

# MORETELE LOCAL MUNICIPALITY



## DRAFT WASTE MANAGEMENT BY-LAW

2022

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#### **REPEAL OF BY-LAWS AND TRANSITIONAL ARRANGEMENTS**

## **ADOPTED BY RESOLUTION OF THE MUNICIPAL COUNCIL OF MORETELE LOCAL MUNICIPALITY**

The Municipality of Moretele Local Municipality (“the Municipality”) hereby publishes the Waste Management By-laws set out below, promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa (RSA), (Act No. 108 of 1996) and section 9(3)(a) -(d) of the National Environmental Management: Waste Act: 59 of 2008.

### **Preamble**

**WHEREAS** the “Municipality” has the Constitutional obligation to provide services including refuse removal, collection and disposal;

**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, organizations, institutions, businesses, visitors or tourist and public bodies can 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 aim of avoiding or minimizing the generation and impact of waste;

**AND WHEREAS** the “Municipality” promotes the waste hierarchy approach as outlined in the National Waste Management Strategy.

## CHAPTER 1: DEFINITIONS, OBJECTIVES AND PRINCIPLES

### 1. Definitions

In these 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.

**Bin-** a standard type of waste bin with a capacity of 1 cubic metre or 85 litre as approved by the Council Municipality and which can be supplied by the Council. The bin may be constructed of galvanised iron, rubber or polythene.

**Bin liner-** a plastic bag approved by the Municipality which is placed inside a bin with a maximum capacity of 0,1m (cubic). These bags must be of a dark colour 950mm x 750mm in size of low density minimum 40 micrometer or 20 macrometer high density.

**Building waste-** includes all waste produced during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rock displaced during such construction, alteration, repair or demolition.

**Bulky waste-** waste which emanates from any premises, excluding industrial waste which by virtue of its mass, shape, size or quantity is inconvenient to remove in the routine door-to-door service provided by the Municipality or service provider.

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

**Business waste-** waste generated by the use of premises other than a private dwelling-house solely as a residence, but shall not include builders waste, bulky waste, domestic waste or industrial waste.

**“By-law”** means legislation passed by the municipality’s council which is binding on persons who resides within, visiting the area of authority of the municipality or using municipal services.

**Contaminated animal carcasses, body parts and bedding-** contaminated carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals, or the in vivo testing of pharmaceuticals.

**Contaminated sharps-** discarded sharps (e.g. hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades) which have come into contact with infectious agents during use in patient care or in medical, research or industrial laboratories.

**Cultures and stocks of infectious agents and associated biologicals-** specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals and live or attenuated vaccines and culture dishes and devices used to transfer, inoculate and mix cultures.

**Domestic waste-** waste normally generated by the use as a residence of a private dwelling-house, including flats, hospitals, schools, hostels, compounds, benevolent societies, churches and halls situated on private property and which can be easily removed without damaging the bin liner.

**Dry industrial waste-** dry waste generated as a result of manufacturing, maintenance, fabricating and dismantling activities and the activities of railway marshalling yards, but shall not include builders waste, special industrial waste or domestic waste.

**Garden waste-** organic waste which emanates from gardening or landscaping activities at residential, business or industrial premises including but not limited to grass cuttings, leaves, branches, and includes any biodegradable material and excludes waste products of animal origin and bulky waste.

**Health care risk waste-** waste capable of producing any disease and includes, but is not limited to the following:

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

**Human blood and blood products-** waste such as serum, plasma and other blood components

**Industrial waste-** waste generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include building waste, business waste, special industrial waste, hazardous waste, health care risk waste or domestic waste.

**Infectious waste-** waste capable of producing an infectious disease because it contains pathogens of sufficient virulence and quantity so that exposure to the waste by a susceptible human host could result in an infectious disease.

**Isolation wastes-** waste generated by patients who have communicable diseases which are capable of being transmitted to others via those waste.

**Litter-** waste, excluding hazardous waste, arising from activities in public areas that has not been deposited of in a public litter container

**Nuisance-** any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste or by littering.

**Miscellaneous contaminated waste-** waste from surgery and autopsy (e.g. soiled dressing, sponges, drapes, lavage tubes, drainage sets, underpads and gloves), contaminated laboratory waste (e.g. specimen containers, slides and cover slips, disposal gloves, laboratory coats and aprons), dialysis unit waste (e.g. tubing filters, disposable sheets, towels, gloves, aprons and laboratory coats), and contaminated equipment (e.g. equipment used in patient care, medical and industrial laboratories, research and in the production and testing of certain pharmaceuticals).

**Municipal Systems Act-** the Local Government: Municipal Systems Act (MSA), Act no. 32 of 2000.

**Municipality-** Moretele Local Municipality, a municipality established in terms of the Local Government: Municipal Structures Act no. 117 of 1998.

**National Environmental Management:** Waste Act 59 of 2008 (NEM: WA 59 of 2008).

**Occupier(s)-** in relation to any premises, means any person who is in actual occupation of such premises and if no person is in actual occupation thereof, any person who, whether as owner, lessee, licensee or otherwise has, for the time being, control of such premises and shall include a street trader who occupies a site for the purposes of such street trader's business.

**Owner-** the registered owner, lessee or occupier of premises, or the person in charge or control of any premises or part thereof, who is over 18 years of age, and any person who obtains a benefit from the premises or is entitled thereto.

**Pathological waste-** waste consisting of tissues, organs, body parts and body fluids that are removed during surgery and autopsy.

**Person-** has the meaning assigned to it in the Interpretation Act, 1957 (Act No. 33 of 1957), and includes an organ of state.

**Provincial environmental department-** the provincial department responsible for environmental matters.

**Public place-** any square, park, recreation ground, sport ground, sanitary lane or open space which has:  
a) in connection with any subdivision or layout of land into erven, lots of plots, been provided, reserved or set apart for use by the public or the owner or occupiers of such erven, lots of plots, whether or not it is shown on a general plan, plan of subdivision or diagram;

b) at any time been dedicated to the public;

c) been used without interruption by the public for a period at least 30 years expiring after 31 December 1959; or

d) at any time been declared or rendered such by a Municipality or other competent authority.

**Receptacle**- an approved container having a capacity for temporary storage of waste in terms of these by-laws.

**Recycle**- 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**- to utilise articles from the waste stream again for a similar or different purpose without changing the form or properties of the articles.

**South African Waste Information System**- a national waste information system established in terms of section 60 of the National Environmental Management: Waste Act.

**Service provider/contractor**- the person, firm or company whose tender/quotation has been accepted by or on behalf of the Municipality and includes the contractor's heirs, executors, administrators, trustees, judicial managers or liquidators, as the case may be, but not, except with the written consent of the Municipality, any assignee of the contractor.

**Special industrial waste**- waste consisting of a liquid, sludge or solid substance, resulting from a manufacturing process, industrial treatment or the pre-treatment for disposal purposes of any industrial or mining liquid waste.

**Storage**- the accumulation of waste in a manner that does not constitute treatment or disposal of that waste.

**Tariff**- the prescribed charge determined by the Municipality in terms of any applicable legislation for any service rendered by the Municipality in terms of these by-laws.

**Waste:-**

(a) any substance, material or object, that is unwanted, rejected, abandoned, discarded or disposed of, or that is intended or required to be discarded or disposed of, by the holder of that substance, material or object, whether or not such substance, material or object can be re-used, recycled or recovered and includes all wastes as defined in Schedule 3 to this Act; or (b) any other substance, material or object that is not included in Schedule 3 that may be defined as a waste by the Minister by notice in the Gazette, but any waste or portion of waste, referred to in paragraphs (a) and (b), ceases to be a waste-

(i) once an application for its re-use, recycling or recovery has been approved or, after such approval, once it is, or has been re-used, recycled or recovered;

(ii) where approval is not required, once a waste is, or has been re-used, recycled or recovered;

(iii) where the Minister has, in terms of section 74, exempted any waste or a portion of waste generated by a particular process from the definition of waste; or

(iv) where the Minister has, in the prescribed manner, excluded any waste stream or a portion of a waste stream from the definition of waste.



**Waste Disposal facility-** any site where hazardous waste is intentionally placed and at which the waste will remain after closure.

**Waste Handling facility-** any site that is used for the purpose of storage, recovery, treatment, reprocessing, recycling or sorting of that waste.

**Waste Management Officer-** a waste management officer designated in terms of section 10 of the Waste Act.

**Waste Management Hierarchy-** waste management systems and options starting from generation, storage, recycling, recovery, treatment and final disposal of all type of waste.

## **2. Objectives of the by-laws**

The objectives of these by-laws are to –

- (a) give effect to the right contained in section 24 of the Constitution of RSA by regulating waste management within the area of the municipality's jurisdiction.
- (b) provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the Municipality can manage and regulate waste management activities.
- (c) ensure that waste is avoided, or where it cannot be altogether avoided, minimized, re-used, recycled, recovered, and disposed of in an environmental sound manner; and
- (d) promote and ensure an effective delivery of waste services.
- (e) ensure that waste management, including the storage, collection, transportation, treatment, disposal is undertaken in a comprehensive and responsible manner.

## **3. Scope of application**

- (a) These by-laws must be read with any applicable provisions of the National Environmental Management: Waste Act no. 59 of 2008 as amended.

In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction of the municipality, regulates waste management, the provisions of this by-law

- (b) shall prevail to the extent of the inconsistency.
- (c) The by-laws do not override any other national and provincial waste related legislation.

- (d) These by-laws seek to reduce the amount of waste that is generated and, where waste is generated, strive to ensure that waste is recycled or re-used in a responsible and environmentally sound manner before disposal.

#### **4. Principles**

- (a) Any person exercising a power in accordance with these by-laws must; at all times; seek to promote the waste management hierarchy approach as outlined in the National Environmental Management: Waste Act no. 59 of 2008 as amended and the National Waste Management Strategy of 2020, which is promoting waste avoidance and minimisation, waste reuse, recycling and recovery, waste treatment and disposal.
- (b) The by-laws seek to promote sustainable development and environmental justice through fair and reasonable measures for the management of waste within the municipality's jurisdiction.
- (c) The by-laws promote participation of all municipal residents in the promotion of responsible citizenship by ensuring sound waste management practices within residential and industrial environments.
- (d) The municipality must take the following factors into account in ensuring access to collection services:
- The general duty set in Section 5 of these by-laws.
  - The need to use resources efficiently.
  - The need for service delivery to be affordable.
  - The requirements of operational efficiency.
  - The requirements of equity; and
  - The need to protect human health and the environment.

#### **5. General duty of care**

- (a) Every person has a duty to manage any waste generated by his or her activities or the activities of those persons working under his or her direction in such a manner that the waste does not cause harm to human health or damage to the environment. In particular, the person must ensure that:

- waste generation is avoided and where such waste cannot be avoided, minimize the toxicity, and amounts of waste,
  - waste is reduced, reused, recycled, or recovered,
  - where waste must be disposed of, the waste is treated and disposed in an environmentally sound manner,
  - the waste is managed in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts; and
  - prevent the waste from being used for a purpose or in a manner not permitted by law.
- (b) Any person subject to the duty imposed in subsection (a) may be required by the Municipality or an authorized official to take measures to ensure compliance with the duty.
- (c) The measures referred to in subsection (b), that a person may be required to undertake include:
- investigation, assessment, and evaluation of the impact that their activities, the process, or a situation have on the environment,
  - informing and educating employees about the environmental risks of their work and the way their tasks must be performed in order to avoid causing damage to the environment,
  - ceasing, modifying, or controlling any act, process, situation, or activity which causes damage to the environment,
  - containing or preventing the movement of pollutants or other causes of damage to the environment,
  - eliminating or mitigating any source of damage to the environment; or
  - rehabilitating the effects of the damage to the environment.

## **CHAPTER 2: SERVICE PROVIDERS**

### **6. Service providers/Contractors**

- (a) 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 (MSA) no: 32 of 2000.

- (b) Subject to the provisions of the MSA or any other legislation, the Municipality may assign to a service provider any power enjoyed by the Municipality under these by-laws: 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.
- (c) Any reference in these by-laws 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 a service delivery agreement.
- (d) Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the Municipality and which must-
- accord with the provisions of these by-laws,
  - be accessible to the public,
  - establish the conditions of the service including collection times; and
  - provide for the circumstances in which Municipal services may be limited.

**(e) Scope of Work**

The Waste Management specification covers the following:

- Collection of refuse once a week from households
- Collection of refuse once a week from businesses
- Collection of refuse once a week from schools and pre schools
- Collection of refuse once a week from government institutions
- Collection of refuse once a week from the streets
- Cleaning of the illegal dumping sites in all identified spots
- Emptying of skip bins and cleaning its surroundings
- Placing of Environmental signs
- Applications of pesticides on municipal control skips
- Provision of skip bins

Project Management for the entire jurisdiction on waste management

Capacity building and training to employees on waste management

Waste Management Awareness Campaigns and Clean-up campaigns

Provision of Protective Clothing and equipment twice a year

Provision of refuse Bags

Provision of refuse bins

Waste transportation

### **CHAPTER 3: PROVISION OF WASTE SERVICES**

#### **7. Storage and receptacles for general waste**

- (a) 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.
- (b) Any person or owner of premises contemplated in subsection (a) must ensure that-
- the receptacle is stored inside the yard where applicable, away from the public area when still waiting for collection.
  - on agreed collection date, it should be placed outside the premises in an area accessible to the municipal officials or service providers.
  - pollution and harm to the environment is prevented.
  - waste cannot be blown away and that the receptacle is covered or closed.
  - measures are in place to prevent tampering by animals.
  - nuisance such as odour, visual impacts and breeding of vectors do not arise.
  - suitable measures are in place to prevent accidental spillage or leakage.
  - the receptacle is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of the waste.
  - that a receptacle(s) provided by the Municipality is not used for any other purpose other than storage of waste.
  - 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.

- waste is only collected by the Municipality or authorised service provider; and
- in cases where an owner or occupier is not available on the day of collection, make necessary arrangements to ensure that waste is accessible for removal or collection.
- waste is not stored on any public place without the permission of the municipality.

(c) The owner of the land or premises must pay the prescribed fee to the municipality for the municipal services, irrespective of the extent to which the owner makes use of the service.

(d) The prescribed fee referred to in subsection (c) becomes due and payable on the date indicated in the account submitted by the municipality.

## **8. Collection and transportation**

The Municipality may -

- only collect waste stored in approved receptacles.
- set collection schedules for both commercial and residential properties for reasons of health, safety, or environmental protection.
- collect waste outside the set schedule on request by any person and at a fixed tariff agreed to by both parties prior to collection.
- set the maximum amount of quantities of waste that will be collected;
- identify waste streams which may not be collected by the Municipality or which are unsuitable for collection; and where such a case exist, advice the owner of alternatives

Any person transporting waste within the jurisdiction of the Municipality must –

- ensure that the receptacle or vehicle or conveyance is adequate in size and design for the type of waste transported.
- remove or transport the waste in a manner that would prevent any nuisance or escape of material.
- maintain the receptacle or vehicle or conveyance in a clean, sanitary condition always.
- not permit waste transported to become detached, leak or fall from the receptacle or vehicle or conveyance transporting it.
- ensure that waste is transported or deposited at a disposal facility licensed to accept such waste.

(f) ensure that the vehicle is not used for other purposes whilst transporting waste.

(g) apply to the Municipality to register as a transporter of waste in accordance with the requirements set out by the Municipality and adhere to all the conditions attached to the registration.

## **9. Waste disposal**

(1) Waste generated in the municipal area must be disposed of at a waste disposal facility licensed to accept such waste in terms of the provisions of any law regulating disposal of waste as 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 disposal site must adhere to the site operational procedures approved by the Municipality.

(4) All private waste disposal sites within the jurisdiction of the Municipality, must comply to local norms and standards and any other relevant legislation.

(5) Any person who, for the purpose of disposing of refuse, enters a refuse disposal site controlled by the Municipality, shall-

a. Enter the disposal site at the authorized access only.

b. Pay the prescribed tariff charge in respect of the refuse deposited in the manner as determined by the Municipality from time to time.

c. Provide the Municipality with all particulars required regarding the composition of the refuse.

d. In the manner required by the Municipality present the refuse for weighing if the Municipality so requires.

(6) No person may sell food and beverages at waste disposal site controlled by Municipality.

(7) Any person dumping domestic, garden or builder's refuse in any other place shall be guilty of an offence.

## CHAPTER 4: RECYCLING OF WASTE

### 10. Storage, separation, and collection of recyclable domestic waste

- (a) Any person who is undertaking any activity involving reduction, re-use, recycling, or recovery of waste including scrap dealers, buy-back centres and formalised 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.
- (b) Any person undertaking the activities contemplated in subsection - (a) must adhere to the requirements set out in National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) as amended, National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Bailing of General Waste GNR No 1093, National Norms and Standards for Storage of Waste GNR 926 of 2013 and other relevant National and Provincial legislation.
- (c) 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.
- (d) 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.
- (e) Waste management facilities established to sort for recycling purposes will be subject to the conditions determined from time to time by the Municipality. Such waste management facilities must be authorised in writing by the relevant competent authority.
- (f) No person shall operate as a waste management facility, as defined in Chapter 1 of these by-laws unless written authority to operate as such has been obtained from the Municipality or relevant competent authority.



## **CHAPTER 5: WASTE INFORMATION**

### **11. Registration and provision of waste information**

- (a) Any person who conducts an activity, which has been identified in terms of provincial and/or national waste information system must, upon request, present to the Municipality proof that such an activity is registered and reporting the required information as per National Waste Information Regulations GNR 625 of 2012.
- (b) The Municipality may, at its own discretion and as reasonably possible, require any facility, person of activity to register and report to the Municipality any other information (data, documents, samples, material) within 7 days for the purpose of facilitating effective waste management within its jurisdiction

## **CHAPTER 6: PROVISION FOR REGISTRATION OF TRANSPORTERS**

### **12. Requirements for registration**

- (a) 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 no. 59 of 2008 as amended.
- (b) 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-
- the application forms;
  - a prescribed fee;
  - renewal intervals;
  - list of transporters, types, and thresholds of waste transported;
  - minimum standards or requirements to be complied with.

## **CHAPTER 7: LISTED WASTE MANAGEMENT ACTIVITIES**

### **13. Commencement, conducting or undertaking of listed waste management activities**

- (a) Any person conducting a listed waste management activity listed in terms of section 19 of the National Environmental Management: Waste Act no. 59 of 2008 as amended, must upon request by an official of the Municipality, provide proof of compliance with the requirements of a licence issued by the relevant competent authority.
- (b) Any person conducting or intending to conduct any activity contemplated in subsection 13 (a) 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 8: GENERAL PROVISIONS**

### **14. Duty to provide receptacles for litter**

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

## **15. Prohibition of littering**

1. No person may –

- (a) cause litter;
- (b) sweep any waste into a gutter, onto a road reserve or onto any other public place;
- (c) disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause the contents of the receptacle to spill or fall onto the ground around it; and
- (d) deposit domestic, commercial, or garden waste in a container designated for the deposit of litter.
- (e) allow any person under his control to do any of the acts contemplated in paragraphs (a), (b), (c) or (d) above.

2. 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.

Notwithstanding the provisions of subsection 8 (a), 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 before litter becomes a nuisance or ground for complaint.

## **16. Prohibition of nuisance**

Any person handling waste within the Municipality, either through storage, collection, transportation, recycling, or disposal must-

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

## **17. Burning of waste**

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.

## **18. Unauthorised disposal/dumping**

- (a) No person may 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) The local authority may at the expense of an owner of land, person in control of land or a person who occupies the land rehabilitate any damage caused to the environment as a result of the activity or failure of the person referred to in subsection (a) to take reasonable measures to prevent unauthorised disposal or dumping.
- (c) No person may-
  - Dispose of waste other than in accordance with this By-laws or any other relevant National and Provincial legislation.
  - Deposit domestic, business, industrial, garden or building rubble in a public litter bin.

## **19. Abandoned articles**

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

- (b) The Municipality may remove and dispose of any article which is chained or fastened to any pole, parking meter or any other property belonging to the council, without authorization as it may deem fit.
- (c) The Council may recover any reasonable and necessary expenditure which it has incurred in disposing of an article contemplated in subsection (a) or (b) from the proceeds derived from disposing of the article.

## **20. Liability to pay applicable tariffs**

- (a) The owner of premises where the Municipality is rendering waste services contemplated in this by-law 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.
- (b) The Municipality reserves the right to review such tariffs contemplated in subsection (a) on an annual basis.
- (c) 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.
- (d) The Municipality shall have the right at any time to levy tariff charges in respect of a service rendered to any premises in terms of this by-law, although the Municipality has not received an application to render such service from the owner or occupier of such premises.

## **21. On-site disposal**

- (a) The Municipality may, as it deems fit in an area where a municipal waste management service is not already provided, after consultation with the concerned community, declare an area(s) as demarcated for on-site disposal of general waste.
- (b) A declaration contemplated in subsection (a) must be published in a provincial gazette and may include but not limited to—
  - time frames for such a declaration;
  - minimum standards to be adhered to for on-site disposal; and
  - quantity of waste that may be disposed.
- (c) The Municipality has a right to inspect the areas contemplated in subsection (a) on a regular

basis.

## **22. Storage, collection, composting and disposal of garden waste**

- (a) 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.
- (b) 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 at a garden waste handling facility, within a reasonable time after the generation thereof.
- (c) 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.
- (d) 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 additional tariff.

## **23. Collection and disposal bulky waste**

- (a) 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.
- (b) 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 can do so with its refuse removal equipment.
- (c) In case a Municipality has been called to remove illegally dumped waste on vacant land, the Municipality may remove that waste subject to subsection (b) and charge the owner of that vacant land.

## **24. Generation, storage, collection, reuse, and disposal of building waste**

- (a) 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—
- 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;
  - the premises on which the building waste is generated does not become unsightly or cause a nuisance because of accumulated building waste;
  - any building waste which is blown off the premises is promptly retrieved; and
  - pursuant to any instructions from the Municipality, any structure necessary to contain the building waste is constructed.
  - No person may place building waste on a pavement or sidewalk unless such waste is placed in a skip.
  - Building waste must be stored separately from any other waste that may be generated on the land or premises.
- (b) Any person may operate a building waste removal service subject to adherence to relevant legislation.
- (c) Should the Municipality provide such a service, it shall be done at a prescribed tariff.
- (d) 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.
- (e) Every receptacle, authorized in terms of subsection (d) and used for the removal of building waste, must –
- have a clearly marked name, address, and telephone number of the person in control of such approved receptacle;
  - be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
  - be always covered other than when receiving or being emptied of such waste so that no displacement of its contents can occur.

- (f) 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.
- (g) For 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.
- (h) A consent given in terms of subsection (f) shall be subject to the conditions, as the Municipality may deem necessary.

**25. Special industrial, hazardous or health care risk waste**

- (a) No person may carry on an activity that will result in the generation of special industrial, hazardous or health care risk waste, without notifying the Municipality in writing and prior to the generation of such waste of-
  - The composition of that waste;
  - The estimated quantity of waste to be generated;
  - The method and proposed duration of storage of the waste.
  - The manner in which the waste will be collected and disposed of.
- (b) Any waste generator who generates special industrial, hazardous or health care risk waste or an owner of premises where such waste is generated must contract with an accredited service provider to collect and dispose of such waste at a licensed hazardous waste disposal facility.
- (c) Subsection (a) does not apply to generators of waste who have the capacity to conduct the service.
- (d) Any person transporting industrial, hazardous or health care risk waste must ensure that the facility or place to which such waste is transported is authorized to accept such waste prior to offloading the waste from the vehicle; and
- (e) Proof of safe disposal must be kept by generator of waste and made available to the municipality or any other relevant competent authority upon request.



## **CHAPTER 9: FUNCTIONS AND POWERS OF WASTE MANAGEMENT OFFICER AND ENVIRONMENTAL MANAGEMENT INSPECTOR FOR COORDINATION, IMPLEMENTATION AND ENFORCEMENT OF BY-LAWS**

### **26. Powers of an authorised official**

A duly authorised municipal official may, in relation to the provisions of this bylaw:

- (a) inspect any site;
- (b) Issue compliance notices; and
- (c) Report cases of noncompliance with notices issued in terms of this bylaw for prosecution in a court of law and present themselves as witnesses on behalf of the municipality in the procession of such cases.

## **CHAPTER 10: ADMINISTRATIVE MATTERS COMPLIANCE AND ENFORCEMENT**

### **27. Exemptions**

- (a) 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-law.
- (b) The Municipality may –
  - 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;
  - alter or cancel any exemption or condition in an exemption; or
  - refuse to grant an exemption.
- (c) To consider an application in terms of subsection (a), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- (d) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (b), however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.

(e) If any condition of an exemption is not complied with, the exemption lapses immediately.

## **28. Appeals**

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 no. 32 of 2000, to the municipal manager or delegated official within 21 days of the date of the notification of the decision.

## **29. Offences**

Any person who –

- obstructs or hinders the Municipality in exercising the powers or performance of functions or duties as outlined in these by-laws;
- Provides incorrect or misleading information in any document submitted to the Municipality in terms of these by laws.
- contravenes or fails to comply with any provision of these by-laws; or
- fails to comply with the terms of a notice served upon him or her in terms of these by-laws, shall be guilty of an offence.

## **30. Penalties**

- (a) Any person who contravenes or fails to comply with a provision of these by-laws is guilty of an offence and liable on conviction to imprisonment for a period indicated in the NEM: WA 59 of 2008, section 68 or to a fine or to both such fine and imprisonment.
- (b) The Municipality must adopt fines and contravention penalties to be imposed in the enforcement of this By-law

## **31. Service of compliance notice**

The Municipality must serve a compliance notice on a person if it has reasonable grounds to suspect that the person or owner is guilty of an offence contemplated in terms of section 30

### **32. Content of compliance notices**

A compliance notice must—

- (a) identify the person to whom it is addressed;
- (b) describe the activity concerned and the land on which it is being carried out;
- (c) state that the activity is illegal and inform the person of the offence contemplated in section 30 which that person allegedly has committed or is committing through the carrying on of that activity.

### **33. Failure to comply with compliance notice**

If a person fails to comply with a compliance notice the Municipality may—

- (a) lay a criminal charge against the person.

### **34. Short title and commencement**

- (a) These by-laws are called Waste Management By-laws of the Moretele Local Municipality, and take effect on the date determined by the Municipality in the provincial gazette.
- (b) Different dates may be so determined for different provisions of these by-laws.

### **35. Repeal of by-laws**

- (a) Any by-law relating to waste management or refuse removal or disposal within the 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 these by-laws.