

NON-GOVERNMENTAL ORGANIZATION

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# COLLINS CHABANE MUNICIPALITY

## WASTE MANAGEMENT BY-LAWS

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

**ADOPTED BY RESOLUTION OF THE MUNICIPAL COUNCIL OF COLLINS CHABANE LOCAL MUNICIPALITY**

The Municipality of Collins Chabane (“the Municipality”) hereby publishes the Waste Management By-laws set out below, promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and section 9(3)(a) -(d) of the National Environmental Management: Waste Act, 2008.

**Preamble**

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

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

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

**AND WHEREAS** the “Municipality” wishes to regulate waste collection, separation, storage, processing, treatment, recycling, reuse and disposal of waste including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimising the generation and impact of waste;

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

## CHAPTER 1: DEFINITIONS, OBJECTIVES AND PRINCIPLES

### 1. Definitions

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

**“bin”** means a standard type of refuse bin with a capacity of 0,1 m<sup>3</sup> or 85 litre as approved by the Council and which may be supplied by the Council. The bin may be constructed of galvanized iron, rubber or polythene;

**“bin liner”** means a plastic bag approved by Council which is placed inside a bin with a maximum capacity of 0,1 m<sup>3</sup>. these bags must be of a dark colour 950mm x 750mm in size of low-density minimum thickness 40 micro meter or 20 micro meter high density;

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

**“business waste”** means waste generated by the use of premises other than a private dwelling-house used solely as a residence, but shall not include builders waste, bulky waste, domestic waste or industrial waste;

**“bulky 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 council service provided by the council or service provider;

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

**“contaminated animal carcasses, body parts and bedding”** means contaminated carcasses, body part and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals, or the in vivo testing or pharmaceuticals;

**“contaminated sharps”** means discarded sharps, such as but not limited to hypodermic needles, syringes, Pasteur pipettes, broken glass, and scalpel blades, which have come into contact with infectious or possible infectious agents during use in patient care or treatment or in medical research or industrial laboratories;

**“container”** means a receptacle of larger volume than a bin, and of a structure and material determined by Council;

**“Council”** means the Council of Collins Chabane Local Municipality, established in terms of Section 12 of the Local Government Municipal Structure Act, no 117 of 1998;

**“culture and stocks of infectious agents and associated biologicals”** means specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, waste from the production of biologicals and live or attenuated vaccines and culture dishes and devices used to transfer, inoculate and mix cultures;

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

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

**“human blood and blood products”** mean waste such as serum, plasma and other blood components;

**“infectious waste”** means waste capable of producing or transferring an infectious disease;

**“isolation waste”** means waste generated by hospitalized patients isolated to protect others from communicable diseases;

**“health care risk waste”** means waste capable of producing any disease and includes, but is not limited to the following:

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

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

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

**“miscellaneous contaminated wastes”** means wastes from surgery and autopsy, such as but not limited to soiled dressings, drapes, lavage tubes, drainage sets, under pads and gloves, and contaminated laboratory wastes such as but not limited to aprons, and dialysis unit waste such as but not limited to tubing filters, disposable sheets, towels, gloves, aprons and laboratory coats, and contaminated equipment such as but not limited to equipment used in patient care, medical and industrial laboratories, research and in the production and testing of certain pharmaceuticals.

**“municipality”** means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

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

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

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

**“pathological waste”** means waste consisting of tissues, organs, body parts and body fluids that are removed during surgery and autopsy;

**“public space”** means such place to which the public has access, with or without the payment of money;

**“special industrial waste”** means waste consisting of solid liquid or sludge matter, resulting from a manufacturing process, the pre-treatment for disposal purposes of any industrial waste, which may be detrimental to the environment or in the case of liquid matter, to the Council's drainage system;

**“receptacle”** means an approved container having a capacity for temporary storage of waste in terms of these by-laws;

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

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



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

- (1) The objectives of these by-laws are to –
  - (a) give effect to the right contained in section 24 of the Constitution by regulating waste management within the area of the Collins Chabane Municipality's jurisdiction;
  - (b) provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the Municipality can manage and regulate waste management activities;
  - (c) ensure that waste is avoided, or where it cannot be altogether avoided, minimised, reused, recycled, recovered, and disposed of in an environmental sound manner; and
  - (d) promote and ensure an effective delivery of waste services;
  - (d) improve waste management procedures through practicing waste hierarchy according to Waste Act;
  - (e) ensure compliance with Waste Act, norms & standards and its regulation within Collins Chabane Local Municipality.

## **3. Scope of application**

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

## **4. Principles of the By-laws**

- (1) Any person exercising a power in accordance with these by-laws must; at all times; seek to promote the waste management hierarchy approach as outlined in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the National Waste Management Strategy, which is promoting waste avoidance and minimisation, waste reuse, reduce, recycling and recovery, waste treatment and disposal.

- (2) The by-laws seek to promote sustainable development and environmental justice through fair and reasonable measures for the management of waste within the municipality's jurisdiction.
- (3) The by-laws promote participation of all municipal residents, waste generators and holders of waste, in the promotion of responsible citizenship by ensuring sound waste management practices within residential, businesses and industrial environments.
- (4) Any official involved in the application of these By-laws must, as far as reasonably possible, take into account the hierarchy referred to in subsection (1).

#### **5. Duty to provide Services**

- (1) The municipality has a duty to ensure efficient, affordable, economic and sustainable access to waste management services within its area.
- (2) This duty is subject to –
  - (a) local community to pay the prescribed fees, for the provision of municipal services, which is priced according to national norms and standards for;
  - (b) The Municipality shall provide a service for the collection and removal of business and domestic refuse from premises at the tariff charge;
  - (c) The occupier of premises on which business or domestic refuse is generated, must avail himself or herself to the municipalities service for collection and removal of such refuse, except where special exemption is granted;
  - (d) The owner of the premises in which the business or domestic refuse is generated, will be liable to the municipality for all charges in respect of the collection and removal of refuse from such premises.

#### **6. General duty of care**

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

- (a) waste generation is avoided and where such waste cannot be avoided, minimise the toxicity and amounts of waste;
  - (b) waste is reduced, reused, recycled or recovered;
  - (c) where waste must be disposed of, the waste is treated and disposed in an environmentally sound manner;
  - (d) the waste is managed in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts.
- (2) Any person subject to the duty imposed in subsection (1) may be required by the Municipality or an authorised official to take measures to ensure compliance with the duty.
- (3) The measures referred to in subsection (2), that a person may be required to undertake include –
- (a) investigation, assessment and evaluation of the impact that their activities, the process or a situation have on the environment;
  - (b) informing and educating employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing damage to the environment;
  - (c) ceasing, modifying or controlling any act, process, situation or activity which causes damage to the environment;
  - (d) containing or preventing the movement of pollutants or other causes of damage to the environment;
  - (e) eliminating or mitigating any source of damage to the environment; or (f) rehabilitating the effects of the damage to the environment.

**CHAPTER 2: SERVICE PROVIDERS****7. Service providers/Contractors**

- (1) The Municipality may discharge any of its obligations by entering into a service delivery agreement with a service provider or service providers in terms of the Municipal Systems Act, 2000.
- (2) Subject to the provisions of the Municipal Systems Act or any other legislation, the Municipality may assign to a service provider any power enjoyed by the Municipality under these by-laws: provided that the assignment is required for the service provider to discharge an obligation under its service delivery agreement, but the accountability shall remain with the Municipality.
- (3) Any reference in these by-laws to “Municipality or service provider” should be read as the “Municipality” if the Municipality has not entered into a service delivery agreement, and should be read as “service provider” if the Municipality has entered into a service delivery agreement.
- (4) Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the Municipality and which must-
  - (a) accord with the provisions of these by-laws;
  - (b) be accessible to the public;
  - (c) establish the conditions of the service including collection times; and
  - (d) provide for the circumstances in which Municipal services may be limited.

**CHAPTER 3: PROVISION OF WASTE SERVICES****8. Provision of refuse bins**

- (1) The Municipality will determine the number of bins required on premises;
- (2) If a bin is supplied by the Municipality, such bin will be supplied at the prescribed tariff;
- (3) If required by the municipality, the owner of a premises will be responsible for the supply of the pre-determined number and type of bins;
- (4) The municipality may at the tariff determined, deliver container units to premises if, having regard to the quantity of business refuse generated on the premises concerned, the suitability of such refuse for storage in bins, and the accessibility of the space provided by the owner of the premises in terms of Section 5, to the municipality's refuse collection vehicles, municipality considers container units more appropriate for the storage of refuse than bins; Provided that container units shall not be delivered to the premises unless the space provided by the owner of the premises in terms of Section 5 is accessible to the municipality refuse collection vehicles for container units.

**9. Provision of bins**

- (1) The owner of the premises must provide adequate space on the premises for the storage of the bins or containers delivered by the municipality in terms of Section 4 or for the equipment and receptacle mentioned in Section 7;
- (2) The space provided in terms of sub section (1) must –
  - (a) Be in such a position on the premises as will allow the storage of bins or containers without their being visible from the street or a public place;
  - (b) Where domestic refuse is generated on the premises –
    - be in such a position as will allow the collection and removal of refuse by the municipalities employees without hindrance; (ii) be not more than 10m from the entrance to the premises, used by the municipality's employees;
  - (c) if required by the municipality, be so located as to permit convenient access to and egress from such space for the municipality refuse collection vehicles;

- (d) Be sufficient to house any receptacle used in the sorting and storage of the refuse contemplated in Section 6 (1) (a) (i) and 7 (9), as well as any such refuse not being stored in a receptacle:
  - (e) Provided that this requirement shall not apply in the case of buildings erected, or buildings the building plans whereof have been approved, prior to the coming into operation of these bylaws
- (3) The occupier of the premises, or in the case of premises being occupied by more than one person the owner of such premises, must place the bins or containers delivered in terms of Section 4 in the space provided in terms of subsection (1) and shall at all times keep them there;
- (4) Notwithstanding anything to the contrary in subsection (3) contained –
- (a) in the case of buildings erected, or buildings the building plans whereof have been approved prior to the coming into operation of these by-laws; and
  - (b) in the event of the municipality, in its opinion, being unable to collect and remove business refuse from the space provided in terms of subsection (1); the municipality may, having regard to the avoidance of nuisance and the convenience of collection of refuse, indicate a position within or outside the premises where the bins shall be placed for collection and removal of such refuse and such bins or containers shall then be placed in such position at such times and for such periods as the municipality may prescribe.

#### **10. Use and care of containers and bin liners**

- (1) Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises must ensure that—
- (a) all the domestic or business refuse generated on the premises is placed and kept in such bin liners for removal by the municipality: Provided that the provisions of this subsection shall not prevent any occupier, or owner, as the case may be -
    - (i) who has obtained the municipality prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption;
    - (ii) from utilizing such domestic refuse as may be suitable for making compost.
  - (b) no hot ash, unwrapped glass or other business or domestic refuse which may cause damage to bin liners or which may cause injury to the municipality employees while

- carrying or handling bin liners, is placed in bin liners before he or she has taken such steps as may be necessary to avoid such damage or injury;
- (c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render bin liners, unreasonably difficult for the municipality employees to handle or carry, is placed in such bin liners;
- (d) every container on the premises is covered, save when refuse is being deposited therein or discharged therefrom, and that every container is kept in a clean and hygienic condition;
- (e) no person deposits refuse in any other place than in the bins or containers provided for that purpose.
- (2) No bin or container may be used for any purpose other than the storage of business, domestic or garden refuse and no fire shall be lit in such container;
- (3) In the event of a container having been delivered to premises in terms of Section 4;
- (4) the occupier of such premises shall, 24 hours before the container is likely to be filled to capacity, inform the Council thereof;
- (5) The owner of premises to which bins or container units have been delivered in terms of Section 4 or 11, shall be liable to the Council for the loss thereof and for all damage caused thereto except for such loss or damage as may be caused by the employees of the Municipality;
- (6) Plastic bin liners with domestic or garden refuse, or both, must be properly closed and be placed outside the property next to the fence and near the entrance or access road before 07h00 on the day determined by the Council for removal of refuse.

#### **11.     Compaction of waste**

- (1) Should the quantity of domestic or business waste generated on premises be such that, in the opinion of the Council, the major portion of such waste is compactable, or should the owner or occupier of premises wish to compact such waste, such owner or occupier, as the case may be, shall increase the density of that portion of such waste as is compactable by means of approved equipment designed to shred or compact refuse and shall put the refuse so treated into an approved steel, plastic, paper or other disposable receptacle or into a compaction unit

receptacle, and the provisions of Section 4 shall not apply to such compactable waste, but shall remain applicable to all other waste.

- (2) The capacity of the steel, plastic, paper or the other disposable receptacle referred to in subsection (1) shall not exceed 0,1m<sup>3</sup>.
- (3) After the refuse, treated as contemplated in subsection (1) has been put into a steel, plastic, paper or other disposable receptacle, such receptacle shall be placed in a bin or container unit;
- (4) Insofar as the provisions of subsection (1) make the compaction of domestic or business refuse compulsory, such provisions shall not apply until a period of 6 months has elapsed from the date of the serving of a notice to this effect by the Council;
- (5) "Approved" for the purpose of subsection (1) will mean approved by the Council, regard being had to the suitability of the equipment or container for the purpose for which it is to be used, as well as the reasonable requirements of the in regard to public health, storage and refuse collection and removal;
- (6) The steel, plastic, paper or other disposable receptacle mentioned in subsection (1) shall be supplied by the owner or the occupier, as the case may be;
- (7) If the container referred to in subsection (1) is made of steel, such container shall, after the collection thereof and after it has been emptied by the Council, be returned to the premises;
- (8) The Council will remove and empty the containers referred to in subsection (1) at such intervals as the Council may deem necessary in the circumstances;
- (9) The provisions of this section do not prevent any owner or occupier of premises, as the case may be, after having obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption.



**12. Storage and receptacles for general waste**

- (1) Any person or owner of premises where general waste is generated must ensure that such waste is stored in a receptacle provided or approved by the Municipality.
- (2) Any person or owner of premises contemplated in subsection (1) must ensure that-
  - (a) the receptacle is stored inside the yard where applicable, away from the public area when still waiting for collection;
  - (b) on agreed collection date, it should be placed outside the premises in an area accessible to the municipal officials or service providers;
  - (c) pollution and harm to the environment is prevented;
  - (d) waste cannot be blown away and that the receptacle is covered or closed;
  - (e) measures are in place to prevent tampering by animals;
  - (f) nuisance such as odour, visual impacts and breeding of vectors do not arise; (g) suitable measures are in place to prevent accidental spillage or leakage;
  - (g) the receptacle is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of the waste;
  - (h) that a receptacle(s) provided by the Municipality is not used for any other purpose other than storage of waste;
  - (i) in cases where a receptacle (s) is damaged or corroded, the owner or occupier must notify the Municipality and arrange for replacement as soon as it comes to their attention; (k) waste is only collected by the Municipality or authorised service provider; and
  - (j) in cases where an owner or occupier is not available on the day of collection, make necessary arrangements to ensure that waste is accessible for removal or collection.

**13. Collection and transportation**

- (1) The Municipality may -
  - (a) only collect waste stored in approved receptacles;
  - (b) set collection schedules for both commercial and residential properties for reasons of health, safety or environmental protection.

- (c) collect waste outside the set schedule on request by any person and at a fixed tariff agreed to by both parties prior to collection.
  - (d) set the maximum amount of quantities of waste that will be collected;
  - (e) identify waste streams which may not be collected by the Municipality or which are unsuitable for collection; and where such a case exists, advise the owner of alternatives
- (2) Any person transporting waste within the jurisdiction of the Municipality must –
- (a) ensure that the receptacle or vehicle or conveyance is adequate in size and design for the type of waste transported;
  - (b) remove or transport the waste in a manner that would prevent any nuisance or escape of material;
  - (c) maintain the receptacle or vehicle or conveyance in a clean, sanitary condition at all times;
  - (d) not permit waste transported to become detached, leak or fall from the receptacle or vehicle or conveyance transporting it;
  - (e) ensure that waste is transported or deposited at a waste transfer station, recycling facility and/or disposal facility licensed to accept such waste;
  - (f) ensure that the vehicle is not used for other purposes whilst transporting waste;
  - (g) apply to the Municipality to register as a transporter of waste in accordance with the requirements set out by the Municipality and adhere to all the conditions attached to the registration.

#### **14. Waste transfer stations**

- (1) Any holder of waste must –
- (a) utilise appropriate waste transfer stations as directed by the Municipality or service provider;  
and
  - (b) adhere to the operational procedures of a transfer station as set out by the Municipality.

#### **15. Waste disposal**

- (1) Waste generated in the municipal area must be disposed of at a waste disposal facility as directed by the Municipality.

- (2) In disposing of waste, the operator of the site must comply with the provisions of any other legislation regulating the disposal of waste.
- (3) Any person disposing waste at a Municipal owned disposal site must adhere to the site operational procedures approved by the Municipality.
- (4) All private waste disposal sites within the jurisdiction of the Municipality, must comply to a local norms and standards and any other relevant legislation.

#### **CHAPTER 4: INFECTIOUS WASTE**

##### **16. Storage of Infectious Waste**

- (1) All infectious waste must be placed at the point of generation into a container approved by the Council;
- (2) The container used for the storage of sharp objects must be constructed of such a material that the object cannot pierce the container. The container must be fitted with a safe and hygienic lid which must be sealed after use;
- (3) The container used for the disposal of other infectious waste must be constructed of a suitable material, preventing the leakage of the contents. The container must be fitted with a safe and hygienic lid which must be sealed after use;
- (4) All containers must be adequately labelled and marked with the universal bio-hazardous waste symbol.

##### **17. Transport of Infectious Waste**

- (1) All containers of infectious waste must be sealed at the point of generation;
- (2) The vehicle transporting infectious waste must be clearly marked/ indicating infectious waste in transit;

- (3) All loads being carried must be invoiced, indicating the premises from which the infectious waste was generated and the premises where the waste will be disposed of.

#### **18. Removal and Disposal of Infectious Waste**

- (1) The Council may remove infectious waste from the premises of generation and dispose thereof in a safe, sanitary and supervised manner, and the owner of such premises shall be liable to the Council for payment of the tariff charges in respect of such services;
- (2) Approved private contractors may remove and dispose of infectious waste after written consent has been granted to such contractor by the Council;
- (3) Infectious waste may be disposed of in an approved high temperature pollution free incinerator on the premises of origin after written consent has been granted by the Council;
- (4) The burning temperatures in the primary and secondary chambers of the incinerator will exceed 800 degrees C and 1000 degrees C respectively and also have rapid cooling to prevent carcinogenic chemicals from entering the atmosphere

### **CHAPTER 5: RECYCLING OF WASTE**

#### **19. Storage, separation and collection of recyclable domestic waste**

- (1) Any person who is undertaking any activity involving reduction, re-use, recycling or recovery of waste including scrap dealers, by-back centres and formalised recycling groups must before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste and must notify the Municipality of an intention to undertake such an activity in writing.
- (2) Any person undertaking the activities contemplated in subsection (1) must adhere to the requirements set out in national or provincial legislation.
- (3) The Municipality may require any person or owner of premises to separate their waste and use different receptacles provided by the Municipality or service provider.

- (4) In cases where the Municipality, service provider or industry has provided separate receptacles for recyclable material, no person may use other receptacles for recyclable material.

## **CHAPTER 6: WASTE INFORMATION**

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

- (1) Any person who conducts an activity, which has been identified in terms of provincial and/or national waste information system must, upon request, present to the Municipality proof that such an activity is registered and reporting the required information.
- (2) The Municipality may, at its own discretion and as reasonably possible, require any facility, person of activity to register and report to the Municipality any other information for the purpose of facilitating effective waste management within its jurisdiction.

## **CHAPTER 7: PROVISION FOR REGISTRATION OF TRANSPORTERS**

### **21. Requirements for registration**

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

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**CHAPTER 8: LISTED WASTE MANAGEMENT ACTIVITIES****22. Commencement, conducting or undertaking of listed waste management activities**

- (1) Any person conducting a listed waste management activity listed in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), must upon request by an official of the Municipality, provide proof of compliance with the requirements of a licence issued by the competent authority.
- (2) Any person conducting or intending to conduct any activity contemplated in subsection 7 (1) must, at least sixty (60) days before commencement, conducting or undertaking such activity, inform the Municipal waste management officer in writing of the intention.

**CHAPTER 9: GENERAL PROVISIONS****23. Duty to provide facilities for litter**

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



- (3) In any public place where a receptacle has been placed for the depositing of litter, the Municipality may put up notices about littering.

#### **24. Prohibition of littering**

- (1) No person may –
- (a) cause litter;
  - (b) sweep any waste into a gutter, onto a road reserve or onto any other public place;
  - (c) disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause the contents of the receptacle to spill or fall onto the ground around it; and
  - (d) allow any person under his control to do any of the acts contemplated in paragraphs (a), (b) or (c) above.
- (2) Notwithstanding the provisions of subsection 8 (1), the Municipality, or owner in the case of privately owned land to which the public has access, must within a reasonable time after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed.

#### **25. Prohibition of nuisance**

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

#### **26. Burning of waste**

- (1) No person may-

- (a) dispose of waste by burning it, either in a public or private place;
- (b) incinerate waste either in a public or private place except in an incinerator licensed by the relevant national or provincial authorities to do so, or at a place designated by the Municipality for such purpose.

## **27. Unauthorised disposal/dumping**

- (1) No person may except with the permission of the occupier, owner or of the person or authority having control thereof, dump, accumulate, place, deposit, leave or cause or allow to be dumped, accumulated, placed, deposited or left any waste whatsoever, whether for gain or otherwise, on or in a public place; any drain, watercourse, flood prone areas, tidal or other water in or in the vicinity of any road, highway, street, lane, public footway or pavement, roadside or other open space to which the public have access; or private or municipal land.
- (2) The local authority may at the expense of an owner of land, person in control of land or a person who occupies the land rehabilitate any damage caused to the environment as a result of the activity or failure of the person referred to in subsection (1) to take reasonable measures to prevent unauthorised disposal or dumping.

## **28. Conduct at disposal sites**

- (1) Any person who, for the purpose of disposing of refuse enters a refuse disposal site controlled by the Council must –
  - (a) enter the disposal site only when authorized to enter and at an authorized access point and time;
  - (b) give the Council all the particulars requested in regard to the composition of the refuse; and
  - (c) follow all instructions given to him or her in regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.
- (2) Person may bring intoxicating substances onto a disposal site controlled by the Council;

- (3) No person may enter a disposal site controlled by the Council for any purpose other than the disposal of refuse in terms of these by-laws and then only at such times as the Council may from time-to-time determine.

#### **29. Abandoned articles**

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

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

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

#### **31. On-site disposal**

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

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

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

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

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

- (1) Any person generating bulky waste must ensure that such waste is collected and recycled or disposed of at a designated facility and may not put such waste as part of the municipal routine collection.

- (2) At a request of the owner or occupier of any premises, the Municipality may remove bulky waste from premises at a prescribed tariff, provided that the Municipality is able to do so with its refuse removal equipment.
- (3) In case a Municipality has been called to remove illegally dumped waste on vacant land, the Municipality may remove that waste subject to subsection (2) and charge the owner of that vacant land.

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

- (1) The owner or occupier of premises on which building waste is generated and person conducting an activity which causes such waste to be generated, must ensure that—
  - (a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated; (b) the premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;
  - (c) any building waste which is blown off the premises is promptly retrieved; and
  - (d) pursuant to any instructions from the Municipality, any structure necessary to contain the building waste is constructed.
- (2) Any person may operate a building waste removal service subject to adherence to relevant legislation.
- (3) Should the Municipality provide such a service, it shall be done at a prescribed tariff.
- (4) The owner or occupier of premises may apply to the Municipality for written consent to place an appropriate receptacle for the storage and collection of building waste in the road reserve for the period of such consent.
- (5) Every receptacle, authorised in terms of subsection (4) and used for the removal of building waste, must –
  - (a) have a clearly marked name, address and telephone number of the person in control of such approved receptacle;

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

### **35. Special industrial, hazardous or health care risk waste**

- (1) Any waste generator who generates special industrial, hazardous or health care risk waste or an owner of premises where such waste is generated must contract with an accredited service provider to collect and dispose of such waste at a licensed hazardous waste disposal facility.
- (2) Subsection (1) does not apply to generators of waste who have the capacity to conduct the service.
- (3) Any person transporting industrial, hazardous or health care risk waste must ensure that the facility or place to which such waste is transported is authorised to accept such waste prior to offloading the waste from the vehicle.

## **CHAPTER 10: COUNCIL SPECIAL SERVICES**

### **36. Notice to Council**

- (1) The occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises, on which business refuse or domestic refuse is generated, must within seven days after the commencement of the generation of such refuse notify the Council –
  - (a) that the premises are being occupied;
  - (b) whether business refuse or domestic refuse is being generated on the premises.
  
- (2) At the request of the owner or any occupier of any premises, the Council will at the prescribed tariff remove bulky garden and other refuse from premises, provided that the Council is able to do so with its refuse removal equipment. All such refuse shall be placed within 3m of the boundary loading point, but not on the sidewalk.

### **37. Responsibility for builders' waste**

- (1) The owner of premises on which builders waste is generated and the person engaged in the activity which causes such refuse to be generated must ensure that –
  - (a) such waste be disposed of in terms of Section 12 within a reasonable time after the generation thereof, but at any rate within 30 days from being notified by Council to remove such waste;
  - (b) until such time as builders waste is disposed of in terms of Section 12 and subject to the provisions of Section 12 (2) such refuse together with the containers used for the storing or removal thereof, be kept on the premises on which it was generated.
  
- (2) Any person may operate a builder waste removal service. Should the Council provide such a service it shall be done at the tariff charge

### **38. Containers**

- (1) If containers or other receptacles used for the removal of builders refuse, bulky refuse or other waste material from premises can in the opinion of the Council not be kept on the premises, such containers or other receptacles may with the written consent of the Council be placed in the roadway for the period of such consent;

- (2) Any consent given in terms of subsection (1) will 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 shall have regard to the convenience and safety of the public;
- (3) The written consent of the Council referred to in subsection (1) will only be given on payment of the tariff charge for the period of such consent;
- (4) Every container or other receptacle used for the removal of builders refuse, must –
  - (a) have clearly marked on it, the name and address or telephone number of the person in control of such container or other receptacle;
  - (b) be fitted with reflecting chevrons or reflectors which shall completely outline the front and the back thereof; and
  - (c) be covered at all times other than when actually receiving or being emptied of such refuse, so that no displacement of its consent or dust nuisance occur.

## **CHAPTER 11: ADMINISTRATIVE MATTERS COMPLIANCE AND ENFORCEMENT**

### **39. Exemptions**

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the Municipality for exemption from any provision of this by-law.
- (2) The Municipality may –
  - (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted be stipulated therein;
  - (b) alter or cancel any exemption or condition in an exemption; or (c) refuse to grant an exemption.
- (3) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.



- (4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.
- (5) If any condition of an exemption is not complied with, the exemption lapses immediately.

#### **40. Appeals**

- (1) A person whose rights are affected by a decision taken by the Municipality in terms of these by-laws, may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to the municipal manager or delegated official within 21 days of the date of the notification of the decision.

#### **41. Offences**

- (1) Any person who –
  - (a) obstructs or hinders the Municipality in exercising the powers or performance of functions or duties as outlined in this by-law;
  - (b) contravenes or fails to comply with any provision of these by-laws; or
  - (c) fails to comply with the terms of a notice served upon him or her in terms of these by-laws, shall be guilty of an offence.

#### **42. Penalties**

- (1) Any person who contravenes or fails to comply with a provision of these by-laws is guilty of an offence and liable on conviction to imprisonment for a period not exceeding fifteen years or to a fine or to both such fine and imprisonment.

#### **43. Short title and commencement**

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

**44. Repeal of by-laws**

- (1) Any by-law relating to waste management or refuse removal or disposal within the Municipality or any of its predecessors or areas formerly existing under separate Municipalities or other organs of State is repealed from the date of promulgation of these bylaws.