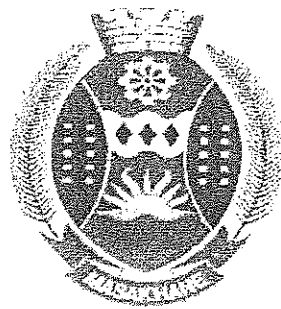


LOCAL AUTHORITY NOTICE 193 OF 2022

STEVE TSHWETE LOCAL MUNICIPALITY



**INTEGRATED WASTE MANAGEMENT
BY-LAWS, 2022**

STEVE TSHWETE LOCAL MUNICIPALITY**INTEGRATED WASTE MANAGEMENT BY-LAWS, 2022**

Notice is hereby given in terms of section 13 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, read with Section 156 and 162 of the Constitution of the Republic of South Africa, Act 108 of 1996, that the *Steve Tshwete Local Municipality* resolved to adopt the following noise by-laws, with effect from the date of publication.

Preamble

WHEREAS everyone has the constitutional right to have an environment that is not harmful to his or her health and to have the environment protected for the benefit of present and future generations through reasonable legislative and other measures that—

- a) prevent pollution and ecological degradation;
- b) promote conservation; and
- c) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development;

AND WHEREAS the "Municipality" has the Constitutional obligation to provide services including waste removal, collection and disposal;

AND WHEREAS sustainable development requires that the generation of waste is avoided, or where it cannot be avoided, that it is reduced, re-used, recycled or recovered and only as a last resort treated and safely disposed of;

AND WHEREAS the minimisation of pollution and the use of natural resources through vigorous control, cleaner technologies, cleaner production and consumption practices, and waste minimisation are key to ensuring that the environment is protected from the impact of waste;

AND WHEREAS poor waste management practices can have adverse impact on the environment in and beyond Municipal boundaries;

AND WHEREAS the "Municipality" is committed to ensure that all residents, organisations, institutions, businesses, visitors or tourist and public bodies are able to access services from a legitimate waste service provider;

AND WHEREAS the "Municipality" wishes to regulate waste collection, separation, storage, processing, treatment, recycling, reuse 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 minimising the generation and impact of waste;

AND WHEREAS the "Municipality" promotes the waste hierarchy approach as outlined in the National Waste Management Strategy;

AND WHEREAS waste under certain circumstances is a resource and offers economic opportunities;

AND WHEREAS the waste and management practices relating to waste are matters that—

- require national legislation to maintain essential national standards;
- in order to be dealt with effectively, require uniform norms and standards that apply throughout the Republic: and
- in order to promote and give effect to the right to an environment that is not harmful to health and well-being, have to apply uniformly throughout the Republic: and
- require strategies, norms and standards which seek to ensure best waste practices within a system of co-operative governance.

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CHAPTER 1: DEFINITIONS, OBJECTIVES AND PRINCIPLES**1. Definitions**

In this by-laws any word or expression to which a meaning has been assigned in the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008) and the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000); and associated regulations shall have the meaning so assigned and, unless the context indicates otherwise.

“authorised official” means any official of the Council who authorised or designated in terms of the Council's policy to administer or delegation by the Waste Management Officer, implement and enforce any of the provisions of these By-laws, or an employee of a service provider acting within the scope of the powers, functions, duties and obligations assigned to that service provider by the Council or the Waste Management Officer, In terms of its contractual appointment;

“authorised waste removal contractor” means

- a) A private waste removal contractor who has been contracted by the Municipality to provide waste removal services on behalf of the Municipality; or
- b) A private waste removal contractor who holds a permit from the Municipality authorising it to contract directly with waste generators to provide waste removal services for its own account;

“building waste” means any waste produced during-

- a) Excavation; or
- b) The construction, alteration, repair or demolition of any structure, including building rubble, earth, vegetation and rock displaced during these activities;

“bulk waste container” means a container designed for the temporary storage waste, with a capacity of more than 2m³ and less than 6m³, whether supplied with wheels or not, and which complies with-

- a) South African Bureau of Standards specification 493-1973: steel waste bins: or

- b) South African Bureau of standards specification 1310-1980: waste bins of polymeric materials

“bulky waste” means domestic waste or commercial waste which, by virtue of its mass, shape, size or quantity, cannot be conveniently-

- a) Stored in a waste container; or
b) removed as part of the Municipality's normal domestic or commercial waste removal service;

“commercial waste” means waste generated on premises used for non-residential purposes and includes waste generated by informal traders and waste generated on residential premises from which commercial activities are undertaken, regardless of whether or not these activities are lawful, but excludes:

- a) bulk waste;
b) building waste;
c) garden waste;
d) hazardous waste;
e) industrial waste;
f) health care waste;
g) recyclable waste; and
h) special industrial waste;

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

“disposal” means the burial, deposit, discharge, abandoning, dumping, placing or release of any waste into, or onto, any land;

“domestic waste” means waste generated on premises used solely for residential purposes and purposes of public worship or education, including halls or other buildings used for religious or educational; social gatherings or festival purposes, but does not include builder’s waste, bulky waste, garden waste or special domestic waste;

“event” means any sporting, entertainment, cultural, religious or other event that is held within the Municipality;

“event organiser” means any person who plans, is in charge of, manages, supervises or holds an event or sponsorship rights to an event or in any manner controls or has a material interest in the hosting of an event, as defined in the Safety at Sports and Recreational Events Act, 2010 (Act No.2 of 2010);

“event waste” means waste generated by or at an event, or from activities related to an event, regardless of whether or not the event takes place on private or public property;

“garden waste” means waste of an organic origin which is generated as a result of normal gardening activities on any premises, such as-

- a) grass cutting;
- b) leaves;
- c) plants;
- d) flowers;
- e) weeds; and
- f) the clippings of trees, hedges or fences: provided that this excludes branches with a diameter exceeding 40 mm;

"garden waste site" means a site provided by the Municipality for the disposal and temporary storage of garden waste and other miscellaneous waste other than hazardous waste at the discretion of the Municipality;

"guest house" means an accommodation establishment, as defined in the Municipality's Accommodation Establishment By-laws;

"hazardous waste" means waste which contains or is contaminated by poison, a corrosive agent, a flammable substance having an open flashpoint of less than 100°C, an explosive, radioactive material, a chemical or any other substance that is classified as a hazardous substance in terms of the Hazardous Substances Act, 1973 (Act 15 of 1973), or in terms of the National Road Traffic Act, 1996 (Act 93 of 1996);

"Head of Department" means the person who is in charge of the whole operation appointed as head of the department.

"health care waste" means waste generated by a hospital, clinic, nursing home, doctor's rooms, medical laboratory, research facility, dental practitioner, medical practitioner, traditional healer, traditional surgeon, veterinarian or any other place where health care waste which is infectious or potentially infectious is generated and includes but is not limited to-

- a) microbial waste which can cause disease in humans, including but not limited to cultures, stocks and associated biologicals;
- b) human blood and blood products, including but not limited to serum, plasma and other blood components;
- c) pathological waste of human origin, including but not limited to tissues, organs and body parts removed during surgery or autopsy;

- d) contaminated animal waste including but not limited to animal carcasses, body parts and bedding which has been exposed to infectious agents;
- e) isolation waste associated with human beings or animals known to be infected with highly communicable diseases;
- f) contaminated and uncontaminated sharps, including but not limited to clinical items which can cause a cut, puncture or injection, such as needles, syringes, blades and microscope slide;
- g) Use medical equipment and other medical material which is capable of or is reasonably likely to be capable of causing or spreading disease or causing or spreading infection, including but not limited to used surgical dressings, swabs, blood bags, laboratory waste, blood collection tubes, colostomy and other catheter bags, gloves drip bags, administration dines and tongue depressors;
- h) Pharmaceutical products, including but not limited to human and animal vaccines, medicine and drugs; and
- i) Genotoxic chemical waste and radio isotopes from experimental or diagnostic work or any other source;

“holder of waste” means any person who imports, generates, stores, accumulates, transports, processes, treats, or exports waste or disposes of waste;

“industrial waste” means waste in solid form generated as a result of manufacturing, maintenance, fabricating or dismantling activities, as well as the activities of railway marshalling yards, including waste of this nature which is generated from a residential premises as a result of a commercial activity, regardless of whether or not the activity is being lawfully conducted from those premises, but does not include building waste, commercial waste, domestic waste or special industrial waste;

“municipal council” or “council” means the Steve Tshwete municipal council, a municipal council referred to in section 157(1) of the Constitution;

“municipal manager” means a person appointed in terms of section 54A of the Municipal Systems Act as the head of administration of the municipal council;

“mutagen” means a physical or chemical agent that increases the frequency of mutations by changing the genetic material of an organism;

“occupier” includes-

- a) Any person, including the owner, in actual occupation of premises regardless of the title under which he or she occupies those premises, if any; and
- b) In the case of premises let to more than one tenant, the person who receives the rent payable by the tenants, whether for his or her own account or as an agent for a person entitled to the rent;

“owner” means-

- a) The person who is the registered owner of the premises in the relevant Deeds Office;
- b) Where the registered owner of the premises is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of his or her property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- c) In any case where such premises have been leased for a period of 30 years or longer, the lessee of the premises; or
- d) In relation to-

- i. A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No.95 of 1986) as common property, 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;

“public place” means-

- a) A public road;
- b) A public parking space; or
- c) Any square, park, recreation ground, sports round, beach, shopping centre, municipal cemetery, open space, or vacant municipal land which is vested in the Municipality, or in respect of which the public has the right of use, or which is shown on a general plan of a township filed in the deeds registry or a surveyor-General's office as having been provided for the use of the public or the owners or erven in such township;

“public road” means any road, street or thoroughfare or any other place, whether a thoroughfare or not, which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes-

- a) The verge of any such road, street or thoroughfare;
- b) Any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- c) Any other work or object forming part of or connected with or belonging to such road, street or thorough fare;

“premises” means any erf or land, building, room, structure, tent, van, vehicle, stream, lake, dam, pool, lagoon, an opened, covered or enclosed drain or ditch whether improved or not and whether public or private;

“recyclable waste” means any waste intended for recycling or a remanufacturing process and which is separated from other waste and managed as a potential resource by the waste generator or someone acting on his or her behalf or waste reclaimers.

The following but not limited to are considered recyclable material from domestic and commercial waste

- a) Paper and cardboard
- b) Plastic
- c) Glass
- d) Cans
- e) Tyres

“recycle” means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material;

“re-use” means to utilise the whole, a portion of or a specific part of any substance, material or object from the waste stream for a similar or different purpose without changing the form or properties of such substance, material or object;

[Definition of “re-use” substituted by s. 1 of Act 26/2014]

“residential premises” means premises occupied for the purposes of human habitation, but excludes an accommodation establishment as defined in the Municipality's Accommodation Establishment By-laws;

“skip” means a container, with a capacity of between 6m³ and 18m³, designed for the temporary storage of waste and to be loaded onto a truck for removal, rather than being emptied on site;

“special domestic waste” means domestic waste which cannot by virtue of its mass, shape or size be conveniently-

- a) Stored in a waste container; or
- b) Removed as part of the Municipality's normal domestic waste removal service;

“special industrial waste” means waste consisting of a liquid or sludge, resulting from-

- a) A manufacturing process; or
- b) The pre-treatment, for disposal purposes, of any industrial liquid waste, which in terms of the Municipality's Sewage By-laws, may not be discharged into a sewer without the consent of the Municipality, which consent has not been generated;

“tariff charge” means the prescribed charge for any service provided by the Municipality in terms of this By-laws as set out in the tariff of charges adopted by resolution of the council;

“venue owner” means a person who owns, manages or is entitled to exercise the rights of an owner or occupier of a venue used for events, as defined in the Safety at Sports and Recreational Events Act, 2010 (Act No.2 of 2010);

“waste” means any substance, as defined in the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008); whether or not that substance can be reduced, re-used, recycled and recovered-

- a) That is surplus, unwanted, rejected, abandoned or disposed of;
- b) Which the generator has no further use of for the purposes of production;
- c) That must be treated or disposed of;

- d) That is identified as waste by the Minister of Water and Environmental Affairs by notice in the Gazette, and include waste generated by the mining, medical or other sector, but-
- I. A by-product is not considered waste; and
 - II. Any portion of waste, once re-cycled and recovered, ceases to be waste;

“waste bin” means a container designed for the temporary storage of waste with a capacity of less than 2m³, whether wheeled or not, and which complies with-

- a) South African Bureau of Standards specification 493-1973: Steel waste bins; or
- b) South African Bureau of Standards specification 1310-1980: waste bins of polymeric materials;

“waste container” means a waste container supplied by the Municipality to premises as provided for in this By-laws or approved by the Municipality in exceptional cases;

“waste disposal site” means a site, excluding a garden waste site, for the disposal of waste and which site may be owned or set aside by-

- a) The Municipality; or
- b) A private person and operated by that person in terms of a permit or licence issued by a responsible authority;

“waste generator” means any person who, or entity which, generates or produces waste and includes-

- a) The occupier of any premises on which waste is generated; and
- b) In the case of premises which are occupied by more than one person, the owner of the premises;

“waste management activity” means any activity listed in Schedule 1 or published by notice in the Gazette under section 19, of the waste act and includes-

- a) the importation and exportation of waste;

- b) the generation of waste, including the undertaking of any activity or process that is likely to result in the generation of waste;
- c) the accumulation and storage of waste;
- d) the collection and handling of waste;
- e) the reduction, re-use, recycling and recovery of waste;
- f) the trading in waste;
- g) the transportation of waste;
- h) the transfer of waste;
- i) the treatment of waste; and
- j) the disposal of waste;

“waste management officer” means a waste management officer designated in terms of section 10 of the waste act;

“waste management services” means waste collection, treatment, recycling and disposal services;

“waste removal service” means the collection and removal of domestic, garden, industrial and commercial waste as provided for in this By-laws; and

“water resource” means a river, spring or natural channel in which water flows regularly or intermittently, a wetland, lake or dam into which or from which water flows, surface water, an estuary or aquifer and includes any borehole, structure, earthwork or equipment installed or used for or in connection with the storage, distribution, provision or use of water.

“waste transfer facility” means a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment or waste disposal facility;

“waste treatment facility” means any site that is used to accumulate waste for the purpose of storage, recovery, treatment, reprocessing, recycling or sorting of that waste.

2. Objectives of the by-laws

The objectives of this By-laws are to-

- a) Regulate the collection, removal and disposal of domestic waste and commercial waste by the Municipality in order to ensure the efficient and effective provision of this service;
- b) to protect health, well-being and the environment by providing reasonable measures for-
 - i. minimising the consumption of natural resources;
 - ii. avoiding and minimising the generation of waste;
 - iii. reducing, re-using, recycling and recovering waste;
 - iv. treating and safely disposing of waste as a last resort;
 - v. preventing pollution and ecological degradation;
 - vi. securing ecologically sustainable development while promoting justifiable economic and social development;
 - vii. promoting and ensuring the effective delivery of waste services;
 - viii. remediating land where contamination presents, or may present, a significant risk of harm to health or the environment; and
 - ix. achieving integrated waste management reporting and planning
- c) to ensure that people are aware of the impact of waste on their health, well-being and the environment;
- d) to provide for compliance with the measures set out in paragraph (a); and
- e) generally, to give effect to section 24 of the Constitution in order to secure an environment that is not harmful to health and well-being.

3. Scope of application

- 1) These by-laws must be read with any applicable provisions of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008).
- 2) In the event of any conflict with any other by-laws which directly or indirectly, within the jurisdiction of the Municipality, regulates waste management, the provisions of this by-laws shall prevail to the extent of the inconsistency.
- 3) The by-laws do not override any other national and provincial waste related legislation.

4. Principles

- 1) Any person exercising a power in accordance with these by-lawss must, at all times; seek to promote the waste management hierarchy approach as outlined in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the National Waste Management Strategy, which is promoting waste avoidance and minimisation, waste reuse, recycling and recovery, waste treatment and disposal.
- 2) The by-lawss seek to promote sustainable development and environmental justice through fair and reasonable measures of waste management activities within the Municipality's Jurisdiction.
- 3) The by-lawss promote participation of all municipal residents in the promotion of responsible citizenship by ensuring sound waste management practices within residential and industrial environments.

5. General duty in respect of waste management

- 1) A holder of waste must, within the holder's power, take all reasonable measures to-
 - a) avoid the generation of waste and where such generation cannot be avoided to minimise the toxicity and amounts of waste that are generated;
 - b) reduce, re-use, recycle and recover waste;
 - c) where waste must be disposed of, ensure that the waste is treated and disposed of in an environmentally sound manner;
 - d) manage the waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts;
 - e) prevent any employee or any person under his or her supervision from contravening this By-laws; and
 - f) prevent the waste from being used for an unauthorised purpose.
 - g) Any person subject to the duty imposed in subsection (1) may be required by the Municipality or an authorised official to take measures to ensure compliance with the duty.
- 2) Any person who sells a product that may be used by the public and that is likely to result in the generation of hazardous waste must take reasonable steps to inform the public of the impact of that waste on health and the environment.
- 3) The measures contemplated in this section may include measures to-
 - a) investigate, assess and evaluate the impact of the waste in question on health or the environment;
 - b) cease, modify or control any act or process causing the pollution, environmental degradation or harm to health;

- c) comply with any norm or standard or prescribed management practice;
- d) eliminate any source of pollution or environmental degradation; and
- e) remedy the effects of the pollution or environmental degradation.

CHAPTER 2: PLANNING AND INSTITUTIONAL MATTERS**6. Integrated Waste Management Plan (IWMP)**

- 1) The Municipality must prepare and submit its adopted integrated waste management plan to the MEC for endorsement; and include the endorsed integrated waste management plan in its integrated development plan contemplated in Chapters of the Municipal Systems Act and National Environmental Management Waste Act, 2008 (Act No.59 of 2008).

6.1. Contents of Integrated Waste Management Plans

- 1) An integrated waste management plan must at least-
 - a) contain a situation analysis that includes-
 - i. a description of the population and development profiles of the area to which the plan relates;
 - ii. an assessment of the quantities and types of waste that are generated in the area
 - iii. a description of the services that are provided, or that are available, for the collection, minimisation, re-use, recycling and recovery, treatment and disposal of waste; and
 - iv. the number of persons in the area who are not receiving waste collection services;
 - b) Within the domain of the Municipality, set out how the Municipality intends,
 - i. to give effect, in respect of waste management, to Chapter 3 of the National Environmental Management Act;
 - ii. to give effect to the objects of the waste management Act; to identify and address the negative impact of poor waste management practices on health and the environment;

- iii. to provide for the implementation of waste minimisation, re-use, recycling and recovery targets and initiatives;
- iv. to address the delivery of waste management services to residential premises;
- v. to give effect to best environmental practice in respect of waste management;
- c) set out the priorities and objectives of the Municipality in respect of waste management;
- d) to establish targets for the collection, minimisation, re-use and recycling of waste;
- e) to set out the approach of the Municipality to the planning of any new facilities for disposal and decommissioning of existing waste disposal facilities;
- f) to indicate the financial resources that are required to give effect to the plan

7. Waste Management Officer (WMO)

- 1) The Municipality as authorised to carry out waste management services by the Municipal Structures Act, 1998 (Act No. 117 of 1998), must designate in writing a Waste Management Officer from its administration to be responsible for coordinating matters pertaining to waste management in that Municipality.
- 2) A power delegated or a duty assigned to a waste management officer by virtue of subsection (1), may be sub-delegated or further assigned by that officer to another official in the service of the same administration, subject to such limitations or conditions as may be determined by the Municipality.
- 3) Waste management officers must co-ordinate their activities with other waste management activities in the manner set out in the national waste management strategy established in terms of section 6 of NEMWA or determined by the Minister by notice in the Gazette.

7.1. Duties of the WMO

- 1) Responsible for coordinating matters pertaining to waste management within the Steve Tshwete Local Municipality.
- 2) A dedicated authority responsible for implementing policy and regulations in terms of the waste Act no.59 of 2008.
- 3) Has the power to delegate duties to another official in the service of the same administration, subject to such limitations conditions as may be determined by the Municipality.

8. Service providers/contractors

- 1) The Municipality may discharge any of its obligations by entering into a service delivery agreement with a service provider or service providers in terms of the Municipal Systems Act, 2000.
- 2) Subject to the provisions of the Municipal Systems Act or any other legislation, the Municipality may assign to a service provider any power enjoyed by the Municipality under these by-lawss: provided that the assignment, is required for the service provider to discharge an obligation under its service delivery agreement but the accountability shall remain with the Municipality.
- 3) Any reference in these by-lawss to "Municipality or service provider" should be read as the "Municipality" if the Municipality has not entered into a service delivery agreement and should be read as "service provider" if the Municipality has entered into as service delivery agreement.
- 4) Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the Municipality and which must-

- a) Accord with the provisions of these by-lawss;
- b) Be accessible to the public;
- c) Establish the conditions of the service including collection times; and
- d) Provide for the circumstances in which Municipal services may be limited.

9. Private waste removal contractors

- 1) Waste may only be collected and removed from premises by a waste removal contractor who has been-
 - a) Issued with a scheduled activity permit in terms of the Municipality's scheduled Activities By-laws; and
 - b) Authorised in writing by the Municipality.
- 2) Application for authorisation as a waste removal contractor must be made to the Municipality on the form prescribed.
- 3) The authority contemplated by subsection (1) may be granted or rejected at the discretion of the Municipality and may be subject to such conditions, whether as to period of validity, the type of waste which may be collected and removed, or otherwise, as the Municipality may impose.
- 4) No person must hold himself or herself to be, or act as a waste removal contractor if-
 - a) He or she has not been authorised to do so in terms of subsection (1); or
 - b) His or her approval has expired or been withdrawn.
- 5) No waste removal contractor may contravene any condition imposed on him or her in terms of subsection (3).
- 6) No person may employ a waste removal contractor who has not been authorised in writing by the Municipality in terms of subsection (1).
- 7) Any waste generator who intends to appoint an authorised waste removal contractor must notify the Municipality in writing of that fact and must likewise notify the Municipality whenever such engagement is terminated.

- 8) Subsection (7) shall only be applicable in instances where the Municipality is not in a position to deliver the waste removal service or where special written exemption is granted according to the specified criteria.
- 9) If the waste generator has given notice in terms of subsection (7), the waste generator is thereafter responsible for ensuring that waste is collected and removed in compliance with the provisions of this By-laws within a reasonable time after the generation thereof.
- 10) The Municipality may, if waste is not being collected and removed to the Municipality's satisfaction from any premises by an approved waste removal contractor, by written notice to a waste generator instruct him or her to terminate the services of the contractor concerned and to use the service provided by the Municipality for the collection and removal of waste with effect from a date specified in such notice.
- 11) A waste removal contractor may not remove waste from any premises unless he or she is provided with proof that the waste generator has notified the Municipality in writing that the waste generator has entered into a contract with a waste removal contractor for the removal of such waste and that the Municipality should not provide a service to the premises for its removal.
- 12) If the Municipality believes that there are grounds to suspend or withdraw authorisation given to a waste removal contractor, the following procedure must be followed:
- a) The Municipality must give the waste removal contractor at least 21 days written notice by hand delivery or registered mail of the Municipality's intention to suspend or withdraw the authorisation;
 - b) The notice referred to in paragraph (a) must include:
 - i. A statement setting out the nature of the proposed action;
 - ii. The reasons for the proposed action;
 - iii. An invitation to make written representations on the matter;
 - iv. An address at which representations may be submitted; and

- v. The date, time and place of a hearing, which may not be less than 15 days from the date of the notice to consider the suspension or withdrawal, and an indication that the waste removal contractor may submit representations and appear at the hearing;
- c) The waste removal contractor must be given an opportunity to, either personally or through his or her duly authorised representative, appear at a hearing and to make representations before the Head of Department;
- d) If a waste removal contractor wishes to appear at a hearing and to oppose the proposed action, he or she must, within seven days of receiving the notice or within a further period that the Municipality may allow, submit representations in writing by hand or by registered mail to the address indicated in the notice; and
- e) After the hearing, the Head of Department must give a ruling on whether or not to suspend or withdraw the authorisation and must give the waste removal contractor its reasons for the ruling in writing not later than 14 days after the date of the conclusion of the hearing.

10. Licences

Any person who, or entity which, requires a license in terms of national, provincial or municipal legislation will have to prove on request, to the waste management officer that such person or entity has obtained the appropriate license within 30 days or such lesser period as specified by such officer.

CHAPTER 3: PROVISION OF WASTE SERVICES**11. The Municipality's service**

- 1) The Municipality shall provide a service for the collection, removal and disposal of general waste, (commercial waste, domestic waste, construction and demolition waste , industrial waste and garden waste)from premises at the tariff, charges, fees or any other moneys payable as determined by council in terms of the Local Government Municipal Systems Act, Act 32 of 2000.
- 2) The occupier/s and or owner/s of premises on which general waste is generated shall: subject to the provision to section 21(1) (a), use the Municipality's service for the collection, removal and disposal of all such waste except in cases where special exemption is granted.
- 3) The owner/s and or owner/s of the premises on which general waste is generated shall be liable individually or jointly to the Municipality for the tariff charge where applicable, in respect of the collection, removal and disposal of general waste from that such premises and all moneys payable to the Municipality must be paid with the understanding that where the Municipality renders a service whether the service is used or not the owner/s and or occupier/s shall still be responsible for payment of the applicable tariffs, jointly or individually.
- 4) The owner/s and or occupier/s in respect of individual premises held on the Sectional Title Register opened in terms of section 5 of the Sectional Titles Act, 1986, on which general waste is generated shall be liable individually to the Municipality for the tariff charge in respect of the collection, removal and disposal of general waste from such premises and all , moneys payable to the Municipality must be paid with the understanding that where the Municipality renders service whether the service is used or not the owner/s and or occupier/s still be responsible for payment of the applicable tariffs jointly or individually.
- 5) The Municipality reserves the right to review such tariffs contemplated in sub-section (1) on an annual basis.

- 6) The Municipality may exempt any person or category of persons deemed to be falling in the indigent category from paying prescribed tariffs for waste management services as outlined in the Municipal Indigent Policy

12. Notice to the Municipality

- 1) The occupier and/or owner in the case of more than one, the occupiers and or owners of a premises, on which general waste is generated shall within seven days after the commencement of the generation of such waste notify the Municipality in writing:
 - a) That the premises are being occupied; and
 - b) That general waste is being generated on the premises.
- 2) Where the category or purpose of waste change it is the responsibility of the occupier (s) and/or owner (s) to inform the Municipality in writing on or before the day of change, that the service delivery should change or be ceased subject to the circumstances and that the tariff change be amended accordingly.

13. Private waste removal services

- 1) Shall only be applicable in instances where the Municipality is not in a position to deliver the waste removal service or where special written exemption is granted according to the specified criteria.
- 2) All contractors removing general waste, health care risk waste and hazardous waste from premises within the Municipal shall register with the Municipality in terms of Chapter 8 above.

14. Delivery of bins or containers

- 1) After notification in terms of section 12, the Municipality shall, after investigation, determine the number of waste bin/container required on such premises.

- a) The owner/s and or occupier/s of such premises shall be responsible for the supply of the predetermined number and type of waste bins as required by the Council from time to time;
 - b) Waste bins will be supplied by the Municipality when possible on request at ruling prices;
 - c) The owner/s and or occupant/s of such premises will be supplied with the predetermined number and type of waste bin/s or containers as required by the Municipality from time to time.
- 2) The owner or occupier/s shall be liable to Municipality for the tariff charge in respect thereof:
- a) From the date of delivery of the waste bin/container of such premises and/or as prescribed in the tariff policy;
 - b) Until the day of cancelling the service, with or without the bin, after notifying the Municipality in writing of such steps and after the Municipality is of the opinion that the services can be terminated, or lesser number of waste bin/container is required;
 - c) Municipality's records serving proof of such delivering or removal;
 - d) The provisions of this section shall apply mutatis mutandis on owners utilizing private owned waste bin/container.
- 3) The Municipality may at any time after the delivery of waste bins/containers in terms of subsection (1) remove some of the waste bins/containers or deliver additional waste bins/containers if, in its opinion, a greater or lesser number of waste bin/ containers is required on the premises.
- 4) The Municipality may deliver waste bins/containers to premises if, having regard to the quantity of waste generated on the premises concerned, the sustainability 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 in terms of section 16, to the waste collection

vehicles since it considers mass waste containers more appropriate than standard waste bins/containers for the storage of the waste.

- 5) The owner/s and or occupier/s of any premises shall keep the contents of the waste bin/container or other approved waste container covered at all times (save when waste is being deposited therein or discharged there from).

15. Collection, removal and transportation

- 1) The Municipality may:
 - a. Only collect and remove waste stored in approved receptacles;
 - b. Set schedule for collection day(s) of the week;
 - c. Collect waste outside the set schedule as result of disruption in rendering the service on scheduled day and on request by any person and at fixed tariff agreed to by both parties prior to collection;
 - d. Set the maximum amount of quantities of waste that will be collected.
 - e. Identify waste streams which may not be collected by the Municipality or which are unsuitable for collection; and where such a case exists, advise the owner of alternatives
- 2) Any person transporting waste within the jurisdiction of the Municipality must:
 - a) Ensure that the receptacle or vehicle or conveyance is adequate in size and design for the type of waste transported;
 - b) Remove or transport the waste in a manner that:
 - i. would prevent any nuisance or escape of material;
 - ii. Only by means of a properly constructed and enclosed vehicle; and

- iii. In such manner as will prevent the waste from accidentally falling from the vehicle or any other nuisance arising;
 - c) Maintain the receptacle or vehicle or conveyance in a clean, sanitary condition at all times;
 - d) Not permit waste transported to become detached, leak or fall from the receptacle or vehicle or conveyance transporting it;
 - e) Ensure that waste is transported or deposited at a waste transfer station, recycling facility and/or disposal facility licensed to accept such waste;
 - f) Ensure that the vehicle is not used for other purposes whilst transporting waste;
 - h) Not transport waste from any premises along a street or public place in order to gain access to a waste storage area located elsewhere on the same premises without the prior written consent of the Municipality.
- 3) Apply to the Municipality to register and adhere to all the conditions attached to the registration.
- 4) In the absence of evidence to the contrary which raises a reasonable doubt, a person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is considered to knowingly cause that waste to be offloaded at the location where the waste is deposited.
- 5) A person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is guilty of an offence if that person:
- a) Fails to take all reasonable steps to prevent spillage of waste or littering from the vehicle;
 - b) Intentionally or negligently cause spillage or littering from the vehicle;

- c) Dispose of waste at a facility which is not authorised to accept such waste;
- d) Fails to ensure that waste is disposed of at a facility that is authorised to accept such waste.

16. Receptacle/bins or containers for general waste

- 1) Any person or owner of premises where general waste is generated must ensure that such waste is stored in a receptacle provided or approved by the Municipality.
- 2) The owner/s and occupier/s of the premises shall provide an approved space of adequate size and any other facilities considered necessary by the waste Management Officer on the premises for the storage of the bins/containers delivered by the Municipality in terms of section 17. Minimum floor areas include, but not limited to:
 - a) For 1.75m³ waste containers, a minimum floor area of 4.5m²;
 - b) For 240 litre and 85 litre bins, a minimum floor area of 1m² is required;
 - c) For 6m³ skip bins, a minimum floor area of 8m².
- 3) The space provided in terms of subsection (2) and the storage of waste shall:
 - a) Be in such a position on the premises as to allow the storage of waste bins/container without them being visible from the street, a public space, or any other premises except if determined otherwise by the Municipality;
 - b) On agreed collection date, the receptacle (s) should be placed outside the premises in an area accessible to the municipal officials or service at 06:00 in the morning;
 - c) Where commercial waste is generated on the premises be in such a position as will allow the collection and removal by the Municipality's employees without hindrance;

- d) Commercial waste bins/containers be so located as to permit convenient access to and agrees from such space for the Municipality's waste collection vehicles; and
- e) Commercial waste bins/containers be sufficient to house all waste, including the materials in any containers used in the storage as contemplated in section 21(1) (a) and 22 (6);
- f) Where domestic waste is generated on a premises the waste plastic linings with a waste therein must be properly tied and be placed outside the fence or boundary of the premises on the street boundary or on any such other place as determined by the Municipality but will only be collected in a defined area on a specific day as determined by the Municipality where applicable
- g) Where domestic waste is generated on a premise which contains ashes, waste container with the refuse therein must be properly placed just inside the fence or boundary of the premises or on any such place as determined by Municipality but will only be collected in a defined area on a specific day as determined by Municipality ;
- h) Prevent pollution and/or harm to the environment, as well as avoiding nuisance such odour, visual impacts and breeding of vectors;
- i) Be such that tampering by animals is prevented;
- j) Ensure waste cannot be blown away and that receptacle is covered or closed, and suitable measures are in place to prevent accidental spillage or leakage;
- k) Be in a receptacle that is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of the waste; and in cases where a receptacle (s) is damaged or corroded, the owner or occupier must notify the Municipality and arrange for replacement as soon as it comes to their attention;

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- l) The owner/s and or occupier/s of the premises shall ensure that a receptacle(s) provided by the Municipality is not used for any other purpose other than that of storage of waste;
 - m) General Waste is only collected by the Municipality or authorised service provider.
- 4) The owner/s and or occupier/s of premises shall place or cause the waste bins/containers delivered in terms of section 14 to be placed in the space provided in terms of subsection (2) and shall at all times keep it there.
- 5) Notwithstanding anything to the contrary in subsection (3) contained:
- a) In the case of buildings erected, or building plans whereof have been approved, prior to the coming into operation of these by-laws; and
 - b) In the event of the Municipality, in its opinion, being unable to collect and remove waste from the space provided in terms of subsection (2);
 - c) The Municipality may, having regard to the avoidance of nuisance and the convenience in collection of waste, indicate a position within or outside the premises where the waste bins/containers shall then be placed in such a position at such times and at such period as the Municipality may require.

17. Waste storage

- 1) Every waste generator must provide a reserved waste storage area on his/her premises for the keeping of waste containers and such storage area must-
- a) Be appropriate given the number and size of the waste containers;
 - b) Be such that the waste containers are not visible from a street or a public place;
 - c) Comply with the Municipality's Building By-laws; and
 - d) Comply with any other requirements of the Municipality.

- 2) Each waste generator must-
 - a) Place the waste containers, or cause the waste containers to be placed, in the waste storage area; and
 - b) At all times keep the waste containers in the waste storage area, except when they are removed for emptying.

- 3) The waste generator must ensure that the-
 - a) Waste storage area and the waste containers are kept neat, clean and hygiene at all times;
 - b) Waste storage area and the waste containers do not cause a nuisance to any person; and
 - c) Waste containers are properly covered by means of a lid or other covering supplied with the container.

18. Access to premises

- 1) Where in the opinion of the Municipality the collection or removal of waste from any premises is likely to result in damages to the premises or the Municipality's property, or injury to the waste collectors or any person, if any, as a condition where the Municipality provide a waste collection service, the owner/s and or occupier/s of the premises shall grant the Municipality access to the premises for the purpose of collecting and removing waste and shall ensure that nothing obstructs, frustrates or hinders the Municipality in the carrying out of its service.

- 2) Where in the opinion of the Municipality the collection or removal of waste from any premises is likely to result in damages to the premises or the Municipality's property, or injury to the waste collectors or any person if any, as a condition of rendering waste collection service in

respect of the premises, require the owner/s and or occupier/s to indemnify the Municipality in writing in respect of any such damage or injury claims arising out to either.

- 3) The owner must, on request, allow a duly authorised employee of the Municipality access to their property for the purpose of inspecting the property and investigating any contravention of this By-laws and to ensure compliance therewith. When accessing the property, the authorised employee must, on request, identify him or herself by producing written proof of such authority.

19. Premises inaccessible for waste collection

- 1) Should the Municipality be impeded from handling or collecting waste due to the layout of a person's premises, and if this impediment imposes a danger to employees of the Municipality, the Director may require the owner to do such alterations or additions to the premises as are necessary to remove such impediment at that persons cost.

20. Waste container liners

- 1) In order to facilitate the collection of waste, the Municipality may require waste container liners be used for the storage of such waste in containers and the owner/s or occupier/s shall not place any refuse in such containers without using a waste container liner, with the exception where other approved containers are utilized.
- 2) The owner/s and or occupier/s of premises where waste containers are not provided, with the exception where mass waste containers are being used, shall place or cause the full waste container liner property tied up, to be placed just outside the fence or boundary of the premises on the street boundary or in any such other place as determined by the Municipality before 06:00 on the day on which waste is collected in the particular area.
- 3) The full waste container liner placed in accordance with subsection (2) shall be undamaged.
- 4) Only waste container liners approved by the Municipality may be used.

21. Use and care of waste containers

- 1) The owners and or occupiers of premises to which waste bins/containers have been delivered by the Municipality in terms of section 14, or where containers are supplied by the owner/s and or occupier/s shall ensure that:
 - a) All the general waste generated on the premises shall be placed and kept in such waste bins/containers for removal by the Municipality; provided that the provisions of this subsection shall not prevent any owner/s and or occupier/s who has obtained the Municipality'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;
 - b) No hot ash, unwrapped glass or other general waste which may cause damage to waste bins/containers or waste bin/container liners or which may cause injury to the Municipality's employees while carrying out their duties in terms of these by-laws, shall be placed in waste bins/containers before suitable steps have been taken to avoid such damage or injury.
 - c) No material, including any liquid, garden waste and/or building rubble which; by reason of its mass or other characteristics is likely to render such waste bins/containers or waste bin/container liners unreasonably difficult for the Municipality's employees to handle or carry, shall be placed in such waste bins/containers; and
 - d) Every waste deposited therein or discharged therefrom, and every waste container shall be kept in a clean and hygienic condition.
 - e) Where returnable receptacles/bins or containers are in use, household members must mark his or her receptacle to assist the service provider/Municipality in returning the receptacle/ bins/container to the same household from where it is collected.

- 2) No waste bin/container so delivered in accordance with section 14, may be used for any purpose other than the storage of general waste and no fire shall be lit in such container.
- 3) The waste bin/containers so delivered in accordance with section 14, may be emptied by the Municipality at such intervals as the Municipality may deem necessary.
- 4) In the event of a mass waste container having been delivered to premises in terms of section 14(4), the owner/s and or occupier/s of such premises shall within 24 hours before the container is likely to be filled to capacity, inform the Municipality thereof.
- 5) The owner/s and occupier/s or premises to which waste bins/containers were delivered in terms of section 14(1) (d), or to which containers were delivered in terms of section 18, shall be liable to the Municipality 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 Municipality.

22. Compaction of waste

- 1) Should the quantity of commercial 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 Municipality, the major portion of such waste as is compactable, or should the owner/s and or occupier/s, shall put it into an approved container or wrapper, and the provision of section 14 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 litres 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 waste 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 Municipality at such intervals as it may deem necessary.
- 6) The owner/s and or occupier/s of the premises shall prepare the container for collection and reconnect it to the compaction equipment forthwith after its return by the Municipality to the premises.
- 7) The provisions of this section shall not prevent any owner/s and/or occupier/s of premises who has obtained the Municipality's prior written consent from selling or otherwise disposing, any swill corrugated cardboard, paper, glass or other material for recycling in a manufacturing process or, in the case of swill, for consumption.
- 8) "Approved", for the purpose of subsection (1), shall mean approved by the Municipality, with regard being had to the fitness of the container or wrapper for its purpose, and also the reasonable requirements of the particular case from the point of view of public health, storage, waste removal or waste disposal.

23. Waste transfer stations, buy back centres, material recovery facilities or any other solid waste facilities

- 1) Any holder of waste must:
 - a) Utilise appropriate waste facilities as directed by the Municipality or service provider;
 - b) Adhere to the operational procedures of waste facilities as set out by the Municipality.
 - c) Waste transfer stations can only be utilised for the purpose of disposing general waste emanating from residential premises only. No waste from commercial, industrial premises and hazardous waste will be permitted at waste transfer station

24. Waste disposal

- 1) Waste generated in the municipal area must be disposed of at a licenced or permitted waste disposal facility directed by the Municipality.
- 2) In disposing of waste, the operator of the site must comply with the provisions of any other legislation regulating the disposal of waste.
- 3) Any person disposing waste at a Municipal owned or any licenced/permitted disposal site must adhere to the site operational procedures approved by the Municipality or licence holder of that facility.
- 4) All municipal waste must be removed by the Municipality (accept where exempted) and all waste at disposal facilities sites or transfer station controlled by the Municipality shall be the property of the Municipality and no person who is not duly authorised by the Municipality to do so, shall remove or interfere therewith.
- 5) All private waste disposal sites within the jurisdiction of the Municipality, must comply to any local norms and standards and any other relevant legislation.

25. Conduct at waste disposal sites and transfer stations

- 1) Every person who for the purpose of disposing of waste enters a waste disposal facility /landfill site or transfer station controlled by the Municipality or licence/permit holder , shall:
 - a) Enter the waste disposal facility/landfill site or transfer station at an authorised access point:
 - b) Give the Municipality or licence/permit holder all the particulars required in regard to the composition of the waste: and
 - c) Follow all instructions given to him in regard to access to the actual disposal point, the place where and the manner in which the waste should be deposited.

- d) Dispose free of charge or at the prescribed landfill site tariffs as determined annually by Council in terms of the Local Government Municipal Systems Act, Act 32 of 2000.
 - e) Enter the disposal facility (landfill site or transfer station) at their own risk and the council shall not be held responsible for any losses or damages.
- 2) No person shall during any intoxicating liquor enter a waste disposal facility (landfill site or transfer station) controlled by the Municipality or by the licence or permit holder.
 - 3) No person shall enter a waste disposal facility (landfill site or transfer station) controlled by the Municipality or licence/permit holder 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 Municipality or licence/permit holder may from time to time determine.

26. Garden and bulky garden waste and other bulky waste

26.1. Removal and disposal of garden and bulky waste

- 1) The occupier or, in the case of premises occupied by more than one person, the owner of premises on which garden or bulky garden or other bulky waste is generated, shall ensure that such waste be disposed of in terms of this Chapter within a reasonable time after the generation thereof.
- 2) Any person subject to adherence to Integrated Waste Management By-laws, may remove and dispose of garden or bulky garden waste or other bulky waste.
- 3) Garden or bulky garden or other bulky waste removed from the premises on which it was generated, shall be deposited on a site designated by the Municipality as a disposal site for such waste.

26.2. The Council's special service

- 1) At the request of the owner of any occupier of any premises, the Municipality shall remove bulky garden and other waste from premises, provided that the Municipality is able to do so with its waste removal equipment.
- 2) All such waste shall be placed within 3 m of the boundary loading point, but not on the sidewalk. Generation, storage, collection, reuse and disposal of building

26.3. Generation, storage, collection, reuse and disposal of building waste

- 1) The owner or occupier of premises on which building waste is generated and person conducting an activity which causes such waste to be generated, must ensure that—
 - a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was 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 building waste which is blown off the premises is promptly retrieved; and
 - d) pursuant to any instructions from the Municipality, any structure necessary to contain the building waste is constructed.
- 2) Any person may operate a building waste removal service subject to adherence to relevant legislation and Integrated Waste Management By-Laws-Laws.
- 3) Should the Municipality provide such a service, it shall be done at a prescribed tariff.
- 4) The owner or occupier of premises may apply to the Municipality for written consent to place an appropriate receptacle for the storage and collection of building waste in the road reserve for the period of such consent.
- 5) Every receptacle, authorised in terms of subsection (4) and used for the removal of building waste, must –

- a) have a clearly marked name, address and telephone number of the person in control of such approved receptacle;
 - b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
 - c) be covered at all times other than when actually receiving or being emptied of such waste so that no displacement of its contents can occur.
- 6) The owner or occupier of premises on which building waste is generated must ensure that the waste is disposed of at a facility designated for that purpose by the Municipality.
 - 7) For the purpose of reclamation of land, reuse or recycling, building waste may with written consent of the Municipality, be deposited at a place other than the Municipality's waste disposal sites.
 - 8) A consent given in terms of subsection (4) shall be subject to the conditions, as the Municipality may deem necessary.

27. The Municipality's skip bin rental service

If containers or other receptacles used for the removal of builder's waste, bulky waste or other waste material from premises can, in the opinion of the Municipality not be kept on the premises, such containers or other receptacles may with the written consent of the Municipality be placed in the roadway for the period of such consent.

- 1) Any consent given in terms of subsection (1) shall be subject to such conditions as the Municipality may deem necessary, provided that in giving or refusing its consent or in laying down conditions the Municipality shall have regard to the convenience and safety of the public.
- 2) The written consent of the Municipality referred to in subsection (1) shall only be given on payment of the tariff charge for the period of such consent.

- 3) At the request of the owner/s and or occupier/s and after payment of the applicable tariff charge the Municipality shall provide mass waste containers (6m³) for removal of general waste from premises, provided that the Municipality is able to do so with its waste removal equipment.
- 4) The mass container will be delivered to the premises as requested by the applicant and the mass container will be placed on the pavement for a predetermined period as determined by the Waste Management Officer.
- 5) At the request of the owner/s and or occupier/s or manager of the premises the Municipality may provide a special service for the removal of waste at the prescribed tariff as determined by Municipality from time to time.

CHAPTER 4: RECYCLING OF WASTE**28. Storage, separation and collection of recyclable domestic waste**

- 1) Any person who is undertaking any activity involving reduction, re-use, recycling or recovery of waste including scrap dealers, by-back centres and formalized recycling groups must before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste and must notify the Municipality of an intention to undertake such an activity in writing.
- 2) Any person undertaking the activities contemplated in subsection (1) must adhere to the requirements set out in national or provincial legislation.
- 3) The Municipality may require any person or owner of premises to separate their waste and use different receptacles provided by the Municipality or service provider.
- 4) In cases where the Municipality, service provider or industry has provided separate receptacles for recyclable material, no person may use other receptacles for recyclable material.
- 5) Waste material for the purpose of recycling may not be stored at any premises where it results in risks or nuisance conditions.
- 6) Separation of waste or sorting of recyclables shall be performed on the premises of the point of generation of the recyclable waste stream.
- 7) All facilities where separation and classification of recyclable material is performed must comply with the applicable statutory requirements.
- 8) When applying for a permit from the Municipality, the applicant must-
 - a) Submit an environmental impact assessment or any similar assessment required by national or provincial legislation, showing that the proposed recycling, re-use or reduction of the waste will be less harmful to the environment than its disposal;

- b) Submit an integrated waste management plan; and
 - c) Comply with any other requirements set by the Municipality.
- 8) Any person who handles, transports, processes, treats or disposes of waste for recycling purposes must provide the Municipality with a written report on their activities in a format and at such frequencies as may be determined by the Municipality.
- 9) The Municipality may exempt waste generators, handlers, transporters or agents from the requirements of this Chapter in circumstances where the mass or volume of the waste generated is below a threshold stipulated by the Municipality.
- 10) The Municipality may determine-
- a) Categories of waste which must be recycled;
 - b) Categories of waste generators which must engage in specified forms of recycling; and
 - c) Standards and other rules applicable to recycling.

CHAPTER 5: WASTE INFORMATION**29. Provision of waste information system and requirements for registration of transporters**

- 1) Any person who transports waste for gain must adhere to the requirements as set out in Section 25 of the National Environmental Management: Waste Act, 2008 (Act No.59 of 2008)
- 2) The Municipality may, by notice in the provincial gazette, require any person or category of transporters to register and report to the Municipality information as set out in that notice. The notice may include but not limited to-
 - a) the application forms;
 - b) prescribed fee;
 - c) renewal intervals;
 - d) list of transporters, types and thresholds of waste transported;
 - e) minimum standards or requirements to be complied with.
- 3) Any person conducting listed activities of hazardous generation of waste, recovery and recycling of waste, treatment of waste, disposal of waste, exportation of hazardous waste must register and report to the Municipality and South African Waste Information System.

30. Generators of waste

- 1) Any person or persons conducting the following waste management activities must register with the Municipality waste information officer-
 - a) Generators of hazardous waste in excess of 20kg per day.
 - b) Recovery or recycling of waste (waste reprocess)
 - i. Recovery of energy from general waste (more than 3 tons per day).
 - ii. Recovery of waste at facility that has a capacity to process more than 5 tons of general waste per day.
 - iii. Recovery of hazardous waste regardless of size or capacity of the facility.

- iv. The scrapping or recovery of motor vehicles at a facility that has an operational area of more than 500m².
 - v. Recycling of waste that has the capacity to process more than 5 tons of general waste per day.
 - vi. Recycling of hazardous waste regardless of size or capacity of the facility.
- c) Treatment of waste
- i. Treatment of general waste at a facility that has the capacity to process more than 10 tons of general waste per day excluding the treatment of effluent, waste water or sewage.
 - ii. Treatment of hazardous waste regardless of size or capacity of the facility.
- d) Disposal of waste
- i. Disposal of general waste to land at a facility covering an area in excess of 200m².
 - ii. Disposal of any quantity of hazardous waste to land.
- e) Transportation of hazardous waste
- i. A person who transports more than 10kg/d of hazardous waste.
- f) Waste transfer station
- ii. A person who operate a waste transfer facility that has capacity to store in excess of 100m³ of general waste.
 - iii. A person who operate a waste transfer facility that has capacity to store in excess of 35m³ of hazardous waste

31. The following activities are required to submit monthly data to the waste information system.

- 1) A transporter removing hazardous waste from the jurisdiction of the Municipality for treatment or disposal
- 2) A person who operates a general waste landfill site facility covering an area in excess of 200m²

- 3) A person who operates a hazardous waste landfill site facility.
- 4) A person who operates a general waste treatment facility that has the capacity to process more than 10 tons of general waste per day.
- 5) A person who operates a hazardous waste treatment facility.
- 6) A person who operates a recycling facility that has the capacity to process more than of 5 tons of general waste per day.
- 7) A person who operates a hazardous waste recycling facility.
- 8) A person who operate a facility for scrapping or recovery of motor vehicles that has an operational area of more than 500m²
- 9) A person who operates a facility that recover energy from general waste (more than 3 tons per day)
- 10) A person who operates a facility that recover waste at the facility that has a capacity to process more than 5 tons of general waste per day

32. The above activities will register as one of:

- 1) A generator
- 2) A transporter
- 3) A transfer stations
- 4) A landfill sites
- 5) A waste treatment facility
- 6) A waste recovery or recycling facility

33. Integrated Waste Management Plan

- 1) An integrated waste management plan must be submitted by the waste generators listed in subsection (10) below in writing to the waste management officer for approval prior to the generation of the waste to be dealt with in terms of the said plan.
- 2) An integrated waste management plan must include:
 - 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) 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 reduction 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.
- 3) Industrial entities must include in an integrated waste management plan measures or actions to be taken to manage waste, the phasing out of the use of certain substances, opportunities for reduction of waste generation through changes to product design, product production or packaging to reduce resource consumption.

- 4) Industrial and commercial entities must provide for the education, marketing and sales information to influence perception and behaviour of customers to ensure recycling of products.
- 5) When requested to submit an integrated waste management plan or a further integrated waste management plan in terms of this By-laws, a waste generator shall do so within the time stipulated and comply with the terms and conditions set out by the waste management officer for the generation, minimisation, storage, collection and disposal of such waste.
- 6) The waste management officer must consider the plan and:
 - a) approve it with conditions and give directions for the implementation thereof;
 - b) request that additional information be furnished, or a revised plan be submitted for approval;
 - c) require amendments to be made within a time frame so specified by them;
 - d) reject the plan and provide reasons therefore; or
 - e) approve such a plan and specify conditions pertaining to such approval.
- 7) If an integrated waste management plan is rejected or not submitted at all, the waste management officer shall give directives as to what waste management measures must be taken by the waste generator and should the waste generator fail to take such measures within the time frame specified by the Waste Management Officer, the Municipality may implement such measures and the waste generator will be liable for the cost thereof.
- 8) The Municipal Department of Environmental and Solid Waste Management may by written notice require any person to provide such information as he or she requires when preparing the Municipality's integrated waste management plan.

- 9) Should a person fail to provide the information referred to in subsection (8), the Head of Department Environmental and Solid Waste Management may appoint an auditor to obtain such information at the cost of waste generator.

The waste generators of the following classes of waste must submit an integrated waste management plan:

- a) industry waste;
- b) building waste;
- c) event waste;
- d) priority waste;
- e) hazardous waste;
- f) 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;
- g) any other person who is given notice to do so by Municipal Department of Environmental and Solid Waste Management.

34. Exemptions from submitting an Integrated Waste Management Plan

- 1) If one of the waste generators for the categories of waste referred to in section 33 (10) wishes to be exempt from submitting an integrated waste management plan, an application must be made in writing to the Waste Management Officer, stipulating reasons for the application.
- 2) A Waste Management Officer may also declare:
 - a) certain types of waste or waste generators;
 - b) a particular mass or volume of waste; or

- c) persons who have submitted such a plan to the other spheres of government in terms of their applicable legislation; to be exempt from the submission of an integrated waste management plan to the Municipality

CHAPTER 6: LISTED WASTE MANAGEMENT ACTIVITIES**35. Commencement, conducting or undertaking of listed waste management activities**

- 1) Any person conducting a listed waste management activity listed in terms of section 19 of the National Environmental Management Waste Act, 2008 (Act No.59 of 2008), must upon request by an official of the Municipality, provide proof of compliance with the requirements of a licence issued by the competent authority.
- 2) Any person conducting or intending to conduct any activity contemplated in sub section (1) must, at least sixty (60) days before commencement, conducting or undertaking such activity, inform the Municipal Waste Management Officer in writing of the intention.

CHAPTER 7: GENERAL PROVISIONS OF RESOURCES FOR LITTER

- 1) The Municipality, or owner of premises in the case of privately-owned land, must take reasonable steps to ensure that sufficient and appropriate receptacles/bins or containers are provided for the discarding of litter by the public, in any place to which the public has access.
- 2) The Municipality, or owner of privately-owned land, must ensure that all receptacles/bins or containers installed on the premises for the collection of litter are-
 - a) Maintained in good condition;
 - b) Suitably weighted and anchored so that they cannot be inadvertently overturned;
 - c) Constructed in such manner as to ensure that they are weather proof and animal proof;
 - d) Of suitable size to contain all litter likely to be generated on the premises and by the users thereof;
 - e) Placed in locations convenient for the use by users or occupants of the premises discourage littering or the unhealthy accumulation of waste; and
 - f) Emptied and cleansed periodically or when full. The emptying and cleansing of receptacles must be done frequently to ensure that no receptacle or its contents may become a nuisance or provide reasonable grounds for complaint.
- 3) In any public place where a receptacle has been placed for the depositing of litter, the Municipality may put up notices about littering.

36. Prohibition of littering

- 1) No person may:
 - a) Cause litter;
 - b) Sweep any waste into a gutter, onto a road reserve or onto any other public place;

-
- c) Disturb anything in, or remove from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause the contents of the receptacle to spill or fall onto the ground around it; and
- d) Allow any person under his control to do any of the acts contemplated in paragraphs a, b or c above.
- 2) Notwithstanding the provisions of subsection (1), the Municipality, or owner in the case of privately owned land to which the public has access, must within a reasonable time after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed.
- 3) If the provisions of subsection (1) are contravened, the Waste Management Officer may direct, by way of a written notice to persons that:
- a) They cease the contravention, in a specified time;
 - b) They prevent a further contravention or the continuation of the contravention;
 - c) Take whatever measures the Waste Management Officer considers necessary to clean up or remove the waste, and to rehabilitate the affected facets of the environment, to ensure that the waste and any contaminated material which cannot be cleaned or rehabilitated is disposed of lawfully.
- 4) The Waste Management Officer may in respect of the notice contemplated in subsection (3) (c) state that the person must, within a maximum of 5 days remove the waste or litter, provided the Waste Management Officer may grant a further 2 days, on request of the person, to remove the litter or waste.
- 5) A person who owns land or premises, or who is in control of or has a right to use land on premises, shall not use or permit the use of the land or premises for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for that purpose.

- 6) If the Municipality elects to remove the waste or litter, the person concerned shall be liable for the cost of such removal operation.
- 7) In the case of hazardous waste, the Municipality shall immediately remove same and thereafter issue notices that the person concerned is liable for the cost of the removal and rehabilitation of the area.

37. Prohibition of nuisance

- 1) Any person handling waste within the Municipality, either through storage, collection, transportation, recycling or disposal must:
 - a) Take reasonable measures to prevent nuisance, injury, harm or damage, annoyance or inconvenience to any person and the environment;
 - b) Take measures to remedy any spillages, harm, damage or nuisance referred to in section (a):
 - c) The Municipality shall, by written notice, instruct any holder of waste at their own cost; to clean any waste causing nuisance to any person or the environment;

38. Burning of waste

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

39. Unauthorised disposal/ dumping

- 1) No person may:
 - a) Except with the permission of the occupier, owner 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 a public place; any drain, watercourse, flood prone areas, tidal or other water in or in the vicinity of any road, highway, street, lane, public footway or pavement, roadside or other open space to which the public have access; or private or municipal land.
 - b) Once it has been alleged that a person has left an item or allowed an item to be left at a place which he is not the owner/s and or occupier/s, he shall be deemed to have contravened the provisions of subsection (1) until the contrary is proved.

40. Abandoned articles

- 1) Any article, other than a motor vehicle deemed to have been abandoned in terms of the Road Traffic Act which in light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition of such article, is reasonably regarded by the Municipality as having been abandoned, may be removed and disposed of by the Municipality as it may deem fit.
- 2) The Municipality may remove and dispose of any article which is chained or fastened to any pole, parking meter or any other property belonging to the Municipality, without authorisation as it may deem fit.
- 3) Where anything has been removed and disposed of by the Municipality in terms of subsection (1) and (2) the person responsible shall be liable to pay the Municipality the tariff charged in respect of such disposal.

- 4) For the purposes of subsection (3) the person responsible shall be:
- a) The last owner of the thing, before it was collected by the Municipality, and shall include any person who is entitled to be in possession of the thing by virtue of a purchase agreement or an agreement of lease at the time when it was abandoned or put in the place from which it was so removed unless he can prove that he was not concerned in and did not know of it being abandoned or put in such a place: or
 - b) Any person by whom it was put in the place aforesaid: or any person who knowingly permitted the putting of the thing in the place aforesaid.

41. Liability to pay applicable tariffs

- 1) The owner of premises where the Municipality is rendering waste services contemplated in this by-laws is liable for the payment of prescribed tariffs for such services and is not exempted from or reduction of such tariffs due to non-usage, partial or limited use of such services.
- 2) The Municipality reserves the right to review such tariffs contemplated in subsection (1) on an annual basis.
- 3) The Municipality may exempt any person or category of persons deemed to be falling in the indigent category from paying prescribed tariffs for waste management services as outlined in the Municipal Indigent Policy.

42. On-site disposal

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

- 2) A declaration contemplated in subsection (1) must be published in a provincial gazette and may include but not limited to:
- a) Time frames for such a declaration;
 - b) Minimum standards to be adhered to for on-site disposal;
 - c) Quantity of waste that may be disposed.
- 3) The Municipality has a right to inspect the areas contemplated in subsection (1) on a regular basis.

43. Storage, collection, composting and disposal of garden waste

- 1) The removal and disposal of garden waste is mainly done by the owner and/ or occupier of the property or private persons.
- 2) The owner or occupier of the premises on which garden waste is generated may compost garden waste on the property, provided that such composting does not cause a nuisance or health risk.
- 3) The owner or occupier of the premises on which garden waste is generated and not composted must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.
- 4) The Municipality may as far it is reasonably possible, direct any transporter of garden waste or any person providing garden maintenance services, to transport their garden waste to a designated transfer station or facility provided by the Municipality.
- 5) At the written request of the owner or occupier of premises the Municipality or service provider may, in its sole discretion, deliver an appropriate receptacle for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste; at a prescribed tariff.
- 6) Each waste generator of garden waste, special domestic waste or bulky waste must-

- a) Remove the waste and dispose of it at a waste disposal site against payment of the tariff charge; or
 - b) Make arrangements with an authorised waste removal contractor for the removal and the disposal of the waste at a waste disposal site at the waste generator's cost.
- 7) Nothing in this By-laws prevents a waste generator from retaining garden waste for the purpose of making compost; provided that-
- a) Neither the waste nor the compost causes a nuisance or is a fire threat; and
 - b) The waste and the compost are kept on the premises on which they are generated or made and are not kept on any verge or neighbouring property.
- 8) The Municipality may, by notice in writing, instruct a waste generator who generates garden waste, special domestic waste or bulky waste to comply with the provisions of subsection (1) or to dispose of the waste in such manner and at such frequencies as may be required by the Municipality.
- 9) A temporary storage must have a firm, waterproof base and drainage system, it must be so designed and managed that there is no escape of contaminants into the environment.

44. Garden waste sites

- 1) Garden waste must, once it has been removed from the premises on which it was generated, be deposited at a-
 - a) Garden waste site, subject to the requirements of subsection (2); or
 - b) Waste disposal site.
- 2) A waste generator may deposit reasonable quantities of garden waste at a garden waste site at no charge, unless otherwise determined by the Municipality, and provided that-
 - a) The waste was generated on residential premises;

- b) The waste is delivered by means of a vehicle not exceeding a 750 kg or ton pay load; and
 - c) Each waste generator deposits such waste not more than once a week.
- 3) Garden waste generated at an accommodation establishment, a bed and breakfast, a guest house or any other commercial premises, may only be deposited at a waste disposal site or other designated site against payment of the tariff charge.
- 4) The Municipality is entitled to levy the tariff charge on any waste deposited at a garden waste site if it is reasonably satisfied that the waste was not generated at a residential premises or that it was delivered to the garden waste site in a manner which does not comply with the provisions of this By-laws.
- 5) The Municipality shall be entitled to determine the operating hours of garden waste sites, which times must be indicated on notice boards erected at these sites.
- 6) No person may deposit any waste other than garden waste at a garden waste site except with the permission of the Municipality.

45. Collection and disposal of bulky waste

- 1) Any person generating bulky waste must ensure that such waste is collected and recycled or disposed of at a designated facility and may not put such waste as part of the Municipal routine collection.
- 2) At a request of the owner or occupier of any premises, the Municipality may remove bulky waste from premises at a prescribed tariff provided that the Municipality is liable to do so with its waste removal equipment.

46. Building waste

46.1. Building waste removal by Municipality

- 1) The Municipality is not obliged to collect and remove building waste.

- 2) Should the Municipality provide such a service, it shall be done at a prescribed tariff.

46.2. Building waste removal

- 1) Each waste generator who generates building waste must-
- a) Remove, or cause to be removed, such waste and dispose of it at a waste disposal site against payment of the tariff charge; or
 - b) Make arrangements with an authorised waste removal contractor for the removal of the waste at a waste disposal site against payment of the tariff charge.
- 2) The Municipality may by notice in writing, instruct a waste generator who generates building waste to remove the waste, or cause the waste to be removed, either to a waste disposal site or to an incinerator at the discretion of the Municipality or to be disposed of in such other manner as may be approved by the Municipality.
- 3) In giving notice in terms of subsection (2), the Municipality may instruct that the waste be removed and disposed of at any frequency deemed reasonably appropriate by the Municipality.
- 4) Where a waste generator has contracted with an authorised waste removal contractor for the removal of building waste, the waste generator must on written request for the Municipality, provide proof to the reasonable satisfaction of the Municipality that a waste removal contract is in place.

46.3. Storage of building waste

- 1) The waste generator and the building contractor whose activities produce the building waste must ensure that-
- a) Adequate provision for the temporary storage of building waste is provided;
 - b) The waste is not unsightly;
 - c) It does not constitute a nuisance or a safety hazard to any person; and

d) It does not pollute the environment.

46.4. Disposal of building waste

- 1) It is an offence for any person to deposit building waste at any place other than a waste disposal site.
- 2) Builders waste may, with prior written consent of the Municipality, be deposited at a place other than one of the Municipality's waste disposal sites for the purpose of reclaiming land.
- 3) Any consent given in terms of subsection (2) must be subject to such conditions as the Municipality may deem necessary: Provided that in giving or refusing its consent or in laying down conditions, the Municipality must have regard to-
 - a) The safety of the public;
 - b) The environment of the proposed disposal site;
 - c) The suitability of the area including the drainage thereof;
 - d) The expected manner and times of depositing of waste at the site;
 - e) The levelling of the site;
 - f) The control of dust; and
 - g) Any other relevant factors.
- 4) Every waste generator, building contractor and waste removal contractor is obliged, when depositing building waste at a waste disposal site, to obtain and retain for a period of 12 months a weighbridge receipt from the authorised official at the waste disposal site confirming the nature and weight of building waste deposited.
- 5) It shall be presumed, until the contrary has been proven that building waste has been disposed of contrary to the provisions of this section if the waste generator, building

contractor or waste removal contractor is unable to produce a weighbridge receipt confirming that-

- a) The building waste was disposed of at a waste disposal site; or
- b) An amount of building waste was disposed of at a waste disposal site which could reasonably be expected to have been generated from the building operations concerned as determined by the Head of Department or any other qualified person designated by him or her.

47. Generators of building waste

- 1) The owner or occupier of premises on which building waste is generated and person conducting an activity which causes such waste to be generated, must ensure that-
 - a) Until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was 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 building waste which is blown off the premises is promptly retrieved; and
 - d) Pursuant to any instructions from the Municipality, any structure necessary to contain the building waste is constructed.
- 2) Any person subject to adherence to relevant legislation and Integrated Waste Management By-Laws, may operate a building waste removal service.
- 3) Should the Municipality provide such a service, it shall be done at a prescribed tariff.

- 4) The owner or occupier of premises may apply to the Municipality for written consent to place an appropriate receptacle for the storage and collection of building waste in the road reserve for the period of such consent.
- 5) Any consent given in terms of subsection (4) shall be subject to such conditions as the Municipality may consider necessary. The Municipality may determine a charge for any such consent.

48. Obligation of waste generator

- 1) A waste generator may apply to the waste management officer for an additional container and shall be liable for the additional costs as per the Municipality Tariff-By-laws and Tariff Policy.
- 2) The waste management officer may require a waste generator to submit an integrated waste management plan prior to agreeing to supply an additional container.
- 3) The owner and waste generator must comply with the terms and conditions set out by such waste management officer for the generation, minimisation, storage, collection, treatment and disposal of such additional waste.
- 4) The owner of a formal dwelling who has second dwelling 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.
- 5) The owner of the property will have to apply for additional waste collection service with the Municipality for the storage, collection and disposal of waste as contemplated in subsection (4) and shall be liable for the charges levied by the Municipality in connection therewith.
- 6) Any industry or agent disposing of waste on behalf of such business shall provide a report of the waste disposed to the waste management officer in a format as determined by the Director from time to time, on or before the 7th of each month.

- 7) When building plans are submitted to the Municipality for its approval in terms of the National Building Regulations and Building Standards Act, 1977(Act No. 107 of 1977), the person submitting same must submit simultaneously therewith—
- a) An integrated waste management plan setting out what provision is made for collection and disposal of the building and other waste;
 - b) What provisions are made to store the waste on their property; or
 - c) Provide a written authorisation for the disposal of waste at a licensed landfill site.
 - d) Pay a refundable deposit to Municipality that which is redeemable upon proving that building waste was disposed at the licensed landfill site.
- 8) Contaminated building waste or other waste where the contamination agent is hazardous or dangerous must be deposited at a licenced hazardous waste disposal facility for the treatment and disposal of hazardous waste.
- 9) The owner of the facility where building rubble waste is disposed of shall provide a monthly report to the Waste Management Officer of the mass of such waste deposited at such facility.
- 10) The waste generator or the owner of the property on which waste is generated who deposits or stores waste on property of the Municipality will be fined for failure to have or produce a permit for such deposit or storage.
- 11) When the building control officer inspects the property where building works have been undertaken to check that it has been built in accordance with the approved plans, he or she shall also check if all building waste has been properly disposed of, by means of requesting evidence for such
- 12) The owner of the property referred to in subsection (11) will be required to provide the building control officer with proof of a weighbridge receipt that he or she has disposed of the full mass of the building rubble at a licenced waste disposal facility for that category of waste prior to an occupancy certificate or any final approvals being granted.

49. Event waste

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

49.1. Integrated Waste Management Plans for events

- 1) An event organiser and venue owner must develop an integrated waste management plan in respect of each event.
- 2) The integrated waste management plan must-
 - a) Be delivered to the Municipality at least 10 working days before the proposed event; and
 - b) Deal with at least the following matters:
 - i. The full names and contact details of the event organiser;
 - ii. The full names and contact details of the owner of the premises at which the event will be held;
 - iii. The nature and duration of the event;
 - iv. The estimated costs of waste management associated with the event; and
 - v. The information as required under subsection 33(2).
- 3) The Municipality must consider the integrated waste management plan and-
 - a) Approve it subject to any conditions;

- b) Request that additional information be furnished within a specified time frame;
 - c) Require amendments to be made a time frame so specified; or
 - d) Reject the plan and provide reasons, therefore.
- 4) If an event organiser and venue owner fail to comply with any provision of this section or the integrated waste management plan submitted in terms of this section, the Municipality may arrange for the collection, recycling and disposal of the waste at the cost of the event organiser and venue owner and recover the cost from the deposit paid.
- 5) If no deposit was paid by the event organiser and venue owner, the event organiser and venue owner are jointly and severally liable for any expenses incurred by the Municipality in this regard.
- 6) Should an event holder fail to provide an integrated waste management plan in respect of an event, the Municipality may appoint a service provider to obtain information and prepare a plan at the cost of the event organiser.

50. Emergencies requiring the management of waste

- 1) In the event of an emergency, the Director may call upon the owner of the property or the waste generator to manage same within a stipulated period to the Municipality's satisfaction.
- 2) The Director may arrange for management of an emergency, including the clearing and cleaning of debris and pollution effects, transporting and disposing of the waste at a licenced waste disposal facility accredited for the specific type of waste generated.
- 3) The Director may also arrange, manage and co-ordinate the rehabilitation and repair of any infrastructure, buildings, equipment or natural environment in this process.

- 4) The cost of such management, rehabilitation and repair, including all costs incurred in the utilisation of the Municipality's resources, equipment and materials shall be for the account of the person responsible for the emergency.
- 5) If an emergency occurs by an act of God the Municipality will deal with such emergency in such manner as the circumstances and funding may allow.

CHAPTER 8: SPECIAL INDUSTRIAL, HAZARDOUS OR HEALTH CARE RISK WASTE**51. Notification of generation of special industrial, hazardous, medical and infectious waste**

- 1) A person engaged in an activity which causes special industrial hazardous, medical or infectious waste to be generated, shall notify the Municipality within seven days of such generation of the composition thereof, the quantity generated method of storage, the proposed duration of storage, and the manner in which it will be removed.
- 2) If so required by the Municipality, the notification referred to in subsection (1) shall be substantiated by an analysis certified by an appropriately qualified industrial chemist.
- 3) Subject to the provisions of section 72 of the Local government Ordinance, 1939, the Municipality or any person duly authorised by the Municipality may enter premises at any reasonable time to ascertain whether special, industrial, hazardous, medical or infectious waste is generated on such premises and may take samples and test any waste found on the premises to ascertain its composition.
- 4) Having notified the Municipality in terms of subsection (1), the person referred to in subsection (1) shall notify the Municipality of any changes in the composition and quantity of the special industrial, hazardous, medical or infectious waste occurring thereafter.

52. Storing of special industrial, hazardous, medical and infectious waste.

- 1) The person referred to in section 51 (1) shall ensure that the special industrial, hazardous, medical or infectious waste generated on the premises is kept and stored thereon in terms of section 17 (1) until it is removed from the premises in terms of section 58.
- 2) Special industrial, hazardous, medical or infectious waste stored on premises shall be stored in such manner that it cannot become a nuisance, safety hazard or pollute the environment.
- 3) If special industrial, hazardous, medical or infectious waste is not stored in terms of subsection (2) on the premises on which it is generated the Municipality may order the owner/s and or

occupier/s of the premises and or the person referred to in section 51 (1) to remove such waste within a reasonable time and, if thereafter such waste is not removed within such time, the Municipality may itself or through any person remove it at the owner/s and or occupier/s expense or the expense of the person referred to in section 51 (1), or both, as the case may be.

4) The containers for medical and infectious waste must comply with the following minimum requirements:

- a) All infectious waste must be placed at the point of generation into a container approved by the Municipality;
- 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 must be after manufactured of a material which will prevent the contents from leaking out. The container must be equipped with a safe and hygienic lid, and must be sealed after utilisation; and
- d) All containers must be clearly marked with the universal bio-hazardous waste symbol.

53. Removal/transportation of special industrial hazardous, medical and infectious waste

- 1) No person may, without or not in accordance with the Municipality's written approval of conditions, remove special, hazardous, medical and infectious waste from a premise at which it has been generated.
- 2) Hazardous, medical or infectious waste may only be transported in accordance with the requirements of the Waste Management Officer with the focus on the type of vehicle, its

markings, the way it is manufactured, safety procedures and hygiene and documentation regarding the origin, transport and disposal of such waste.

- 3) The person referred to in section 51 (1) shall inform the Municipality at such intervals as the Municipality may stipulate, having regard to the information to be given to the Municipality in terms of that section, of the removal of special industrial, hazardous, medical or infectious waste, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial, hazardous, medical or infectious waste removed.
- 4) No person shall dispose of any infectious waste by incinerating it unless the Waste Management Officer's or Environmental Health Inspector prior written permission has been given to incinerate such waste.
- 5) 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 waste as directed by the Municipality, or the Municipality or any approved contractor may dispose of such waste and recover the costs from such person.
- 6) The medical waste container must be used strictly in accordance with the following prescriptions:
 - a) The medical waste container to be used for sharps and/or broken glass may be used solely for this purpose.
 - b) The swabs medical waste container may be used solely for bandaged etc. (needles, glass, sharps etc. can penetrate the cardboard, thus it is not permissible to place such objects in the cardboard containers).
 - c) The user is responsible for ensuring that the containers are used in accordance to paragraph (a). Should it come to light that the user did not place the medical waste in the correct container and an incident occurs, the user will be held liable.

- d) The user must ensure that any waste products that consist of blood and/or body fluids are placed in a sealed plastic container with a plastic lining specially supplied for this purpose to prevent any leakages.
 - e) The responsible person must ensure that before the vehicle leaves the premises is not overloaded or showing any defect that will affect its safety.
 - f) The load must be properly loaded and secured on site.
- 7) Any person transporting industrial, hazardous or health care risk waste must ensure that the facility or place to which such waste is transported is authorised to accept such waste prior to offloading the waste from the vehicle.
- 8) The generator or his/her representative must ensure that adequate steps are taken to minimise the effect of an accident or incident that may occur on the public road and environment.

CHAPTER 9: ADMINISTRATIVE MATTERS FOR COMPLIANCE AND ENFORCEMENT**54. Compliance notices**

- 1) The Waste Management Officer may issue notices to any person contravening the provisions of this By-laws:
 - a) Setting out the provisions or conditions contravened;
 - b) Directing such person to comply with such provisions or conditions; and
 - c) Setting out the measures which must be taken to rectify the contravention, and the period in which he or she must do so.
- 2) If a person fails to comply with directions given in a notice issued by the Waste Management Officer, the Waste Management Officer may:
 - a) Take whatever steps it considers necessary to clean up or remove waste, to rehabilitate the premises, place or the affected environment at which the waste has been illegally dumped or stored and to ensure that the waste, and any contaminated material which cannot be removed, cleaned or rehabilitated, is disposed of lawfully;
 - b) Recover the costs of cleaning, removing, rehabilitating or disposing waste, premises or environment, or contaminated material, respectively, from the persons obliged to take such steps in terms of this By-laws, who shall be jointly and severally liable, thereof.
- 3) The Municipality may, in the case of hazardous or priority waste, require the persons generating such waste to close until such time as steps are taken to dispose of the waste in terms of subsection (2) if there is a real threat of damage or injury to any person or property.
- 4) The following persons may be served with such notice:
 - a) Any person who committed, or who directly or indirectly permitted, the contravention;

- b) The generator of the waste;
- c) The owner of the land or premises where the contravention took place;
- d) The person in control of, or any person who has or had, at that stage of the contravention, a right to use the land or premises where contravention took place.

55. Serving of documents and process

- 1) Whenever any notice, order, demand or other document is authorised or required to be served on a person in terms of this By-laws, it shall be deemed to have been effectively and sufficiently served on such a person:
 - a) When it has been delivered to him or her personally.
 - b) When it has been left at his or her place of residence or commercial with a person apparently over the age of 16 years;
 - c) When it has been posted by registered or certified mail to his or her last known residential or commercial address and an acknowledgement of posting thereof is produced;
 - d) If his or her address is unknown, when it has been served on his or her agent or representative in a manner provided for in paragraph (a), (b) or (c); or (e) if his or her address and agent are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.

56. Failure to comply with the by-laws and enforcement

- 1) If the waste management officer has issued a compliance notice in terms of section 54 to anyone for contravening any provision of this By-laws and such person fails to comply with such notice, he or she shall be guilty of an offence.

- 2) The Waste Management Officer may in writing require any person to submit a report to him or her in respect of the impact of waste in a specified form as stipulated in the Municipality's guidelines as published from time to time.
- 3) If the person fails to submit such a report within the period specified, the waste management officer may appoint an independent person to compile the report and recover the costs of compiling the report from the person required to submit it.
- 4) If the waste management officer suspects that the person has on one or more occasion contravened or failed to comply with the By-laws or a license issued in terms of provincial or national legislation and this has had a detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage or has contributed to the degradation of the environment, the waste management officer may direct that such a report be compiled by an independent person.
- 5) The waste management officer may then direct the person who failed to comply with the By-laws to take the action recommended in such report, failing which the Municipality may do so, and the person who contravened the By-laws shall be liable for the cost thereof.

57. 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 by-laws.
- 2) The Municipality may:
 - a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted be stipulated therein;
 - b) alter or cancel any exemption or condition in an exemption; or
 - c) refuse to grant an exemption.

- 3) In order to consider an application in terms of subsection (1), the Municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- 4) 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.
- 5) If any condition of an exemption is not complied with, the exemption lapses immediately.

58. Seizure and impounding of vehicles

- 1) A peace officer may, without a warrant, seize and impound a vehicle which is concerned or is on reasonable grounds believed to be concerned with the commission of an offence under this By-laws.
- 2) The peace officer, at the time of impoundment, must give the holder of the seized and impounded vehicle a copy of a notice setting out –
 - a) the reason for the impoundment;
 - b) the description of the vehicle being impounded;
 - c) the address and contact details of the designated pound;
 - d) the payment of an impoundment fee; and
 - e) the possibility of the impounded vehicle being sold to recover the costs.
- 3) A vehicle which has been seized and impounded in terms of subsection (1) and (2) must be taken to a designated pound where it will be retained and dealt with in terms of subsection (4).
- 4) The seized and impounded vehicle will be released immediately under the following conditions:
 - a) if a criminal charge is not laid or no fine is issued within 48 hours of the seizure of the vehicle;

- b) when the criminal charges against the person have been withdrawn or the person has been acquitted of the offence charged; or
- c) in the case where the person is convicted of the offence charged, and unless the court has ordered otherwise, on payment of the impoundment fee to the authorised official of the vehicle impoundment facility of the Municipality.

59. Appeals

- 1) A person whose rights are affected by a decision taken by the Municipality in terms of these By Laws, 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, 2000 (Act No. 32 of 2000) to the municipal manager or delegated official within 21 days of the date of the notification of the decision.

60. Offences and penalties

60.1. Dumping: general

- 1) No person may dump waste in a manner not permitted in terms of this By-laws, nor may any person allow a person under his or her control to do so.
- 2) Any person found guilty of dumping shall be liable for a fine or imprisonment as set out in this By-laws.
- 3) The Municipality may take such measures as are necessary to remove and dispose of waste which has been dumped and the person responsible for dumping the waste shall, in addition to any penalties imposed in terms of this By-laws, be liable for the Municipality's costs in removing and disposing of the waste.

60.2. Dumping on private land

- 1) The owner 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.

- 2) If subsection (1) is contravened, the Municipality may direct, by way of a written notice to the owner, that he or she-
- a) Cease the contravention, in a specified time;
 - b) Prevent a further contravention or the continuation of the contravention; and
 - c) Take whatever measures the Municipality considers necessary to clean up or remove the waste and to rehabilitate the area, to ensure that the waste and any contaminated material which cannot be cleaned or rehabilitated is disposed of lawfully.
- 3) The Municipality may in respect of the notice contemplated in subsection (2)(c) state that the owner must, within a maximum of five working days remove the waste or litter, provided the Municipality may grant a further 2 days on request by the owner, to remove the litter or waste.
- 4) A person who owns land or premises, or who is in control of or has a right to use land or premises, must-
- a) Not use or permit the use of the land or premises for unlawful dumping waste;
 - b) Take reasonable steps to prevent the use of the land or premises for that purpose; and
 - c) Report all unlawful dumping of waste on the land or premises to the Municipality.
- 5) The Municipality may take such measures as are necessary to remove and dispose of waste which has been dumped in contravention of subsection (4) and the person responsible for dumping the waste shall, in addition to any penalties imposed in terms of this By-laws, be liable for the Municipality's costs in removing and disposing the waste.

60.3. Dumping; whistle blowing

- 1) The Municipality may establish mechanisms to assist members of the public to report instances of dumping in contravention of this By-laws.

- 2) Any whistle blowing mechanism established in terms of subsection (1) may, at the discretion of the Municipality, provide for the reporting of dumping on an anonymous or other basis.

60.4. Dumping: naming and shaming

- 1) The Municipality may publish the name of any person convicted of dumping in contravention of this By-laws, along with details of that person's offence.
- 2) The names and details of dumping in contravention of this By-laws, as contemplated in subsection (1), may be published-
 - a) On the Municipality's website;
 - b) By posting these details on the Municipality's notice boards;
 - c) In the media; or
 - d) In any other manner deemed appropriate by the Municipality.

60.5. Reporting of noncompliance with the by-laws

- 1) Any person who wishes to report noncompliance with the bylaw including illegal disposal or abandoning of waste should report to the Municipality revealing as much as he/ she possibly can including the following information:
 - a) debris, nature and location
 - b) photo of the incident
 - c) description of offenders
 - d) license plate number and description of vehicles involved
 - e) description of items dumped
 - f) time, date and location of incident they witnessed
- 2) Any person suspecting or witnesses an act of non-compliance with the bylaw may use, visit or call any customer care or administrative office of the Municipality and request to be assisted to get in

contact with the Waste Management Officer or an authorised official in terms of this bylaw to provide information regarding the alleged act of non-compliance.

60.6. Offences

- 1) A person is guilty of an offence under this By-laws if he or she-
 - a) Unlawfully prevents an authorised official entry to his or her premises or causes or permits any other person to prevent entry;
 - b) Obstructs or hinders an authorised official in the performance of his or her duties or causes or permits any other person to so obstruct or hinder the official;
 - c) Wastes or fails to provide to an authorised official such information as is required to allow an authorised official to perform a function in terms of this By-laws;
 - d) Knowingly gives false or misleading information to an authorised official;
 - e) Impersonates an authorised official;
 - f) Contravenes or fails to comply with any provision of this By-laws;
 - g) Littering or dumping of waste;
 - h) Contravenes any provision or condition in respect of a consent or authorisation given to him or her; or
 - i) Contravenes or fails to comply with any order or notice lawfully issued under this By-laws;
 - j) Transporting waste without valid certificate from the Municipality;
 - k) Undertaking any waste management activity or commercial without prior approval of the Municipality.
- 2) A person who contravenes or fails to comply with any provision of this By-laws shall be guilty of an offence and shall on conviction be liable for such fine or imprisonment as the court may deem

appropriate and the court may in addition order the removal of such waste or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.

- 3) Should any person induce, influence, persuade or force an employee of the Municipality or other person to commit an offence in terms of this By-laws he or she shall be guilty of an offence.
- 4) Should any person induce an employee of the Municipality to collect and dispose of waste without the correct payment to the Council, or the correct methods being employed, shall be guilty of an offence.
- 5) Any waste generator who fails to submit or comply with an integrated waste management plan in terms of this By-laws shall be guilty of an offence.

60.7. Penalties

- 1) Any person who is convicted of an offence under this By-laws shall be liable to a fine of an amount not exceeding R 10 000.00 or to imprisonment for a period not exceeding 3 years or to both such fine and imprisonment.
- 2) In the case of a continuing offence, an additional fine of an amount not exceeding R 2 000.00 or imprisonment for a period not exceeding 1 year, for each day on which such offence continues or both such fine and imprisonment will be imposed.
- 3) The court may in addition to any penalty imposed in terms of subsection (1), order a person to repair the damage, make good the loss, rehabilitate the environment, remove waste, or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.
- 4) The Court may, when considering any sentence for an offence in terms of this By-laws, take into account the following:

- a) That a person delayed in complying with or failed to comply with the terms of notices or directions given to that person under this By-laws;
- b) that person obtained a financial advantage or was to obtain a financial advantage as a result of the commission of the offence;
- c) the severity of the offence in terms of its impact or potential impact on health, wellbeing, public safety and the environment.

61. Short title and commencement

- 1) These By Laws are called the Steve Tshwete Local Municipality Integrated Waste Management By-laws, 2022 and takes effect on the date of publication.

62. Repeal of by-laws

- 1) Any By Law relating to waste management or waste removal or disposal within the Steve Tshwete Local Municipality or any of its predecessors or areas formerly existing under separate Municipalities or other organs of State is repealed from the date of promulgation of this By Law.

63. Annexures

Annexure A: Application form for waste transportation

Annexure B: IWMP form

Annexure C: Application form for skip rental