

EMAKHAZENI LOCAL MUNICIPALITY



DRAFT BY-LAWS ON WASTE MANAGEMENT

DRAFT

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EMAKHAZENI LOCAL MUNICIPALITY

CLEANING SERVICES/SOLID WASTE MANAGEMENT BY LAWS

CHAPTER 1

INTERPRETATION AND FUNDAMENTAL PRINCIPLES

Purpose of these By-laws

1. The purpose of these By-laws is to enable Council to provide adequate waste management services; to protect the environment and promote sustainable development; to protect and promote the long-term health and well-being of people in the Municipal jurisdiction by –
 - (a) Providing in conjunction with any other applicable law, an effective legal and administrative framework within which the Council can manage and regulate waste handling, collection, storage, treatment, transportation and disposal;
 - (b) Define the rights and obligations of the Council and the public in relation to this purpose.

Definitions

2. For the purposes of these By-laws, unless the context otherwise indicates

“adequate” means a standard or manner that in the opinion of the Council is sufficient to achieve the purpose and apply the principles of these By-laws.

“animal” means any cattle, sheep, goat, horse, mule, donkey, pig or any miniature of these species as well as any wild animals and pets; and includes any body parts, organs, blood, tissue or skin derived from such an animal.

“approved” means approved by the Council with regard to the fitness and also to the reasonable requirements of the particular case from the point of view of public health, storage, refuse removal or refuse disposal.

“authorised official” means any official of the Council who has been authorized by the Council to administer, implement and enforce the provision of these By-laws;

“bin” means a standard type of refuse bin or container as approved by the Municipality.

“bin liner” means a loose plastic bag as prescribed by the Council and which is being placed inside the refuse bin.

“builders waste” means waste generated by demolition, excavation or building activities on premises; and includes building rubble, earth, vegetation and rock displaced during construction, alteration, repair or demolition.

“bulk garden waste” means waste such as tree stumps, braches of trees, hedge stumps, and branches of hedges and any other garden waste, which by virtue of its mass, shape, size and quantity cannot be removed in a standard refuse bin or a refuse bin liner.

“bulk waste (also bulky waste)” means waste generated on any premises, but which by virtue of its mass, shape, size and quantity cannot be removed in a standard refuse bin, a refuse bin liner or a mass waste container and includes stumps and braches, small building rubble, garden waste, special domestic waste (and excludes noxious waste, industrial waste, special industrial waste, infectious waste, hazardous waste and medical waste).

“bulk volume mass waste container” means a waste container with a capacity of 4.3 cubic meter and more, which may be used for the removal of bulky waste.

“business waste” means waste, other than hazardous waste, medical waste, infectious waste, building waste, industrial waste, garden waste, bulky waste, recyclable waste and special industrial waste, generated on premises used for non-residential purposes.

“charges” also means a tariff, 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.

“Council” means –

- (a) the Emakhazeni Local Municipality established in terms of Part 6 of Proclamation 300, dated 1 October 2000, exercising its legislative and executive authority through its Municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) except for the purpose of Chapters 6 and 8, a service provider appointed / contracted fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Systems Act, 2000, or any other law, as the case may be.

“designated officer” means a person in the employ of the Municipality authorized to perform the functions pertaining to this By-laws.

“domestic waste ” means waste normally generated from a premises used as a residence or private dwelling house, including flats, schools, hostels, boarding houses, compounds, benevolent societies, churches and halls situated on private property and which can be easily removed without damaging the bin liner, but does not include business waste, building waste, garden waste or bulky waste.

“ dry industrial waste” means dry waste generated as a result of manufacturing maintenance, fabricating and dismantling activities and the activities of railway marshalling yards, but shall not include builders waste, special industrial waste, hazardous waste or domestic waste;

“environment” means the surroundings within which humans exist, made up of –

- (a) the land, water and atmosphere of the earth,
- (b) micro-organisms, plant and animal life,

- (c) any part or combination of (a) and (b) and the interrelationship among and between them, and
- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

“Environmental Health Practitioner” means an official appointed by the Council, and who is duly registered as an Environmental Health Practitioner with the Health Professions Council of South Africa in terms of Section 33 (1) of the Medical, Dental and Supplementary Health Services Professions Act, 1974 (Act 56 of 1974); and has the same meaning as “health officer” in terms of the Health Act, 2003 (Act 61 of 2003).

“ garden waste” means waste which is generated as a result of normal gardening activities such as grass cutting, small branches that can fit into a plastic bag or material bag, small stones, leaves, plants and flowers;

“garden services” means a garden service rendered by a private person or company within the area of the Municipality; whose activities includes the cutting of grass, pruning of trees or any other horticultural activity, landscaping, in respect of any domestic, business, commercial or industrial premises;

“generator” means the person or premises where any type of waste is generated and who will be held responsible to ensure that waste is removed in a manner as prescribe by Council;

“hazardous waste” means 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;

“hazardous waste” means waste as defined in the DWAF Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste as waste that has the potential, even in low concentrations, to have a significant adverse effect on public health and the environment because of its inherent toxicological, chemical and physical characteristics, whether alone or in contact with other waste;

“illegal dumping” means the placement of any type of waste on or at any premises, public place or anywhere other than an approved receptacle or a place designated as a waste handling facility or waste disposal facility by the Council.

“industrial waste” means waste generated as a result of manufacturing, maintenance, fabricating, dismantling, mining and related activities (and excluding noxious waste, builders waste, business waste, special industrial waste, domestic waste, medical waste, infectious waste, hazardous waste, and domestic waste);

“infectious waste” means all waste which is capable of causing an infectious disease;

“littering” means any object or matter which is discarded by a person in any place except in an approved receptacle provided for that purpose or at a waste handling facility or waste disposal facility;

“livestock” means the same as animals.

“mass waste container” means a waste container, which may be used for the removal of business waste, industrial waste and garden waste,

“medical waste” means waste emanating primarily from human and veterinary hospitals, clinics and surgeries, also from chemists, sanitary services and which include mortuaries and funeral undertakers. They may comprise of sharps (used hypodermic needles and scalpel blades), pathological waste (body parts, human tissue), blood and body fluids, microbiological waste, surgical waste (soiled bandages, liners, dressings, gloves), and spent or outdated medicines or drugs;

“municipality” means the Emakhazeni Local Municipality, and has the same meaning as Council;

“Municipal Manager” means a person appointed in terms of Section 82 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998).

“noxious waste” means waste which is toxic, hazardous, injurious or harmful and which is detrimental to the environment;

“nuisance” means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste, or by littering;

“occupier (also occupant)” means including 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” means the person in whose name the deed is registered and include, in terms of the Sectional Title Register opened in terms of section 5 of the Sectional Titles Act, 1971, the body corporate, as defined in the Act, in relation to such premises.

“permit holder” means the person to whom the permit has been issued by the Council or Environmental Health Practitioner in terms of these by-laws;

“person in control” means the person actually managing or actually in control of the premises, or the animals, or a contractor working on a premises.

“pet” means any domestic or other animal that may be lawfully kept as a pet and includes any bird and non-poisonous reptile; and includes any body parts, blood, tissue or skin derived from such an animal.

“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 thoroughfare however created which is in the undisturbed use of the public or which the public have the right to use, or any privately owned land or property.

“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 space” has the same meaning as public place;

“reclaimer” means any person who remove selected components from the general waste stream, for re-use or for the purpose of generating an income from the selling of the components; and excludes re-cycling at source.

“recycling” means the removal of selected components from the general waste stream, either mechanically or by hand, for re-use after re-processing.

“refuse” means any household, business, light industrial and garden waste, ash, paper, plastic bags, bottles, tins, or dead animals as approved by Council, and also has the same meaning as waste.

“refuse area” means an area that complies with the requirements as provided by the Council;

“refuse bin/container” means a container as approved by the Manger and Community Services and of which the amount, size and type can be determined by Council and which can be supplied at a fixed tariff or at current tariffs or a rental tariff or in any other way as determined.

“registered service provider” means a service provider, registered with the relevant authorities in terms of the relevant legislation, and who is in possession of a license and/or permit with regards to the collection, treatment, transportation and disposal of hazardous waste, special industrial, medical waste and infectious waste; and/or a service provider registered with the Council with regards to the collection, transportation and disposal of domestic waste, garden waste, business waste and all other waste; excluding hazardous waste, special industrial waste, medical waste and infectious waste.

“SANS Codes” means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice as contemplated in

Government Notice No. 1373 published in Government Gazette 24002, dated 8 November 2002 in terms of the Standards Act, 1993 (Act No. 29 of 1993).

"service" means a waste removal service (in respect of waste whether solid or liquid), which in the opinion of the Municipal Manager is rendered or can be rendered on a regular basis.

"solid waste landfill site" means premises or an area specifically set aside for the disposal of waste and which has been accepted by Council, and which has been registered in accordance with the Environmental Conservation Act, 1989 (Act No. 73 of 1989) as amended and other appropriate legislation or requirements;

"special domestic waste " means waste discarded from premises used for domestic purposes and which cannot by virtue of its mass, shape or size be conveniently stored in a bin;

"special industrial waste" means refuse consisting of a solid, liquid or sludge resulting from a manufacturing process or the pre-treatment for disposal purposes or any industrial liquid waste, which may not be discharged into a drain, municipal sewer or any other unauthorized public place;

"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 acquire a prescriptive or other right of way, or any other word or expression to which a meaning has been assigned in the Road Traffic Act, 1989(Act 29 of 1989), shall have that meaning;

"tariff" means 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;

"transfer station" means a site designated by Council for the disposal and temporary storage of garden waste, small volume builders waste, bulky waste, domestic waste and business waste, and where industrial or hazardous waste, noxious waste, infectious waste and medical waste shall not be allowed.

"unauthorized place" means any place that was not authorized by the Municipality for the discarding of waste.

"waste" also known as general waste and refuse has the same meaning and is any substance that is discharged, emitted deposited, discarded, rejected, unwanted, surplus or an abandoned substance, which may be gaseous, liquid, solid or a combination thereof; and because of its composition and characteristic, pose a significant threat to public health and/or environment. General waste may have insignificant quantities of hazardous substances dispersed within it, for example batteries, insecticides, weed killers and medical waste discarded on domestic and commercial premises.

CHAPTER 2

COLLECTION AND REMOVAL OF BUSINESS AND DOMESTIC WASTE

Duties and Powers of the Municipality

3. (1) The Municipality as the primary service provider in the municipality has a duty to the local community to progressively ensure efficient, affordable, economical and sustainable access to waste management services in its area or part of its area of jurisdiction; at intervals determined by Council.
- (2) This duty is subject to –
 - (a) the duty of members of the local community as users of the municipality's waste management services or any other person making use of the municipality's waste management services to pay, for the provision of the services, the prescribed charges, which must be priced in accordance with any nationally prescribed norms and standards for rates and tariffs; and
 - (b) the right of the municipality to differentiate between geographical areas when providing types of waste management services, without compromising on service equity in line with the Constitution.
- (3) The municipality must as far as is reasonably possible and subject to the provisions of these By-laws, at a cost to users of the services prescribed by the municipality –
 - (a) provide services for the collection and removal of business and domestic waste, and may render a services for the removal of garden waste, bulk garden waste and building waste from a premises at the prescribed tariffs.
 - (b) provide for the collection of waste on a regular basis, except waste in its area of jurisdiction, which is situated at a place which is so isolated or inaccessible that the cost of collecting it would be unreasonably high; and
 - (c) provide access to facilities for the recovery and disposal of waste
- (4) Waste shall be removed according to a program approved by the Municipality,taking into consideration the availability of resources.

- (5) The municipality reserves the right to appoint a service provider for the purpose of any service(s) that must be provided pertaining to this By-law.
- (6) The Council reserves the right to determine the level of service(s) and requirements regarding any contract signed with a service provider with regards to any service(s) as contemplated in this By-law, and may terminate any signed contract in this regard when the level of service(s) that is rendered by a service provider is not to the satisfaction of the Council or as stipulated in the signed contract.

Duties and Responsibilities of Waste Generators

4. (1) The occupier/s and or owner/s of premises on which business or domestic waste is generated must make use of the Council's services for the collection and removal of such waste, except where special exemption is granted.
- (2) The owner/s and or occupier/s of premises on which business or domestic waste is generated, shall be liable individually or jointly to pay the Council for all levies or tariffs in respect of the collection, removal and disposal of business and domestic waste from such premises and all levies payable to the Council must be paid with the understanding that where the Council renders a service whether the service is used or not the owner/s and or occupiers/s shall still be responsible for payment of the applicable levies jointly or individually.
- (3) The owner/s and or occupier/s in respect of individual premises on premises held on the Sectional Title Register opened in terms of section 5 of the Sectional Titles Act, 1986, on which business or domestic waste is generated shall be liable individually to the Council for the levies charged in respect of the collection, removal and disposal of business or domestic waste from such premises and all levies payable to the Council must be paid with the understanding that where the Council renders a service whether the service is used or not the owner/s and or occupier/s still be responsible for payment of the applicable levies, jointly or individually.

Right of Entry to Business, Industrial and Institutional Premises

5. (1) Where the Council provides a waste collection service, the owner/s and/or occupier of the premises shall grant the Council access to the premises for the purpose of collecting and removing waste and shall ensure that nothing obstructs, prevents or hinders the Council in the carrying out of its services.
- (2) Where, in the opinion of the Council the collection or removal of waste from any premises is likely to result in damage to the premises or the Council's property, or injury to the waste collectors or any other person, if any, as a condition of rendering a waste collection service in respect of the premises, require the owner/s or occupier/s to indemnify the Council in writing in respect of any such damage or injury or any claims arising out of either.
- (3) Any duly authorized employee of the municipality is entitled to enter, during normal working hours, premises in respect of which the municipality's waste management services are rendered –
 - (a) for collecting and superintending the collection of waste;
 - (b) for inspecting or replacing receptacles, containers or bundles;
 - (c) inspecting the means of access to the premises in general or the place where waste receptacles or containers are kept so as to ensure that they are accessible and convenient for the collectors; and
 - (d) generally for ensuring that the provisions of these By-laws are complied with.
- (4) An occupier of premises may not –
 - (a) refuse access to the premises to an authorized employee of the municipality in the performance of his or her duties;
 - (b) obstruct or impede such employee in the performance of his or her duties; or
 - (c) omit or refuse to give to an employee of the municipality any information lawfully required for the proper discharge of the employee's duties, or supply false information.
- (5) The occupier of premises whom the municipality has notified that the premises are dangerous for removal of waste because of –
 - (a) the existence on the premises of a vicious animal; or

- (b) any other reason which renders the premises dangerous, must, on the day on which waste is collected from the premises, place for collection all refuse bins or other containers, packages or bundles of waste outside the premises at a time and for a period as specified in the notice.
- (6) A person who contravenes a provision of section 5 commits an offence and will be liable to a fine.

6. Right of Entry to Residential Premises

- (1) Where the council has to enter residential premises for generally ensuring that the provisions of these By-laws are complied with, the owner/s and or occupier/s of the premises shall grant the council access to the premises for this purpose [Read together with Section 9(1)].

7. Interference with a refuse bin

- (1) No person other than a person employed by the municipality in connection with the municipality's waste management services may, where a refuse bin is placed in a street or public place for the purpose of its contents being removed by the municipality, sort over, interfere with or disturb the contents of the receptacle.
- (2) A person who contravenes a provision of subsection 1 commits an offence and will be liable to a fine.

8. Transport of waste

- (1) A person removing or conveying waste along any public road, public place in or through an area owned or managed by the municipality –
- (a) must ensure that the receptacle, vehicle or conveyance in which the waste is carried is of a type and design approved by the municipality;
 - (b) must ensure that refuse bin, vehicle or conveyance has a body of adequate size and construction for the type of waste being transported;
 - (c) must remove or convey the waste in such a manner as will prevent any nuisance resulting there from or the escape of the contents or materials therein;
 - (d) must maintain the refuse bin, vehicle or conveyance in a clean, sanitary and roadworthy condition at all times;
 - (e) may not cause or permit any waste being transported to become detached, leak or fall from the refuse bin, vehicle or

- conveyance transporting it, except at a waste disposal facility; and
- (f) must ensure that the waste is deposited at a waste disposal facility that is approved to accept such waste.
- (3) A person who contravenes a provision of subsection 1 commits an offence and will be liable to a fine.

9. Notice to Council

- (1) The occupier or owner or in the case of more than one, the occupiers and owners of a premises, on which business waste or domestic waste is generated, shall within seven days after the commencement of the generation of such waste notify the Council in writing-
- (a) that the premises is being occupied; and
- (b) whether business waste or domestic waste is being generated on the premises.

10. Provision of refuse bins

- (1) After notification in terms of section 9, the Council shall after investigation, determine the number of approved refuse bins/containers required on such premises.
- (2) The municipality may, where necessary, prescribe the type, size and number of refuse bins to be provided on a premises and may by written notice require the occupier / owner/ generator to comply with the notice.
- (4) The owner/s, occupier/s or generators of a premises shall be responsible at his or her own expense a sufficient number of portable, covered refuse bins of a size, design and in such a state as approved by the municipality for the storage of the maximum quantity of waste that is likely to accumulate on the premises during any period of seven days; or as required by the Council from time to time.
- (5) The Council may by Council resolution, issue refuse bins free of charge to any registered owner/s or occupier/s of a stand, or a specific ward.
- (6) The Council may issue refuse bins free of charge to any business, school or non-profit organization initially and thereafter the business, school or non-profit organization will be liable for the replacement cost should any loss or damage occur.

- (7) The Council may notify the occupier/s or owner/s of the premises to provide refuse bins of a type, size, amount and place it at an prescribed location; and should the occupier fail to do so in the time specified in the notice, provide refuse bins and debt the municipal account of the occupier for the amount thereof.
- (8) The Council may deliver a predetermined number and type of refuse bin/s in terms of section 10(1), to an owner/s or occupiers of a business premises where business waste is generated and stored, and the cost incurred be for the account of the relevant business owner/s
- (9) The Council may deliver mass waste container/s to premises if, having regard to the quantity of waste generated on the premises concern, the suitability of such waste for storage in containers, and the accessibility and adequacy of the space provided by the owner/s and or occupier/s of the premises to the waste collection vehicles, and it considers mass waste containers more appropriate than standard waste containers for the storage of the waste.
- (10) The municipality reserves the right to determine the size and type of refuse bins to be used.

Placing of refuse bins

11. (1) The occupier/s or owner/s of premises shall provide a waste area with sufficient space and adequate size at an approved place on the premises and any other facilities considered necessary by the municipality on the premises for the storage of the bins/containers.
- (2) The space provided in terms of subsection (1), shall-
 - (a) be in such a position on the premises as will allow the storage of refuse bins/containers without them being visible from a street, a public place, or any other premises except if determined otherwise by Council;
 - (b) where business waste is generated on the premises, be in such a position as will allow the collection and removal of such waste by the Council's employees without hindrance;
 - (c) with regards to business refuse bins/container be so located as to permit convenient access to and egress from such space for the Council's refuse collection vehicles;
 - (d) be kept in clean, neat and hygienic conditions and be free of rodent and vector infestations.

- (e) with regards to business refuse bins/containers, be sufficient to house all waste, including the materials and any containers used in sorting and storage of the refuse contemplated in section 11(1) and 13(7).
- (3) No refuse bins must be placed at a location where it may cause a nuisance or hindrance to either the public or occupiers of adjacent premises.
- (4) The owner/s or occupier/s of a residential premise shall put out all domestic waste on the day of removal as determined by the Council, in either a properly closed plastic refuse bin liner or in an approved refuse bin. The use of refuse bin plastic liners and/or approved refuse bins, which can be placed depending on the quantity and composition of the waste as well as the refuse removal equipment available in a specific area to remove the waste. The plastic refuse bin liner and or approved refuse bin must be placed on the outside of the premises next to the street boundary near the entrance or driveway entrance, only on the day of removal.
- (5) If required by the Council, the place of collection shall be located as to permit convenient access to and exit from such space for the Municipal refuse collection vehicles.
- (6) A sufficient approved area shall be provided to keep a special refuse bin for the storage of waste as described in section 12(1) (a), apart from the space necessary for the storage of waste not kept in a special refuse bin.
- (7) The Council may at its discretion, indicate a position from where the waste may be removed more conveniently.
- (8) Notwithstanding anything to the contrary, the Council may-
 - (a) in the event of the Council, in its opinion, being unable to collect and remove business waste from the space provided in terms of subsection (1), and having regard to the avoidance of nuisance and the convenience of collection of waste, indicate a position within or outside the premises where the bin liners shall be placed for the collection and removal of such waste and bin liners shall then be placed in such position at such times and for such periods as the Council may prescribe.

12. Use and care of refuse bins and bin liners

- (1) Every occupier/s or owner/s of premises, shall ensure that-

- (a) all domestic or business waste generated on the premises, except where bulk containers are being used, is placed and kept in either a plastic refuse bin liner/s or refuse bin/s, whereby the use of plastic bin liners or approved refuse bins shall be determined by Council from time to time, for the removal by the Council: Provided that the provision of this subsection shall not prevent any occupier, or owner, as the case may be, who has obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper glass, or otherwise disposing of any swill corrugated cardboard, paper glass, or other material being an element of business waste, for recycling in a manufacturing process, or in the case of swill, for consumption;
 - (b) no hot coal ash, unwrapped glass or other business or domestic waste, which may cause damage to refuse bin liners, refuse bins/ containers, or waste collection vehicles or equipment; or which may cause injury to the Council's employees while carrying out their duties in terms of these regulations, is placed in refuse bin plastic liners or an approved refuse bin before he has taken such steps as may be necessary to avoid such damage or injury.
 - (c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render such bin liners or refuse bins/containers unreasonably difficult for the Municipal employees to handle or carry, is placed in such bin liners or refuse bin;
 - (d) every refuse bin/container on the premises is covered; except when waste is being deposited therein or discharged thereof, and that every refuse bin/container is kept in a clean and hygienic condition;
 - (e) refuse bin liners or refuse bins/containers, which are put out on the day of removal, is properly tied up or closed and that the content thereof cannot pollute the environment.
 - (f) refuse bins are not broken or damaged in such a way that it may cause spilling of waste; or may cause injury to any person or Council employee.
- (2) No refuse bin/container may be used for any purpose other than the storage of business, industrial or domestic waste and no fire shall be lit in such refuse bin/ container.

- (3) The bin liners or refuse bins/ containers shall be removed or emptied by the municipality, at such intervals as the Council may deem necessary, only if such bin liners or refuse bins/ containers are placed at the prescribed places as provided for in section 11.
- (4) The owner/s and or occupier/s of a premises to which refuse bins/containers were delivered in terms of section 10(4), 10(5), 10(7) and 10(8), shall be liable to the Council for the loss thereof and for all damage caused thereto except for such loss or damage as may be caused by the employees of the Council.
- (5) The owner/s and/or occupier/s of a premises which contravenes the provisions of sub-section 12(b) and 12(f), shall be liable to the Council for the damage to equipment or injury of municipal employees in performing their duties.

Compaction of waste

13. (1) Should the quantity of business waste generated on premises be such as to require the daily removal of more than the equivalent of a mass waste container and should, in the opinion of the Council, the major portion of such waste be compactable, or should the owner/s and or occupier/s of premises wish to compact any volume of such waste, such owner/s and occupier/s shall compact that portion of such waste that is compactable and shall put it into an approved container or wrapper, and the provision of section 10 shall not apply to such compactable waste, but shall apply to all other waste.
- (2) The capacity of the wrapper mentioned in subsection (1) shall not exceed 85 liters and the mass of the wrapper and contents shall not exceed 35 kilograms.
- (3) After the waste, treated as contemplated in subsection (1), has been put into the wrapper, it shall be placed in the refuse container or other approved container and shall be stored so as to prevent damage to the wrapper or any nuisance arising until collected.
- (4) The containers or wrappers mentioned in subsection (1) shall be supplied by the owner/s and or occupier/s of the relevant premises.
- (5) Any container used in terms of subsection (1) shall be collected, emptied and returned to the premises by the Council at such intervals, as it may deem necessary.
- (6) The owner/s and or occupiers/s of the premises shall prepare the container for collection and reconnect it to the compaction equipment forthwith after its return by the Council to the premises.

- (7) The provisions of this section shall not prevent any owner/s or occupier/s of premises who has obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material for recycling in a manufacturing process or, in the case of swill, for consumption.

CHAPTER 3

STREET REFUSE BINS

14. Use of street refuse bins

- (1) A street refuse bin is solely for the use of pedestrians. No person/s may dispose or cause any domestic or business waste to be disposed in a street refuse bin.
- (2) A person contravening the provision of subsection (1) is committing an offence and will be liable to a fine.

15. Damaging of street refuse bins and other refuse equipment

- (1) No person shall –
- (a) damage or cause a street refuse bin or other refuse equipment to be damaged,
 - (b) put any unauthorized stickers or advertisement on any Council street refuse bin or equipment without prior written consent of the Council.
- (2) It is the responsibility of the person, or in the case of an organization, association, business, or any other institution, the responsible person, who has put any sticker or advertisement on a Council street refuse bin or other refuse equipment, to remove such sticker/s or advertisement to the satisfaction of the Council and shall be liable for the costs involved.
- (3) If a person, association, organization, business or any other institution has contravened the provisions as contemplated in subsection (1) and (2), the Council shall repair or replace the damaged street refuse bin(s) or remove such sticker(s) or advertisements to the satisfaction of the Council and the responsible person shall be liable for the costs involved.
- (4) If it can be proved that a person, association, organization, business or any other institution has damaged a Council street refuse bin or equipment, or has put any sticker or advertisement on such a bin or equipment without prior consent of the Council, the person, organization, association, business or any other institution

shall be responsible for the costs involved for the repairs or replacement of bins or equipment which are necessary on the street refuse bin or refuse equipment.

- (5) A person contravening the provision of section 15, in addition to cost involved, will be guilty of an offence and will be liable to a fine

16. Private street refuse bins

- (1) No person or company shall place any private street refuse bin within the Council's jurisdiction, without the prior written approval of the Council.
- (2) Should approval be granted, the Council shall, in consultation with the person or company determine the position(s) where Private Street refuse bins may be placed.
- (3) A person contravening any provisions of subsection (1) is committing an offence and is liable to a fine.

17. Placing of street refuse bins

- (1) The Council shall determine the number, type and position of any Council refuse bin or private street refuse bin within the Municipality.
- (2) No person shall remove, replace or shift any Council or private street refuse bin without the prior approval of the Council.
- (3) The Council reserves the right to remove or shift any Council or private street refuse bins at any time.
- (4) The Council reserves the right to request the removal and/or replacement of any damaged, dilapidated or unsightly private street refuse bins.
- (5) A person contravening any provisions of subsection (2) is committing an offence and is liable to a fine

CHAPTER 4

GARDEN, SPECIAL DOMESTIC AND BULKY WASTE

18. Removal and disposal of garden, special domestic and bulky waste

- (1) Owner/s and or occupier/s of premises on which garden, special domestic or bulky waste is generated, shall ensure that such waste is disposed of in terms of this chapter within a time considered reasonable by the Council after the generation thereof. Provided

that garden waste may be retained on the premises in a manner approved by Council for the making of compost.

- (2) Any person may operate a garden waste removal service. Where the Council provides such a service, it shall be done at the tariff charge and the Council's container service must be requested.
- (3) Any person may remove and dispose of garden, special domestic or bulky waste: Provided that once it has been removed, either free of charge or at a prescribed tariff as determined by Council, from the premises on which it was generated, it is deposited on a Council approved solid waste landfill site or transfer station.
- (4) The municipality may by notice at any time limit the amount of garden waste collected by the municipality from households in conjunction with the normal collection of domestic waste; and may impose tariffs for removing the excess garden waste that was not removed during the normal collection of domestic waste.
- (6) An occupier may compost garden waste on the property, provided that such composting does not cause a nuisance and provided that the quantity of the compost does not exceed the quantity that could be required for gardening purposes on the premises where it is composted.
- (7) A person who contravenes the requirement in terms of this section is committing an offence.

19. Special service rendered by Council

19. (1) At the request of the owner or any occupier of any premises, the Council may remove garden, special domestic and bulky waste from a premises, provided that the Council is able to do so with its waste removal equipment. All such waste shall be placed within 3 meters of the boundary loading point, but not on the sidewalk. The cost of this service will be the same as the tariff charged when a bulk-volume-mass-waste container/s were requested or at such tariffs that the Council may approve from time to time.
- (2) The Council shall, depending on the availability of the Council's own purpose made bulk-volume-mass-waste containers for the removal of garden, special domestic, small volume builders waste and bulky waste, let a bulk-volume-mass-waste container at a tariff and conditions predetermined by Council from time to time, to any owner or occupier;
- (3) The Council shall deliver the bulk-volume-mass-waste containers

mentioned in subsection (2) on the outside of the premises next to the street boundary near the entrance or driveway entrance, in accordance with all road traffic and safety legislation.

- (4) The Council may place a bulk-volume-mass-waste container/s in any predetermined area or public space to be used free of charge by the community, in which any waste may be deposited.
- (5) The Council shall deliver or place the bulk-volume-mass-waste container mentioned in subsection (4) in accordance with all road traffic and safety legislation and no person shall remove or move such a container from the position where the Council has placed it.
- (6) The Council shall not be liable for the loss or for any damage to private property, which is caused on or in private property, due to the delivery of a bulk-volume-mass-waste container mentioned in subsection (2).
- (7) A person contravening any provisions of subsection (5) is committing an offence and is liable to a fine

CHAPTER 5 BUILDERS WASTE

Responsibility for builders waste

20. (1) The owner/s and or occupier/s of premises on which builders 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 in terms of section 21 within a time determined by Council after the generation thereof.
- (2) Any person may operate a builders waste removal service. Should the Council provide such a service, it shall be done at the tariff charge and the Council's container service shall be requested.
- (3) No person shall, subject to any provisions to the contrary in these By-laws contained –
 - (a) leave any builders waste or allow any under his control to be left at a place, other than a solid waste landfill site or transfer station, with the intention of abandoning it;
 - (b) store or leave builders waste or allow any under his control to be left on any open space or any property which is not registered in his name;
 - (c) store or leave builders waste or allow any under his control to be stored or left on any property for a period exceeding

30 days after completion of the building project; except when prior written consent was obtained from the municipality.

- (4) If it has been proved that such person left or allowed builders waste to be at a place of which he is not owner or occupier he shall be deemed to have contravened the provisions of subsection (1), unless and until he proves the contrary.
- (5) Any person who contravenes the provisions of subsection (1) or (3) shall be guilty of an offence and shall be instructed by Council to remove the abandoned or stored builders waste within a specified period of time and failing to do so be liable to a fine.

Disposal of builders waste

21. (1) Subject to the provision of subsection (2), all builders' waste shall be deposited at a solid waste landfill site or transfer station approved by Council.
- (2) For the purpose of reclamation of land, builders waste may with the written consent of the Council, be deposited at a place other than a solid waste landfill site approved by the Council.
- (3) Any consent given in terms of subsection (2) shall be subjected to such conditions as the Council may deem necessary: Provide that in giving or refusing its consent or in laying down conditions the Council shall have regard to the following:
 - (a) public safety;
 - (b) the environment of the proposed disposal site;
 - (c) the suitability of the area including the drainage thereof;
 - (d) the expected manner and times of depositing of waste at the site;
 - (e) the leveling of the site;
 - (f) the control of dust;
 - (g) other relevant factors as may be determined by Council;

CHAPTER 6

SPECIAL INDUSTRIAL WASTE AND HAZARDOUS WASTE

Notification of generation of special industrial waste and hazardous waste

22. (1) The person engaged in the activity which causes special industrial waste and/or hazardous waste to be generated, shall inform the Council in writing, prior to the generation of such waste, of the composition thereof, the quantity generated, how it is stored, the duration of storage, the frequency of collection, the manner in which it will be collected and disposed of, and the identity of the licensee and/or registered service provider who will collect and remove such waste: Provided that if such waste is being generated as a result of activities which commenced prior to the commencement of these By-laws, the generator must notify the municipality as contemplated in this subsection within 90 days of the commencement of these By-laws.
- (2) If so required by the Council, the notification referred to in subsection (1) shall be substantiated by an analysis certified by a qualified industrial chemist, at the cost of the person engaged in the activity in (1) above.
- (3) The Council or any person authorized by the Council may enter any premises at any reasonable time to ascertain whether special waste and/or hazardous waste is generated on such premises to ascertain its composition.
- (4) Having notified the Council in terms of section (1) above, the person mentioned in section (1) shall notify the Council of any changes with respect to the generation, composition, quantity, storage, method or location of disposal of the special industrial waste and/or hazardous waste occurring thereafter.
- (5) Council has the right to recommend, prescribe and monitor methods regarding all aspects of collection frequency, storage, transport and disposal specifications regarding special industrial waste and hazardous waste.
- (6) A person contravening any provisions of subsection (1) and or (4) is committing an offence and is liable to a fine

23. Storing of special industrial waste and/or hazardous waste

- (1) The person referred to in section 22 (1) shall ensure that the special industrial refuse and /or hazardous waste generated on the premises is kept and stored thereon in terms of this section until it is removed from the premises in terms of section 24.
- (2) Special industrial refuse and/or hazardous waste stored on the premises shall be stored in such a manner that it cannot cause a nuisance, health risk or pollute the environment in accordance with the requirements of any applicable legislation relating thereto.

- (3) Special industrial waste and hazardous waste must be stored in an approved refuse bin or container for a maximum period as prescribed by the relevant legislation and/or permit conditions, taking into consideration the composition of the waste, before collection: Provided that the accumulation of such waste does not cause a nuisance or health risk and do not accumulate to such quantities that it causes a nuisance, obstruction, safety risk or health risk.
- (4) If special industrial waste and/or hazardous waste is not stored in terms of this section on the premises on which it is generated, the Council may order the owner of the premises and the person referred to in section 22(1) to remove such waste within a specific time and if thereafter such waste is not removed within such time, the Council may by itself or through a contract remove it at the expense of the owner.

Removal of special industrial waste and / or hazardous waste

24. (1) Only a service provider who complies with the provisions of SANS 0228 or other relevant legislation shall transport special industrial waste or hazardous waste and must do so in accordance with the requirements of the relevant SANS Codes, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness, and documentation relating to the source, transportation and disposal of such waste, and subject to the requirements of any other legislation.
- (2) The Council may, in addition to any legislative requirements, lay down conditions in terms of subsection (1). In laying down conditions the Council shall have regard to -
 - (a) the composition of the special industrial waste and/ or hazardous waste;
 - (b) the suitability of the vehicle and container to be used;
 - (c) the place where the refuse shall be disposed; and
 - (d) proof to the Council of such disposal.
- (3) The person referred to in section 22(1) shall inform the Council, at such intervals as the Council may stipulate, having regard to the information to be given to the Council in terms of section 22(1), of the removal of special industrial refuse and/or hazardous waste, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial waste and/ or hazardous waste removed as well as the location of the site where

the special industrial waste or hazardous waste was treated and/ or disposed.

- (4) Should any person be convicted of contravening the provision of this section, such person shall in addition to any penalty imposed on him, dispose of the special industrial waste or hazardous waste as directed by the Council, or the Council or any approved contractor may dispose of such special industrial or hazardous waste and recover the costs from such person.
- (5) In case of any spillage or illegal dumping of special industrial waste or hazardous waste, such waste must be removed, treated, disposed, the area cleaned and rehabilitated by the generator to the satisfaction of the Council.
- (6) Should the generator fail to comply to the provisions of subsection (5), the Council will undertake to remove, treat, dispose, clean and rehabilitate the area or alternatively appoint a registered service provider to do so, and the costs will be recovered from the generator and the generator will be liable to a fine.
- (7) A person contravening any provisions of section 24 is committing an offence and is liable to a fine

CHAPTER 7

MEDICAL AND INFECTIOUS WASTE

25. Generation of medical and /or infections waste – notification

- (1) The person engaged in the activity which causes medical and/or infectious waste to be generated, shall inform the Council of the composition therefore, the quantity generated, the frequency of collection, the manner in which it will be collected and disposed of, and the identity of the licensee and/or registered service provider who will collect and remove such waste: Provided that if such waste is being generated as a result of activities which commenced prior to the commencement of these By-laws, the generator must notify the municipality as contemplated in this subsection within 90 days of the commencement of these By-laws.
- (2) If so required by the Council, the notification referred to in subsection (1) shall be substantiated by an analysis certified by a qualified industrial chemist, at the cost of the person engaged in the activity in (1) above.

- (3) An Environmental Health Practitioner or any person authorized by the Council may enter any premises at any reasonable time to ascertain whether medical and or infectious waste is generated on such a premises.
- (4) Having notified the Council in terms of subsection (1), the person mentioned in subsection (1) shall notify the Council of any changes with respect to the generation, composition, quantity, storage, method or location of disposal occurring thereafter.
- (5) A person contravening any provisions of subsection (1) and or (4) is committing an offence and is liable to a fine.

Storing of medical and/or infectious waste

26. (1) The person referred to in section 25(1), shall ensure that the medical and or infectious waste generated on the premises is kept and stored thereon in terms of subsection (2) until it is removed from the premises in terms of section 27.
- (2) Medical and/ or infectious waste stored on the premises shall be stored in a medical and/or infectious waste container as prescribed by the applicable legislation, separately from business and /or domestic waste and in such a manner that it cannot cause a nuisance, pose a danger to any person (on the premises),or pollute the environment.
- (3) The containers from medical and/or infectious waste must comply with the following minimum requirements:
 - (a) All infectious waste must be placed at the point of generation into a container as prescribed by relevant legislation and be of the applicable color code for the various forms of medical / infectious waste;
 - (b) The container used for the storage of sharp objects must be constructed of such a material that the object cannot pierce the container. The container must be fitted with a safe and hygienic lid which must be sealed after use;
 - (c) The container used for the removal of other contagious materials has to be manufactured of a material, which will prevent leakage. The container has to be equipped with a safe and hygienic lid, and has to be sealed after utilization; and
 - (d) All containers must be clearly marked with the universal bio-hazardous waste symbol.

- (4) If medical and/or infectious waste is not stored in terms of subsection (1) and (2) on the premises on which it is generated, the Environmental Health Practitioner or a authorized official of Council may order the owner/s or occupier/s of the premises and the person referred to in section 25(1) to remove such waste within a reasonable time and, if thereafter such waste is not removed within such time, the Council may by itself or through any person remove it at the expense of the owner/s and/or occupier/s.
- (5) The person referred to in section 25(1), shall bear all the medical and analysis cost in the event of a needle prick or contamination as a result of medical and or infectious waste added to business – or domestic waste and shall further face criminal charges for this act .
- (6) The Council may remove, or appoint an registered service provider to remove medical waste from a medical waste generator, and all costs incurred will be recovered from the generator.
- (7) Medical or infectious waste must be stored in an approved refuse bin or container and for a period not exceeding 60 days or any other maximum period stipulated by the municipality, before collection: Provided that the waste or quantities of waste does not cause a nuisance or health risk and do not accumulate to such quantities that it causes a nuisance, obstruction, safety risk or health risk.
- (8) A person contravening the provisions of section 26 is committing an offence and will be liable to a fine

Removal of medical and/or infectious waste

27. (1) No private company/ service provider shall remove medical and/ or infectious waste from any premises in the jurisdictional area of the Municipality unless it complies to the provisions of all applicable SANS codes and the relevant legislation.
- (2) Only a service provider that comply to the applicable SANS codes and relevant legislation may transport medical or infectious waste and must do so in accordance with the requirements of the relevant legislation, as well as the relevant SANS Codes, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness, and documentation relating to the source, transportation and disposal of such waste, and subject to the requirements of any other legislation.

- (3) The person referred to in section 25 (1) shall inform the Council, at such intervals as the Council may stipulated, having regard to the information to be given to the Council in terms of section 25(1), of the removal of medical and/ or infectious waste, the identity of the remover, date of such removal, the quantity and the composition of the waste as well as the method and location of treatment and/or disposal of the medical or infectious waste.
- (4) No person shall dispose of any medical and/or infectious waste by incineration, unless the incinerator is licensed/permitted by the relevant authority to incinerate such waste at an incinerator complying with all relevant legislation.
- (5) A generator and/or registered service provider must be in possession of proof of safe disposal/destruction certificate after disposing of the medical and infectious waste.
- (6) Should any person be convicted of contravening the provisions of this section, such person shall in addition to any penalty imposed on him, dispose of the medical and/or infectious waste as directed by the Council within a specified time, or the Council may appoint a registered service provider to dispose of such medical and/or infectious waste and recover the costs incurred from such person.
- (7) In the case of illegal dumping of medical or infectious waste, such waste must be removed, treated, disposed, the area cleaned and rehabilitated by the generator to the satisfaction of the Council.
- (8) Should the generator fail to comply to the provisions of subsection (7), the Council will undertake to remove, treat, dispose, clean and rehabilitate the area or alternatively appoint a registered service provider, and the costs will be recovered from the generator and the generator will be liable to a fine.
- (9) A person contravening the provision of section 27 is committing an offence and will be liable to a fine.

Provision of medical/infectious waste containers and/or collection services by Council

28. (1) The Council may provide a service or appoint a service provider for the collection and removal of medical and/or infectious waste from premises at a prescribe tariff. A person engaged in an activity which causes medical and/or infectious waste to be generated, shall then use the Council's service for the collection and removal of all such waste, except in cases where special exemption is granted. The services will be available under the following conditions:

- (a) The medical and/or infectious waste container remains the property of the Council or the service provider.
 - (b) Once the Council or service provider delivers the medical and/or infectious waste container to the user, the onus is placed on the user to ensure the safety of the medical and/or infectious waste container.
 - (c) The user may place no lettering, sign, insignia, advertisement or other device on the medical and/or infectious waste container.
 - (d) The user must ensure that the medical and/or infectious waste container is stored in a cool, dry and well-ventilated room, with hygienic, clean and neat conditions.
 - (e) The user must ensure that the full medical and or infectious waste container is properly sealed and closed prior to the collection thereof by Council or service provider.
 - (f) The user must not overload or overfill the medical and or infectious waste container.
 - (g) The user must ensure that the new container is received and returned in an undamaged condition after usage.
 - (h) The medical and infectious waste container must be used strictly for the purpose of storing the medical/infectious waste for which it has been designed and approved according to the relevant legislation.
 - (i) The user is responsible for ensuring that the containers are used in accordance with paragraph (h). Should it come to light that the user did not place the medical and or infectious waste in the correct container and an incident occurs, the user will be held liable.
 - (j) The user must ensure that any waste products that consists of blood and/or body fluids are placed in a sealed plastic container with plastic lining specially supplied for this purpose to prevent any leakages.
- (2) A person contravening any provisions of section 28 is committing an offence and is liable to a fine.

CHAPTER 8

RECYCLING OF WASTE

Recycling at the source

29. (1) Any person may recycle waste at the source, either by hand or by a mechanized process.
- (2) If waste is recycled at the source, the owner or occupier must ensure that the recycled waste is clearly identified and separated from the general waste stream.
- (3) All recycled waste shall be kept or stored in a refuse bin or container, or any other area approved by Council.
- (4) The occupier/owner of premises where waste is been recycled or stored must ensure that no nuisance occurs on the premises.
- (5) If a nuisance occurs on any premises where recycled waste is separated, kept, or stored, the Council may instruct the occupier/owner of the premises to remove the recycled waste or take steps to rectify the nuisance, and any costs incurred in the process of rectifying the nuisance to be for the account of the relevant owner/s and or occupier/s.

Recycling at the landfill sites and transfer stations

30. (1) No person who does, or intends to do recycling at any municipal solid waste landfill site or transfer station, shall do recycling without a permit issued by the Council and/or a signed contract between the re-claimer and the Council.
- (2) Any person authorized/permitted to do recycling at any municipal solid waste landfill site or transfer station, shall ensure that-
- (a) all activities pertaining to recycling of the waste, complies to all conditions that is determined by the permit and/or signed contract by the municipality;
- (b) the recyclable material is kept neatly together in bundles, bags or containers at an area demarcated by the municipality;
- (c) any unwanted material he or she has collected is put back into the waste stream, landfill site or transfer station;
- (d) the immediate area around his recyclable materials is kept in a clean and litter free condition;

- (e) the recycled material is removed within a specified time as determined by Council;
- (3) No person who is permitted to do recycling at any municipal solid waste landfill site or transfer station, shall –
- (a) interfere with the operations at the landfill site or transfer station;
 - (b) cause a nuisance;
 - (c) cause waste collected for re-cycling purposes to accumulate for a period exceeding 30 days or any such period as may be determined by Council;
 - (d) cause waste collected for re-cycling purposes to accumulate to such quantities that it may cause a nuisance or an obstruction.
- (4) The Council may-
- (a) draw up and sign a written contract between the Council and any person who intends to recycle or does recycling at any municipal solid waste landfill site or transfer station;
 - (b) issue a permit to any person who intends to recycle or does recycling at any municipal solid waste landfill site or transfer station;
 - (c) levy a monthly fee to all authorized person/s doing recycling at a municipal solid waste landfill site or transfer station;
 - (d) renew a permit annually;
 - (e) withdraw a permit or signed contract at any time;
 - (f) remove any recycled material which is not removed within a specified period of time, or which is causing an obstruction or nuisance;
 - (g) refuse any access to any unauthorized person/s, claiming to do recycling at any municipal solid waste landfill site or transfer station.
- (5) The Council reserves the right to not permit any recycling activities at a municipal solid waste site or transfer station.
- (6) The Council reserves the right to use a service provider for the purpose of recycling at a municipal solid waste dumping site or transfer station.
- (7) A person contravening any provisions of subsection (1), (2) or (3) is committing an offence and is liable to a fine

Recycling on private, residential or any other premises

31. (1) No person shall accumulate recycled waste on a residential premises, except for the purpose of recycling waste at source.
- (2) No person shall accumulate recycled waste on a business or industrial premises, except for the purpose of recycling waste at source, without prior written consent of the municipality and a permit issued by the municipality, provided that –
 - (a) the premises is kept in such conditions as prescribed by the municipality;
 - (b) no nuisance is caused;
 - (c) no waste collected for re-cycling purposes may accumulate for a period exceeding 30 days.
- (3) Any person contravening subsection (1) or (2) shall be instructed by the Council or authorized official to remove the refuse within a specified period of time.
- (4) When a person fails to remove the collected waste within the specified period of time, the municipality will take steps to remove the waste and rectify the nuisance, and any costs incurred in the process of removing the waste or rectifying the nuisance will be for the account of the relevant owner/s and or occupier/s.
- (5) Permits for the purpose of recycling on business or industrial stands shall be renewed annually by the municipality.
- (6) Failure to comply to subsection 1 or 2 above shall be an offence and liable to a fine.

CHAPTER 9

SOLID WASTE LANDFILL SITES AND TRANSFER STATIONS

Conduct a solid waste landfill sites and transfer stations

32. (1) Any person who, for the purpose of disposing waste, enters a landfill site or transfer station controlled by the Council, shall
 - (a) enter the landfill site or transfer station only at an authorized entrance;
 - (b) provide the Council with all the particulars required with regard to the composition of the refuse; and

- (c) follow all instructions issued to him/her with regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.
- (2) No person shall –
- (a) dispose of waste at a solid waste disposal site where the disposal of the waste concerned is not permitted;
 - (b) bring intoxicating liquor or narcotic substances onto a solid waste landfill site or transfer station controlled by the Council or enter such facility under the influence of liquor or such substance;
 - (c) enter a solid waste landfill site or transfer station controlled by the Council for any purpose other than the disposal of waste in terms of these By-laws and then only at such times and between such hours as the Council may determine from time to time;
 - (d) reside in or around the outside fenced boundaries of the solid waste disposal site or transfer station; and in the case where no fencing exists, in close proximity of the solid waste disposal site or transfer station;
 - (e) light a fire on a solid waste disposal site or transfer station without prior written consent of the person in charge of the municipality.
- (3) The person in charge of a solid waste disposal site or transfer station may at any time require a vehicle or a container on a vehicle brought into the waste disposal facility for the purposes of disposing of waste, to be weighed at a weighbridge.
- (4) The person in charge of a solid waste disposal site or transfer station or an authorized official may, at a waste disposal facility, inspect the content and nature of waste to be disposed of or processed and may take samples and test any waste found on any vehicle to ascertain its composition.
- (5) Any person contravening any preceding provisions of this section, may be refused entry or instructed by the person in charge or by an official of the municipality to leave a waste disposal facility and if such person fails or refuses to comply with such instructions, he or she may be removed from such facility by a member of the Traffic Section of the Municipality or the Police Department.
- (6) The municipality reserves the right to remove any illegal structures from or in close proximity of the waste disposal site.

- (7) Any person who contravenes subsection (2)(a) or (2)(e) , in addition to a fine, will be liable for all costs reasonably incurred by the municipality in removing or otherwise dealing with the waste concerned or for any damage to property or assets.
- (8) Any person who contravenes subsection (6) will be liable for all costs reasonable incurred by the municipality in removing or otherwise dealing with the illegal structure.

The ownership of waste

33. (1) All waste removed by the Council and all refuse on solid waste landfill site or transfer station controlled by the Council shall be the property and responsibility of the Council and no person who is not duly authorized by the Council to do so, shall removed it or interfere with it.
- (2) Only waste, excluding any hazardous waste, medical or infectious waste or special industrial waste, which is generated on premises within the Municipal area of jurisdiction, may be disposed of on the solid landfill sites or transfer station/s of the Council.
- (3) The Council shall determine a tariff to be levied at the solid waste landfill site/s or transfer station/s for any generator or person, who brings their own waste to the solid waste landfill site/s or transfer station/s, or who do not make use of the waste removal service of the Council.
- (4) Any person who enters a solid landfill site or transfer station for the purpose of recycling, must be registered at the municipality and in possession of a permit.
- (5) The municipality reserves the right to limit the number of permits to be issued to re-claimers.
- (6) Any person in possession of a permit for recycling must comply with all permit conditions at all times.
- (7) The municipality reserves the right to withdraw a permit at any time or if permit conditions are not adhered to.

Private solid waste landfill site/s

34. Any person may operate a private solid waste landfill site within the jurisdiction of the Council, provided that-
 - (a) Council has approved the site and operations at the private solid waste landfill site is conducted in accordance to all relevant legislation and other specifications;

- (b) the site has been approved and permitted under the Environmental Conservation Act, 1989 (Act No. 73 of 1989);
- (c) regular inspections shall be conducted and should the site not comply with the relevant legislation the approval shall be reconsidered.

CHAPTER 10

LITTERING, DUMPING AND AUXILIARY MATTERS

Littering

35. (1) A person shall not –
- (a) throw, let fall, deposit, or spill or in any way discard, any waste into or onto any public place, farm portion, road, street, vacant stand, stream or watercourse, other than into a refuse container provided for the purpose or onto a solid waste landfill site or transfer station controlled by the Council;
 - (b) sweep any waste into a gutter on a road reserve or any other public place;
 - (c) allow any person/s under his control to do any of the acts referred to in paragraphs (a) and (b);
- that may interfere with the cleanliness of such street, public place, vacant stand, stream or watercourse, or cause annoyance, danger or accident to persons, animals, vehicles or other traffic using such street.
- (2) For the purpose of this section a person shall be deemed to have allowed the acts referred in subsection (1), a person under his control, unless the contrary is proved.
 - (3) Any person contravening subsection (1) shall be instructed by the Council or authorized official to remove the waste within a specified period of time.
 - (4) Failure to comply to subsection 34 (3) above shall be committing an offence and liable to a fine.

Illegal Dumping

36. (1) No person shall, subject to any provisions to the contrary in these By-laws contained, leave any item or allow any under his control to be left at a place, other than a solid waste landfill site or transfer station, with the intention of abandoning it.

- (2) A person shall not, whether temporary before collection or removal or for the purposes of abandoning the waste –
- (a) except with the permission of the occupier or of the person or authority having control thereof, dump, accumulate, place, deposit, leave or cause or allow to be dumped, accumulated, placed, deposited or left any waste whatsoever, whether for gain or otherwise, on or in –
 - (i) a public road;
 - (ii) a public place;
 - (iii) any drain, watercourse, flood prone areas, tidal or other water in or abutting on any such road, highway, street, lane, public footway or pavement, roadside or other open space to which the public have access; or
 - (iv) private or municipal land or property.
- (3) If it has been proved that such person left or allowed waste to be at a place of which he is not owner or occupier he shall be deemed to have contravened the provisions of subsection (1) or (2), unless and until he proves the contrary.
- (4) Should a person perform any of the acts referred to in subsection 1 or 2, the municipality may by written notice require –
- (a) the person directly or indirectly responsible for dumping, accumulating, placing, depositing, or leaving the waste;
 - (b) the owner of the waste, whether or not he is responsible for dumping, accumulating, placing, depositing, or leaving the waste; or
 - (c) the occupier of the land or premises on which the waste was dumped, accumulated, placed, deposited, or left, whether or not he or she is responsible therefore; to remove the waste within the period and any conditions stated in the notice.
- (5) If a person fails to comply with the requirements of a written notice, the municipality may dispose of, destroy or remove the waste and may recover the cost of doing so from the person or persons to whom the notice was issued.
- (6) If waste has been deposited in or on any land in contravention of subsection 1 or 2 –
- (a) in order to remove or prevent pollution of land, water or air or harm to human health, it is necessary that the waste be forthwith removed or other steps be taken to eliminate or reduce the consequences of the deposit;

- (b) there is no occupier of the land; or
 - (c) the occupier neither made nor knowingly permitted the deposit of the waste, the municipality may remove the waste from the land or take other steps to eliminate or reduce the consequences of the deposit or, as the case may require, to remove the waste and take those steps, and is entitled to recover the cost incurred by it in removing the waste or taking the steps or both and in disposing of the waste –
 - (i) from the occupier of the land, unless he or she proves that he or she neither made or knowingly caused nor knowingly permitted the deposit of the waste; and
 - (ii) from any person who deposited or knowingly caused or knowingly permitted the deposit of any of the waste.
- (7) Any person who contravenes the provisions of subsection (1) or (2) or in addition to the costs incurred by the Council as contemplated in subsection (5) shall be guilty of an offence and shall be liable to a fine.

Abandoned material

37. Any material, other than a vehicle deemed to have been abandoned in terms of the Road Traffic Act, No. 29 of 1989 (Act 29 of 1989), which taking into consideration the place where it is found, the period it has been lying at such place and the nature and condition of such material is reasonably regarded by Council as having been abandoned, may be removed and disposed of by the Council as it may deem fit and Council may recover the cost from the owner, and/ or the owner will be liable to a penalty.

Liability of the responsible person

38. (1) Where any material has been removed and disposed of by the Council in terms of section 37, the person responsible shall be liable for the costs incurred by the Council and/or levies in respect of such removal and disposal.
- (2) For the purpose of subsection (1) the person responsible shall be –
- (a) The last owner of the material and shall include any person who is entitled to be in possession of the material by virtue of a hire purchase agreement or any agreement of lease at the time when it was abandoned, or put in the place from where it was removed, unless he can prove that he was not

concerned with and did not know of the material being abandoned or put in such place; or

- (b) any person by whom it was put in the place aforesaid ;or
- (c) any person who knowingly permitted the putting of the material in the place aforesaid.

Dead animals contaminated food

39. (1) No person shall, subject to any provisions to the contrary in these By-laws contained, leave, throw or dump, any dead animal or pet under his control on any public place, street corner or vacant stand with the intention of abandoning it.
- (2) No person shall, subject to any provisions to the contrary in these By-laws contained, leave, throw or dump, any dead animal or pet under his control on any solid waste disposal site or transfer station of the municipality, without prior consent of the Council and under the supervision of the Environmental Health Practitioner.
- (3) If it has been proved that such person left or allowed any dead animal or pet to be at a place of which he is not the owner or occupier he/she shall be deemed to have contravened the provisions of subsection (1), unless and until he proves the contrary.
- (4) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be instructed by Council or an authorized official to remove the abandoned dead animal or pet within a specified period of time, or Council may itself or through an approved service provider remove and dispose the abandoned dead animals or pet and, in addition to a fine, the cost(s) incurred will be recovered from the responsible person.
- (5) Any person who contravenes the provisions of subsection (2) shall be guilty of an offence and Council shall remove and properly dispose of the abandoned dead animal or pet, or Council shall through an approved service provider remove and properly dispose the dead animals or pet and, in addition to a fine, the cost(s) incurred will be recovered from the responsible person.
- (6) The Council may remove or appoint an approved service provider to remove any abandoned dead animal or pet from any premises at a prescribe tariff.

Contaminated food

40. (1) The Council may on request remove any contaminated food from

premises at a prescribe tariff after the food is certified unfit for human consumption in terms of the Health Act, 2003 (Act 61 of 2003).

- (2) The owner or Manager of a business, which is in possession of contaminated foodstuffs, may dispose or destroy such foodstuffs himself, only –
 - (a) at an approved solid waste landfill site or transfer station;
 - (b) after the Environmental Health Practitioner and Council has been notified;
 - (c) under the supervision of the Environmental Health Practitioner.
- (3) Following subsection 40(2), the Council reserves the right to levy an applicable tariff for the use of the dumping site.

Burning of waste

41. (1) No person shall burn waste except at –
 - (a) an authorized incinerator operated by the municipality;
 - (b) an incinerator which is permitted to incinerate such waste according to all relevant legislation which is owned by an institution or private owner;
 - (c) a place designated by the municipality for such purpose.
- (2) A person who contravenes a provision of subsection 1 commits an offence and shall be liable to a penalty.

CHAPTER 11

GENERAL PROVISIONS

Accumulation of waste

42. When any category of refuse as defined in Chapter 1 of these regulations accumulates on a premises in such way as to constitute a nuisance or to render it likely that a nuisance may be created thereby, the Council may remove such refuse and the owner shall be liable in respect of such removal and pay the charges thereto.

Charges

43. (1) Unless where otherwise provided in these By-laws, the person to whom any services mentioned in these By-laws has been rendered by the Council or a registered service provider shall be liable to the Council for the levies in respect thereof.

- (2) Services rendered by the Council or a registered service provider of the Council in respect of which a monthly charge is prescribed, shall only be discontinued by the Council after receipt of a written notification from the owner or occupier of the premises to which the services are rendered that the generation of domestic or business waste on the premises has ceased or that they no longer require the service.
- (3) Monthly levies shall be payable until receipt by the Council of the notice mentioned in subsection (2), is received.

Offences and Penalties

44. (1) Any person who contravenes or fails to comply with any provision of these By-laws, shall be guilty of an offence and shall be liable on conviction to a fine or to community correctional services for a period not exceeding six months, or to both such fine and community correctional service.

Repeal of By-laws

45. The by-laws published under Administrator's Notice _____ of _____ are hereby repealed.

O.N. Nkosi
Municipal Manager
P.O. Box 17, Belfast 1196
(Notice No. : _____)