STANDARD DRAFT WASTE MANAGEMENT BY-LAW

LETSEMENG LOCAL MUNICIPALITY

07 GROOTTREK STREET

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LETSEMENG LOCAL MUNICIPALITY

BY-LAW RELATING TO SOLID WASTE DISPOSAL

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The Letsemeng Local Municipality hereby publishes the Waste Management By-laws set our 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 minimizing the generation and impact of waste;

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

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Chapter 1: Definitions

Definitions:

In this by-law, 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 waste bin with a capacity of 1 cubic metre or 85 litres as approved by the Municipality and which can be supplied by the Council. The bin may be constructed of galvanised iron, rubber or polythene;

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

"Builder's rubble" includes all waste produced during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rock displaced during such construction, alteration, repair or demolition;

"bulky waste" 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 Municipality service provided by the Municipality or service provider;

"bulky garden waste" such as tree-stumps, branches of trees, hedge-stumps and branches of hedges and any other grade waste of quantities more than 2 cubic metres;

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

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

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

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

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

"dry industrial waste" means dry waste generated as a result of manufacturing, maintenance, fabricating and dismantling activities and the activities of railway marshalling yards, but shall not include builders waste, special industrial waste or domestic waste;

"garden waste" 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;

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

(a) Laboratory waste;
(b) Pathological waste;
(c) Isolation waste;
(d) Genotoxic waste;
(e) Infectious liquids and infectious waste;
(f) Sharps waste;
(g) Chemical waste; and
(h) Pharmaceutical waste;

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

“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;

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

‘’Isolation waste’’ waste generated by patients who have communicable diseases which are capable of being transmitted to others via those wastes;

“list of waste management activities”

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

“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;

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

“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;

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"provincial environmental department" means the provincial department responsible for environmental matters;

"public place" means any square, park, recreation ground, sport ground, sanitary lane or open space which has-

(a) in connection with any subdivision or layout of land into erven, lots of plots, been provided, reserved or set apart for use by the public or the owner or occupiers of such erven, lots of plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
(b) at any time been dedicated to the public;
(c) been used without interruption by the public for a period at least 30 years expiring after 31 December 1959, or
(d) at any time been declared or rendered such by a Municipality or other competent authority

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

"south African Waste Information System" means a national waste information system established in terms of section 60 of the National Environmental Management: Waste Act

''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;

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

"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-

(a) any substance, material or object, that is unwanted, rejected, abandoned, discarded or disposed of. Or that is intended or required to be discarded or disposed of, by the holder of that substance, material or object, whether or not such substance, material or object can be re-used, recycled or recovered and includes all waste as defined in Schedule 3 to this Act; or
(b) any other substance, material or object that is not included in Schedule 3 that may be defined as a waste by the Minister by notice in the *Gazette,* but any waste or portion of waste, referred to in paragraphs (a) and (b), ceases to be a waste-
    i. once an application for its re-use, recycling or recovery has been approved or, after such approval, once it is, or has been re-used, recycled or recovered;
    ii. where approval is not required, once a waste is, or has been re-used, recycled or recovered;
    iii. where the Minister has, in terms of section 74, exempted any waste or a portion of waste generated by a particular process from the definition of waste; or
    iv. where the Minister has, in the prescribed manner, excluded any waste stream or a portion of a waste stream from the definition of waste;

"waste management officer" means a waste management officer designated in terms of section 10 of the Waste Act;

"waste management hierarchy" means waste management systems and options starting from the generation, storage, recycling, recovery, treatment and final disposal of all types of waste;

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Chapter 2: 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 risks 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 3: Service providers

Service providers/ Contractors

(1) The Municipality may discharge any of its obligations by entering in to a service delivery agreement with a service provider/s in terms of the Municipal Systems Act. 2000

(2) Subject to the provisions of the Municipal Systems Act or any 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 as entered into a service delivery agreement.

(4) Service providers must provide service in according 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 service may be limited

Chapter 4: Provision of Waste services

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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) pollution and harm to the environment is prevented;
   (c) waste cannot be blown away and that the receptacle is covered or closed;
   (d) measures are in place to prevent tampering by animals
   (e) nuisance such as odour, visual impacts and breeding of vectors do not arise;
   (f) 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;
   (j) waste is only collected by the Municipality or authorised service provider; and
   (k) in cases where an owner or occupier is not available on the day of collection, make necessary arrangements to ensure collection

Removal of waste

(1) The Municipality shall provide a service for the collection and removal of business and house waste from premises at the tariff charge
(2) The occupier of the premises on which business or domestic waste is generated, shall avail himself of the Council's service for the collection and removal of such waste, except where special exemption is granted.
(3) The owner of the premises in which the business or domestic waste is generated, shall be liable to the Municipality for all charges in respect of the collection and removal of waste from such premises.

Notices to Council

(1) The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises, on which business waste or domestic waste is generated, shall within seven days after the commencement of the generation of such waste notify the Municipality–
   (a) that the premises are being occupied
   (b) whether business waste or domestic waste is being generated on the premises.

Provision of waste bins

(1) The Municipality shall determine the type and number of containers required on a premises.
(2) If a container is supplied by the Council, such container shall be supplied free of charge, or at ruling prices, or at a hiring tariff, as the Municipality may determine;
(3) If required by the Council, the owner of a premise shall be responsible for the supply of the pre-determined number and type of containers.
(4) The Municipality may deliver container units to premises if, having regard to the quantity of business waste generated on the premises concerned, the suitability of such waste for storage in bins, and the accessibility of the space provided by the owner of the premise in terms of section 5 to the Council's waste collection vehicles, if it considers container units more appropriate for the storage of the waste than bins: Provided that container units shall not be

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delivered to the premises unless the space provided by the owner of the premises in terms of section 5 is accessible to the Council's waste collection vehicles for container units.

Place of bins

(1) The owner of the premises shall provide adequate space on the premises for the storage of the bins delivered by the Municipality in terms of section 4 or for the equipment and containers mentioned in subsection 7(1).
(2) The space provided in terms of sub section (1) shall –
  (a) be in such a position on the premises as will allow the storage of bins without their being visible from a street or public place;
  (b) where domestic waste is generated on the premises –
    (i) be in such a position as will allow the collection and removal of waste by the Council's employees without hindrance
    (ii) be not more than 20m from the entrance to the premises, used by the Council's employee
  (c) if required by the Council, be so located as to permit convenient access to and from such space for the Council's waste collection vehicles;
  (d) be sufficient to house any receptacle used in the sorting and storage of the waste contemplated in subsections 6(1)(a)(i) and 7(9), as well as any such waste not being stored in a receptacle: Provided that this requirement shall not apply in the case of buildings erected, or the building plans whereof have been approved, prior to the coming into operation of this by-law.
(3) The occupier of the premises, or in the case of premises, being occupied by more than one person, the owner of such premises, shall place the bins 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 section (3) contained-
  (e) In the case of buildings erected, or buildings the building plans whereof have been approved, prior to the coming into operation of this by-law, and
  (f) In the event of the Council, in its opinion being unable to collect and remove business waste 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 waste, indicate a position within or outside the premises where the bins shall be placed for the collection and removal of such waste and such bins shall then be placed in such position at such times and for such periods as the Municipality may prescribe.

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 shall ensure that-
  (a) all the domestic or business waste generated on the premises is placed and kept in such bin liners for removal by the Council: Provided that the provisions of this subsections shall not prevent any occupier, or owner, as the case may be-
    (i) who has 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 waste, for recycling in a manufacturing process or, in the case of swill, for consumption;
    (ii) from utilising such domestic waste as may be suitable for making compost
  (b) no hot ash, unwrapped glass or other business or domestic waste which may cause damage to bin liners or which may cause injury to the Council's employees while carrying out their duties in terms of this by-law, is placed in bin liners before he/she has taken such steps as may be necessary to avoid such damage or injury;

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(c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render such bin liners unreasonably difficult for the Council's employees to handle or carry, is placed in such bin liners;
(d) every container on the premises is covered, save when waste is being deposited therein or discharged there from, and that every container is kept in a clean and hygienic condition;
(e) no person deposits waste in any other place than in the containers provided for that purpose;

(2) No container may be used for any purpose other than the storage of business, domestic or garden waste and no fire shall be lit in such container.
(3) In the event of a container having been delivered to premises in terms of subsection 4(4), the occupier of such premises shall, 24 hours before the container is likely to be filled to capacity, inform the Municipality thereof.
(4) 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 Municipality for the loss thereof and for all damage caused thereto except for such loss or damage as may be caused by the employees of the Council.
(5) Plastic bin liners with domestic or garden waste, or both, shall 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 Municipality for removal of waste;

Collection and transportation

(1) The Municipality may-
(a) only collect waste stored in appropriate 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, advice 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.

Waste transfer stations, buy back centres, material recover facilities or any other facilities

(1) Any holder of waste must-

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(a) Utilise appropriate facilities as directed by the Municipality or service provider; and
(b) Adhere to the operational procedures of a waste facilities as set out by the Municipality

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 local norms and standards and any other relevant legislation.

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 if 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 waste and shall put the waste so treated into an approved plastic, paper or other disposable container or into a compaction unit container, 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 plastic, paper of other disposable container referred to in subsection (1) shall not exceed 0,1 cubic metre.
(3) After the waste, treated as contemplated in subsection (1) has been put into a plastic, paper or other disposable container, such container shall be placed in a container or container unit.
(4) Insofar as the provisions of subsection (1) make the compaction of domestic or business waste 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) shall 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 particular case from a public health, storage and waste collection and removal point of view.
(6) The containers 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 Municipality shall remove and empty the containers referred to in subsection (1) at such intervals as the Municipality may deem necessary in the circumstances.
(9) The provisions of this section shall 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 waste, for recycling in a manufacturing process or, in the case of swill, for consumption.

Recycling of waste

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, buy-back centres and formalised recycling groups must, before undertaking that activity, make sure that the activity is less harmful to the environment

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(2) than the disposal of such waste and must notify the Municipality of an intention to undertake such an activity in writing.
(3) Any person undertaking the activities contemplated in subsection (1) must adhere to the requirements set out in national or provincial legislation.
(4) 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.
(5) 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.

Garden and Bulky waste

Disposal of garden and bulky waste

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

The Council's special service

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

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. Every receptacle, authorised in terms of subsection (4) and used for the removal of building waste, must –
  (e) have a clearly marked name, address and telephone number of the person in control of such approved receptacle;
  (f) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and

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(g) 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.

(5) 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.

(6) 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.

(7) A consent given in terms of subsection (7) shall be subject to the conditions, as the Municipality may deem necessary.

Containers

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

(2) Any consent given in terms of subsection (1) shall be subject to such conditions as the Municipality may deem necessary: Provided that in giving or refusing its consent or in laying down conditions the Municipality shall have regard to the convenience and safety or the public.

(3) The written consent of the Municipality referred to in subsection (1) shall only be given on payment of the tariff charge for the period of such consent.

(4) Every container or other receptacle used for the removal of builders' waste, shall-

(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 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 consent or that nuisance can occur.

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

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(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.

Special Industrial Waste

Notification of generation of special industrial waste

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.

Storing of special industrial waste

(1) The person referred to in subsection 22(1) shall ensure that the special industrial waste generated on the premises is kept and stored thereon in terms of subsection (2) until it is removed from the premises in terms of section 15.

(2) Special industrial waste stored on premises shall be stored in such manner that it cannot become a nuisance or pollute the environment.

(3) If special industrial waste is not stored in terms of subsection (2) on the premises on which it is generated, the Municipality may order the owner of the premises and the person and the referred to in subsection 13(1) to remove such waste within a reasonable time and, if thereafter such waste is not removed within such time, the Municipality may by itself or through a contractor remove it for the owner's expense.

Removal of special industrial waste

(1) No person shall remove special industrial waste from the premises on which it was generated without, or otherwise than in terms of, the written consent of the Council.

(2) The Municipality may give its consent in terms of subsection (1), subject to such conditions as it may deem fit. In laying down conditions, the Municipality shall have regard to –
(a) the composition of the special industrial waste;
(b) the suitability of the vehicle and container to be used;
(c) the place where the waste shall be dumped; and
(d) proof to the Municipality of such dumping

(3) The Municipality shall not give its consent in terms of subsection (1), unless it is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial waste and to comply with the conditions laid down by the Council.

(4) The person referred to in subsection 13(1) shall inform the Council, at such intervals as the Municipality may stipulate, having regard to the information to be given to the Municipality in terms of subsection 13(1), of the removal of special industrial waste, the identity of the

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remover, the date of such removal, the quantity and the composition of the special industrial waste removed.

(5) Should any person be caught in the act of contravening the provisions of this section, such person shall dispose of the waste removed by him/her as directed by the Council.

Disposal Sites

Conduct at disposal sites

(1) Any person who, for the purpose of disposing of waste enters a waste disposal site controlled by the Municipality shall-
   (a) Enter the disposal site only at an authorised access point;
   (b) give the Municipality all the particulars required in regard to the composition of the waste; and
   (c) follow all instruction given to him/her in regard to access to the actual disposal point, the place where and the manner in which the waste should be deposited.

(2) No person shall bring intoxicating liquor onto a disposal site controlled by the Council.

(3) No person shall enter a disposal site controlled by the Municipality for any purpose other than the disposal of waste in terms of this by-law and then only at such times as the Municipality may from time to time determine.

Ownership of waste

(1) All waste removed by the Municipality and all waste disposal sites controlled by the Municipality shall be the property of the Municipality and no person who is not authorised by the Municipality to do so, remove or interfere therewith.

(2) Only waste which is generated on premises within the Council's area of jurisdiction may be disposed of on the Council's waste disposal sites.

General Provisions

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;
   (e) placed in locations convenient for the use by users or occupants of the premises to discourage littering or the unhealthy accumulation of waste; and emptied and cleansed periodically or when full. The emptying and cleansing of receptacles must be done frequently to ensure that no receptacle or its contents may become a nuisance or provide reasonable grounds for complaint.

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

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;

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(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.

Prohibition of nuisance

(1) Any 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.

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.

Unauthorised disposal/burning

(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.

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.

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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.

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 the right to inspect the areas contemplated in subsection(1) on a regular basis

Access to premises

(1) Where the Municipality provides a waste collection service, the occupier of premises shall grant the Municipality access to the premises for the purpose of collecting and removing waste and shall ensure that nothing obstructs, frustrates or hinders the Municipality in the carrying out of its service.
(2) Where in the opinion of the Municipality the collection or removal of waste from any premises is likely to result in damage to the premises or the Council's property, or injury to the waste collectors or any other person, it may, as a condition of premises, require the owner or occupier to indemnify it in writing in respect of any such damage or injury or any claims arising out of either.

Accumulation of waste

(1) When any category of waste defined in Chapter 1 of this by-law accumulates on premises so as to constitute of so as to render it likely that a nuisance will be created thereby, the Municipality may make a special removal of such waste and the owner shall be liable in respect of such special removal to pay the tariff charge authorize.

Infectious Waste

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.

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(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.

Transport of infectious waste

(1) All containers of infectious waste must be sealed at the point of generation. The vehicle transporting infectious waste must be clearly marked indicating infectious waste in transit.
(2) The vehicle used for the transport must be so designed that the drivers cab is separated from the load area. The load area must be enclosed with suitable sealable, lockable doors.
(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.

Removal and disposing of infectious waste

(1) The Municipality 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 Municipality 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 to exceed 800 degrees C and 1 000 degrees C respectively and also have rapid cooling to prevent carcinogenic chemicals from entering the atmosphere.

Provision for Waste Information System and Registration of Transporters

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 compiled with.
(3) Any person conducting listed activities of hazardous generation of waste, recovery and recycling of waste, treatment of waste, disposal of waste, exportation of hazardous waste must register and report to South African Waste Information System.

Listed Waste Management Activities

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 license issued by the competent authority.

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(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.

Waste Management Officer and Waste Management Control Officer

(1) Each municipality authorised to carry out waste management services by the Municipal Structures Act, 1998 (Act No. 117 of 1998), must designate in writing a waste management officer from its administration to be responsible for coordinating matters pertaining to waste management in that municipality.
(2) Should a designated Waste Management Officer of the Municipality resign, transfer or any other reason of his or her leaving, the Provincial Environment Department should be notified in writing within 30 days with the name of the new designated Waste Management Officer.
(3) A Waste Management Control Officer (WMCO) must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures on waste management services and further report any non-compliance of National Environment Management: Waste Act to the Provincial Environment Department through means reasonably available, e.g. waste information system, waste management activities and etc.

Chapter 5: Administration Matters, Compliance and Enforcement

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.

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.

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-laws;
    (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.

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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.

Short title and commencement

(1) These by-laws are called Waste Management By-laws of the Letsemeng Local Municipality, and take effect on the date determined by the Municipality in the provincial gazette.

Repeal of by-laws

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