

LOCAL AUTHORITY NOTICE 669 OF 2023



MOPANI DISTRICT MUNICIPALITY

**WASTE MANAGEMENT
BY-LAWS**

The Municipal Manager of the Mopani District Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Waste Management By-laws 2022 for Mopani District Municipality, as approved by its Council, as set out hereunder.

TABLE OF CONTENTS

CHAPTER 1 INTERPRETATION, PRINCIPLES AND OBJECTS

1. Definitions
2. Principles
3. Main objects
4. Obligations of generators or holders of waste
5. Provision of information to the Council

CHAPTER 2 INTEGRATED WASTE MANAGEMENT

6. Designation of waste management officer.
7. Preparation and reporting on the implementation of integrated waste management plan by the Council.
8. Contents of integrated waste management plan of the Council.
9. Annual progress reporting by Council.
10. Preparation and reporting on implementation of integrated waste management plans by certain generators or holders of waste.
11. Contents of integrated waste management plans by certain generators or holders of waste.
12. Waste information system.

CHAPTER 3 HANDLING OF DIFFERENT WASTE TYPES

Part 1: Event waste

13. Use of accredited service provider.
14. Obligation to prepare event waste management plan and the minimum content of the plan.
15. Refundable deposit.
16. Recovery of clean-up costs

Part 2: Building waste -New and demolished buildings

17. Generation and management of building waste.
18. Storage of building waste.
19. Collection and disposal of building waste.

Part 3: Hazardous or health care risk waste

- 20. Generation of hazardous or health care risk waste.
- 21. Storage of hazardous or health care risk waste.
- 22. Collection and disposal of hazardous or health care risk waste.

Part 4: Garden waste

- 23. Composting
- 24. Removal and disposal of garden waste.

Part 5: Bulky waste

- 25. Removal and disposal

Part 6: Industrial and special waste

- 26. Storage
- 27. Collection and disposal

Part 7: Tyres, disused vehicles or machinery and scrap metal

- 28. Storage and disposal.

Part 8: Recyclable waste

- 29. Storage, collection and disposal.

Part 9: Agricultural and farm waste

30. Disposal

CHAPTER 4**WASTE MINIMISATION AND RECYCLING**

31. Reduction, re-use, recycling and recovery of waste should result in less harm than disposing of the waste.
32. Registering with the Council and compliance with national and provincial laws.
33. Obligation to separate waste into recyclables and non-recyclables.
34. Storage, collection, treatment, transportation and disposal of recyclable waste.

CHAPTER 5**TRANSPORTATION, TREATMENT AND DISPOSAL OF WASTE**

35. Transportation of waste.
36. Disposal of waste.

CHAPTER 6**ACCREDITATION OF SERVICE PROVIDERS**

37. Accreditation permit requirements.
38. Applications for accreditation.
39. Suspension and revocation of accreditation permit.
40. Terms and conditions for accreditation.
41. Renewal of accreditation permits.
42. Display of an accreditation permit.
43. Prohibited conduct.
44. Exemptions.

45. Transitional provisions

CHAPTER 7

ACCUMULATING WASTE, LITTERING, DUMPING AND ABANDONED ARTICLES.

46. Accumulating waste.
47. Prohibition of littering.
48. Prohibition of dumping and abandoning articles.
49. Duty to prevent land or building used for dumping.
50. Disposal of dumped or abandoned articles.
51. Dumping whistle-blowing
52. Dumping: naming and shaming

CHAPTER 8

AUTHORISED OFFICIAL

53. Identification documents
54. Powers of authorised officials
55. Powers to question
56. Observance of human rights
57. Supervision of holders of accreditation permits
58. Compliance notices
59. Representations

CHAPTER 9

MISCELLANEOUS

60. Ownership
61. Serving of documents

- 62. Offences and penalties
- 63. Appeals
- 64. Repeal of by-laws
- 65. Short title

CHAPTER 1

INTERPRETATION, PRINCIPLES AND OBJECTS

1. Definitions

- (1) In these By-laws, unless the context indicates otherwise –

“accreditation” means registering with the Council in terms of Chapter 7 of these By-laws;

“accredited service provider” means any person registered with the Council in terms of Chapter 8 of these By-laws;

“agricultural and farm waste” means all waste generated on farms as part of agricultural process or through ordinary domestic and business activities and may include different types of waste.

“approved waste receptacle” means a disposable or re-usable receptacle approved by the Council from time to time in which waste is placed for the purposes of storing, accumulating, handling, transporting, treating or disposing of that waste, and includes approved bins, bin-liners, wrappers and skips;

“authorised official” means any official of the Council who has been authorised or designated by the Council to administer, implement and enforce the provisions of these By-laws, or an employee of a service provider acting within the scope of the powers, functions and duties assigned to that service provider by the Council, if the Council has for the purpose of the By-laws appointed a service provider;

“building waste” means 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”, means domestic or business waste which by virtue of its mass, shape, size or quantity, cannot easily be accommodated in a standard approved container.

“basic refuse removal” means a baseline service level as established under Clause 9.1 the National Policy for Provision of Basic Removal Services to Indigent Households or as amended.

“business waste” means waste other than hazardous waste, health care risk waste, building waste, industrial waste, non-compactable garden waste, bulky waste special waste, generated on premises used for non-residential purposes and at residential premises where commercial activities are being conducted.

“commercial business waste” means waste generated on premises used for non-residential purposes. For the avoidance of doubt, commercial business waste includes:

- (a) waste stored in static compactors;
- (b) hazardous waste;
- (c) healthcare risk waste;
- (d) building waste;
- (e) industrial waste;
- (f) organic waste;
- (g) un-compactable waste;
- (h) general business waste; and
- (i) recyclable waste,

generated on such premises;

“commercial service” means—

- (a) the collection and transportation of commercial business waste and general business waste, but does not include transportation by a generator of its own waste; or
- (b) the conducting or undertaking of a waste management activity within the jurisdiction of the Council which requires a waste management licence; or
- (c) the collection, transportation, sorting, storage, recycling or recovery of waste with the intention of making profit but does not include transportation by a generator of its own domestic waste which is recyclable waste; or any person collecting, sorting, storing or transporting recyclable waste on behalf of a bona fide non-governmental organization;

“Council” means—

- (a) Mopani District Municipality established in terms of section 12 of the Local Government: Municipal Structures Act 1998, (Act 117 of 1998) as amended, exercising its legislative and executive authority through its Municipal Council; or

- (b) its successor in title; or
- (c) a structure or person exercising a power delegated in these By-laws or carrying out an instruction, which power has been delegated or sub-delegated or which instruction has been given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) except for the purposes of Chapters 8 and 10, a service provider fulfilling a responsibility under these By-laws that is assigned to it in terms of section 81(2) of the Systems Act, 2000, or any other law;

as the case may be;

“dailies” means putrescible waste generated from processing, handling and production of food and food products by non-residential premises which include hotels, restaurants, food shops, hospitals, and canteens that must be collected on a daily basis, to prevent the waste from decomposing and presenting a nuisance or an environmental or health risk;

“damage to the environment” means any pollution, degradation or harm to the environment whether visible or not;

“developer” means an agent or any other person acting on behalf of a person who owns land, building or any undivided share in such land or building situated within the Council’s jurisdiction;

“domestic waste” means waste generated on premises used solely for residential purposes and purposes of public worship, including halls or other buildings used for religious purposes, but does not include commercial business waste or general business waste or organic waste;

“dump” means to dispose of waste in any manner other than one permitted by law and includes, without derogating from the generality of the foregoing, to deposit, discharge, spill or release waste, whether or not the waste is in a container, in or at any place whatsoever whether publicly or privately owned including but not limited to vacant land, rivers, waterways, catchments, and sewage and storm water systems but excludes littering;

“environment” has the meaning assigned to it in section 1 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);

“environmental emergency” means any unexpected or sudden occurrence resulting from any act or omission relating to waste leading to serious danger to the public or potentially serious pollution of or damage to the environment, whether immediate or delayed;

“event” means sporting, entertainment, recreational, religious, cultural, exhibitional, organisational or similar activities hosted at a venue or along a route or within their respective precincts at which more than 2000 people are expected to attend or participate;

“event waste” means waste that originates from an event held within the Council’s jurisdiction;

“formalised recycling group” means a group of persons whose main objective is the promotion of waste minimisation amongst the group and undertaking of recycling, processing, treating or recovery of waste;

“garden waste” means organic waste which generates from domestic gardening activities, including grass cuttings, leaves, plants, flowers, branches, tree stumps, or any waste of botanical nature.

“general business waste” means waste generated on premises used for non-residential purposes. For the avoidance of doubt, general business waste does not include:

- (a) waste stored in static compactors;
- (b) hazardous waste;
- (c) healthcare risk waste;
- (d) building waste;
- (e) industrial waste;
- (f) organic waste;
- (g) un-compactable waste; and
- (h) recyclable waste,

generated on such premises;

“generator of waste” means any person who generates or produces waste;

“hazardous waste” means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics

of that waste, have a detrimental impact on health and/or the environment; and includes discarded computers, office electronic equipment, entertainment device electronics, mobile phones, television sets and refrigerators;

“health care risk waste” means health care risk waste as defined in in the National Health Act 2003 (Act 61 of 2003 :Regulations Relating to Health Care Waste Management in Health Establishments, as amended;

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

“industrial waste” means 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;

“integrated waste management plan” means any waste management plan required to be prepared in terms of these By-laws by specified generators or holders of waste including waste management plan required in section 5(d), 10, 14, 18 and 23 of these By-laws;

“land reclamation” means the planned and engineered disposal of inert or other appropriate waste for the purpose of constructing any facility or changing the natural features of any piece of land;

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

“local community” in relation to the Council means that body of persons comprising:

- (a) the residents within its jurisdiction;
- (b) the ratepayers of the Council;
- (c) any civic organisation and non-governmental, private sector or labour organisation or body which is involved in local affairs within the Council's jurisdiction; and
- (d) visitors and other persons residing outside of the Council's jurisdiction who, because of their presence in that area, make use of services or facilities provided by the Council;

“minimisation” when used in relation to waste means efforts to reduce and minimise the amount and toxicity of waste that is generated and, in the event where waste is

generated, the reduction of the amount and toxicity of waste that is required to be disposed of;

“municipal service” means service relating to the collection, transportation and disposal of waste, including domestic waste, such quantity and type of general business waste and dairies, as the Council may determine, which is provided by the Council in accordance with Chapter 5 of these By-laws;

“National Appeal Regulations” means regulations pertaining to the processing, consideration of, and decision on appeals under section 44(1)(a) read with section 43(4) of the National Environmental Management Act, 1998 (Act 107 of 1998) published in Government Notice R993 in Government Gazette 38303 dated 8 December 2014, as amended.

“National Policy for Provision of Basic Refuse Removal to Indigent Households 2010” means the national policy for provision of basic refuse removal as published in Government Gazette No 34385 dated 22 June 2011, as amended.

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

“occupier” 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 or otherwise has, for the time being, control of such premises and shall include a street trader who occupies a site for the purpose of such street trader’s business;

“organic waste” means waste generated as a result of normal domestic gardening activities, including grass cuttings, leaves, plants, flowers and other similar small and light organic matter, but does not include tree branches with a diameter thicker than 40 mm at any point of its length, uncompactable waste and any waste generated as a result of commercial garden service activities;

“organic waste handling facility” means a waste handling facility in or on which organic waste is received and temporarily stored;

“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;

“owner” means 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, or any person who obtains a benefit from the premises or who is entitled thereto;

“person” means a natural or juristic person;

“pollution” means any change in the environment caused by:

- (a) any substance; or
- (b) noise, odour, dust or heat, emitted from any activity, including the storage or treatment of any waste or substance, construction and the provision of any service, whether engaged in by any person or an organ of state,

if that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of a natural or managed ecosystem, or on material useful to persons, or will have such an effect in the future;

“premises” means:

- (a) any land without any buildings or other structures on it;
- (b) any building or other structure and the land on which it is situated; or
- (c) any land which adjoins land referred to in paragraph (a) or (b) and any building or other structure on the adjoining land, if that land, building or structure is occupied or used in connection with any activity carried out on the premises referred to in paragraph (a) or (b); or

“prescribed fee” means a tariff for the services which the Council may set for the provision of municipal service to the local community, and includes a surcharge on such tariff;

“public place” includes any public building, public road,

overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space, in the Council's jurisdiction, and any road, place or thoroughfare however created which is in the undisturbed use of the public or which the public has the right to use or the right to access;

“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 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 thoroughfare;

“recovery” when used in relation to waste, means the controlled extraction of a material or the retrieval of energy from waste to produce a product;

“recyclable waste” means waste which has been separated from the waste stream, and set aside for purposes of recycling;

“recycling” 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 articles from the waste stream again for a similar or different purpose without changing the form or properties of the articles;

“resident” in relation to the Council's jurisdiction means a person who is ordinarily resident within that area;

“route” means the way or course taken in getting from a starting point to a destination during an event which takes the form of a race or procession;

“SANS Code” means the South African National Standard: 10228: The Identification and Classification of Dangerous Goods for Transport, as amended;

“scrap dealer” means any person engaged in purchasing or collecting, storing and recycling of waste, especially metal, but does not include any person engaged solely in recycling metal cans, paper, cardboard or glass;

“special waste”, means non-hazardous industrial waste, which includes a number of waste types which has physical or chemical characteristics, or both, that requires special handling at a waste disposal facility, such as contaminated soil, raw animal manure, dead animals or any other material determined to be special waste by the Council;

“stadium” has the meaning assigned to it in section 1 of the Safety at Sports and Recreational Events Act, 2010 (Act No. 2 of 2010), as amended;

“storage” means the accumulation of waste in a manner that does not constitute treatment or disposal of that waste;

“sustainable development” means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations;

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended;

“un-compactable waste” means business waste or domestic waste which by virtue of its mass, shape, size or quantity, is inconvenient to remove in the routine door-to-door municipal service provided by the Council;

“venue” means a stadium, or any area or place where an event is hosted; that has a seating or standing spectator capacity of at least 2000 persons as certified by the Council, within which other permanent or temporary structures may be erected and which may be demarcated by an enclosed or semi-enclosed permanent or temporary structure;

“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;

“verge” means a verge as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), as amended;

“waste” means any substance, whether or not that substance can be reduced, re-used, recycled and recovered—

- (a) that is surplus, unwanted, rejected, discarded, 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; or
- (d) that is identified as a waste in terms of the Waste Act by the Minister of Environmental Affairs by notice in the *Gazette*;

“Waste Act” means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), as amended;

“waste disposal facility” means any site or premises used for the accumulation of waste with the purpose of disposing of that waste at the site or premises;

“waste handling facility” means any facility on or in which waste is accepted, accumulated, handled, sorted, prior to its transfer for treatment, recycling, processing and disposal;

“waste management activity” has the same meaning assigned to it in section 1 of the Waste Act;

“waste management licence” has the same meaning assigned to it in section 1 of the Waste Act;

“Waste management officer” means a person in the administration of the Council designated in writing to be responsible for co-ordinating matters pertaining to waste management in the Council in accordance with section 10(3) of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended.

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

“waste stream” means any type of waste, including domestic waste; general business waste, commercial business waste; and recyclable waste;

“waste treatment facility” means any site that is used to accumulate waste for the purposes of storage, recovery, treatment, reprocessing, or recycling of waste, excluding storage by a generator of waste prior to collection;

“workplace” means any place within the Council’s

jurisdiction on or in which or in connection with which, a person undertakes a municipal service or a commercial service.

- (2) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Systems Act, or any other law, been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.
- (3) Any reference to any local, provincial or national legislation, or any regulation is a reference to that local, provincial or national legislation, or regulation as amended or re-enacted, from time to time.

2. Principles

- (1) The Council has the responsibility to ensure that all waste generated within its jurisdiction is—
 - (a) collected, transported, treated, disposed of or recycled in accordance with these By-laws; and
 - (b) that such collection, transportation, treatment, disposal or recycling takes account of the waste management hierarchy set out in subsection (2).
- (2) The underlying principle of these By-laws is to establish a waste management hierarchy in the following order of priority:
 - (a) waste avoidance, waste minimisation and waste reduction;
 - (b) re-use;
 - (c) recycling, reprocessing and treatment; and
 - (d) disposal.
- (3) Any authorised official must, as far as reasonably possible, take into account the hierarchy specified in subsection (2).

3. Main objects

- (1) The main objects of these By-laws are to-
 - (a) ensure that waste is avoided, or where it cannot altogether be avoided, minimized, re-used, recycled, recovered and disposed of in an environmentally sound manner;
 - (b) promote sustainable development and environmental justice through fair and reasonable measures for the management of waste within the Council's jurisdiction;
 - (c) regulate the storage, disposal, treatment and recycling of waste within the Council's jurisdiction;
 - (d) ensure that all municipal residents and businesses in the Council's jurisdiction participate in the promotion of responsible citizenship by ensuring sound waste management practices within residential and industrial environments.
 - (e) Prohibit dumping and impose appropriate penalties on dumping and other offences
- (2) In pursuing the main objects of these By-laws, the Council may in appropriate circumstances require any generator or holder of waste to take reasonable measures to ensure that the objects in subsection (1) are given effect to.
- (3) The measures referred to in subsection (2) which the Council may require a generator or holder of waste to take include:
 - (a) providing information to the Council for the purpose of facilitating effective waste management within its jurisdiction;
 - (b) presenting proof to the Council that any activity which is required to be licensed or authorized in terms of any national or provincial law or these By-laws is so authorised; and
 - (c) investigating, assessing and evaluating the

impact that any activity, process or situation within the Council's jurisdiction has on the environment and presenting the findings to the Council.

- (4) Further in pursuance of the main objects of these By-laws, the Council shall, within its financial and administrative capacity-
- (a) Endeavour to ensure local community involvement in local waste planning;
 - (b) Minimise consumption of natural resources;
 - (c) Promote recycling and re-use of waste;
 - (d) Encourage waste separation to facilitate re-use and recycling;
 - (e) Endeavour to ensure compliance with these By-laws.

4. Obligations of generators or holders of waste

- (1) A generator or holder of waste generated by his or her activities or activities of those persons working under his or her direction must:
- (a) manage such waste so that it does not endanger health or the environment or create a nuisance; and
 - (b) maintain suitable cleanliness and hygiene standards on their premises as required by applicable policies, By-laws and legislations.
 - (c) separate waste with the aim of minimising waste and its impacts on the environment and to store the recyclable waste separately from non-recyclable waste provided that industrial waste must be separated into liquids, components and materials that can be treated for recycling or re-use;
 - (d) re-use, recycle and recover waste where possible;
 - (e) dispose of recyclable waste by-
 - (iii) delivering waste to a licensed waste disposal facility and ensure that waste is treated or disposed in an environmentally sensitive manner at a licensed

waste disposal facility;

- (2) Any business or agent disposing of waste on behalf of such business shall provide a report of the waste disposed of to the waste management officer in a format as determined by the Council from time to time.
- (3) The owner or waste generator generating industrial waste must contract with an accredited service provider for the collection and disposal of such waste to a licensed waste disposal facility.
- (4) The owner must on demand prove to the waste management officer that he or she entered into a suitable agreement with an accredited service provider for the collection, processing, treatment or disposal of industrial waste at least once per week or as determined by the waste management officer.

5. Provision of information to the Council

The Council may, by notice published in the *Provincial Gazette* or in writing to any specific holder or generator of waste or any other person who undertakes a waste management activity within the Council's jurisdiction, require the relevant persons to provide information in the prescribed form and within the prescribed period or at the prescribed intervals to the Council to enable it to:

- (a) facilitate effective waste management within its jurisdiction;
- (b) assess waste minimisation within the Council's jurisdiction;
- (c) prepare its integrated waste management plan;
- (d) fulfil the Council's internal and external waste management reporting requirements;
- (e) furnish information as required by the Waste Act to the provincial or national government;
- (f) identify specific data collection methods and

equipment to be used for purposes of collecting waste management information; and

- (g) for such other purpose as the Council may specify.

CHAPTER 2 INTEGRATED WASTE MANAGEMENT

6. Designation of waste management officer

- (1) The Council must designate in writing a waste management officer from its administration to be responsible for co-ordinating matters pertaining to waste management in the area of jurisdiction of the Council.
- (2) A power or duty delegated in terms of sub-section (1) may be delegated or further assigned by that officer to another official of the Council, subject to such limitations or conditions as determined by the Council.
- (3) A waste management officer must coordinate his or her activities with other waste management activities in a manner as set out in the national waste management strategy established in terms of section 6 of the Waste Act or determined by the Minister by notice in the gazette, and any applicable provincial waste management strategy.

7. Preparation and reporting on the implementation of integrated waste management plan by Council.

- (1) The Council shall-
- a. establish, review and revise its integrated waste management plan in accordance with the prescripts of national legislation;
 - b. annually report on the implementation of its integrated waste management plan; and

- c. follow prescribed processes of community consultation in terms of subsections (1)(a) and (b);

8. Contents of integrated waste management plans of the Council.

- (1) An integrated waste management plan of the Council 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 collection, minimisation, re-use, recycling and recovery, treatment and disposal of waste;
 - (iv) the number of persons in the area who are not receiving waste collection services;
 - (b) within the domain of the Council, set out how the Council intends-
 - (i) to give effect, in respect of waste management, to Chapter 3 of the National Environmental Management Act 1998, as amended;
 - (ii) to give effect to the Waste Act;
 - (iii) to identify and address the negative impact of poor waste management practices on health and environment;
 - (iv) to provide for the implementation of waste minimisation, recycling and recovery targets and initiatives;
 - (v) to implement the obligations of the Republic of South Africa in respect of any relevant international agreements;
 - (vi) to give effect to the best environmental practice in respect of waste management
 - (c) set out the priorities and objectives of the Council in respect of waste management;
 - (d) set out the approach of the Council to the

planning of any new facilities for disposal and decommissioning of existing waste disposal facilities;

- (e) indicate the financial resources that are required to give effect to the plan;
- (f) describe how the Council intends to give effect to its integrated waste management plan; and
- (g) comply with the requirements prescribed by the Minister responsible for Environmental Affairs

9 Annual progress reporting by Council

- (1) The annual performance report prepared in terms of section 46 of the Municipal Systems Act must contain information on the implementation of the integrated waste management plan including information on-
 - (a) the extent to which the plan has been implemented during the period;
 - (b) the waste management initiatives that have been undertaken during the reporting period;
 - (c) measures taken to ensure compliance with the waste management standards;
 - (d) the waste management monitoring activities;
 - (e) the actual budget expended on implementing the plan;
 - (f) the measures that have been taken to make the necessary amendments to the plan; and
 - (g) any other requirements as may be prescribed by the Minister of Environmental Affairs

10. Preparation and reporting on the implementation of integrated waste management plans by certain generators or holders of waste

- (1) In addition to any other provisions in the By-laws regarding the preparation of integrated waste management plans, the Council may, by notice published in the *Provincial Gazette*, require present or future generators or holders of specified waste streams to prepare integrated waste management plans.
- (2) A notice referred to in subsection (1) shall specify the prescribed form required for the integrated waste management plan and submission date for it.

- (3) Any person who is required by the Council to prepare an integrated waste management plan may be required to review and update the plan and to submit an amended plan at intervals specified by the Council.

11. Contents of integrated waste management plans by certain generators or holders of waste.

- (1) Any integrated waste management plan, required in terms of these By-laws, must include at least—
- (a) an assessment of the quantity and type of waste that is or will be generated;
 - (b) a description of the waste management services the generator will require;
 - (c) the full details of the site/s or area/s where waste will be generated, stored, treated or disposed of;
 - (d) a description of how the generator of the waste separates or intends to separate recyclable and non-recyclable material;
 - (e) the waste minimisation and pollution prevention practices and plans of such waste generator;
 - (f) the methods of disposal or treating such waste;
 - (g) a reporting plan on the implementation of the integrated waste management plan;
 - (h) details of the person responsible for the implementation of the integrated waste management plan; and
 - (i) any further information that the Council may in writing require.
- (2) The Council shall require a holder of waste involved in the waste management activity listed in terms of section 19 of the NEM: Waste Act, as amended, to submit its integrated waste management plan within a specified time and thereafter at intervals coinciding with the requirements of national and provincial legislation or standards.
- (3) The Council may require from any other holder of waste, excluding domestic waste, to submit within a reasonable time and thereafter at intervals determined by the Council an integrated waste management plan containing such information as the Council deems necessary or, if applicable, a copy of

its industry waste management plan as required by national legislation.

- (4) If an integrated waste management plan as referred to in subsections (2) or (3) is in any way changed or amended, the holder must submit such changed or amended plan within thirty (30) days of the amendment or change.
- (5) The Council may, on notice, instruct any waste generator to supply a new or amended integrated waste management plan in order to comply with this By-law and any other legislation.
- (6) When instructed to submit an integrated waste management plan or a new or amended integrated waste management plan in terms of terms of this By-law, a waste generator shall do so within the time stipulated in the instruction.
- (7) The Council must consider the waste management plan and-
 - (a) Approve it subject to any conditions;
 - (b) Request that additional information be furnished within a specified time frame;
 - (c) Require amendments to be made within a time frame so specified; or
 - (d) Reject the plan and provide reasons therefor.
- (8) If an integrated waste management plan is rejected or not submitted at all, the Council shall give directives as to what waste management measures must be taken by the owner or waste generator and should the waste generator fail to take such measures within the time frame specified by the Council, the Council may implement such measures and the owner or waste generator will be liable for the cost thereof.
- (9) The Council may by written notice require any person to provide such information as he or she requires when considering an integrated waste management plan.

12 Waste information system

- (1) The Council shall establish and maintain a waste information system including information on the levels and extent of the waste management services provided by it and enter such information in the waste information system as and when required
- (2) The objective of the waste information system is to-
 - (a) Store, verify, evaluate and provide data and information for the protection of the environment and the management of waste;
 - (b) Provide information for the development and implementation of the integrated waste management plan; and
 - (c) Provide information to other organs of state and the public-
 - (i) for education, awareness raising, research and development purposes;
 - (ii) for planning, including prioritisation of regulatory minimisation and other initiatives;
 - (iii) for obligations to report in terms of any legislation;
 - (iv) for public safety management;
 - (v) on the status of the generation, collection, reduction, re-use, recycling, recovery, transportation, treatment and disposal of waste; and
 - (vi) the impact of waste on health and the environment.

CHAPTER 3

HANDLING OF DIFFERENT WASTE TYPES

Part 1: Event waste

13. Use of accredited service provider

A venue owner or organiser of an event is required to contract with an accredited service provider for the provision of waste management services to the event.

14. Obligation to prepare an event waste management plan and the minimum content of the plan

- (1) The venue owner or the organiser of any event held within the Council's jurisdiction must submit an event waste management plan to the Council or authorised official.
- (2) An event waste management plan for a particular event should be submitted for approval to the Council or authorised official at least 30 days prior to the proposed event. The Council may grant exemption depending on the size, nature and duration of the event;
- (3) It is an offence to host or organise an event without an approved event waste management plan but if no comments are received on the event waste management plan within 30 of days from the date of submission to the Council then the event waste management plan shall be deemed to be approved.

15. Refundable deposit

- (1) The venue owner or organiser of an event may be required to pay a refundable deposit of an amount determined by the Council or authorised official, in terms of a formula that will be set from time to time, and which amount would be sufficient to cover the costs of cleaning-up after the event and disposing of all waste generated by the event.
- (2) Where a deposit is paid, it shall be refunded by the Council to the venue owner or organizer upon the provision of proof of full compliance with the approved event waste management plan, including proof of the use of accredited service providers for

carrying out the collection and disposal of all event waste.

- (3) It is an offence to host or organise an event without paying the refundable deposit, where this is required.

16. Recovery of clean-up costs

- (1) If inadequate steps are taken after an event to manage waste generated by the event and to clean up all waste generated during the event—
- (a) the venue owner or organiser is liable for the full cost of the cost of the collection, clean-up, recycling and disposal of the waste generated by the event.
 - (b) the Council may take such steps as may be necessary to manage the waste generated by the event including arranging for the collection, clean-up, recycling and disposal of the waste generated by the event.
 - (c) Any costs which the Council may incur pursuant to (b) above may in the first place be recovered from the deposit paid by the venue owner or organiser and thereafter the Council may recover these costs from the venue owner or organiser through other legal measures at its disposal.

Part 2: Building waste – New and demolished buildings

17. Generation and management of building waste

All generators of building waste must ensure that—

- (a) no additions or alteration of any structure should be done without making provision for waste that will be generated from the site;
- (b) recyclable and non-recyclable waste is separated;
- (c) non-recyclable waste is treated or disposed of in an environmentally sound manner;
- (d) 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;

- (e) the premises on which the building waste is generated, do not become unsightly and no nuisance is caused by accumulated building waste;
- (f) any building waste which is blown off or washed away from the premises is promptly retrieved;
- (g) any structure necessary to contain the building waste is constructed; and
- (h) any instruction from the Council regarding the management and storage of building waste, including any structures to be constructed is adhered to.

18. Storage of building waste

- (1) No person may place building waste on a pavement or sidewalk unless such waste is placed in a skip.
- (2) The prohibition in subsection (1) does not apply to the storage of building material which one will utilise in the construction of the building.
- (3) Every receptacle used for the storage and removal of building waste must—
 - (a) have clearly marked on it the name, address and telephone number of the person in control of that receptacle;
 - (b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
 - (c) be properly closed at all times other than when actually receiving, or being emptied of waste so that no displacement of its contents can occur.
- (4) An owner or occupier or any person responsible for the new development must submit to the Council an integrated waste management plan including such information as Council requires prior to the start of the development and also during the development, if so requested by the Council.

19. Collection and disposal of building waste

- (1) All building waste must be disposed of at an appropriately licensed waste disposal facility, unless—
 - (a) the Council has given written consent for the building waste to be used for the purpose of land reclamation and all other authorisations required for this have been obtained; or
 - (b) the building waste will be re-used or recycled by an accredited service provider; or
 - (d) the building waste will be treated at a licensed waste treatment facility.
- (2) Any consent given in terms of subsection (2)(a) must be subject to such conditions as the Council may deem necessary: Provided that in giving or refusing its consent or in laying down conditions, the Council must have regard to-
 - (a) the safety of the public;
 - (b) the sustainability of the area including the drainage thereof;
 - (c) the expected manner and times of depositing the waste at the site;
 - (d) the levelling of the site;
 - (e) the control of dust; and
 - (f) any other relevant factors
- (3) Every waste generator, building contractor or waste removal contractor is obliged, when depositing waste at a waste disposal site, to obtain and retain for a period of 12 months a weigh bill from the authorised official at the waste disposal site confirming the nature and weight of building waste collected.
- (4) It shall be presumed, until the contrary has been proven, that building waste has been disposed contrary to the provisions of this section if the waste generator, building contractor or waste removal

contractor is unable to produce a weigh bridge certificate or certificates confirming that the building waste was disposed of at an approved waste disposal site;

- (5) Any person who directly or indirectly generates building waste or the owner of the property on which such waste is generated shall not store such waste in containers provided by the Council for residential waste and shall remove and dispose of it at a licensed crushing plant or landfill site or any other licensed building waste disposal facility.

- (5) Contaminated building or other waste where the contamination agent is hazardous or dangerous must be deposited at a licensed waste disposal facility for the treatment and disposal of hazardous waste.

- (6) The owner of the facility where the building rubble is disposed of shall provide a monthly report to the waste management officer of the mass of such waste deposited at such facility.

Part 3: Hazardous and health care risk waste

20. Generation of hazardous or health care risk waste

- (1) Any person who will carries on an activity which will generate hazardous or health care risk waste (other than the generator of minimum quantities of such waste within a household pursuant to the normal operation of a household) must before carrying on that activity:
 - (a) prepare an integrated waste management plan setting out what provision is made for managing, storing, treating, collecting, transporting and disposing of hazardous or health care risk waste generated from such activities;
 - (b) provide proof that all waste management service will be provided by an accredited service provider; and

- (c) provide a copy of a valid public health permit if the activity that will generate hazardous or health care risk waste, if this is a requirement in terms of the by-laws of the Council or if Council so requires.
- (2) The integrated waste management plan referred to in this section should be submitted to the Council or authorised official for approval before the activities which will generate waste identified in subsection (1) are carried out and the plan must include:
- (a) the information set out in section 11(a) – (i);
 - (b) an analysis of the composition of the waste concerned;
 - (c) certification of the analysis of the composition of the waste by an appropriately qualified chemist if required by the Council.
 - (d) the proposed duration of storage of the waste;
 - (e) the manner in which waste will be removed.
 - (f) the identity of the contractor who will remove the waste
 - (g) the date of removal of the waste
 - (h) the quantity of the waste to be removed and
 - (i) the exact place and address where the waste will be disposed of and provide confirmation from the disposal facility that such waste will be accepted for disposal.
- (3) If waste identified in subsection (1) is being generated as a result of activities which commenced prior to the commencement of these By-laws, the generator must prepare an integrated waste management plan and submit it to the Council or authorised official for approval within 180 days of the commencement of these By-laws.
- (4) The integrated waste management plan must be renewed and updated regularly as determined by the Council.
- (5) It is an offence to carry on an activity which generates hazardous or health care risk waste without an approved integrated waste management plan.
- 21. Storage of hazardous or health care risk waste**
- (1) Any person carrying on an activity which generates hazardous or health care risk waste, must ensure that

such waste generated on the premises is kept and stored thereon until it is collected by an accredited service provider from the premises.

(2) Hazardous or health care risk waste stored on any premises must be stored in such a manner that it does not become a nuisance or cause harm to human health or damage to the environment, and in accordance with the requirements of any applicable legislation relating to buildings.

(3) Any person who stores hazardous or health care risk waste must at least take steps to ensure that—

- (a) the containers in which this waste is stored, are intact and not corroded or in any other way rendered unfit for the safe storage of this waste;
- (b) adequate measures are taken to prevent accidental spillage or leaking;
- (c) the waste cannot be blown off or washed away;
- (d) nuisances such as odour, visual impacts and breeding of vectors do not arise;
- (e) pollution of the environment and harm to health are prevented; and
- (f) the waste is collected by an accredited service provider within a reasonable time after the generation thereof but at least within 30 days;

22. Collection and disposal of hazardous or health care risk waste

(1) Only an accredited service provider may transport hazardous and health care risk waste and must do so in accordance with the conditions of an accreditation permit issued to him or her under Chapter 6 as well as the requirements of any relevant SANS codes, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness, and documentation relating to the source, transportation and disposal of such waste, and subject to the requirements of any other legislation.

(2) A person accredited to collect and dispose of

hazardous or health care risk waste, must inform the Council at intervals stipulated in the accreditation permit issued under Chapter 6, of each removal of hazardous or health care risk waste, the date of such removal, the quantity of the waste removed, the composition of the waste removed and the waste disposal facility at which the waste has been disposed of.

- (3) Any person carrying on an activity which generates hazardous or health care risk waste must ensure that such waste is disposed of or treated at an appropriately licensed waste disposal facility or waste treatment facility.

Part 4: Garden Waste

23. Composting

The owner or occupier of premises on which garden waste is generated may compost garden waste on the premises, provided that such composting does not cause a nuisance nor has a detrimental impact on human and environmental health and adheres to any relevant legal requirements including obtaining any authorisations from a competent authority should such be required.

24. Removal and disposal of garden waste

- (1) Where the owner of the premises on which garden waste is generated must remove and dispose of it within seven days or a reasonable time prescribed by the Council after the generation of the waste at a waste handling and/or waste disposal facility determined by the Council.
- (2) The waste generator or the owner may be called upon by the waste management officer or authorised official to produce a weighbridge ticket as proof of proper disposal of garden waste over a certain mass, as determined by the Council in terms of its guidelines and conditions imposed from time to time.

Part 5: Bulky waste

25. Removal and disposal

The owner or occupier of premises on which bulky waste is generated must ensure that such waste removed or disposed of in terms of this By-law within fourteen days after generation thereof at a waste handling facility determined by the Council unless Council determines otherwise.

Part 6: Industrial waste and special waste

26. Storage

- (1) The owner or occupier of premises on which industrial or special waste is generated must ensure that until such time as the waste is collected by an accredited service provider from the premises on which it is generated or removed-
 - (a) the waste is stored in accordance with applicable legislation, national standards and the latest edition of SANS Code of Practice in approved containers which are not kept in a public place; and
 - (b) no nuisance, health risk or environmental damage is caused by the waste in the course of its generation or storage.

27. Collection and disposal

- (1) Only an accredited service provider may collect industrial or special waste from premises where it is stored, transport and dispose it at a waste disposal facility designated by the Council to receive such waste.
- (2) An accredited service provider must, collect, transport and dispose of the waste referred to in subsection (1) in accordance with its accreditation terms and conditions and subject to the requirements of any applicable legislation, national standards and the latest edition of the relevant SANS Code of Practice, as amended.
- (3) A waste generator generating industrial waste shall submit an integrated waste management plan to the Council.

*Part 7: Tyres, disused vehicles or machinery and
scrap metal*

28. Storage and disposal

- (1) No owner or occupier of premises with an operational area in excess of the statutory determined limit may temporarily accumulate, store or stockpile waste tyres, disused, scrapped, dismantled or recovered vehicles or machinery or scrap metal unless the waste management activity is managed in accordance with the national standards or licensed in terms of national legislation, whichever is applicable.
- (2) Waste tyres, disuse, scrapped or dismantled vehicles or machinery and scrap metal are not accepted at the Council's own waste handling or waste disposal facilities and any person having to dispose of any of these materials must dispose thereof at a waste disposal facility as directed by the Council and in terms of the conditions as determined for such waste disposal facility.
- (3) The Council may enter the premises of any person involved in the storage and stockpiling of waste tyres, disused vehicles or machinery or scrap metal and request proof of any plans including its integrated waste management plan, licences or other applicable documents to verify compliance with applicable legislation.

Part 8: Recyclable waste

29. Storage, collection and disposal

- (1) No owner or occupier of premises or any other person may temporarily accumulate, sort, store or stockpile recyclable waste on any premises within the area of jurisdiction of the Council unless acting in accordance with subsection (2).
- (2) An owner or occupier of premises or any other person must prior to commencing an activity involving the re-use, reclamation or recycling of waste, comply with national and provincial legislation and standards and the latest edition of the relevant SANS Code of Practice for such activity and provide the Council with

a copy of his or her integrated waste management plan and such other information as the Council may require.

- (3) Only an accredited service provider may collect recyclable waste from the premises where it is generated and/or separated from other waste and transport and dispose of it at a waste handling facility designated by the Council to receive such waste.

Part 9: Agricultural and farm waste

30. Disposal

- (1) An owner or occupier of farm or farm land may subject to subsection (2) and (3) use on-site disposal of waste but the burning of waste is strictly prohibited.
- (2) An owner or occupier of farm land may not dispose of any quantity of hazardous waste, which may be present in agricultural waste to the land unless in possession of the applicable waste management license in terms of national legislation, and if applicable, provincial legislation.
- (3) The general agricultural and farm waste generated on a farm unit, being disposed of by the owner or occupier may not exceed the allowable volume of such waste for disposal in terms of statutory provisions, unless authorised thereto by a waste management authorisation.
- (4) An authorised official of the Council may request an owner or occupier of land who he/she suspects is disposing hazardous waste and/or general waste exceeding the quantity allowed for disposal to provide proof of the licences referred to in subsections (2) and/or (3) and, irrespective of the composition and/or quantity of the waste disposed of to land by the owner or occupier, the Council may request the owner or occupier to submit an integrated waste management plan to the Council within a time frame determined by the Council.
- (5) An owner or occupier of farm land may dispose of domestic waste excluding hazardous and health care waste at waste handling or waste disposal facilities as directed by the Council.

CHAPTER 4

WASTE MINIMISATION AND RECYCLING

31. Reduction, re-use, recycling and recovery of waste should result in less environmental harm than disposing of waste

- (1) All generators and holders of waste must within their power, take all reasonable steps to-
 - (a) avoid the generation of waste and where such generation cannot be avoided, to minimise the toxicity and amount of waste that are generated;
 - (b) reduce, re-use, recycle and recover waste;
 - (c) where waste must be disposed of, ensure that is treated and disposed of in an environmentally sound manner;
 - (d) manage the waste in such a manner that it does not endanger health and the environment or cause a nuisance through noise, odour or visual impacts;
 - (e) prevent any employee or person under his or her supervision from contravening the Waste Act; and
 - (f) prevent waste from being used for any unauthorised purpose.
- (2) The measures contemplated in this section include 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 or environmental degradation;
 - (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 pollution or environmental degradation.
- (3) Any person who is undertaking reduction, re-use, recycling or recovery of waste including scrap dealers, waste treatment facilities 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.

32. Registering with the Council and compliance with national and provincial laws

- (1) Re-use, recycling or recovery of waste must be undertaken in a manner which complies with the Waste Act and any other applicable law.
- (2) No person may undertake to collect, transport, sort, store, re-use, recycle or recover waste with the intention of making profit including scrap dealers, waste treatment facilities and formalised recycling groups unless the person is accredited in terms of Chapter 6 of these By-laws.
- (3) Subsection (2) does not apply to transportation or collection of own recyclable waste; persons engaged in fundraising ventures or bona fide non-governmental organisations if the collection, transportation, sorting, storing, re-using or recycling of waste is not for profit.

33. Obligation to separate waste into recyclables and non-recyclables

- (1) The Council may prescribe by a notice published in the *Provincial Gazette* that, from a prescribed date, areas, specified generators or holders of particular categories of waste must for the purpose of recycling, separate those categories of waste and must, store, dispose of or treat the separated waste in the manner prescribed in the notice.
- (2) Failure to comply with a notice published pursuant to subsection (1) is an offence.

34. Storage, collection, treatment, transportation and disposal of recyclable waste

- (1) The owner or occupier of premises on which recyclable waste is generated and separately stored, must ensure that—
 - (a) until such time as such waste is collected by an accredited service provider from the premises on which it was generated or stored, the waste is placed in an approved waste receptacle, and in a secure location;
 - (b) the approved waste receptacle in which the waste is stored, is not kept in a public place except when so required for collection;

- (c) the approved waste receptacle placed for collection is not damaged and is properly closed so as to prevent the dispersal of its contents;
 - (d) every approved waste receptacle on the premises is kept closed, save when waste is being deposited in it or discharged from it, and every approved receptacle is kept in a clean and hygienic condition;
 - (e) nuisances such as odour, visual impacts and breeding of vectors do not arise; and
 - (f) the waste is collected by an accredited service provider within a reasonable time after the generation thereof, but at least once per month.
 - (g) the waste cannot be blown away;
 - (h) any waste items or substances are safe for handling, collection or disposal and are not harmful to persons when accessed by unauthorized persons or members of the public;
- (2) An accredited service provider must handle, treat or dispose of recyclable waste at a permitted waste handling, treatment or disposal facility.

CHAPTER 5

TRANSPORTATION, TREATMENT AND DISPOSAL OF WASTE

35. Transportation of waste

- (1) No person may—
- (a) operate a vehicle for the conveyance of waste upon a public road unless the vehicle has a body of adequate size and construction for the type of waste being transported;
 - (b) fail to maintain a vehicle used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times;
 - (c) fail to cover loose waste on an open vehicle with a tarpaulin or suitable net;
 - (d) cause or permit any waste being transported in or through the Council's jurisdiction to

become detached, leak or fall from a vehicle transporting it, except at a waste disposal facility; or

- (e) transport waste in a manner that would cause nuisance or environmental pollution.
- (2) Subject to the provisions of subsection (1), all transportation of waste must comply with the National Road Traffic Act, 1996 (Act No. 93 of 1996) as amended.
- (3) Any person engaged in the transportation of waste must take all reasonable measures to prevent any spillage of waste or littering from a vehicle used to transport waste, and where waste is spilled, immediately clean-up the spilled waste.

36. Disposal of waste

- (1)
 - (a) Waste generated in the Council's jurisdiction must be disposed of at a waste disposal facility licensed to accept such waste or recycled or treated at a licensed or permitted waste treatment facility.
 - (b) In disposing of waste, an accredited service provider must comply with these By-laws and with the provisions of any other law regulating the disposal of waste.
- (2) No person may burn waste either in a public or private place, for the purpose of disposing of that waste.
- (3) No person may incinerate waste either in a public or private place, except in an incinerator at a place where the relevant national or provincial authorities permit such incineration, or at a place designated by the Council for that purpose.
- (4) Notwithstanding the provisions of subsection (1), a person may dispose of those forms of recyclable waste specified by the Council in a notice in terms of section 49(2) at a designated organic waste handling facility, but may do so only if all such waste is brought to the facility in a vehicle able to carry a maximum load of one tonne or less.

- (5) Every person who enters a waste disposal facility must—
- (a) enter a waste disposal facility at an access point determined by the person in charge of the waste disposal facility;
 - (b) at the request of the person in charge of a waste disposal facility, provide the Council or that person with any information regarding the composition of the waste disposed of or to be disposed of; and
 - (c) comply with any instruction by the person in charge of the waste disposal facility in respect of access to the actual place where, and the manner in which, waste must be deposited.
- (6) No person may—
- (a) bring any liquor or intoxicating or narcotic substance onto a waste disposal facility or enter such facility under the influence of liquor or such substance;
 - (b) enter a waste disposal facility for any purpose other than the disposal of waste in terms of these By-laws, unless authorised to do so by the person in charge of the waste disposal facility or the Council and then only at such times and subject to such conditions as the Council or such person may impose;
 - (c) dispose of waste at a waste disposal facility where the disposal of the waste concerned is not permitted; or
 - (d) light a fire on a waste disposal facility without the prior written consent of the person in charge of that facility.
- (7) Any person who contravenes subsection (6)(c) is liable for all costs reasonably incurred by the Council in removing or otherwise dealing with the waste concerned.
- (8) The person in charge of a waste disposal facility may at any time require a vehicle or a container on a vehicle brought into the waste disposal facility for the purposes of disposing of waste, to be weighed at a

weighbridge.

- (9) The person in charge of a waste disposal facility or an authorised official may, at a waste disposal facility, inspect the content and nature of waste to be disposed of or processed and may take samples and test any waste found on any vehicle to ascertain its composition.
- (10) Any person contravening any preceding provision of this section, may be refused entry or instructed by the person in charge to leave a waste disposal facility and if such person fails or refuses to comply with such instruction, he or she may be removed from such facility by an authorised official.
- (11) No person may store waste in a manner which may cause pollution or a nuisance.

CHAPTER 6

ACCREDITATION OF SERVICE PROVIDERS

37. Accreditation permit requirements

- (1) Subject to the provisions of section 45, no person may provide a commercial service, as defined in section 1 of these By-laws, without obtaining an accreditation permit from the Council and obtaining a relevant waste management licence from the national or provincial authorities where one is required.
- (2) An accreditation permit issued under this Chapter—
 - (a) is incapable of cession or assignment without the prior written consent of the Council;
 - (b) is valid only for the service and category of waste specified therein; and
 - (c) is valid for the period set out in the permit.

38. Applications for accreditation

- (1) An application for an accreditation permit to provide a commercial service must be—
 - (a) made in writing on a form prescribed by the Council and accompanied by the documentation specified in that form; and

- (b) accompanied by the prescribed fee.
- (2) The Council must consider each application, having regard to the following:
- (a) the applicant's compliance, where relevant, with the Waste Act;
 - (b) the applicant's compliance, where relevant, with the National Road Traffic Act, 1996 (Act No. 93 of 1996), and with these By-laws;
 - (c) the environmental, health and safety record of the applicant; and
 - (d) the nature of the commercial service to be provided.
- (3) Before considering an application made in terms of subsection (1), the Council may require the applicant to furnish such information as it may require.
- (4) After considering the application in terms of subsection (2), the Council must either—
- (a) approve the application by issuing an accreditation permit subject to any condition it may impose pursuant to section 57 of these By-laws; or
 - (b) reject the application.
- (5) Notwithstanding subsections (2) and (4), an accreditation application by a service provider who holds a waste management licence issued by the national or provincial authorities to undertake or conduct a waste management activity will, upon the applicant providing a copy of a valid waste management licence and any information reasonably required by the Council, be granted.
- (6) If the Council fails to consider and grant or reject an application for an accreditation permit within 60 days of its receipt of the application, it must inform the applicant in writing that the period for consideration is extended and must inform the applicant of the date by which a decision will be made.

39. Suspension and revocation of accreditation permit

- (1) An accreditation permit issued under this Chapter may be suspended or revoked by the Council on the grounds that the service provider—
- (a) is in breach of its waste management licence

and the national or provincial authorities have suspended or revoked the waste management licence;

- (b) has failed to comply with any provision of these By-laws;
 - (c) has failed to comply with any provision of any national or provincial legislation which regulates the collection, transportation or disposal of waste;
 - (d) has failed to comply with any accreditation condition contemplated in section 55(4)(a); or
 - (e) on any other ground which the Council considers relevant, which is fair and reasonable in the circumstances.
- (2) An accreditation permit may only be suspended or revoked after—
- (a) the permit holder has been given written notice that the Council is considering the suspension or revocation of the permit; and
 - (b) the permit holder has been given a period of 30 days after service of the notice to make representations to the Council as to why the permit should not be suspended or revoked.
- (3) The Council must—
- (a) make a decision within 14 days of receipt of the representations contemplated in subsection (2)(b), if any, or within 14 days after the permit holder informed the Council that he or she does not wish to make representations, or if no representations are received, within 14 days of the expiry of the period referred to in subsection (2)(b); and
 - (b) inform the permit holder of its decision in writing within seven days of making it.
- (4) Subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the Council may not disclose any confidential commercial information submitted as part of an accreditation permit application procedure to any person other than a Council official requiring such information to perform his or her functions for the purposes of these By-laws.

40. Terms and conditions for accreditation

- (1) When issuing an accreditation permit under this Chapter, the Council may, subject to the provisions of subsection (2), impose any reasonably necessary condition in furthering the Council's waste management policy.
- (2) An accreditation permit issued under this Chapter must—
 - (a) specify the permit period for which the permit is valid and the procedure for renewing the permit;
 - (b) specify the nature of the commercial service the permit holder may provide;
 - (c) specify every category of waste in respect of which the permit holder may provide a waste management service;
 - (d) contain a requirement that the permit holder must comply with, and ensure compliance by his or her employees, agents and sub-contractors, with these By-laws and applicable national and provincial legislation; and
 - (e) require the permit holder to keep monthly written records on a form prescribed by the Council of the quantities of each category of waste stored, collected, transported, treated or processed during the permit period.

41. Renewal of accreditation permits

- (1) An accreditation permit holder who wishes to renew his or her accreditation must at least 90 days prior to the expiry of the existing permit:
 - (a) apply on the prescribed form to renew the permit concerned; and
 - (b) pay the prescribed renewal fee.
- (2) Before considering an application made in terms of subsection (1), the Council may require the applicant to furnish such information as it may require.
- (3) The Council must consider and grant or reject an accreditation permit renewal application within 60 days of the receipt of the application subject to the provisions of section 55(6).
- (4) If the Council fails to consider and grant or reject an accreditation permit renewal application within 60

days, it must inform the service provider in writing that the period for consideration is extended and must inform the service provider of the date by which a decision will be made.

- (5) An accreditation permit in respect of which an application for renewal has been made in terms of subsection (1), remains valid until a final decision has been made in respect of that renewal application.

42. Display of an accreditation permit

- (1) Upon issuing an accreditation permit under this Chapter, the Council must issue to the applicant a permit sticker for each waste transporting vehicle or each waste treatment facility used for a commercial service.
- (2) The permit stickers must vary in colour for each category of waste and commercial service, as defined in section 1 of these By-laws, provided.
- (3) An accreditation permit holder must affix such permit sticker to each vehicle to be utilised to collect and transport waste and prominently display the permit sticker or permit at all premises utilized for providing the commercial service.

43. Prohibited conduct

- (1) No permit holder may—
 - (a) intentionally or negligently operate in contravention of any condition of the accreditation permit;
 - (b) intentionally or negligently fail or refuse to give information to an authorised official, when required to do so in terms of these By-laws, or give false or misleading information;
 - (c) intentionally or negligently fail to take all reasonable steps to prevent a contravention of these By-laws, by any act or an omission of his or her employee acting in the course and scope of his or her duties, or
 - (d) collect or transport any waste except in a properly constructed, watertight vehicle or in a suitable container that prevents spillage of waste, the suitability of the vehicle to be

dependent on the waste stream, to be collected or transported, as specified in the National Road Traffic Act, 1996 (Act No. 93 of 1996).

- (2) No waste removal contractor may contravene any condition any condition imposed on him or her permit.
- (3) No person must hold himself or herself out to be, or act as, a waste removal contractor if-
 - (a) he or she has not been so authorised; or
 - (b) his or her approval has expired or been withdrawn.
- (4) No person may employ a waste removal contractor who has not been authorised in writing by the Council in terms of this Chapter.

44. Exemptions

The Council may, having regard to the main objects of these By-laws contemplated in section 3(1), and its integrated waste management plan, by notice in the *Provincial Gazette*, exempt any type of commercial service from any provision of this Chapter to the extent and subject to the terms specified in such notice.

45. Transitional provisions

- (1) Any person who is at the commencement of these By-laws lawfully providing a commercial service, as defined in section 1 of these By-laws, for which an accreditation permit is required under this Chapter, may continue providing such service provided that within 90 days of such commencement, or such extended period as Council may prescribe, such person makes application for an accreditation permit in terms of section 55, failing which such person's right to provide such service lapses.
- (2) If an application is submitted in terms of subsection (1), the applicant may continue to provide the commercial service in respect of which the application has been made until a final decision has been taken in respect of that application.

CHAPTER 7
ACCUMULATING WASTE, LITTERING, DUMPING AND
ABANDONED ARTICLES

46. Accumulating waste

- (1) Every owner and occupier of premises must keep those premises clean and free from any waste which is likely to cause a nuisance, harm to human health or damage to the environment.
- (2) If waste accumulates on premises so as to constitute a nuisance, or in such a way that it is likely that nuisance will be created, harm to human health or damage to the environment may be caused, the Council may at the owner's or occupier's cost remove the waste or cause the waste to be removed.
- (3) Where the Council removes such waste, the owner of the premises or occupier shall be liable for the tariff charge of collecting and removing the waste.

47. 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 any of the contents of the receptacle to spill from it; or
 - (d) allow any person under his or her control to do any of the acts referred to in paragraph (a), (b) or (c).
- (2) Notwithstanding the provisions of subsection (1), the Council, or the 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 from the premises concerned to prevent the litter from becoming a nuisance.
- (3) 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.

- (4) If the provisions of subsection (1) are contravened, the Council may direct, by way of a written notice to persons responsible that—
- (a) they cease the contravention, in a specified time; or
 - (b) they prevent a further contravention or the continuation of the contravention;
 - (c) they take whatever measures the Council 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.
- (5) The Council may in respect of the notice contemplated in subsection (4)(c) state that the person must, within a maximum of 5 working days remove the waste or litter, provided the Council may grant a further 2 days, on request of the person, to remove the litter or waste.
- (6) A person who owns land or premises, or who is in control of or has a right to use land or premises, may 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.
- (7) If the Council elects to remove the waste or litter the person concerned shall be liable for the cost of such removal operation.
- (8) In the case of hazardous waste, the Council may immediately act as contemplated in subsections (4) and (6) and immediately thereafter notify the person concerned of their liability to pay the costs of removal, rehabilitation and any other related costs within the stipulated time.

48. Prohibition of dumping and abandoning articles

- (1) No person may deposit or permit the depositing of any waste, whether for gain or otherwise, upon any land or in any building of which he or she is the owner or occupier except if such deposit is made in accordance with the provisions of these By-laws.

- (2) Subject to any provision to the contrary contained in these By-laws, no person may leave any article or allow any article under his or her control to be left at a place with the intention of abandoning it.
- (3) No person may dump waste.
- (4) Any person found guilty of dumping shall be liable for a fine or imprisonment as set out in this By-law.
- (5) The Council 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-law, be liable for the Council's costs in removing and disposing of the waste.

49. Duty to prevent land or building used for dumping

- (1) The owner or occupier of any land or building must take reasonable measures to prevent such land or building from being used for dumping and to clean up all waste dumped on or at the land or building.
- (2) The measures required in terms of subsection (1) may include:
 - (a) fencing-off the land or building;
 - (b) erecting "no dumping" signs; and
 - (c) security measures to monitor and enforce anti-dumping measures on the land or building.
- (3) If any land or building is used for dumping and, in the reasonable opinion of the Council, the owner or occupier has failed to take reasonable measures to prevent dumping and to clean-up waste dumped on the property, the Council may direct the owner or occupier to fence-off the land or building and/or to erect notices to prevent further dumping.
- (4) Should the owner or occupier of any land or building, fail to comply, with a directive under subsection (3), the Council or authorised official may take reasonable measures to prevent dumping on the property and may recover its costs of doing so from

the owner or occupier.

- (5) Failure to comply with a directive issued in terms of subsection (3) is an offence.

50. Disposal of dumped or abandoned articles

- (1) Any article, other than a motor vehicle deemed to have been abandoned as contemplated in regulation 320 of the National Road Traffic Regulations, 2000, published under the National Road Traffic Act, 1996 (Act No. 93 of 1996), published in Government Notice R225 in Government *Gazette* 20963 of 17 March 2000 which, in the light of such factors as the place where it is found, the period it has been at such place and the nature and condition of such article, is reasonably considered by the Council as having been abandoned, may be removed and, subject to the provisions subsection (3), disposed of by the Council as it deems fit.
- (2) The Council may remove and, subject to the provisions of subsection (3), dispose of any article which is chained or fastened to any pole, parking meter or any other property of the Council as it deems fit.
- (3) If an article contemplated in subsection (1) or (2), is, in the opinion of the Council, of significant financial value, the Council may not dispose it unless it has published a notice in a newspaper circulated in the area where the article was found, describing the article, stating the Council's intention to dispose it and inviting the owner, or person legally entitled thereto, to claim the article within 30 days of the date of publication of the notice and such article may only be disposed of if no valid claim is made during such period.
- (4) The Council may recover any reasonable and necessary expenditure which it has incurred in disposing of an article contemplated in subsection (1) or (2) from the proceeds derived from disposing of the article.

51. Dumping: whistle-blowing

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

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

52. Dumping: naming and shaming

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

CHAPTER 8

AUTHORISED OFFICIAL

53. Identification documents

- (1) An authorised official must, upon appointment, be issued with an identification document by the Council which must state the name and powers and function of that official, and include a photograph of the official.
- (2) An authorised official, exercising his powers or performing his functions and duties for the purposes of these By-laws, must present an identification document issued in terms of subsection (1) on demand by a member of the local community.

54. Powers of authorised officials

- (1) In addition to the powers, functions and duties an authorised official has by virtue of his appointment as such, an authorised official may, with the consent of the owner or person in charge of a vehicle or other mode of conveyance, search that vehicle or other mode of conveyance found in any place.
- (2) If consent is not obtained in terms of subsection (1),

a vehicle or other mode of conveyance may be searched or stopped and searched, only pursuant to a valid written authorisation issued by a justice of the peace as contemplated in sections 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), as amended.

- (3) If, in the opinion of an authorised official, any search of a vehicle or other mode of conveyance in terms of subsection (1) or (2), gives rise to the reasonable apprehension that the presence of waste in or on such vehicle or other mode of conveyance is a serious and immediate danger to human health or to the environment, the authorised official must instruct the owner or person in control of the vehicle concerned in writing to take the steps specified in that instruction which, in the opinion of such official or officer, are necessary to mitigate harm to human health or damage to the environment.
- (a) In the event of a refusal or failure to comply with an instruction given in terms of paragraph (a), the authorised official may report the matter to the South African Police Services with a view to seizure of the vehicle concerned in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) as amended.
- (4) An authorised official may subject to Section 101 of the Systems Act, enter any premises if a justice of the peace as contemplated in Section 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963) as amended, has issued a written authorization to enter premises, for the purposes of ascertaining compliance with—
- (a) these By-laws; or
- (b) a term or condition of an accreditation permit, issued in terms of Chapter 8 of these By-laws.
- (5) The authorised official with a written authorisation referred to in subsection (4) is allowed to:
- (a) inspect any document that a person is required to maintain in terms of any law or that may be relevant to any work or inspection;
- (b) copy any document referred to in paragraph (a) or if necessary, remove the document in order to copy it;

- (c) take samples of any substance that is relevant to the work or inspection; and
- (d) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises.

55. Powers to question

- (1) For the purposes of administering, implementing and enforcing the provisions of these By-laws, an authorised official may, require a permit holder or any other person to disclose information, either orally or in writing, and either alone or in the presence of a witness, on any matter to which these By-laws relate and require that the disclosure be made on oath or affirmation.
- (2) An authorised official may for the purposes of subsection (1) be accompanied by an interpreter and any other person reasonably required to assist that official or officer.

56. Observance of human rights

The exercise by an authorised official of any powers under these By-laws should be undertaken with strict regard to decency; orderliness; and each person's human rights including the right to dignity, freedom, security and privacy.

57. Supervision of holders of accreditation permits

- (1) An authorised official may, inspect every workplace of an accreditation permit holder at least twice a year.
- (2) An accreditation permit holder must allow an authorised official access for the purposes of an inspection in terms of subsection (1).
- (3) If an authorised officer is, after an inspection in terms of subsection (1), of the opinion that an accreditation permit holder is complying with these By-laws, he or she must, subject to the provisions of subsection (4), issue an accreditation permit holder with a certificate confirming such compliance, in which it must be stated—
 - (a) the name and residential and postal address of the accreditation permit holder;

- (b) the address of the premises inspected;
 - (c) the time, date and scope of the inspection; and
 - (d) any remarks which, in the opinion of an authorised official, may be relevant.
- (4) If an accreditation permit holder fails to obtain a certificate confirming compliance at three consecutive inspections, an authorised official may recommend that the Council review the accreditation permit concerned and, should there be reasonable grounds, the Council may suspend or revoke the accreditation permit in terms of section 56.
- (5) An authorised official must keep a register recording each inspection which he or she has undertaken, in terms of subsection (1).

58. Compliance notices

- (1) If, in the opinion of an authorised official, a person is contravening any provision of these By-laws, that official may in writing issue a compliance notice and serve it on the person concerned.
- (2) An authorised official who is satisfied that the person served with the compliance notice has complied with the terms of the notice may issue a compliance certificate to that effect.
- (3) A compliance notice remains in force until an authorised official has issued a compliance certificate in respect of that notice or an order envisaged in section 77(4) is made.
- (4) A compliance notice must set out:
- (a) the provision that has not been complied with;
 - (b) details of the nature and extent of non-compliance;
 - (c) any steps that are required to be taken and the period within which those steps must be taken; and
 - (d) any penalty that may be imposed in terms of these By-laws in the event of non-compliance

with these steps.

59. Representations

- (1) Any person on whom a compliance notice as contemplated in section 76(1) or a directive contemplated in section 67(3) was served, may make representations to the Council, by submitting a sworn statement or affirmation to the Council, within a period set out in the notice/directive or within 21 days of the service of the compliance notice or the directive.
- (2) Representations not lodged within a period set out in the notice/directive or 21 days of the service thereof must not be considered, except if the person concerned has shown good cause for condonation and the Council condones the late lodging of the representations.
- (3) (a) The Council must consider the representations and any response thereto by an authorised official, or any other person, if any, and may conduct any further investigation to verify the relevant facts.
 - (b) If the Council conducts a further investigation, the results of such investigation must be made available to the person who made the representations, who must be given an opportunity to respond thereto and the Council must consider such response.
- (4) a After the Council, is satisfied that *inter alia* the requirements of subsection (3) have been satisfied, it must make an order in writing and serve a copy of thereof on the person concerned setting out its findings.
 - (b) Such an order may—
 - (i) confirm, alter or set aside in whole or in part, the directive or compliance notice concerned; and
 - (ii) must, if relevant, specify the period within which the person concerned must comply with the order.
- (5) If a person makes representations in terms of subsection (1), any requirement to comply with the directive or compliance notice concerned, is

suspended until an order is made in terms of subsection (4)(b) unless, in the opinion of the Council, an environmental emergency has been caused in which event and without derogation from any right that the person concerned may have or acquire to any relief of whatever nature, the person concerned must immediately comply with such directive or notice on being instructed, orally or in writing, by the Council to do so.

- (6) If a person, fails to comply with such an order in terms of subsection (5), the Council may itself cause the environmental emergency to be stopped, reversed or abated and recover any reasonable and necessary expenditure which it has incurred or may incur in taking those steps, from that person.

CHAPTER 9

MISCELLANEOUS

60. Ownership

- (1) The person holding a waste management licence for a waste management activity becomes the owner of all waste the person handles. A person who generates waste is the owner thereof until it is collected by an accredited service provider which then becomes the owner thereof.
- (2) A person who abandons any article, is liable for any damage which that article may cause as well as for the cost of removing that article, notwithstanding the fact that such person may no longer be the owner thereof.

61. Serving of documents

A notice, instruction, order or other document which has to be served for the purposes of these By-laws, is regarded to have been properly served or delivered if—

- (a) it has been served on or delivered to the person concerned personally;
- (b) it has been sent by registered post or speed

post to the person concerned at his or her last known address; and

- (c) it has been served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address.
- (d) 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.

62. Offences and penalties

(1) Any person, who—

- (a) contravenes or fails to comply with any provisions of these By-laws;
- (b) fails to comply with any notice, directive or order issued or condition imposed in terms of or for the purposes of these By-laws;
- (c) fails to comply with any lawful instruction given in terms or for the purposes of these By-laws; or
- (d) obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine not exceeding R200 000.00 or in default of payment to imprisonment for a period not exceeding five years and in the case of a continuing offence, to a further fine not exceeding R200.00 per day or in default of payment, to imprisonment not exceeding one day for every day that the offence continues after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

- (2) 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, 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.

63. Appeals

An appeal against a decision of an official or representative of the Council acting under delegated authority must be submitted, processed and considered in terms of section 62 of the Local Government: Municipal Systems Act, as amended, read with the National Environmental Management Act 107 of 1998: National Appeal Regulations, as amended.

64. Short title

These By-laws are called the Mopani District Municipality: Waste Management By-laws, 2022.

21-28