



BELA-BELA LOCAL MUNICIPALITY SOLID WASTE BY-LAWS

To provide for a municipal waste removal system in the municipal area and to provide for incidental matters.

BE IT ENACTED Bela-Bela Local Municipality, as follows:

CHAPTER 1 DEFINITIONS

1. In these by-laws, unless the context indicates otherwise –

"Approved" means approved by the Municipality in terms of the provisions of section 160 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

"Authorized service provider" means the Municipality itself, a private waste removal service provider who has been contracted by the Municipality to provide waste removal services on its behalf or a private service provider who has submitted the information required in Schedule 1 of this by-law to the Municipality and who is in possession of a written confirmation by the Municipality that the particulars of such service provider have been registered in the Municipality's register of private service providers who are authorized to provide waste removal services in the area of jurisdiction of the Municipality in terms of a written permit issued by the Municipality.

"Builder's waste" means waste generated by demolition, excavation or building activities on premises;

"Bulk container" means a container having a capacity greater than 2 m³ for the temporary storage of waste in terms of these by-laws;

"Bulky waste" means waste which cannot by virtue of its mass, shape, size or quantity be conveniently stored or handled in a waste container, but does not include builder's waste or special domestic waste;

"Business waste" means waste which is generated on premises, other than domestic waste, builder's waste, bulky waste, industrial waste, special domestic waste, garden waste and special industrial waste, and which can be removed easily without damage to the waste container, bulk container or waste removal vehicle;

"Domestic waste" means waste generated on premises used solely for residential purposes and purposes of public worship or education, including halls or other buildings used for religious or educational purposes, but does not include builder's waste, bulky waste, garden waste or special domestic waste;

"Existing service provider" means any natural or juristic person who, before or on the date of promulgation of these by-laws, provides a waste removal service within the area of jurisdiction of the Municipality, irrespective of whether such service is provided for payment or not and irrespective of whether such service is provided in terms of a permit, licence or consent issued by a disestablished local council or not;

"Garden waste" means waste generated as a result of normal gardening activities, such as grass cuttings, leaves, plants, flowers and other similar small and light matter of organic origin;

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

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

"Industrial waste" means waste generated as a result of manufacturing, maintenance, fabricating and dismantling activities and the activities of railway marshalling yards, but does not include builder's waste, business waste, special industrial waste or domestic waste;

"Law enforcement officer" means a law enforcement officer appointed by the Municipality as a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);

"Medical waste" means any waste potentially contaminated with viable micro-organisms capable of transmitting and reasonably likely to transmit diseases, and includes any waste biomedical material of the following categories:

- (i) **Class A** – Anatomical waste, which includes human anatomical material such as tissue, organs, body parts, products of conception;
- (ii) **Class B** – Infectious non-anatomical waste, which includes any waste known or clinically



assessed to be at risk of being contaminated with micro-organisms and capable of transmitting or suspected of transmitting and reasonably likely to transmit diseases, such as microbiological laboratory waste from surgeries and autopsies performed on patients with communicable diseases, all contaminated waste (for example leftover food, blood, body fluid, teeth, hair and nail clippings) from infectious patients and discarded vaccines;

(iii) **Class C** – Sharps and similar waste, which includes any clinical item capable of causing a cut in or puncture of the skin such as a needle, syringe, blade or clinical glass and any medical equipment such as blood bags, intravenous fluid containers or tubes, colostomy or catheter bags, bandaging, blood collection tubes, medication vials and ampoules and other similar items;

(iv) **Class D** – Pharmaceutical and genotoxic chemical waste, which includes all pharmaceutical products and medical chemicals that are no longer useable in patient treatment and have been returned from patient care areas and that have become outdated or contaminated or have been stored improperly or are no longer required and items contaminated with cytotoxic or radioactive pharmaceuticals, and includes chemical waste from diagnostic or experimental work or any other use that is genotoxic (carcinogenic, mutagenic, teratogenic, or otherwise capable of altering genetic material); and

(v) **Class E** – Radioactive waste, which includes all waste that should be handled and disposed of in accordance with the provisions of the Nuclear Energy Act, 1999 (Act 46 of 1999);

"Municipality" means Bela Bela Local Municipality and includes the Council of the Municipality and committee established by the Council and any employee or official of the Municipality duly authorised to perform any duty, power or function in terms of these by-laws;

"nuisance" has the meaning assigned to it in section 2 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939);

"occupier", in relation to premises, means any person, including the owner, in actual occupation of the premises without regard to the title under which he or she occupies the premises, and, in the case of premises subdivided and let to lodgers or tenants, includes the person receiving the rent payable by the lodgers or tenants, whether for his or her own account or as an agent for a person entitled to the rent or with any interest in the rent;

"owner", in relation to premises, includes any person who receives the rent or profits of the premises from any tenant or occupier of the premises or who would receive the rent or profits if the premises were let, whether for his or her own account or as an agent for any person entitled to the rent or profits or with an interest in the rent or profits, provided that "owner", in respect of premises in a sectional title scheme in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), including the body corporate as defined in that Act in relation to such premises, and "owner", in respect of premises that are the property of the Municipality and are let by the Municipality, means the lessee of the premises;

"person" includes a juristic person in terms of the common law or incorporated in terms of the provisions of the Companies Act, 1973 (Act 61 of 1973);

"premises" means any erf or land, building, room, structure, tent, van, vehicle, stream, lake, dam, pool, lagoon, drain or ditch (open, covered or enclosed), whether built on or not and whether public or private;

"public place" has the meaning assigned to it in section 2 of the Local Government Ordinance, 1939;

"recycling" means the collection, selection or removal of waste for the purpose of reselling or reusing selected materials in a manufacturing or other process;

"recyclable" means any material intended for recycling or a remanufacture process and which was never part of the waste stream at the point of removal, but was managed as a potential resource by the originator of such material and never contaminated with any other material;

"road reserve" means the verge and the roadway of a public road as defined in the National Road Traffic Act, 1996;

"service provider" means private firms who contract directly with occupiers for the removal of waste;

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

"special industrial waste" means waste which consists of a liquid or sludge resulting from a manufacturing process or the pre-treatment, for disposal purposes, or any industrial or mining



liquid waste and which in terms of the Municipality's Sanitation By-laws may not be discharged into a drain or sewer;

"swill" means food residues fit for use as animal food in terms of the applicable statutory requirements;

"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;

"waste" means domestic waste, special domestic waste, business waste, garden waste, builder's waste, industrial waste, special industrial waste, medical waste, bulky waste or hazardous waste, and includes any material or object deemed in terms of Chapter 8 to be abandoned, unwanted or unused;

"waste container" means a waste container supplied by the Municipality to premises as provided for in section 2(2) or approved by the Municipality in exceptional cases;

"waste removal service" means the collection and removal of domestic, garden, industrial and business waste as provided for in section 2(2) and may include garden waste;

"waste stream" means all material which was regarded as "waste" by an occupier/owner and disposed into a waste container for removal and disposal by the Municipality.

CHAPTER 2 BUSINESS WASTE AND DOMESTIC WASTE

The Municipality's service

2.(1) The Municipality must provide or ensure a service for the collection and removal of business waste and domestic waste from premises at the applicable tariff.

(2) The collection and removal of business waste and domestic waste from premises within the area of jurisdiction of the Municipality and the provision of waste removal services in respect of such waste, is a municipal service which shall exclusively be provided by an authorized service provider and the occupier of premises shall not use the waste removal services of any other entity whatsoever.

(3) The occupier of premises is obliged to make use of the waste removal service provided by an authorized service provider specifically designated for such purpose by the Municipality.

(4) Subject to the provisions of these by-laws, the occupier of premises must keep the premises free of any waste and, subject to the provisions of section 7(1)(a), the Municipality may require the occupier of the premises to make use of the services of any other authorized service provider for the collection and removal of the waste.

(5) The occupier of premises on which business waste or domestic waste is generated is liable to the Municipality for the applicable tariff in respect of the collection, removal and disposal of business or domestic waste from the premises and remains liable for payment of the tariff until -

(a) the occupier has submitted proof to the satisfaction of the Municipality that he or she is no longer liable for payment of the tariff in terms of these by-laws;

(b) registration of transfer of the premises in the name of a new owner has taken place.

Notice to the Municipality

3. The occupier of premises on which business waste or domestic waste is generated must, within seven days after the commencement or alteration of services or generation of such waste, notify the Municipality in writing -

(a) that the premises are being occupied; and

(b) that business waste or domestic waste is being generated on the premises.

Delivery of waste containers and bulk containers

4.(1) After receipt of any notification in terms of section 3 the Municipality must, subject to the provisions of subsection (2), deliver to the premises the number and type of waste containers that in its opinion are required for the temporary storage of waste.

(2) The occupier's liability to pay the applicable tariff relating to either business or domestic waste is determined according to the dates on which the waste containers are delivered to and removed from the premises, and the Municipality's records serve as prima facie proof of such delivery and removal and of the applicable tariff payable.

(3) The Municipality may, at any time after the delivery of waste containers in terms of subsection (1), remove some of the waste containers or deliver additional waste containers if, in its opinion, a greater or lesser number of waste containers is required on the premises.

(4) The Municipality may deliver bulk containers to premises instead of smaller containers if it considers bulk containers essential for the premises, having regard to the quantity of waste generated on the premises, the suitability of such waste for temporary storage in bulk containers, and the accessibility and adequacy of the space provided for by the occupier of the premises for



the waste collection vehicles in terms of section 5.

(5) The provisions of these by-laws in so far as they relate to waste containers delivered to premises for the temporary storage of waste in terms of subsections (1) and (3) apply *mutatis mutandis* in respect of bulk containers delivered to premises in terms of subsection (4).

(6) The Municipality remains the owner of all waste containers or bulk containers provided and/or delivered by it in terms of these by-laws.

Placing of waste containers and bulk containers

5. (1) The occupier of premises must provide an adequate and reserved clearance on the premises or provide any other equipment or facilities on the premises deemed necessary by the Municipality for the storage of the number of waste containers or bulk containers delivered by the Municipality in terms of sections 4 and 8.

(2) The clearance provided for on the premises in terms of subsection (1) must -

(a) be in such a location on the premises as to allow for the storage of waste containers or bulk containers without the containers' being visible from a street or public place; A suitable waste collection area with provision for a water point, a waste water collection point(drain) and concrete floor, roof, ventilation and big enough to accommodate all generated waste, must be provided;

(b) be in such a location as to permit convenient access to and egress from the clearance by the Municipality's waste collection vehicles; and

(c) be sufficient to accommodate all waste, including the materials and any containers used in the sorting and storage of waste contemplated in sections 7(1)(a)(i) and 8(6).

(3) The occupier of premises must place or cause the waste containers or bulk containers to be placed in the clearance provided for in terms of subsection (1) and must at all times keep the containers in the clearance, except when they are removed for emptying.

(4) Notwithstanding the provisions of subsection (3), the Municipality may, having regard to the avoidance of a nuisance and to the convenience of the collection of waste, indicate a location within or outside the premises where the waste containers or bulk containers must be placed for the collection and removal of the waste, and such waste containers or bulk containers must then be placed in that location at such times and for such periods as the Municipality may require, provided that the provisions of this subsection apply to -

(a) premises in respect of which buildings were erected or building plans were approved prior to the promulgation of these by-laws; and

(b) premises in respect of which the Municipality, in its opinion, is unable to collect and remove waste from the clearance provided for in terms of subsection (1).

Emptying of waste containers and bulk containers

6. (1) The occupier of premises must, before 07:00 on the day of the removal of domestic waste, place the waste containers containing waste outside the boundary of the premises or on the nearest street boundary or in some place as jointly determined by the municipality and the occupier of the premises and such containers must be properly closed and may not cause any obstruction to pedestrian or vehicular traffic. The containers shall be emptied by the municipality on the removal day or at such other times and/or intervals as agreed between the municipality and the occupier of the premises.

(2) Builders rubble, steel, timber rests, soil, pebbles, rocks and other material not generated in gardens or households may not be disposed in the containers. Such containers will be left unserviced.

(3) The Municipality may refuse to empty any waste container or bulk container used and placed contrary to the provisions of subsection (1), (2) and sections 7 and 8.

Use and care of waste containers and bulk containers

7.(1) The occupier of premises to which waste containers or bulk containers have been delivered by the Municipality in terms of section 4 must ensure that -

(a) all the domestic waste or business waste generated on the premises is placed and kept in the waste containers or bulk containers for removal by the Municipality, provided that the provisions of this subsection do not prevent any occupier who has obtained the Municipality's prior written consent from -

(i) selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other materials for recycling in a manufacturing process or, in the case of swill, for consumption; and

(ii) utilising any domestic waste that may be suitable for making compost, provided that the waste remains on the premises;

(b) Open fire, hot ash or other business waste or domestic waste which may cause damage



to the waste containers, bulk containers or waste removal vehicles or which may cause injury to the Municipality's employees while they carry out their duties in terms of these by-laws, must not be placed in waste containers or bulk containers unless suitable steps have been taken to avoid such damage or injury;

(c) Waste or other waste material, including any liquid, which, by reason of its mass or other characteristics, is likely to render the waste containers or bulk containers unreasonably difficult to handle must not be placed in the waste containers or bulk containers; and

(d) every waste container or bulk container on the premises is kept in a clean and hygienic condition, and, in the event of non-compliance with this provision, the Municipality may, in addition to any fines imposed on the owner or occupier of the premises, remove the waste container or bulk container and have it cleaned at the expense of the owner or occupier of the premises.

(2) Waste containers delivered to premises in terms of section 4 must not be used for any purpose other than the storage of business, domestic or garden waste, and no fire may be lit in such a waste container.

(3) A waste container delivered to premises in terms of section 4 may be emptied by the Municipality at such intervals as the Municipality may deem necessary.

(4) The occupier of premises to which waste containers were delivered in terms of section 4 or to which bulk containers were delivered in terms of section 8 is liable to the Municipality for the loss of the containers and for all damage caused to the containers, except for any loss or damage caused by the employees or equipment of the Municipality.

(5) Waste containers and bulk containers provided by the Municipality must not be removed from the premises by any person without the Municipality's written consent.

(6) The occupier of premises must ensure that the storage area around waste containers and bulk containers is neat and free of waste and obstructions at all times.

(7) The occupier must report any lost or damaged or partly damaged waste containers or bulk containers, which may be replaced at the discretion of the Municipality.

Compaction of waste

8.(1) Should the quantity of business waste generated on premises be such as to require daily removal

and should the major portion of such waste be, in the opinion of the Municipality, compactable, or should the occupier of the premises wish to compact any volume of waste, it must be approved by the Municipality.

(2) The occupier of premises may, after obtaining the written approval of the Municipality, make use of approved bulk compaction containers, provided that the occupier of the premises supplies the containers.

(3) Subject to the provisions of section 2(2) -

(a) any container used in terms of subsection (4) may be collected, emptied and returned to the premises by the Municipality;

(b) the occupier of the premises must prepare the container for collection and must immediately reconnect the container to the compaction equipment after the container's return by the Municipality to the premises; and

(c) the Municipality accepts no responsibility for any damaged caused to containers or compaction equipment or any part thereof if (b) above is not practised and the employee(s) of the Municipality must perform such duties.

(4) The provisions of this section do not prevent any occupier of premises who has obtained the Municipality's prior written consent from selling or disposing of any swill, corrugated cardboard, paper, glass or other materials for recycling in a manufacturing process or, in the case of swill, for consumption.

CHAPTER 3 INDUSTRIAL WASTE

The Municipality's service

9. The provisions of Chapter 2 in so far as they relate to the collection, removal and storage of business and domestic waste apply *mutatis mutandis* to industrial waste.

Storage and disposal of industrial waste

10.(1) The occupier of premises on which industrial waste is generated must, until such time as the waste is removed from the premises, ensure that the waste is stored in the waste containers or bulk containers delivered to the premises by the Municipality for such purpose.

(2) The occupier of premises referred to in subsection (1) must ensure that -



- (a) dust or other nuisance is not caused by the industrial waste generated on the premises; and
 - (b) the storage area around the waste containers or bulk containers is neat and free of waste and obstruction at all times.
- (3) A person contracted by the Municipality to remove industrial waste must deposit the waste at a disposal site designated by the Municipality for that purpose, or as stipulated in the contract.

CHAPTER 4

GARDEN WASTE, SPECIAL DOMESTIC WASTE AND BULKY WASTE

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

11.(1) The occupier of premises on which garden waste, special domestic waste or bulky waste is generated must ensure that, after the generation of the waste, the waste is disposed of in accordance with this chapter and within such time limits to prevent risks and nuisance conditions, provided that garden waste may be retained on the premises for the making of compost if, in the opinion of the Municipality, the garden waste will not cause a potential nuisance or fire hazard.

(2) An authorized service provider who removes and disposes of garden waste, special domestic waste and bulky waste, must ensure that once the waste has been removed from the premises on which it was generated, the waste is, against payment of the applicable tariff, deposited at a site designated by the Municipality for that purpose and for such waste.

(3)(a) Notwithstanding the provisions of subsection (2), garden waste sites may, as indicated from time to time on the notice boards erected at these sites, be used, during the working hours of the sites, for the disposal of garden waste by residents. All contractors of the Municipality and all garden services may only dispose of waste as indicated in Chapter 4 at designated landfill sites.

(b) A person entering a garden waste site must not deposit any waste other than that contemplated in subsection (3)(a) in the containers provided for that purpose at such a site.

(4) The provisions of sections 16 and 17 apply *mutatis mutandis* to containers used for the collection of garden waste, special domestic waste and bulky waste.

The Municipality's regular business and domestic service

12. At the written request of the occupier of premises, the Municipality may, at its sole discretion, deliver additional waste containers to the premises in terms of section 4, in which event the provisions of Chapter 2 in respect of waste containers delivered for the storage of domestic waste apply *mutatis mutandis* to waste containers delivered in terms of this chapter.

The Municipality's special service

13. At the request of the occupier of premises and after payment of the applicable tariff, the Municipality can remove garden waste, special domestic waste, builder's waste and bulky waste from the premises.

CHAPTER 5 BUILDER'S WASTE

Responsibility for builder's waste

14.(1) The occupier of premises on which builder's waste is generated, or any person involved in activities that result in builder's waste being generated on premises, must ensure that the waste is disposed of in accordance with section 17 after the generation of the waste and within such time limits as are considered reasonable by the Municipality.

(2) Until such time as builder's waste is disposed of in accordance with section 17, the builder's waste must, subject to the provisions of section 15, be kept on the premises on which the waste was generated, together with the containers used for the storage or removal of the waste.

Containers

15.(1) If a container or other receptacle used for the removal of builder's waste from premises should in the opinion of the Municipality not be kept on the premises, the container or receptacle may, with the written consent of the Municipality, be placed in the road reserve for the period stipulated in the consent.

(2) Any consent in terms of subsection (1) is given subject to such conditions and against payment of such a tariff as the Municipality may consider necessary.

16(1) A container or other receptacle that is used for the removal of builder's waste and that is placed in the road reserve with the written consent of the Municipality in terms of section 15(1) must -

- (a) have clearly marked on the container or receptacle the contact details of the body in



- control of the container or receptacle;
 - (b) be fitted with reflecting chevrons or reflectors that completely outline the front and the back of the container or receptacle; and
 - (c) except when the container or receptacle is being filled with or emptied of the waste, be properly closed during transportation so that no displacement of the waste can occur.
- (2) The provisions of section 15 do not apply to the storage of building materials in a road reserve or anywhere outside premises, and the storage of building materials in a road reserve is at all times prohibited and is an offence punishable in accordance with the provisions of section 30.

Disposal of builder's waste

- 17(1) Subject to the provisions of subsection (2), all builder's waste must be deposited at the Municipality's waste disposal sites, provided that the person depositing the waste has paid the applicable tariff or has made alternative payment arrangements to the satisfaction of the Municipality.
- (2) For the purpose of civil projects and land reclamation, builder's waste must, with the written consent of the Municipality, be deposited at a place other than the Municipality's waste disposal sites.
- (3) Any consent given in terms of subsection (2) is subject to such terms and conditions as the Municipality may deem appropriate.
- (4) If the occupier of premises or the person referred to in section 14(1) fails to comply with the provisions of this section and remains in default after the Municipality has instructed him or her to comply with the provisions within a reasonable time, the Municipality may, at the expense of such occupier or person, remove the waste itself or have the waste removed;

CHAPTER 6

SPECIAL INDUSTRIAL WASTE, HAZARDOUS WASTE AND MEDICAL WASTE

Notification of generation of special industrial waste, hazardous waste or medical waste

- 18.(1) A person or other legal entity must not, within the area of jurisdiction of the Municipality, operate or conduct a service for the removal of any type of waste contemplated in this chapter from premises, irrespective of whether such service is rendered for payment or not, unless such natural person or other legal entity is registered by the Municipality.
- (2) An authorized service provider engaged in an activity or activities which generate special industrial waste, hazardous waste or medical waste to be generated must notify the Municipality, before commencement of such generation, of -
- (a) the composition of the waste;
 - (b) the quantity of the waste;
 - (c) the method of storage of the waste;
 - (d) the proposed duration of the storage of the waste; and
 - (e) in terms of the provisions of section 20(4), the manner in which the waste will be removed.
- (3) If so required by the Municipality, the notification referred to in subsection (1) must be substantiated by an analysis of the waste certified by an appropriately qualified industrial chemist or a person designated by the Municipality.
- (4) Subject to the provisions of any applicable legislation, the Municipality or any person duly authorised by the Municipality may enter any premises at a reasonable time to ascertain whether special industrial waste, hazardous waste or medical waste is generated on the premises and may take samples of and test any waste found on the premises to ascertain its composition.
- (5) A person referred to in subsection (1) must notify the Municipality of any changes in the composition and quantity of the special industrial waste, hazardous waste or medical waste occurring after the notification in terms of subsection (1).

Storage of special industrial waste, hazardous waste and medical waste

- 19(1) A person referred to in section 18(1) must ensure that the special industrial waste, hazardous waste or medical waste generated on the premises is kept and stored on the premises in accordance with the provisions of section 18 until the waste is removed from the premises in accordance with section 20.
- (2) Special industrial waste, hazardous waste or medical waste stored on premises must be stored in such a manner that the waste cannot become a nuisance or a safety hazard or pollute the environment.
- (3) If special industrial waste, hazardous waste or medical waste is not stored in accordance with subsection (2) on the premises on which it was generated, the Municipality may order the



occupier of the premises and/or the person referred to in section 18(1) to remove the waste within a reasonable time and, if the waste is not removed within that time, the Municipality may, at the occupier's expense and/or at the expense of the person referred to in section 18(1), remove the waste itself or have the waste removed.

(4) Special industrial waste, hazardous waste or medical waste must be stored in an approved container by the Municipality, and such container must be kept in an approved storage area to avoid nuisances before the removal of the waste in accordance with section 20.

Removal and disposal of special Industrial waste, hazardous waste and medical waste

20(1) A person must not, without the written consent of the Municipality and subject to such terms and conditions as the Municipality may deem fit, remove or have special industrial waste, hazardous waste or medical waste removed from the premises on which it was generated.

(2) The occupier of premises must only have special industrial waste, hazardous waste or medical waste removed by a contractor approved by the Municipality in compliance with the relevant legislation.

(3) Special industrial waste, hazardous waste and medical waste must only be transported by a contractor who is approved by the Municipality and meets the Municipality's requirements in respect of -

- (a) the competence of contractors to remove a particular type of waste;
- (b) the containers of contractors;
- (c) the markings on the containers of contractors;
- (d) the manner of construction of the containers of contractors;
- (e) the contractors' procedures for safety and cleanliness; and
- (f) the contractors' documentation relating to the source, transportation and disposal of waste.

(4) A authorized service provider referred to in section 18(1) must inform the Municipality, at such intervals as the Municipality may stipulate, of -

- (a) the removal of special industrial waste, hazardous waste or medical waste;
- (b) the identity of the contractor who will remove the waste;
- (c) the date of the removal of the waste; and
- (d) the quantity and the composition of the waste to be removed.

(5) Should a person be convicted of contravening the provisions of this section, he or she must, notwithstanding any penalty imposed on him or her, dispose of the waste as directed by the Municipality or, alternatively, the Municipality may dispose of the waste itself at the expense of that person.

(6) Notwithstanding anything to the contrary contained in these by-laws, the generation, storage, removal and disposal of special industrial waste, hazardous waste or medical waste in accordance with sections 18, 19 and 20 are subject to the provisions of the Hazardous Substances Act, 1973, the Occupational Health and Safety Act, 1993 (Act 85 of 1993), the National Road Traffic Act, 1996, the Health Act (Act 63 of 1977), and the Fire Brigade Services Act, 1987 (Act 99 of 1987), and any regulations promulgated under these Acts.

CHAPTER 7 DISPOSAL SITE

Conduct at disposal site

21(1) Right of admission to a disposal site controlled by the Municipality is reserved, and every person who enters such a disposal site must -

- (a) enter the disposal site at an authorised access point;
- (b) if required to do so, present the waste for weighing in the manner required by the Municipality;
- (c) give the Municipality all the particulars required in regard to the composition of the waste;
- (d) follow all instructions given to him or her with regard to access to the actual disposal point, the place where waste is to be deposited and the manner in which the waste is to be deposited;
- (e) adhere to all traffic rules while at the disposal site; and
- (f) before leaving the disposal site, pay the applicable tariff in respect of the waste dumped or comply with any prior arrangements made with the Municipality with regard to payment of the applicable tariff.

(2) A person who contravenes any of the provisions of subsection (1) may be refused entry to or be removed from the disposal site.

(3) In respect of a disposal site controlled by the Municipality, the Municipality may at any time



require a vehicle and/or the vehicle's containers to be weighed at a weighbridge at the disposal site.

(4) A person must not bring any intoxicating liquor onto a disposal site or garden waste site controlled by the Municipality or enter the site while under the influence of intoxicating liquor.

(5) A person must not, at a disposal site controlled by the Municipality, dump any burning material or chemicals that may pose a fire hazard.

(6) A person must not dump any animal carcasses or any waste meat products at a disposal site controlled by the Municipality except with the prior written consent of the Municipality.

(7) Unless authorised to do so by the Municipality, a person must not enter a disposal site controlled by the Municipality for any purpose other than for the disposal of waste in terms of these by-laws, and then only at such times and between such hours as the Municipality may from time to time determine.

(8) The Municipality may refuse to accept any waste at a disposal site controlled by the Municipality if, in the opinion of the Municipality, the waste may have a detrimental impact on the environment or, alternatively, the Municipality may allow such waste on the terms and conditions it deems fit in accordance with the Minimum Requirements as set out by the National Department of Water Affairs and Forestry.

(9) Any disposal site within the area of jurisdiction of the municipality, except sites owned and operated by the municipality must be registered with the Municipality by the owner as contemplated in Chapter 10 of these by-laws.

CHAPTER 8

LITTERING, DUMPING AND ABANDONING OF WASTE AND WASTE MATERIAL

Littering

22.(1) A person must not -

(a) throw, drop, deposit, spill or in any other way dispose of any waste or waste material in or on any public place or premises, except into a container provided for that purpose or at a disposal site controlled by the Municipality;

(b) allow any other person under his or her control to commit any of the acts contemplated in paragraph (a), and, for the purpose of this subsection, employers or principals are liable for the acts of their employees or agents, provided that where an employee or agent contravenes the provisions of paragraph (a) he or she is liable as if he or she were the employer or principal.

(2) A person reasonably suspected by a law enforcement officer of having contravened the provisions of subsection (1) is liable in terms of these by-laws.

(3) Should a person be convicted of contravening the provisions of this section, he or she must, notwithstanding any penalty imposed on him or her, dispose of the waste as directed by the Municipality or, alternatively, the Municipality may dispose of the waste itself at the expense of that person.

(4) Subject to the provisions of the by-laws pertaining to Temporary Advertisements and Outdoor Advertising -

(a) a person is not permitted to distribute any flyers, pamphlets, stickers or handbills at street corners, robots, sidewalks, stop streets or any open or public place without the Municipality's prior written consent; and

(b) a placard or advertisement must not be displayed or placed on any lamp pole, traffic sign pole or fence by a person without the Municipality's prior written consent.

Dumping and abandoning

23(1) A person must not dispose of any waste or waste material at any place or on any premises other

than as provided for in terms of these by-laws.

(2) A person reasonably suspected by a law enforcement officer of having contravened the provisions of subsection (1) is liable in terms of these by-laws.

(3)(a) Subject to the provisions of any other law, the Municipality has the right to remove and dispose of any abandoned waste or waste material in any way it deems appropriate under the prevailing circumstances.

(b) The Municipality is not liable for any damages, costs or claims that arise out of or that are in any way connected to any action taken in terms of paragraph (a).

(4) Should a person be convicted of contravening the provisions of this section, he or she must, notwithstanding any penalty imposed on him or her, dispose of the abandoned waste or waste material as directed by the Municipality or, alternatively, the Municipality may dispose of the



waste or waste material itself at the expense of that person.

Liability of person responsible

24(1) Where any waste or waste material has been removed and disposed of by the Municipality in terms of section 23(3), the person responsible is liable to pay the Municipality the applicable tariff in respect of the removal and disposal.

(2) For the purposes of subsection (1) the person responsible is -

(a) the last owner of the waste or waste material before it was removed by the Municipality and includes any person who, at the time of the abandoning of the waste or waste material, was entitled to be in possession of the waste or waste material by virtue of the common law, a hire-purchase agreement or an agreement of lease, unless it can be proved by such a person that he or she was in no way connected to and could not reasonably have known of the abandoning of the waste or waste material;

(b) the person who abandoned the waste or waste material at the locality in question, and includes the employer or principal of such a person;

(c) the person whose permission was required to abandon the waste or waste material at the locality in question, and includes the employer or principal of such a person; and

(d) a person contemplated in section 6A(1)(c)(i) of the Businesses Act, 1991 (Act 71 of 1991), and the Municipality's Street Trading By-laws promulgated in terms of that Act.

CHAPTER 9 GENERAL PROVISIONS

Access to premises

25(1) Where the Municipality provides a waste collection service in respect of premises, the occupier of the premises must grant any employee of the Municipality access to the premises for the purpose of collecting and removing waste and must ensure that nothing obstructs or hinders such employee in the rendering of the service.

(a) The provisions of subsection (1) apply *mutatis mutandis* to any employee of the Municipality for purposes of inspections, verifications and audit.

(b) Where, in the opinion of the Municipality, the delivery, collection or removal of waste from any premises may result in damage to the premises or the Municipality's property, or injury to the Municipality's employees or any other person, the Municipality may, as a condition for rendering the waste collection service in respect of the premises, require the occupier of the premises to indemnify the Municipality in writing against any such damage or injury.

(2) Where a waste removal service cannot be rendered in respect of premises because of the action of the owner and/or the occupier of the premises, the owner and/or the occupier remains liable for the payment of the costs of the service in terms of the provisions of section 29(1).

(3) The owner and/or the occupier of premises is liable for any nuisance or threat to the safety and security of the general public if such a nuisance or threat relates to the cleanliness of the premises, including the prevention or removal of illegal dumping on the premises. Should the owner and/or the occupier of the premises fail to take the necessary preventative or rectifying steps in respect of such a nuisance or threat, the Municipality may itself take whatever steps are necessary to prevent or rectify the nuisance or threat and may recover the costs of the steps from the owner and/or the occupier of the premises in terms of section 29(1).

(4) Street numbers of premises must be clear and visible from the street in order to facilitate delivery of waste containers and handling of queries.

Incineration of waste

26(1) The Municipality is not obliged to accept any waste destined for incineration.

Recycling

27(1) Recyclable material for the purpose of recycling must not be stored at any premises resulting in risks or nuisance conditions;

(2) A person involved in any way in recycling, must comply with all applicable statutory requirements;

(3) Separation of waste or sorting of recyclables shall be performed on the premises of the point of generation of the recyclable waste stream;

(4) All facilities where separation and classification of recyclable material is performed, must comply with the applicable statutory requirements.

Permanent service by means of bulk containers

28. Permanent bulk container service shall be allowed on sidewalks with the approval of the Municipality.



Charges

29(1) Except where otherwise provided for in these by-laws, the owner and the occupier of premises in respect of which services are rendered by the Municipality in terms of these by-laws are jointly and severally liable to the Municipality for payment of the applicable tariffs for the services.

(2) The applicable tariff in respect of a service rendered by the Municipality may be adjusted by the Municipality from time to time in terms of the applicable legislation and policy or after receipt of a written notification from the occupier of the premises to which the service is rendered, and such notification must declare that the generation of waste on the premises has altered in volume, and the Municipality must be satisfied that an adjustment in the tariff is justified in the circumstances, in which case the occupier will still be liable to pay the relevant tariff.

(3) Upon receipt of the written notification in terms of subsection (2), the adjusted tariff becomes effective on the date determined by the Municipality.

(4) A person who fails to pay the applicable tariff in respect of services rendered by the Municipality is guilty of an offence.

(5) The owner or occupier of premises within the area of jurisdiction of the Municipality is liable for the full payment of the city cleansing and refuse removal components in accordance with the applicable tariff.

Offences and penalties

30(1) A person who contravenes or fails to comply with any provision of these by-laws is guilty of an offence and is liable on conviction to a fine not exceeding the amount as determined by a competent court from time to time.

(2) In the event of a continuing offence, any person who contravenes or fails to comply with any provision of these by-laws is deemed to be guilty of a separate offence for every period of 24 hours or part of such period during which the offence continues and is liable as set out in subsection (1) in respect of each such separate offence.

(3) In the event of the municipality having to clean up illegally disposed waste (including the excision of any type of vegetation, shrubs or trees) on private property after due notices have been issued to the owner, such costs shall be debited against the municipal consumer account of such person.

Implementation of these by-laws

31(1) All existing service providers must furnish the Municipality with –

- (a) written consent by the disestablished local council; and
- (b) all contractual details with clients within one calendar month from the date of promulgation of these by-laws.

(2) The owner or occupier generating waste must produce written consent and / or permit from the relevant disestablished local council allowing him / her to use a private service provider.

(3) Existing service providers shall not be entitled to recruit new clients in respect of Chapters 2, 3, 4, 5 and 6 from the date of promulgation of these by-laws.

(4) All existing permits and/or consents given to private service providers shall expire three months from the date of promulgation of these by-laws.

(5) An agreement between a private service provider and an owner, occupier or waste generator is not binding on the Municipality.

(6) Prior to the expiry of the permit or consent given to a private service provider, all clients of such private service provider are liable to pay the city cleansing tariff to the Municipality.

CHAPTER 10

Permitting of private service providers by the Municipality

32(1) The provisions of this chapter shall only apply to Chapters 2, 3, 4 and 5 of these by-laws.

(2) A person or other legal entity must not, within the area of jurisdiction of the Municipality, operate or conduct a service for the removal of any type of waste contemplated in Chapters 2, 3, 4 and 5 from premises, irrespective of whether such service is rendered for payment or not, unless such natural person or other legal entity is permitted in writing as an authorized service provider by the Municipality.

(3) The provisions of subsection (2) shall apply *mutatis mutandis* to any natural person or other legal entity which operates or conducts waste recycling activities of any nature or extent whatsoever within the area of jurisdiction of the Municipality.

(4) For the purposes of this chapter, a natural person or other legal entity who wishes to be registered and permitted in writing as an authorized service provider must submit a written application to the Municipality, including the details of the information stipulated in Schedule 1.

33. Repeal of by-laws



These by-laws repeal any other by-laws on the management and control of solid waste which were previously in force within the area of jurisdiction of the Municipality.

34. Short title

These by-laws are called the Solid Waste By-laws of Bela Bela Local Municipality.

DRAFT FOR PUBLIC COMMENTS