans

- (1) An owner, occupier, contractor or any other person responsible for construction works, must submit within seven (7) days before the work is carried out to the waste management officer a construction waste management plan, including such information as the municipality requires, for approval.
- (2) A construction waste management plan must include, but not limited too —
 - a. The provisions made for collection and disposal of construction, general and hazardous waste;
 - b. The type of construction, general and hazardous waste to be generated;
 - c. what provisions are made to store the waste on the property; or
 - d. Provide a permit issued by the municipality to store waste on Council property.
- (3) Failure to submit a construction waste management plan in terms of section 8 is a punishable offense.

9. Waste information

- (1) The Municipality must obtain waste information on the levels and extent of waste management services provided by it and enters such information on the SAWIS as and when required.
- (2) The municipality may require from a holder of waste to submit within a reasonable time or on a regular basis such data documents, information, samples or materials;
- (3) The municipality may request a person or holder of waste that should be registered on the SAWIS, to affect such registration and submit proof thereof or to submit proof of not conducting a waste management activity obligating such registration within a reasonable time.

10. Waste minimization and recycling

- (1) The municipality must, in accordance with its responsibilities and its resources, progressively implement measures to reduce waste and promote the recovery, re-use and recycling of waste including waste separation at source.
- (2) The municipality may on a regular basis and in a manner it deems suitable, acknowledge outstanding achievements in respect of waste avoidance, waste minimization, recycling or other waste management practices advancing environmentally responsible integrated waste management.

11. Waste management activities

- (1) The municipality may require a holder of waste in possession of or responsible for waste that must be classified, recorded, labelled or in any way assessed or re-assessed, to submit proof of compliance with the relevant prescriptions of national and provincial legislation and standards as applicable thereto and

the municipality will strictly adhere to any such legislation or standards in respect of its own waste management activities.

- (2) The municipality's approval, inspection and monitoring of waste storage facilities, vehicle scrapping or recovery facilities and any other facilities where materials suitable for re-use or recycling are recovered must be in accordance with national and provincial legislation and standards and the municipality's bylaws and may require the owners or occupiers of these premises to submit such information, plans and records as the municipality deems necessary to fulfil its duties as a waste management authority.

CHAPTER 3: WASTE COLLECTION SERVICE

Part 1: Municipal refuse collection service

12. Compulsory use of the service

- (1) Subject to the provisions of section 79, no one may remove any waste from a premises or dispose thereof, except –
 - a. the municipality or a licensed accredited service provider;
 - b. a person authorised by law to collect that waste, where authorization is required; or
 - c. a person not prohibited from collecting that waste; -
- (2) The municipality may enter into agreements with external accredited service providers, whether public or private, for the rendering of municipal waste services and activities and must do so in accordance with municipal, provincial and national legislation.
- (3) If a service provider as contemplated in subsection (2) is appointed by the municipality to render a service to a large geographical area or part of its population, the service provider may be required to compile and adopt a consumer charter in consultation with the community.
- (4) An accredited service provider must comply with the provisions of the -
 - a. Municipal Finance Management Act, 2003 (Act 56 of 2003) as amended and regulations;
 - b. National Road Traffic Act, 1996 (Act 93 of 1996) as amended and regulations;
 - c. Occupational Health and Safety Act, 1993 (Act 85 of 1993) as amended and regulations;
 - d. Labour Relations Act, 1995 (Act 66 of 1995) as amended and regulations; and
 - e. Any other applicable National, Provincial or Local legislation or policies by Council.
- (5) An owner of premises must make use of the service provided by the municipality for the removal or disposal of waste.

13. Waste removal tariffs

- (1) The tariff for waste removal as fixed by the municipality shall be payable to the municipality by the owner, irrespective whether the service is being used, or not, except where exemption is granted in terms of section 79.

14. Waste removal service

- (1) The Municipality or accredited service provider will remove waste in terms of the Municipality's approved waste removal schedule;
- (2) The waste collection service rendered in terms of subsection (1) must be in accordance with the agreement for services concluded with the municipality; which agreement may be amended in writing to make provision for an increase or decrease in the frequency or volume of the waste removal service rendered, should it be required by the municipality or in response to a request by the owner or occupier of residential or business premises.
- (3) The number of containers to be removed from each residential or business stand per collection shall be determined by the municipality.
- (4) The municipality may determine which waste items are unsuitable for collection if it does not constitute domestic waste or business waste or could be classified as bulky waste, and if waste is determined to be unsuitable for collection, a process for the removal and disposal of such waste may be recommended by the municipality to the owner of the waste or occupier of the premises.
- (6) If the municipality's scheduled waste collection services are interrupted for whatever reason, the municipality must resume the service as soon as reasonably possible and address backlogs as a matter of priority.
- (7) Where waste is disposed illegally within the jurisdiction area of the municipality, the municipality must remove such waste either free or at a prescribed tariff or appoint an accredited service provider to render the service.

15. Frequency

- (1) The municipality must collect domestic waste and business waste at least once per week on scheduled days for different areas. Occupiers or owners of premises will be informed by the municipality of revised collection arrangements reasonably in advance.

- (2) The municipality may determine which business premises generate waste that can be regarded as dailies and may instruct an increase in the frequency of waste collection from such premises as provided for in section 14(2).
- (3) If the municipality is of the opinion that a business creates a nuisance, health risk, odour or danger to public health due to the fact that waste is not removed during weekends, it may instruct the owner or occupier to make use of an additional waste collection service that may be rendered by the municipality at a prescribed fee.
- (4) An owner or occupier of a business premise that receives a waste removal service once per week may apply to the municipality in writing to increase the number of removals to multiple times per week if so available and as provided in section 14(2).

16. Volume

- (1) The municipality may determine –
 - a. The number of containers to be collected from each residential premise per collection;
 - b. The number of containers to be collected from each business premise per collection based on a waste audit of the waste volumes with the owner or occupier; and
 - c. The maximum amount of business waste, through a waste audit, that may be placed for collection without the provision of an additional service or the payment of an additional prescribed fee.
- (2) Should the municipality require the provision of an additional service to a residential or business premise or the owner or occupier of a residential or business premise apply to the municipality in writing to increase the number of containers to be collected per collection from its premises, these changes will be effected as provided for in section 14(2).

17. Containers

- (1) The municipality will collect domestic and business waste placed in approved containers from a location and condition as determined. Waste placed in a location or a container not meeting the prescriptions of the Municipality will not be collected.
- (2) The Municipality must, as far as reasonably possible, supply –
 - a. Each individual residential premise with one refuse container;
 - b. Each group development or other premises such as schools, churches and institutions generating domestic waste with the number of containers determined by the Municipality; and

- c. Each business premise with the number of containers as determined by the Municipality.
 - d. Or instruct the owner or occupier to supply its own containers as per specifications by the municipality.
- (3) The type of container mentioned in subsection (2), is determined by –
- a. The type of waste generated on the premises concerned;
 - b. The quantity of waste generated on the premises concerned;
 - c. The suitability of the waste for storage in containers;
 - d. The accessibility and adequacy of the space provided on the premises to the waste collection vehicles.
- (4) The municipality shall after a waste audit, determine the number of waste units, which must be debited onto the waste generators service account and the number, colour and type of container/s required, whereby a unit is equal to 85 liter.
- (5) Should the owner or occupier of a business premise or a residential premise, including a group development require additional containers, either by written request or as required by the Municipality, the municipality must supply such additional containers as agreed and may do so at an extra cost.
- (6) Containers supplied by the Municipality in terms of subsection (2) and (3) must:
- a. Have serial numbers linked to the service agreement of the owner or occupier of the premises with the Municipality
 - b. Remain the property of the Municipality
 - c. Be returned to the Municipality upon termination of the service agreement by the owner or occupier of the premises and if a refundable deposit was paid for it such deposit will be refunded to the owner or occupier of the premises provided the receptacle is in the opinion of the Municipality still in a usable condition
 - d. Be replaced by the Municipality free of cost if such replacement is in the opinion of the Municipality warranted due to normal wear and tear;
 - e. In case of theft, the owner or occupier must replace the container at their own cost
- (7) Where the Municipality notices the absence of a container and no request for replacement has been lodged, the Municipality may replace the container and recover the cost from the owner or occupier.
- (8) In case of damage caused through the negligence of the owner or occupier of the premises the container may be replaced by the Municipality after receiving a written request for such replacement and full payment of the cost involved.

- (9) The owner or occupier of residential or business premise shall be responsible for marking his or her container with the stand number to ensure easy identification thereof and to assist the Municipal employees to return it to the correct stand.
- (10) Containers for the temporary storage of waste at business and residential premises must be kept in good condition and fit for the safe storage of waste to prevent damage to the environment and harm to health.
- (11) No person may allow an animal in or without his or her control to interfere with, overturn or damage a container which has been placed for collection.
- (12) The owner or occupier of business or residential premises must ensure that –
- a. A container contains no hot ash, unwrapped glass or other domestic waste, business waste including dailies, which may cause injury to the municipal employees while carrying out their duties or damage to the container;
 - b. No material including any liquid, which by reason of its mass or other characteristics is likely to render a container unreasonably difficult for the municipal employees to handle or carry, is placed in such receptacle;
 - c. Containers are kept closed and in a clean and hygienic condition to avoid animal and insect interference and wind-blown litter;
 - d. Containers are placed outside the entrance to the premises on a date and time specified by the municipality by written notice to the owner or occupier of the premises;
 - e. The refuse storage area specifications as contemplated in section 17, is adhered too;
 - f. The pavement in front of or abutting the premises is kept clean and free of waste.
- (13) The Municipality may indicate a specific position within or outside the premises concerned where containers must be placed for the collection and removal of waste and such containers must then be placed in that position at such times and for such period as the municipality may require.
- (14) Should the waste generated by a waste generator exceed the volume that can be stored in the containers provided or bags, the owner must make arrangements for the collection of the excess waste by an accredited service provider.
- (15) If no arrangement is made for collection of excess waste, the owner or waste generator must promptly transport that additional waste to and deposit it at a waste disposal facility at his or her own cost.

- (16) The owner of a dwelling who has other structures on the property with persons living in these separate structures shall also be allocated one container per additional structure by the Municipality and shall be entitled to have it collected on the same terms as the residential dwelling.
- (17) The owner of the property will have to sign an additional contract with the Municipality for the storage, collection and disposal of waste contemplated in subsection (16) and shall be liable for the charges levied by the Council in connection therewith.
- (18) The Municipality shall determine the maximum number of black refuse bags or containers per residential premises, which may be put out on any day according to the Council's solid waste collection schedule.

18. Waste collection areas

- (1) All businesses, industries, institutions, residential complexes group housing developments, or any other developments, identified by an authorized official, must submit on their building plans for approval by the Municipality, in terms of the National Building Regulations Act 103 (Act 103 of 1977), a waste storage area for collection.
- (2) The waste storage area shall be of an adequate size, determined by the estimate volume of waste generated and not less than 6m², at an approved place on the premises and any other facilities considered necessary on the premises for the storage of waste in approved container/s.
- (3) The waste collection area required, shall –
 - a. Be in such a position on the premises as will allow the storage of waste in containers without them being visible from a street, a public place, or any other premises except if determined otherwise by the municipality;
 - b. Be in such a position as will allow the collection and removal of such container/s by the Council's employees without hindrance;
 - c. Be so located as to permit convenient access to and egress from such space for the Council's waste collection vehicles to collect, empty, replace, or remove container/s; and
 - d. Be sufficient to house all container/s, including the materials and any containers used in sorting and storage of the waste.

19. Recycling

- (1) Any owner or occupier of a business or residential premise or any other holders of waste as determined by the municipality and in areas as determined by the municipality may be required to –
 - a. Separate recyclables, example e-waste, plastics, paper and glass and non-recyclable waste in accordance with the directives of the municipality;
 - b. Use different containers for separated recyclables as directed or provided by the municipality;
 - c. Place containers containing the recyclable waste outside the entrance to the premises at a time and day specified by the municipality or, if so required, drop containers off at places as directed by the municipality, and
 - d. Follow any other reasonable prescribed procedures.

20. Accumulation of waste

- (1) The owner or occupier of a business or residential premise must ensure that all domestic or business waste generated on the premises be placed for collection and not be accumulated.
- (2) Where a type or quantity of waste is not collected by the municipality or regularly removed by a licensed service provider, the owner or occupier of the premises or the holder of the waste must arrange for the removal, transport, and disposal of the waste at a waste handling or waste disposal facility, as often as may be necessary to prevent undue accumulation and any nuisance or detrimental impact on human health or the environment arising from the waste.
- (3) The municipality may enter any premises where waste of any type is accumulated and may instruct the person generating the waste or the owner or the occupier of the premises where it is so accumulated to remove the waste immediately or the municipality may proceed to do so at the cost of the person responsible for the accumulation.

21. Skip waste services

- (1) The municipality must-
 - a. Ensure that municipal skips comply to all road and safety standards
 - b. Ensure that municipal skips is kept clean and in a good whole condition.
- (2) At the request of the owner or any occupier of any premises, the municipality may provide a rental skip for waste removal services at a prescribed tariff with conditions, to remove waste from a premise, provided that the municipality is able to do so with its waste removal equipment.
- (3) The municipality shall –

- a. Deliver the skip mentioned in subsection (1) on the outside of the premises on the curb and near the entrance or driveway.
 - b. Deliver or place a container mentioned in subsection (1) in accordance with all road traffic and safety legislation.
 - c. Shall not be liable for the loss or for any damage to private property, which is caused on or in a private stand, due to the delivery of a container mentioned in subsection (1).
- (4) No person shall remove or move such a container from the position where the municipality has placed it.
- (5) No person shall load a container mentioned in subsection (1) in such a way that the contents or part of the contents exceeds the height of the skip, fall out or off during the transportation or, dispose bulk waste into such a container which make it difficult to remove or empty.
- (6) The municipality shall not remove a container mentioned in subsection (5).
- (7) The municipality may instruct a person that has rented a container and that is overloaded, to reduce the content to the satisfaction of the municipality.
- (8) No person shall damage, vandalize or put any advertisement, sticker, poster or graffiti onto a container.
- (9) If it can be proved that the person or employee under his control, which rented such a container, damages a container he shall be responsible for the cost involved for the repairs.
- (1) A licensed service provider may not fail or refuse to provide the municipality with any information reasonably requested with regards to the terms and conditions of the license or give false or misleading information.
- (2) A licensed service provider is fully liable for any act or omission by any of his or her employees if such an act or omission is a transgression of the license conditions or have a detrimental impact on human health or the environment.

CHAPTER 4: HANDLING DIFFERENT TYPES OF WASTE

Part 1: Garden waste

22. Composting

- (1) The owner or occupier of premises on which garden waste is generated may compost garden waste on the property, provided that such composting does not cause a nuisance nor has a detrimental impact on human and environmental health.
- (2) The composting generated in terms of subsection (1) should be limited to the waste generated on its own stand.
- (3) Where composting is done for commercial purposes, the owner or business must register with the municipality and submit a waste management plan for approval in terms of section 7.
- (4) The premises of the waste management activity in terms of subsection (3) must comply with the municipalities land use scheme.
- (5) The waste management activity in terms of subsection (3), must comply with all National or Provincial Environmental Management legislation.

23. Bulk garden waste

- (1) The waste generator on which bulk garden waste is generated and the person engaged in the activity which causes such waste to be generated, shall ensure that such waste be disposed of within a time determined by Council after the generation thereof.
- (2) The municipality may provide a service to remove bulk garden waste at a prescribed tariff.
- (3) Where the municipality in terms of subsection (2) is unable to render the service, a process for the removal and disposal of such waste may be recommended by the municipality to the owner of the waste or occupier of the premises.

24. Removal and disposal of garden waste

- (1) The owner or occupier of premises on which garden waste is generated must remove and dispose of it within a reasonable time after generation of the waste at a waste handling or waste disposal facility determined by the municipality.
- (2) The municipality may remove garden waste placed out in an approved container according to the municipality's waste removal program, whereby the municipality will determine the quantity of garden waste.
- (3) No bulk garden waste, garden waste mixed with soil, rocks, or bulk garden waste, shall be removed, if placed out for the collection by the municipality on the scheduled day of waste collection.
- (4) The municipality may determine the number of containers referred to in subsection (2) to be collected from a premise per collection.

- (5) Where the number of containers referred to in subsection (2) exceeds the maximum no of containers, the municipality may provide a service to remove the garden waste. Where the municipality is unable to render the service, a process for the removal and disposal of such waste may be recommended by the municipality to the owner of the waste or occupier of the premises.

Part 2: Bulky waste (excluding hazardous, health care and e-waste)

25. Removal and disposal

- (1) The owner or occupier of premises on which bulky waste is generated, shall ensure that such waste is removed and disposed of after generation thereof at a waste handling or waste disposal facility determined by the municipality.
- (2) The municipality may provide a service to remove bulky waste at a prescribed tariff.
- (3) Where the municipality in terms of subsection (2) is unable to render the service, a process for the removal and disposal of such waste may be recommended by the municipality to the owner of the waste or occupier of the premises.

Part 3: Building waste

26. Plans and inspection

- (1) An owner or occupier or any person responsible for the submission of building plans for a new building or an alteration to an existing building must include therein the manner in which waste will be handled in terms of section 9 (1) and (2).
- (2) An authorised official of the municipality must inspect and verify that the waste plans contemplated in subsection (1) were followed and implemented and all waste is disposed of in terms of section 40 (2).
- (3) The owner of the property referred to in subsection (1) will be required to provide the authorized official with proof of a disposal or weighbridge receipt that he or she has disposed of the full mass of the building rubble at a waste disposal facility for that category of waste prior to an occupancy certificate or any final approvals being granted.

27. Generation and storage

- (1) The owner or occupier of premises on which building waste is generated or the person engaged in any activity which causes such waste to be generated, must ensure that –

- a. All building waste and containers used for storage thereof is kept on the premises on which the building waste is generated;
 - b. The premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;
 - c. Any waste which is blown off the premises is promptly retrieved.
- (2) Upon written request and subject to conditions as it may determine, the municipality may approve the use of a bulk container placed on a verge for a specific duration.
 - (3) The municipality may instruct an owner or occupier of premises on which building waste is generated or the person engaged in any activity which causes such waste to be generated to make use of containers for the storage of the waste.
 - (4) The municipality may provide containers referred to in subsection (3), depending on the availability of the service and containers at a prescribed tariff.

28. Removal and disposal

- (1) The owner or occupier of premises on which building waste is generated or the person engaged in any activity which causes such waste to be generated, must ensure that all building waste is removed and disposed of continuously during construction so as to prevent unnecessary accumulation of such waste.
- (2) Building waste must be disposed of at a waste handling or waste disposal facility determined by the municipality.
- (3) Contaminated building waste or other waste where the contamination agent is hazardous or dangerous must be disposed off at a waste disposal facility for the treatment and disposal of hazardous waste.

29. Reclamation of land

For the purpose of reclamation of land, no person may dump any waste without environmental authorization in terms of NEMA.

Part 4: Special industrial, Health Care and Hazardous Waste

30. Notification and verification

- (1) The person engaged in the activity which causes special industrial waste, health care and hazardous waste to be generated, shall prior to the generation of such waste, notify the municipality in writing of –
 - a. the expected or known composition of such waste;

- b. the quantity generated,
 - c. how and where it will be stored;
 - d. how it will be collected and disposed of; and
 - e. The identity of the licensed service provider who will be responsible for its removal, transportation and disposal.
- (2) A person engaged in waste activities as referred to in subsection (1) which were established and in operation prior to the commencement of this bylaw, must notify the municipality within ninety days of the commencement of this bylaw of such activities and provide the information required in terms of subsection (1).
- (3) If so required by the municipality, the notification referred to in subsection (1) or (2) shall be substantiated by -
- a. An assessment and analysis of the waste composition certified by a qualified industrial chemist.
 - b. Material safety data sheets or completed waste documents; and
 - c. Such other records required to verify compliance with applicable legislation, national standards and SANS codes.
- (4) The person referred to in subsection (1) or (2) must, when changes occur and annually submit to the municipality a written report containing –
- a. The information stipulated in subsection (1);
 - b. The substantiating documents referred to in subsection (3); and
 - c. Any other information which the municipality may reasonably require.
- (5) The municipality or any person authorized by the municipality may enter any premises at any reasonable time to ascertain whether waste referred to in subsection (1) is generated or stored on such premises and may take samples and test any waste found on the premises to ascertain its composition.

31.Storage

- (1) Special industrial, health care and hazardous waste generated on premises must be stored and kept thereon in an approved container until it is collected and removed from the premises and it must be stored in a manner not creating a nuisance or causing harm to human health or polluting the environment and in accordance with applicable legislation, national standards and SANS codes.
- (2) If waste referred to in subsection (1) is not stored as stipulated, the municipality may require information of the waste content, date of containment and quantity and if such information is not available the municipality may instruct the person generating the waste or the owner or the occupier of

premises where it is stored to remove the waste or as determined by the municipality, failing which the municipality will take legal action.

- (3) Where waste referred to in subsection (1) has polluted the environment and have a direct or indirect negative impact on the health of human or animal or the environment, the person referred to in section 30(1) shall contain, clean up the polluted area and rehabilitate the environment within the time as determined by the municipality.

32. Collection and disposal

- (1) Only a licensed service provider may collect special industrial, health care and hazardous waste from premises where it is stored and dispose of it at a waste disposal site licensed and designated by the municipality to receive such waste.
- (2) A licensed service provider must collect, transport and dispose of the waste referred to in subsection (1) in accordance with its license terms and conditions and in compliance with applicable legislation, national standards and SANS codes.

Part 5: Industrial waste and Special waste

33. Storage

- (1) The owner or occupier of premises on which industrial waste or special waste is generated must ensure that until such waste is collected by a licensed service provider from the premises on which it was generated –
 - a. The waste is stored in accordance with applicable legislation, national standards and SANS codes; and
 - b. No nuisance, health or environmental risk is caused by the waste in the course of generation or storage.

34. Collection and disposal

- (1) Only a licensed service provider may collect industrial or special waste from premises where it is stored and dispose off it at a waste disposal site designated to receive such waste.
- (2) A licensed service provider must collect, transport and dispose of the waste referred to in subsection (1) in accordance with its license terms and conditions and subject to the requirements of any applicable legislation, national standards and SANS codes.

- (3) The municipality may determine times for acceptance of special waste at the site referred to in subsection (1).

Part 6: Tyres, disused vehicles or machinery and scrap metal

35.Storage and disposal

- (1) No owner or occupier of premises, which is involved in waste management activities listed in terms of section 19 of NEM:WA; (List of waste management activities that are likely to have a detrimental effect on the environment) may temporary accumulate, store or stockpile waste tyres, disused, scrapped, dismantled or recovered vehicles or machinery or scrap metal unless the waste management activity is managed in accordance with national standards or licensed in terms of national legislation, whichever is applicable.
- (2) Waste as contemplated in subsection (1) are not accepted at any of the municipality's own waste handling or waste disposal facilities and any person having to dispose of any of these materials must dispose thereof at a waste disposal site as directed by the municipality and in terms of conditions determined for such waste disposal site.
- (3) An authorized official may enter the premises of any person contemplated in subsection (1) and request proof of any plans including its integrated waste management plan, licenses or other applicable documents to verify compliance with applicable legislation.

Part 7: Recyclable waste

36.Storage, collection and disposal

- (1) An owner or occupier of premises or any other person must prior to commencing an activity involving the re-use, reclamation or recycling of waste, comply with local, provincial and national legislation for such activity and provide the municipality with a copy of his integrated waste management plan and such other information as the municipality may require.
- (2) An owner or occupier of premises or any other person may not temporary accumulate, sort, store or stockpile recyclable waste on any premises within the municipal area unless acting in accordance with subsection (1).

- (3) Only a licensed service provider may collect recyclable waste from premises where it is generated or separated from other waste and transport it to a waste handling facility or a waste disposal facility designated by the municipality to receive such waste.

CHAPTER 5: TRANSPORTATION AND DISPOSAL

Part 1: Transportation of waste

37. Safe containment of waste during transportation

- (1) Any holder of waste who transports waste must ensure that—
- the container in which any waste is stored is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of waste;
 - suitable measures are in place to prevent accidental spillage or leakage or waste falling from the vehicle transporting it;
 - loose waste on an open vehicle is covered with a tarpaulin or suitable net to prevent waste from blowing away;
 - nuisances do not arise;
 - pollution of the environment and harm to health are prevented;
 - hazardous waste transported in terms of section 32 (1) and (2); and
 - Any waste items or substances are safe for handling, collection or disposal and are not harmful to persons when accessed by unauthorised persons or members of the public.

38. Legal compliance

A transporter of waste must –

- ensure that waste is transported to the nearest waste handling or waste disposal facility that has capacity to deal with the waste, within the municipality;
- Ensure that when transporting, health care waste or hazardous waste that he operates in compliance with all relevant national and provincial legislation, national standards and SANS codes.

Part 2: Waste disposal

39. Permitted use

- (1) The municipality may prescribe which types of waste may be disposed of at a particular waste handling or waste disposal facility as permitted in terms of the license stipulations of each facility.
- (2) No person may dispose of waste at any waste handling or waste disposal facility which is not licensed for such use and any person who contravenes any prescriptions of the municipality as contemplated in section 38 will be liable for all reasonable costs incurred by the municipality in removing or otherwise dealing with the waste improperly disposed.
- (3) The municipality shall not be liable for any claim resulting from access to any waste disposal or handling facility and any person who enters any of the sites of these facilities does so at own risk.

40. Conduct at a waste handling or waste disposal facility

- (1) The municipality may determine a disposal tariff according to different categories of solid waste, levy or issue a disposal permit for the disposal of waste at a waste handling or waste disposal facility.
- (2) No person shall dispose of any waste at a waste handling or waste disposal facility, without a disposal permit issued by the municipality, or where the prescribed tariff, determined by the municipality is paid.
- (3) A person who, enters a waste handling or waste disposal facility, controlled by the municipality, shall –
 - a. Enter the waste handling or waste disposal facility, only at an authorized entrance;
 - b. Give the municipality all the particulars required with regard to the composition of the waste;
 - and
 - c. Follow all instructions with regard to access to the actual disposal point, the place where and the manner in which the waste should be deposited;
 - d. Where no authorized person is available at a waste handling or waste disposal facility, to give instructions referred to in subsection 3(c), shall dispose of the waste as close to the disposal point and not along the access road, gate, immediate surroundings of the facility or any other unauthorized place.
- (4) No person shall enter a waste handling or waste disposal facility, controlled by the municipality for any purpose other than the disposal of waste in terms of these bylaws;
- (5) No person shall enter a waste handling or waste disposal facility, other than the time and hour as determined by the municipality;
- (6) No person shall remove, vandalize, or damage any municipal property or equipment at a waste handling or waste disposal facility;

- (7) No person entering a waste handling or waste disposal facility, shall burn, set alight, or give any instructions to burn waste, or dispose waste already burning;
- (8) No unauthorized person shall enter or dispose any waste at a closed or rehabilitated waste handling or waste disposal facility within the municipal area.
- (9) No person shall construct any structure on a closed, rehabilitated or operational waste handling or waste disposal facility for the purpose of sheltering, storing, residing or trade purposes;
- (10) Where any structure mentioned in section (9) above is present on any closed, rehabilitated or operational waste handling or waste disposal facility, the municipality will have the right to remove it immediately;
- (11) No person shall enter any waste handling or waste disposal facility for the purpose of scavenging or reclaiming waste;
- (12) No person shall sell, trade, exchange or manufacture any goods or waste reclaimed inside or outside a waste handling or disposal facility;
- (13) The municipality shall not be liable for any claim resulting from access to any waste handling or disposal facility and any person enter such facilities do so at their own risk.

41. Disposal of used tyres, rubber conveyor belts, liquid waste, electronic-, used batteries-, low energy and fluorescent light bulbs

- (1) No used tyres, rubber conveyor belts, liquid waste, electronic-, used batteries-, low energy-and fluorescent light bulbs, shall be dispose off at a waste handling or waste disposal facility;
- (2) Any person having to dispose of any of these materials mentioned in subsection (1), must dispose thereof at a waste disposal or recycling facility as referred by the authorized official and in terms of conditions determined for such waste disposal or recycling facility.
- (3) No person shall burn or set alight any of the waste types mentioned in subsection (1) within the jurisdiction of the municipality.
- (4) Where Council has provided a special waste disposal facility for the waste mentioned in subsection (1), the waste shall be disposed at such a facility or recycling point.

42. Ownership of waste

- (1) All waste removed by the municipality and all waste on a waste handling or waste disposal facility controlled by the Municipality, shall be the property of the municipality and no person who is not duly authorized by the Municipality, shall remove it or interfere with it;

- (2) Only general waste shall be disposed of at a waste handling or waste disposal facility of the municipality.
- (3) The municipality shall determine a disposal tariff to be levied at a waste handling or waste disposal facility, for any person, who brings his or her own waste to the waste handling or waste disposal facility, or who do not make use of the waste removal service of the municipality.
- (4) The Municipality or authorized service provider may weigh, inspect or sample waste on any vehicle, trailer or container entering a waste handling or disposal facility;
- (5) The municipality may issue a disposal certificate as proof of disposal, to any person who disposes solid waste, building or demolition waste at a licensed waste handling or waste disposal facility.

43. Private waste handling or waste disposal facilities

- (1) Any person may operated a private waste handling or waste disposal facility, within the jurisdiction of the municipality, provided that –
 - a. The municipality has approved the waste handling or waste disposal facility and operations;
 - b. The waste handling or waste disposal facility has been approved and licensed in terms of a statutory license authority or in accordance with NEMA.
- (2) Any person who operates a private waste handling of disposal facility, may not make use of a municipal waste handling or disposal facility within the jurisdiction of the municipality, unless written permission is granted by the waste management officer.

44. Accepting waste from others

- (1) The municipality may consider an application from another municipality to dispose waste at a designated waste disposal facility provided that the acceptance of waste from another municipality will not impact on the license conditions and ownership of the said waste disposal facility.
- (2) The municipality may allow a person to dispose waste generated outside the municipality's jurisdiction at a designated waste disposal facility of the municipality provided such person has written approval by the waste management officer.
- (3) The tariffs applicable to referred to in subsection (2) may differ from the waste disposal tariffs stipulated in the municipality's tariff bylaws.

45. Waste handling facilities and township development

- (1) The municipality may require a township developer during its township development application process:
 - a. To design, develop and construct a waste handling facility within the township development;
 - b. To apply and obtain a waste license for the waste handling facility in terms of the NEM:WA, in its own capacity on behalf of the municipality;
 - c. To carry the cost involved for the design, planning and development of the waste handling facility
- (2) The Township developer shall, during and before commencement of the construction of the waste handling facility, submit a complete design and set of plans for approval by the municipality.
- (3) The municipality may require a township developer after proclamation of the township, to supply the municipality with fleet and resources as determined by the municipality, to remove waste in the township in terms of this bylaw.
- (4) The municipality shall, depending on available resources or appoint a license service provider after proclamation of the township and construction of the waste handling facility, remove the waste in accordance with its bylaws.
- (5) Where a new township are developed and the municipality is unable to render a door-to-door solid waste removal service with its available equipment or resources, the municipality may resolve that residents should take their waste to a waste handling facility constructed by the township developer.

46.Reclaiming at waste handling and waste disposal facilities, except at material recovery facilities (MRF)

- (1) A person who do, or intent to reclaim waste at a municipal waste handling facility, shall not –
 - a. do reclaiming without the written approval of Council;
 - b. Interfere with the operations at the material recovery facility.
- (2) A person authorized by the municipality to reclaim waste at a municipal material recovery facility, shall ensure that –
 - a. The reclaiming of recyclable material/waste is done during hours determined by municipality;
 - b. The recyclable material/waste is kept neatly together in bundles, bags or containers;
 - c. Any unwanted material/waste he or she has collected is put back into the waste stream;
 - d. The immediate area around his reclaimed material/waste is kept in a clean litter free condition;
 - e. The reclaimed material/waste is removed within a specified time, determined by the municipality;

- f. The area where reclaimed material/waste is kept is properly fenced with a gate at a minimum height of 1.8 meters;
- g. Any permanent or temporary building or structure do comply with National or municipal building legislation, regulations or by-laws;
- h. All safety requirements in terms of the Occupational Health and Safety Act are complied with, before reclaiming can commence at the material recovery facility;
- i. All employees are identifiable by means of an identification card as well as on their protective clothing.

(3) The municipality may –

- a. Compile and sign a written contract between the municipality and any person intent to or reclaim, purchase or collect waste at a municipal waste handling facility;
- b. Levy a fee to an authorized person/s, which reclaim waste at a waste handling facility;
- c. Remove any reclaimed material, which pose a direct or indirect threat to human health or the environment or which interferes with the operations at the waste handling facility;
- d. Specify a time frame in which reclaimed waste at a municipal waste handling facility must be removed.
- e. Prohibit access to any un-authorized person/s, at a municipal waste handling facility.

CHAPTER 6: LITTERING, DUMPING AND ANCILLARY MATTERS

Part 1: Street litter-or refuse bins

47. Street litter- or refuse bins

- (1) The municipality must take reasonable steps to ensure that a sufficient number of street litter-or refuse bins are provided for the discarding of waste by the public.
- (2) The owner or occupier of private land to which the public has access must ensure that sufficient containers are provided to contain litter which is discarded by the public and servicing of those bins.
- (3) A street litter-or refuse bin is solely for the use of litter by pedestrians and no person, or pedestrian shall dispose or cause any domestic, business or any other waste in terms of this bylaw, into or next to a street litter-or refuse bin,
- (4) No person shall remove any waste or container from either a municipal or private street litter-or refuse bin for the purpose of scavenging, reclaiming or recycling, unless authorized by the Municipality.

48.Damaging of street litter bins and waste equipment

- (1) No person may damage or causes a street litter- or refuse bin or waste equipment to be damaged, or put any unauthorized advertisements on any municipal street litter- or refuse bin or waste equipment.
- (2) It is the responsibilities of an organization, business or institution, who has put advertisement on a municipal street litter- or refuse bin or waste equipment, to remove such advertisement.
- (3) If it can be proved that an organization, business, or institution has damaged a municipal street litter- or refuse bin or waste equipment, or has put any advertisement on such a bin or equipment, the organization, business, or institution will be responsible for the cost involved for the removal and repairs which are necessary on the street litter- or refuse bin or waste equipment.

49.Private street litter- or refuse bins

- (1) No private person or company may place any private street refuse bin within public place, without prior written approval of the authorized official.
- (2) No racial, sexist, foul language or any discrimination advertisement, slogan or wording will be placed on any private street refuse bin, which may be offensive to any part of the community.
- (3) The municipality will, in consultation with the private company determine the positions where private, street refuse bins can be placed and if the municipality will be able to service or clean such a street refuse bin.

50.Placing of street refuse bins

- (1) The authorized official will determine the number, type and position of any municipal or private street refuse bin.
- (2) No person shall remove, replace or shift any municipal or private street refuse bin without the approval of the authorized official.
- (3) The authorized official may remove or shift any municipal or private street refuse bin, which is in the opinion of the municipality that is not in use, endanger the health and safety of the community and rendering effective services with the municipality, to a more suitable position.
- (4) The municipality will remove any damaged or broken municipal or private street refuse bin.

Part 2: Littering and dumping

51.Littering and dumping

- (1) No person may throw, drop, deposit, spill, dump or in any other way discard, any waste into or onto any public place, municipal drain, vacant erf, stream or any other place not made provision for in this bylaw, other than into a container provided for the purpose or at a waste disposal or handling facility,
- (2) Any person who, or allow any person/s under his control to do any of the acts referred to in subsection (1); or that may interfere with the cleanliness of any place within the jurisdiction of the municipality, or cause a nuisance, danger or accident to persons, animals, vehicles or other traffic using such place, shall remove or cause it to be removed from such place forthwith.
- (3) For the purpose of subsection (1), a person shall be deemed to have allowed the acts referred to in subsection (1) of persons under his control, unless the contrary is proved.
- (4) Any person contravening subsection (1) shall be instructed by the authorized official to remove the waste within a time determined by the authorized official.
- (5) Burning of waste is strictly prohibited unless authorized by the Chief Fire Officer in terms of the Fire Safety Bylaw of the municipality.
- (6) An authorized official may act against any of the contraventions listed in subsection (1) through a written notice directing such person to –
 - i. Cease the contravention within a time determined by an authorized official.
 - ii. Prevent the repeat of the contravention or a further contravention
 - iii. Take whatever measures that the municipality considers necessary to clean up or remove the waste and rehabilitate the affected environment within a specified time, or
 - iv. To pay a fine or appear in court in terms of section 56 of the Criminal Procedure Act, 1977 (act 51 of 1977);
- (7) An owner or occupier of land or premises or any other person in control of land or premises, may not use or permit the land or premises to be used for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for that purpose;
- (8) Should the Municipality remove waste from land or premises, the owner, occupier or person having control over the land or premises will be held liable for the costs incurred by the municipality for the removal of such waste.
- (9) In the case of hazardous waste, the municipality will arrange or recommend for the removal of such waste and the rehabilitation of the affected environment as soon as possible and thereafter issue notices to the person liable for the cost of removal and rehabilitation of the environment.

52. Abandoned material

- (1) Any material, which is in the light of such factors as the place where it is found, the period exceeding one month it has been lying at such place and the nature and condition of such material, reasonably regarded by the municipality as having been abandoned, may be removed and disposed of by the municipality as it may deem fit. It excludes a vehicle deemed to have been abandoned in terms of the Road Traffic Act, No.29 of 1989 (Act 29 of 1989) as amended.

Part 3: Ancillary matters

53. Dead animals

- (1) No person shall, subject to any provisions to the contrary in these by-laws contained, dispose, any dead animal under his control within the jurisdiction of the municipality, other than at a waste disposal facility.
- (2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be instructed by an authorized official to remove the abandoned dead animal within a time determined by the authorized official.
- (3) The municipality may remove any dead animal from any premises at a prescribed tariff.
- (4) Where it is suspected that a dead animal was poisoned, no person shall –
 - a. Dispose such animal at a waste disposal facility.
 - b. Instruct any authorized official or municipal employee with regard to the handling or disposal of such animal.
- (5) In the case of a poisoned animal, the owner of the animal must make use of a specialized company or service provider dealing in the handling, storage, transportation and disposal of hazardous and toxic waste.
- (6) In a case of an animal died of suspected zoonotic diseases, the owner must report the incident the Department of Agriculture and the animal must be handled, transported and disposed of in terms of the guidelines of the Department of Agriculture.

54. Food condemnations

- (1) The municipality may on request from an Environmental Health Practitioner, remove any food condemnations from premises at a prescribed tariff after the food is certified unfit for human use in terms of the National Health Act, 2003 (Act 61 of 2003) as amended.

- (2) The owner or Manager of a business, which is in possession of condemned foodstuffs, may dispose or destroy such foodstuffs himself, only at an approved waste disposal facility and after the Environmental Health Practitioner has been notified.

55.Pavements

- (1) It shall be the duty of every owner of premises, licensee or occupier to ensure that the pavement in front of or abutting the premises is kept clean and free of waste.

56.Accidental spillages

- (1) Where a spillage of any liquid or solid item has occurred during transportation, the owner or transporting company shall ensure that the spillage is cleaned up in such a way that it cannot impose a direct or indirect negative impact on human health or the environment.
- (2) The owner or transport company mentioned in subsection (1) shall, rehabilitate the environment within the specified time and to the satisfaction of the relevant department.
- (3) The municipality may assist to remove or clean up a spill at the actual cost, except where hazardous, health care or infectious waste was spilled.
- (4) Where a spillage has occurred as mentioned in subsection (1) and the spillage is not cleaned up or the environment not rehabilitated to the satisfaction of the relevant department, the municipality may appoint a service provider to clean up or rehabilitate the environment at the cost of the person or transport company responsible for the spillage or pollution.

CHAPTER 7: GENERAL PROVISIONS

57.Ownership

- (1) The person or entity holding a license to operate a waste handling or waste disposal facility becomes the owner of all waste upon disposal thereof at that facility.
- (2) A person who generates domestic or business waste is the owner thereof until it is collected by the municipality

58.Access to Premises

- (1) The owner must, on request, allow a peace officer or any other duly authorized employee of the Municipality access to their property for the purpose of inspecting the property and investigating any contravention of this bylaw and to ensure compliance therewith.
- (2) When accessing the property the authorized employee must, on request, identify him or herself by producing written proof of such authority.
- (3) Such employee may be accompanied by a person reasonably required to assist in inspecting or conducting an investigation who must be identified as such by the authorized employee.
- (4) Should the Municipality be impeded from handling or collecting refuse due to the layout of the premises, or such layout imposes a danger or injury to employees of the Municipality, or is likely to result in damage to private or municipal property, the municipality may require the owner to do such alterations or additions to the premises as are necessary to remove such impediment at that persons cost.
- (5) Should the owner or occupier refuse to comply with the municipality's request, the municipality may suspend the service and require the owner or occupier to indemnify it in writing in respect of such damage or injury or any claims arising of either before resuming the service.

CHAPTER 8: COMPLIANCE AND ENFORCEMENT

59.Compliance with this bylaw and other laws

- (1) The owner or occupier of premises is responsible for ensuring compliance with this bylaw.
- (2) Any person entity who requires a waste related license or authorization must submit proof of such license or authority to an authorized official upon request.

60.Authorization of an authorized official

- (1) The municipality or a service provider as contemplated in section 64 of this bylaw may authorize any person in its employment to give effect to the provisions of this bylaw.
- (2) A waste management officer, peace officer or any law enforcement officer of the Lekwa Local Municipality is an authorized official.
- (3) The Council shall be entitled to delegate to any other official of the Municipality any of his or her powers or obligations in terms of this bylaw.

61.Functions and powers of an authorized official

An authorized official may execute work, conduct an inspection and monitor and enforce compliance with this bylaw and, as applicable, national and provincial legislation relating to waste management.

62. Service of notices and documents

- (1) A notice or document issued by the municipality in terms of this bylaw must be deemed to be duly authorized if an authorized official signed it.
- (2) If a notice or document is to be served on an owner, occupier or any other person in terms of this bylaw, it shall be deemed to be effectively and sufficiently served on such a person –
 - a. When it has been delivered to him or her personally or to his or her duly authorized agent;
 - b. When it has been left at his or her residence or place of business or employment to a person apparently not less than sixteen years of age and residing or employed there;
 - c. If he or she has nominated an address for legal purposes, having been delivered to such an address;
 - d. If he or she has not nominated an address for legal purposes, having delivered it to the address given by him or her in his or her application for the provision of waste services, for the reception of an account for the provision of waste services;
 - e. When it has been sent by pre-paid registered or certified post addressed to his or her last known address for which an acknowledgement of the posting thereof will be obtained from the postal service;
 - f. In the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
 - g. If such cannot be effected in terms of subsection (a) to (f), by affixing it to a conspicuous place on the premises concerned.

63. Compliance notices

- (1) An authorized official may issue written notices to any person contravening the provisions of this bylaw.
- (2) A notice in terms of subsection (1) must:
 - a. set out the details of the provision of the bylaw that has not been complied with;
 - b. provide the owner, occupier or other party a reasonable opportunity to make representations within a specified period;

- c. specify the steps that the owner, occupier or other person must take to rectify or remedy the failure;
 - d. specify the period within which the owner, occupier or other person must take these steps to rectify the failure; and
 - e. indicate that the municipality may-
 - i. if the notice is not complied with, undertake or allow the work that is necessary to rectify the failure to be undertaken and recover from the owner, occupier or other person the actual cost of such work; and
 - ii. Take any other action it deems necessary to ensure compliance.
- (3) If an owner or occupier or any other person fails to comply with directions given in a notice issued by an authorized official, the authorized official may —
- a. take whatever steps or work it considers necessary and recovers the cost of such actions or work from the owner, occupier or other person; or
 - b. instituting legal proceedings against the owner, occupier or other person in terms of the Criminal Procedures Act, 1977 (Act 51 of 1977);
- (4) In the event of an emergency, the municipality may without prior notice undertake the work contemplated in subsection (3) and recover such costs from the owner, occupier or other person.
- (5) The actual costs recoverable by the municipality in terms of subsections (3) and (4) shall be the full costs associated with such work.
- (6) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of issue of such notice.
- (7) A notice or document issued in terms of subsection (2) is valid until one of the following events occurs:
- a. It is carried out;
 - b. It is cancelled by the authorized official who issued it or, in that persons absence, by a person with similar authority;
 - c. The purpose, for which it was issued, has lapsed.

64. Power of entry and inspection

- (1) An owner or occupier must, on request, allow an authorized official access to premises to carry out such inspection and examination as he or she may deem necessary to investigate any contravention of this bylaw and ensure compliance therewith.

- (2) When accessing the premises, the authorized official must, if requested, identify himself or herself by means of an appointment certificate.

65. Using force to enter

Force may not be used to affect entry to execute work or conduct an inspection on any premises unless an emergency arises.

66. Liabilities and compensation

The municipality will not be liable for damages or compensation arising from anything done by it in terms of this bylaw.

67. False statement or information

No person may make a false statement or furnish false information to the municipality, an authorized official or an employee of the municipality, or falsify a document issued in terms of this bylaw.

68. Appeal

A person whose rights are affected by a decision of the municipality in terms of delegated authority may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

69. Offences

(1) It is an offence for any person to –

- a. Refuse to grant an authorized official access to premises to which that authorized official is duly authorized to have access;
- b. Obstruct, interfere or hinder an authorized official who is executing a power or carrying out a duty under this bylaw;
- c. Fail or refuse to provide an authorized official with a document or information that the person is required to provide under this bylaw;
- d. Give false or misleading information to an authorized official;
- e. Prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of this bylaw;

- f. Pretend to be an authorized official;
 - g. Alter an authorization to an authorized official or written authorization, compliance notice or compliance certificate issued in terms of this bylaw;
 - h. Enter any premises without a written notification in circumstances requiring such notification;
 - i. Act contrary to a written notice or document issued in terms of this Chapter;
 - j. Disclose any information relating to financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of this bylaw, except –
 - i. To a person who requires that information in order to perform a function or exercise a power in terms of this bylaw;
 - ii. If the disclosure is ordered by the court of law; or
 - iii. If the disclosure is in compliance of the provisions of any law.
 - k. Contravene or fail to comply with any of the provisions of this bylaw;
 - l. Fail to comply with any notice issued in terms of this bylaw;
 - m. Fail to comply with any lawful instruction given in terms of this bylaw;
 - n. Contravene or fail to comply with any conditions imposed upon the granting of any license, consent approval, concession, exemption or authority in terms of this bylaw.
- (2) A person who causes or incites another person to commit an offence referred to in subsection (1), or who, being in a position of authority over another person, permits or allows him or her to commit an offense, will be guilty of that offense.

70. Penalties

- (1) Any person who contravenes any of the provisions of section 78, shall be guilty of an offense and liable on conviction to:
- a. A fine or imprisonment or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
 - b. In the case of continuing offense, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offense is continued and,
 - c. A further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

- (2) In addition to any penalty imposed in terms of subsection (1), the municipality may terminate the rendering of waste services to such a person.

71. Application of this bylaw

This bylaw applies to all persons or entities, including organs of State, situated within the area of jurisdiction of the Lekwa Local Municipality.

72. Exemptions

- (1) Any person may, by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this bylaw.
- (2) The municipality may –
 - a. Grant an exemption in writing in which the conditions and terms, if any, and the period for which such exemption is granted is stipulated;
 - b. Alter or cancel any existing exemption or condition in such exemption after due notice to the person concerned; or
 - c. Refuse to grant an exemption in which case reasons for the refusal must be furnished to the person concerned.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2); however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the municipality may revoke the exemption after due notice to the person concerned.

73. Transitional provisions

Any approvals given in accordance with previous bylaws will be valid in respect of the premises for which they were granted and in respect of the person to whom they were granted, but cannot be transferred to any other person.

74. Guidelines

The Municipality may make guidelines not inconsistent with other legislation generally for the better carrying out of the objects and purposes of this bylaw.

75.Repeal of bylaws

The following bylaws are hereby repealed:

76.Short title and commencement

This By-law is called Lekwa Local Municipality: Integrated Waste Management By-law, and comes on the date of publication in the Provincial Gazette.

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