



LESEDI LOCAL MUNICIPALITY

WASTE MANAGEMENT BY LAWS

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

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CHAPTER 1

INTERPRETATION, PRINCIPLES AND OBJECTS

1.1 Definitions and interpretation:

In these By-laws, unless the context otherwise indicates

"approved", in relation to bins, bin liners, containers, receptacles and wrappers means approved by the Council for the collection and storage of waste;

"authorized official" means any official of the Council who has been authorized by the Council to administer, implement and enforce the provisions of these By-laws;

"bin" means an approved receptacle for the storage of less than 1,5 cubic meters of waste which may be supplied by the Council to premises in terms of these By-laws;

"bin liner" means an approved loose plastic or other suitable material liner for use in the interior of a bin;

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

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

"business waste" means waste, other than hazardous waste, healthcare risk waste, building waste, industrial waste, garden waste, bulky waste, recyclable waste and special industrial waste, generated on premises used for non-residential purposes;

"commercial service" means any service, excluding the municipal service, relating or connected with accumulating, collecting, managing, recycling, sorting, storing, treating, transporting, disposing, buying or selling of waste or any other manner of handling waste;

"container" means an approved receptacle with a capacity greater than 1,5 cubic meters for the temporary storage of waste in terms of these By-laws;

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

"dailies" means putrescible waste generated by hotels, restaurants, food shops, hospitals, and canteens that must be collected on a daily basis, to prevent the waste from decomposing and presenting a nuisance or an environmental or health risk;

"designated officer" means a person in the employ of the Council authorized to be a designated officer in terms of section 22 of the Gauteng Rationalisation Act;

"domestic waste" means waste generated on premises used solely for residential purposes and purposes of public worship, including halls or other buildings used for religious purposes, but does not include business waste, building waste, garden waste or bulky waste;

"dump" means placing waste anywhere other than an approved receptacle or a place designated as a waste handling facility or waste disposal facility by the Council;

"environment" means the surroundings within which humans exist made up of

- (a) the land, water and atmosphere of the earth,
- (b) micro-organisms, plant and animal life,
- (b) any part or combination of (a) and (b) and the interrelationships among and between them,
- (c) the physical, chemical aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

"environmental emergency" means any unexpected or sudden occurrence resulting from any act or omission relating to waste which may cause or has caused serious harm to human health or damage to the environment, regardless of whether the potential for harm or damage is immediate or delayed;

"garden service" means the provision of gardening services by a licensee including the cutting of grass, pruning of trees or any other horticultural activity including landscaping, in respect of any domestic, business, commercial or industrial premises;

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

"garden waste handling facility" means a waste handling facility in or on which garden waste or any other recyclable waste is received and temporarily stored;

"Gauteng Rationalisation Act" means the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act No.10 of 1998);

"hazardous waste" means waste containing, or contaminated by, poison, any corrosive agent, any flammable substance having an open flash-point of less than 90 deg C, an explosive, radioactive material, any chemical or any other waste that has the potential even in low concentrations to have a significant adverse effect on public health or the environment because of its inherent toxicological, chemical and physical characteristics;

"health care risk waste" means all hazardous waste generated at any health care facility such as a hospital, clinic, laboratory, medical research institution, dental or medical practitioner or veterinarian;

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

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

"level of service" means the frequency of the municipal service and the type of service point;

"licensee" means any person who has obtained a license in terms of Chapter 6;

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

"local community" in relation to the Council means that body of persons comprising

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

"municipal service" means the municipal service relating to the collection of waste, including domestic waste, business waste and dailies, provided exclusively by the Council in accordance with Chapter 3 of these By-laws, and which in the case of business waste extends only to waste deposited in bin liners, bins and 240 litre wheeled bins;

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

"occupier" includes any person in actual occupation of land or premises without regard to the title under which he or she occupies, and, in the case of premises let, includes the person receiving the rent payable by the lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein;

"owner" includes any person who has the title to land or premises or any person receiving the rent or profits of land or premises, or who would receive such rent or profits if such land or premises were let, whether for his own account or as an agent for any person entitled thereto or interested therein and in relation to premises on a sectional title register opened in terms of section 12 of the Sectional Titles Act, 1986 (Act No. 95 of 1986), means the body corporate as defined in that Act;

"pollution" means any change in the environment caused by

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

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

"premises" means an erf or any other portion of land, including any building thereon or any other structure utilised for business, industrial, agricultural or residential purposes;

"prescribed fee" means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

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

"public road" means any road, street or thoroughfare or any other place, whether a thoroughfare or not, which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"radioactive material" means any substance consisting of, or containing, any radioactive nuclide, whether natural or artificial;

"radioactive waste" means any radioactive material which is, or is intended to be, disposed of as waste;

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

"recycling" means the use, re-use or reclamation of material so that it re-enters an industrial process rather than becoming waste;

"resident", in relation to the municipal area, means a person who is ordinarily resident within that area;

"SANS Codes" means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice as contemplated in Government Notice No. 1373 published in Government Gazette 24002, dated 8 November 2002 in terms of the Standards Act, 1993 (Act No. 29 of 1993);

"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;

"storage" means the storage of waste for a period of less than 90 days;

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

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

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

"target" means any desired air quality, water quality or waste standard contained in any legislation;

"verge" means a verge as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"waste" means any undesirable or superfluous matter, material, by-product or residue of any process or activity that has been discarded, accumulated or stored for the purpose of treatment, discarding or recycling and may be liquid or solid, may include products that contain a gaseous component and may originate from domestic, commercial, medical or industrial activities, but does not include any gas or gaseous product which may be regulated by national or Gauteng provincial legislation;

"waste disposal facility" means any facility or site which receives waste for treatment or disposal thereof, and which is operated in terms of a permit obtained from the National Department of Water Affairs and Forestry or any other competent authority or if such a facility is an incinerator, subject to registration or such permission as is required by law, and includes a garden waste handling facility;

"waste generator" means any person who generates or produces waste;

"waste handling facility" means any facility on or in which waste is accepted, accumulated, handled, recycled, sorted, stored or treated prior to its transfer for treatment by way of incineration or for final disposal;

"waste stream" means a type of waste, including building waste; business waste; bulky waste; dailies; domestic waste; garden waste; hazardous waste; health care risk waste; industrial waste; recyclable waste and special industrial waste;

"workplace" means any place within the municipal area on or in which or in connection with which, a person undertakes the municipal service or a commercial service;

"wrapper" means a plastic or other approved material covering that totally encloses bales or slugs of compacted waste.

1.2 If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81 (2) of the Systems Act, or any other law, been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

2. Principles

2.1 The Council has the responsibility to ensure that all waste generated within the municipal area is

- (a) Collected, transported, disposed of or recycled in accordance with these By-laws; and
- (b) That such collection, disposal or recycling takes account of the waste management hierarchy set out in subsection (2).

2.2 The underlying principle of these By-laws is to establish a waste management hierarchy in the following order of priority:

- (a) Avoidance, waste minimization and waste reduction;
- (b) Re-use;
- (c) Recycling, reprocessing and treatment; and
- (d) Disposal.

2.3 Any authorized official must, as far as reasonably possible, take into account the hierarchy specified in subsection (2).

3. Main objects

3.1 The main objects of these By-laws are

- (a) The regulation of the collection, transportation, disposal, treatment and recycling of waste;
- (b) The regulation of the provision of the municipal service by a service provider and commercial services by licensees; and
- (c) Enhancing sustainable development.

- 3.2 In pursuing the main objects of these By-laws, and in particular the object set out in subsection (1)(c), the Council must
- (a) Endeavor to minimize the consumption of natural resources;
 - (b) Promote the re-use and recycling of waste;
 - (c) Encourage waste separation to facilitate re-use and recycling;
 - (d) Promote the effective resourcing, planning and delivery of the municipal service and commercial services;
 - (e) Endeavour to achieve integrated waste planning and services on a local basis;
 - (f) Promote and ensure an environmentally responsible municipal service and commercial service; and
 - (g) Endeavour to ensure compliance with the provisions of these By-laws.

CHAPTER 2

WASTE MANAGEMENT INFORMATION SYSTEM

4. Establishment of an information system

- 4.1 The Council must establish and maintain a waste management information system which records how waste is managed within the municipal area.
- 4.2 The information system may include any information relating to or connected with the management of waste within the municipal area.

5. Purpose of the information system

- 5.1 The purpose of the information system referred to in section 4, is for the Council to
- (a) record data relating to the implementation of the local waste plan and the management of waste in the municipal area;
 - (b) record information held by the Council in relation to any of the matters referred to in section 6(1);
 - (c) furnish information upon request or as required by law to the Gauteng provincial or national government;
 - (d) gather information and undertake strategic planning regarding potential and actual waste generators, service providers and licensees; and
 - (e) provide information to waste generators, service providers, licensees and the local community in order to
 - facilitate monitoring of the performance of the Council, service providers and licensees, and, where applicable, waste generators;

- stimulate research; and
- assist the Council to achieve the main objects of these By-laws specified in section 3.

6. Provision of information

6.1 The Council may, subject to the provisions of any other law including the common law, require any waste generator, licensee, service provider or person involved in or associated with the provision of the municipal service or any commercial service within the municipal area to furnish information to the Council which may reasonably be required for the information system, and which may concern

- (a) significant sources of waste generation and the identification of the generators of waste;
- (b) quantities and classes of waste generated;
- (c) management of waste by waste generators;
- (d) waste handling, waste treatment and waste disposal facilities;
- (e) population and development profiles;
- (f) reports on progress in achieving waste management targets;
- (g) the management of radioactive waste;
- (h) any information which has been compiled in accordance with section 27(2)(d);
- (i) markets for waste by class of waste or category; and
- (j) any other information required by legislation, regulations or guidelines.

6.2 The Council may determine when and how often information must be furnished.

CHAPTER 3

MUNICIPAL SERVICE

Part 1: Providing access to municipal services

Duty to provide access to municipal service

7.1 The Council has a duty to the local community progressively to ensure efficient, affordable, economical and sustainable access to the municipal service.

7.2 The duty referred to in subsection (1) is subject to

7.2.1 the obligation of the members of the local community to pay the prescribed fee, for the provision of the municipal service, which must be in accordance with any nationally prescribed norms and standards for rates and tariffs; and

7.2.2 the right of the Council to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of the municipal service.

7.3 The Council must take the following factors into account in ensuring access to the municipal service:

- (a) The waste management hierarchy set out in section 2(2);
- (b) the need to use resources efficiently;
- (c) the need for affordability;
- (d) the requirements of operational efficiency;
- (e) the requirements of equity; and
- (f) the need to protect human health and the environment.

8. The provision of the municipal service

8.1 The Council must as far as reasonably possible and subject to the provisions of these By-laws, provide for the collection of domestic waste, business waste and dailies on a regular basis and at a cost to end users determined in accordance with the prescribed fee.

8.2 In relation to the municipal service, the Council may determine

8.2.1 the quantities of waste that will be collected;

8.2.2 which residential or commercial premises require an increased frequency of the municipal service for reasons of health, safety or environmental protection;

8.2.3 the maximum amount of waste that may be placed for collection without the provision of an additional service or payment of an additional prescribed fee; and

8.2.4 requirements for the provision of waste storage areas and access to such areas in respect of premises which are constructed or reconstructed after the commencement of these By-laws.

8.3 The Council may provide, or instruct a generator of waste to provide, an approved receptacle for the storage of domestic waste, business waste and dailies pending collection or the Council may provide such receptacle which remains the property of the Council.

8.4 In providing the municipal service, the Council may determine or designate

8.4.1 collection schedules;

8.4.2 locations for placing approved receptacles for collection;

8.4.3 which types of waste generated by the occupier of any premises are separable for the purposes of recycling and the conditions for their separation, storage or collection; and

- 8.4.4 which waste items are unsuitable for collection because they do not constitute domestic waste, and if waste is determined to be unsuitable for collection, a process for collection of such waste should be recommended to the owner of the waste.
- 8.5 The Council may require a generator of dailies or business waste to compact that portion of the waste that is compactable, if the quantity of dailies or business waste generated on premises requires daily removal of more than the equivalent of eight 240-litre bins and if, in the opinion of the Council, the major portion of such waste is compactable.
- 8.6 An occupier of premises may elect to compact any volume of waste referred to in subsection (5), and place it into an approved receptacle or wrapper, provided
- (a) the capacity of the wrapper does not exceed 85 litres and the mass of the wrapper and contents does not exceed 35 kilograms; and
- (b) after the waste has been compacted and put into the wrapper, it is placed in an approved receptacle and stored so as to prevent damage to the wrapper or any nuisance arising until it is collected.
- 8.7 Any approved receptacle used in terms of subsection (6) may be collected, emptied and returned to the premises by the Council at such intervals as it may consider necessary.
- 8.8 The Council may at any time review any decision taken by it in terms of subsection (4).
- 8.9 The Council must in writing notify every generator of domestic waste, business waste and dailies of any decision taken in terms of subsection (2) or (3) relating to his or her premises.
(1 0) Non-receipt of a notice contemplated in subsection (9), does not affect the application of any provision of these By-laws nor the liability to pay any prescribed fee provided for in these By-laws.

Part 2: Using municipal service

9. Obligations of generators of domestic waste, business waste and dailies

- 9.1 Any person generating domestic waste, business waste and dailies, other than waste which has been designated by the Council as recyclable as contemplated in section 8(4)(c), must place such waste, in an approved receptacle.
- 9.2 No person may allow an animal in his or her control to interfere with, overturn or damage a receptacle, which has been placed for collection.
- 9.3 The occupier of premises must ensure that

- (a) no hot ash, unwrapped glass or other domestic waste, business waste or dailies which may cause damage to approved receptacles or which may cause injury to the Council's employees while carrying out their duties in terms of these By-laws, is placed in an approved receptacle before suitable steps have been taken to avoid such damage or injury;
 - (b) no material, including any liquid, which by reason of its mass or other characteristics is likely to render an approved receptacle unreasonably difficult for employees of the Council to handle or carry, is placed in an approved receptacle;
 - (c) every approved receptacle on the premises is kept closed save when waste is being deposited in it or discharged from it, and every approved receptacle is kept in a clean and hygienic condition;
 - (d) no approved receptacle delivered by the Council is used for any purpose other than the storage of domestic waste, business waste and dailies and, in particular, that no fire is lit in such receptacle;
 - (e) an approved receptacle is placed outside the entrance to the premises before a time and on a day of the week specified by the Council by written notice to the owner or occupier of the premises, except where, on written application to the Council, the Council has indicated in writing that it is satisfied that a person is physically infirm or otherwise incapable of complying with the notice;
 - (f) an approved receptacle, placed in accordance with paragraph (e) is not damaged and properly closed so as to prevent the dispersal of its contents; and
 - (g) dailies are not placed in a receptacle or compactor where they are able to contaminate another waste stream.
- 9.4 The owner or occupier of premises must provide space and any other facility considered necessary by the Council on the premises for the storage of approved receptacles.
- 9.5 The space provided in terms of subsection (4), must
- (a) be in a position on the premises which will allow the storage of any approved receptacle without it being visible from a public road or public place;
 - (b) if dailies are generated on premises
 - (i) be in a position which will allow the collection and removal of that waste by the Council's employees without hindrance; and
 - (ii) not be more than 20 metres from the entrance to the premises used for the collection of waste by the Council;
 - (c) be so located as to permit convenient access to and egress from such space for the Council's waste collection vehicles;

- (d) comply with any further requirements imposed by the Council by written notice to the owner or occupier of the premises; and
 - (e) be constructed in accordance with the requirements of any applicable legislation relating to buildings.
- 9.6 The occupier of premises must place or cause the approved receptacles to be placed in the space provided in terms of subsection (4) and must at all times keep them there.
- 9.7 Notwithstanding the provisions of subsection (6)
- (a) in the case of a building erected, or a building, the building plans of which have been approved, prior to the commencement of these By-laws; or
 - (b) in the event of the Council being unable to collect and remove waste from the space provided in terms of subsection (4),

the Council may, having regard to the avoidance of a nuisance and the convenience of collection of waste, indicate a position within or outside the premises concerned where approved receptacles must be placed for the collection and removal of waste and such receptacles must then be placed in that position at such times and for such period as the Council may require.

10. Liability to pay for municipal service

- 10.1 The owner of premises is liable to pay to the Council the prescribed fee for the provision of the municipal service, and is not entitled to exemption from, or reduction of the amount of such fee by reason of not making use, or of making a partial or limited use, of the municipal service.
- 10.2 A prescribed fee becomes due and payable on the due date for payment stipulated in the account.
- 10.3 Non-receipt of an account does not relieve the person concerned of the liability to pay a prescribed fee before or on the due date.

CHAPTER 4

COMMERCIAL SERVICES

Part 1: Provision of commercial services by licensees and flow control

11. Provision of commercial services by licensees

11.1 Except in the case of garden waste, only a licensee may provide a commercial service.

11.2 Any person requiring a commercial service must satisfy himself that the contractor is licensed to collect and dispose of the category of waste that has been generated.

12. Provision for Council co-ordination of waste disposal

12.1 The Council may by a notice published in the Gauteng Provincial Gazette, direct that a category of waste be disposed of at a particular waste disposal facility or waste handling facility.

12.2 No person may dispose of a category of waste at a waste disposal facility or waste handling facility which is not designated for receipt of that category of waste in a notice in terms of subsection (1) or designated by the Council under other empowering legislation prior to the commencement of these By-laws.

Part 2: Business, industrial and recyclable waste

Storage of business, industrial and recyclable waste

13.1 The owner or occupier of premises on which business, industrial or recyclable waste is generated, must ensure that until such time as such waste is collected by a licensee from the premises on which it was generated

- (a) the waste is stored in a bulk container or other approved receptacle; and
- (b) no nuisance or health risk, including but not limited to dust, is caused by the waste in the course of generation, storage or collection.

14. Collection and disposal of industrial, business and recyclable waste

14.1 The owner or occupier of premises generating business, industrial or recyclable waste must ensure that

- (a) the container in which the waste is stored, is not kept in a public place except when so required for collection;
- (b) the waste is collected by a licensee within a reasonable time after the generation thereof; and
- (c) that the service rendered by the licensee is only in respect of that portion of the business, industrial or recyclable waste authorized in the license concerned.

14.2.1 A licensee must dispose of business, industrial and recyclable waste at an appropriately permitted waste handling facility or waste disposal facility in compliance with the provisions of section 12(2) and 23.

Part 3: Garden waste and bulky waste

Storage, collection and disposal of garden waste and bulky waste

- 15.1 The owner or occupier of premises on which garden waste is generated may compost garden waste on the property, provided such composting does not cause a nuisance or health risk.
- 15.2 The occupier of the premises on which garden waste is generated and not composted or on which bulky waste is generated must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.
- 15.3 Any person or licensee may remove garden waste and bulky waste, provided once such waste has been collected from the premises on which it was generated, it is deposited at a garden waste handling facility in accordance with the provisions of section 23.
- 15.4 (a) At the written request of the occupier of premises, the Council may deliver an approved receptacle to the premises for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste.
- (b) The provisions of section 9, read with the necessary changes, apply to an approved receptacle delivered in terms of paragraph (a).
- 15.5 If, in the course of providing the municipal service, the Council is of the opinion that it would cause inconvenience to members of the public not, at the same time, to remove garden and bulky waste, the Council may remove such waste if such waste has been placed in an approved receptacle in the space designated for domestic waste, in which event the prescribed fee for domestic waste, read with the necessary changes, applies.

Part 4: Building waste

16. Generation of building waste

- 16.1 The owner or occupier of premises on which building waste is 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 instruction from the Council, any structure necessary to contain the building waste is constructed.

17. Storage of building waste

- 17.1 The Council may, subject to the provisions of subsection (2), determine conditions to place a receptacle for the storage and removal of building waste on a verge.
- 17.2 Every receptacle used for the storage and removal of building waste must
- (a) have clearly marked on it the name, address and telephone number of the person in control of that receptacle;
 - (b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
 - (c) be covered at all times other than when actually receiving, or being emptied of, waste so that no displacement of its contents can occur.

18. Collection and disposal of building waste

- 18.1 The owner or occupier of premises on which building waste is generated, must ensure that the waste is disposed of by a licensee.
- 18.2 All building waste must be disposed at a waste disposal facility designated for that purpose by the Council in terms of section 12, unless the Council has given written consent for the building waste to be used for the purpose of land reclamation or for recycling.

Part 5: Special industrial, hazardous or health care risk waste

19. Generation of special industrial, hazardous or health care risk waste

- 19.1 No person may carry on an activity which will generate special industrial, hazardous or health care risk waste, without notifying the Council in writing, prior to the generation of such waste, of the composition of such waste, the estimated quantity to be generated, the method of storage, the proposed duration of storage, the manner in which it will be collected and disposed of, and the identity of the licensee who will remove such waste: Provided that if such waste is being generated as a result of activities which commenced prior to the commencement of these Bylaws, the generator must notify the Council as contemplated in this subsection within 180 days of the commencement of these By-laws.
- 19.2 If so required by the Council, the notification referred to in subsection (1) must be substantiated by an analysis of the composition of the waste concerned, certified by an appropriately qualified industrial chemist.
- 19.3 The person referred to in subsection (1), must notify the Council in writing of any change occurring with respect to the generation, composition, quantity, method or location of disposal of the special industrial, hazardous, or health care risk waste.

20. Storage of special industrial, hazardous or health care risk waste

- 20.1 Any person carrying on an activity which generates special industrial, hazardous or health care risk waste, must ensure that such waste generated on the premises is kept and stored thereon until it is collected from the premises.
- 20.2 Special industrial, hazardous or health care risk waste stored on premises, must be stored in such a manner that it does not become a nuisance or causes harm to human health or damage to the environment, and in accordance with the requirements of any applicable legislation relating to buildings.
- 20.3 Special industrial, hazardous or health care risk waste must be stored in an approved receptacle and for a period not exceeding 90 days or any other maximum period stipulated by the Department of Water and Environmental Affairs, Gauteng provincial government or Council, before collection.

21. Collection and disposal of special industrial, hazardous or health care risk waste

- 21.1 Only a licensee may transport special industrial, hazardous and health care risk waste and must do so in accordance with the requirements of the conditions of the license issued to him or her under Chapter 6 as well as in the relevant SANS codes, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness, and documentation relating to the source, transportation and disposal of such waste, and subject to the requirements of any other legislation.
- 21.2 A licensee licensed to collect and dispose of special industrial, hazardous or health care risk waste, must inform the Council at intervals stipulated in the license issued under Chapter 6, of each removal of special industrial, hazardous or health care risk waste, the date of such removal, the quantity, the composition of the waste removed and the waste disposal facility at which the waste has been disposed of.
- 21.3 A licensee must dispose of special industrial, hazardous or health care risk waste at a waste disposal facility designated by the Council as a waste disposal facility and in accordance with the provisions of section 23.

CHAPTER 5

GENERAL STORAGE, COLLECTION, TRANSPORTATION AND DISPOSAL OF WASTE

22. Transportation of waste

- 22.1 No person may

- (a) operate a vehicle for the conveyance of waste upon a public road unless the vehicle has a body of adequate size and construction for the type of waste being transported;
- (b) fail to maintain a vehicle used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times;
- (c) fail to cover loose waste on an open vehicle with a tarpaulin or suitable net; and
- (d) cause or permit any waste being transported in or through the municipal area to become detached, leak or fall from a vehicle transporting it, except at a waste disposal facility.

22.2 Subject to the provisions of subsection (1), all transportation of waste must comply with the National Road Traffic Act, 1996 (Act No. 93 of 1996).

22.3 General requirements for storage of waste

- (a) Any person who stores waste must at least take steps, unless otherwise provided by this by-law, to ensure that—
 - (i) the containers in which any waste is stored, are intact and not corroded or in any other way rendered unfit for the safe storage of waste;
 - (ii) adequate measures are taken to prevent accidental spillage or leaking;
 - (iii) the waste cannot be blown away;
 - (iv) nuisances such as odour, visual impacts and breeding of vectors do not arise; and
 - (v) pollution of the environment and harm to health are prevented.

22.4 Storage of general waste

- (a) Any person who generates general waste that is collected by a municipality must place the waste in a container approved, designated or provided by the municipality for that purpose and in a location approved or authorised by the municipality.
- (b) Waste that is reusable, recyclable or recoverable and that is intended to be reduced, re-used, recycled or recovered in accordance with this By-law or any applicable legislation need not be placed in a container contemplated in paragraph (a).

22.5 Waste collection services.

(1) Waste collection services are subject to—

- (a) the need for an equitable allocation of such services to all people in a municipal area;
- (b) the obligation of persons utilising the service to pay any applicable charges;
- (c) the right of a municipality to limit the provision of general waste collection services if there is a failure to comply with reasonable conditions set for the provision of such services, but where the municipality takes action to limit the

provision of services, the limitation must not pose a risk to health or the environment; and

(d) the right of a municipality to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of municipal services.

22.6 Collection of waste

(a) No person may collect waste for removal from premises unless such person is—

- (i) a municipality or municipal service provider;
- (ii) authorised by law to collect that waste, where authorisation is required; or
- (iii) not prohibited from collecting that waste.

22.7 Duties of persons transporting waste

- (1) The municipality may, by notice in the Gazette, require any person or category of persons who transports waste for gain to—
 - (a) register with the municipality, as the case may be; and furnish some information as is specified in that notice or council may reasonably require.
- (2) Any person engaged in the transportation of waste must take all reasonable steps to prevent any spillage of waste or littering from a vehicle used to transport waste.
- (3) Where waste is transported for the purposes of disposal, a person transporting the waste must, before offloading the waste from the vehicle, ensure that the facility or place to which the waste is transported, is authorised to accept such waste.
- (4) Where hazardous waste is transported for purposes other than disposal, a person transporting the waste must, before offloading the waste from the vehicle, ensure that the facility or place to which the waste is transported, is authorised to accept such waste and must obtain written confirmation that the waste has been accepted.
- (5) In the absence of evidence to the contrary which raises a reasonable doubt, a person who is in control of a vehicle or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is considered to knowingly cause that waste to be offloaded at the location where the waste is deposited

23. Disposal of waste

- 23.1 (a) Waste generated in the municipal area must be disposed of at a waste disposal facility where such disposal is permitted by the Council.
- (b) In disposing of waste, a licensee must comply with the provisions of section 12(2) and with the provisions of any other law regulating the disposal of waste.

- 23.2 No person may burn waste either in a public or private place, for the purpose of disposing of that waste.
- 23.3 No person may incinerate waste either in a public or private place, except in an incinerator at a place where the relevant national or Gauteng provincial authorities permit such incineration, or at a place designated by the Council for that purpose.
- 23.4 Notwithstanding the provisions of subsection (1), a person may dispose of those forms of recyclable waste specified by the Council in a notice in terms of section 12 at a designated garden waste handling facility, but may do so only if all such waste is brought to the facility in a vehicle able to carry a maximum load of one tonne or less.
- 23.5 The disposal of waste at any waste disposal facility is, in addition to any condition imposed by the National Department of Water Affairs and Forestry, subject to such conditions as the Council may impose, including the hours of opening and closing, the nature of the waste which may be disposed of, the position in any such waste disposal facility in which the waste may be placed and any other matter which the Council considers necessary to ensure the environmentally sound management of waste.
- 23.6 Every person who enters a waste disposal facility must
- (a) enter a waste disposal facility at an access point determined by the person in charge of the waste disposal facility;
 - (b) at the request of the person in charge of a waste disposal facility, provide the Councilor that person with any information regarding the composition of the waste disposed of or to be disposed of; and
 - (c) comply with any instruction by the person in charge of a waste disposal facility in regard to access to, the actual place where, and the manner in which, waste must be deposited.
- 23.7 No person may
- (a) bring any liquor or intoxicating or narcotic substance onto a waste disposal facility or enter such facility under the influence of liquor or such substance;
 - (b) enter a waste disposal facility for any purpose other than the disposal of waste in terms of these By-laws, unless authorised to do so by the person in charge of the waste disposal facility or the Council and then only at such times and subject to such conditions as the Councilor such person may impose;
 - (c) dispose of waste at a waste disposal facility where the disposal of the waste concerned is not permitted; or
 - (d) light a fire on a waste disposal facility without the prior written consent of the person in charge of that facility.

- 23.8 Any person who contravenes subsection (7)(c) is liable for all costs reasonably incurred by the Council in removing or otherwise dealing with the waste concerned.
- 23.9 The person in charge of a waste disposal facility may at any time require a vehicle or a container on a vehicle brought into the waste disposal facility for the purposes of disposing of waste, to be weighed at a weigh bridge.
- 23.10 The person in charge of a waste disposal facility or an authorized official may, at a waste disposal facility, inspect the content and nature of waste to be disposed of or processed and may take samples and test any waste found on any vehicle to ascertain its composition.
- 23.11 Any person contravening any preceding provision of this section, may be refused entry or instructed by the person in charge to leave a waste disposal facility and if such person fails or refuses to comply with such instruction, he or she may be removed from such facility by a member of the Lesedi local Municipality traffic Department or the SAPS
- 23.12 No person may store waste for more than 90 consecutive days, unless the person has a permit in respect of the premises concerned for a waste disposal facility from the Department of Water and Environmental Affairs in terms of section 20(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989).

CHAPTER 6

LICENSEES

24. License requirements

- 24.1 Subject to the provisions of section 32, no person may collect or transport any of the following waste streams listed in subsection (2) without having obtained from the Council, and being in possession of a license authorizing such collection and transportation of :
- (a) business (bulk containerised) waste;
 - (b) industrial waste;
 - (c) special industrial waste;
 - (d) hazardous waste;
 - (e) recyclable waste
 - (f) health care risk waste; and
 - (g) building waste.
- 24.2 A license issued under this Chapter
- (a) is incapable of cession or assignment without the prior written consent of the Council;

- (b) is valid only for the category of waste specified in accordance with the conditions of such a license ; and
- (c) expires one year after the date of issue subject to the provisions of sections 28(4) and 32(2).

25. License applications

25.1 An application for a license to provide a commercial service must be

- (a) made in writing on a form prescribed by the Council and accompanied by the documentation specified in that form; and
- (b) accompanied by the prescribed fee.

25.2 The Council must consider each application, having regard to the following:

- (a) The applicant's compliance, where relevant, with the National Road Traffic Act, 1996, and with these By-laws;
- (b) the environmental, health and safety record of the applicant; and
- (c) the nature of the commercial service to be provided.

25.3 Before considering an application made in terms of subsection (1), the Council may require the applicant to furnish such information as it may require.

25.4 After considering the application in terms of subsection (2), the Council must either

- (a) approve the application by issuing a license subject to any condition it may impose; or
- (b) reject the application.

25.5 If the Council fails to consider and grant or reject a license application within 60 days of its receipt of the application, it must inform the applicant in writing that the period for consideration is extended and must inform the applicant of the date by which a decision will be made.

26. Suspension and revocation of licenses

26.1 A license issued under this Chapter may be suspended or revoked by the Council on the grounds that the license holder

- (a) has failed to comply with any provision of these By-laws;
- (b) has failed to comply with any provision of any national or Gauteng provincial legislation which regulates the collection, transportation or disposal of waste;
- (c) has failed to comply with any license condition contemplated in section 25(4)(a); or

(d) on any other ground which the Council considers relevant, which is fair and reasonable in the circumstances.

26.2 The Council may not revoke or suspend a licence issued in terms of the provisions of this By-Law before it has—

- (a) consulted relevant licence holder;
- (b) afforded the holder of the licence an opportunity to make a submission in respect of the intended revocation or suspension; and
- (c) in the event that the holder has made a submission contemplated in paragraph (b), the Council has considered that submission.

26.3 The Council must

- (a) make a decision within 14 days of receipt of the representations contemplated in subsection (2)(b), if any, or within 14 days after the license holder informed the Council that he or she does not wish to make representations, or if no representations are received, within 14 days of the expiry of the period referred to in subsection (2)(b); and
- (b) inform the license holder of its decision in writing within seven days of making it.

26.4 Subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000), the Council may not disclose any confidential commercial information submitted as part of a license application procedure to any person other than a Council official requiring such information to perform his functions for the purposes of these By-laws.

26.5 Despite section 26.2, if urgent action is necessary for the protection of the environment, the Council may immediately issue a notice of revocation or suspension and, as soon thereafter as is possible, consult with relevant licence holder and give the holder of the licence an opportunity to make a submission later.

27. License terms and conditions

27.1 When issuing a license under this Chapter, the Council may, in terms of the provisions of these By-Law, impose any reasonably necessary condition in furthering national, Gauteng provincial or Council, waste management policy.

27.2 Any license issued under this Chapter must

- (a) specify the license period contemplated in section 24(2)(c) and the procedure for renewal of the license;
- (b) specify every category of waste which the license holder may collect and transport;

- (c) contain a requirement that the license holder must comply with, and ensure compliance by his or her employees, agents and sub-contractors, with these By-laws and applicable national and Gauteng provincial legislation; and
- (d) require the license holder to keep monthly written records on a form prescribed by the Council of the quantities of each category of waste collected and transported during the license period.

28. Renewal, Reviewal and revocation of licenses

28.1 A license holder who wishes to renew his or her license must apply to renew the license concerned at least 90 days prior to the expiry of the existing license.

28.2 The Council must consider and grant or reject a license renewal application within 60 days of the receipt of the application subject to the provisions of section 25(3) and in accordance with section 25(4).

28.3 If the Council fails to consider and grant or reject a license renewal application within 60 days, it must inform the applicant in writing that the period for consideration is extended and must inform the applicant of the date by which a decision will be made.

28.4 A license in respect of which application for renewal has been made in terms of subsection(1), remains valid until a final decision has been made in respect of that application.

28.5 Review licences

- (a) The Council must review licence at intervals specified in the licence, or when circumstances demand that a review is necessary.
- (b) The Council must inform the holder of the licence, in writing, of any proposed review and the reason for such review and if the review is undertaken at another interval than is provided for in a licence.
- (c) For purposes of the review, the Council may require the holder of the licence to compile and submit a waste impact report.

28.6 Revocation of the Licence

1. The Council may, by written notice to the holder of the licence, vary the licence—

- (a) if it is necessary or desirable to prevent pollution;
- (b) if it is necessary or desirable for the purposes of achieving waste management Standards or minimum requirements as contemplated in the National Environment Management Waste Act;
- (c) if it is necessary or desirable to accommodate demands brought about by impacts on socio-economic circumstances and it is in the public interest to meet those demands;
- (d) to make a non-substantive amendment;
- (e) at the written request of the holder of the licence; or
- (f) if it is reviewed in terms of this action.

2. The variation of a licence shall for the purposes of this By-Law include —

- (a) the attaching of an additional condition or requirement to the licence;
 - (b) the substitution of a condition or requirement;
 - (c) the removal of a condition or requirement; or
 - (d) the amendment of a condition or requirement.
- (3) If a Council receives a written request from the holder of the licence in terms of subsection (1)(e), the Council must require the licence holder to take appropriate steps to bring the request to the attention of relevant interested persons and the public if the variation of the licence is to authorise an increase in the environmental impact regulated by the said licence.
- (4) Steps in terms of subsection (3) must include the publication of a notice in at least two newspapers circulating in the area in which the activity authorised by the licence is or is to be carried out.
- (5) The notice contemplated in subsection (4) must—
- (a) describe the nature and purpose of the request;
 - (b) give particulars of the waste management activity, including the place where it is, or is to be, carried out;
 - (c) state a reasonable period within which written representations on, or objections to, the request may be submitted, and the address or place where representations or objections must be submitted; and
 - (d) contain such other particulars as the Council may require

29. Display of licenses.

- 29.1 Upon issuing a license under this Chapter, the Council must issue to the license holder a numbered sticker for each vehicle to be used for the purpose concerned confirming that the license holder is authorised to collect and transport the category of waste specified on the sticker.
- 29.2 The stickers must vary in colour for each category of waste.
- 29.3 The license holder must affix such sticker to each vehicle to be utilised to provide the service and display the sticker at all times.
- 29.4.1 Waste for processing or disposal at a waste disposal facility will be only be received at such facility from a contractor who is licensed and on whose vehicle a sticker required in terms of subsection (3), is displayed.

30. Prohibited conduct

- 30.1 No license holder may
- (a) intentionally or negligently operate in contravention of any condition of the license concerned;
 - (b) intentionally or negligently fail or refuse to give information, when required to do so in terms of these By-laws, or give false or misleading information;

- (c) intentionally or negligently fail to take all reasonable steps to prevent a contravention of these By-laws, by any act or an omission of his or her employee acting in the course and scope of his or her duties, or
- (d) collect or transport any waste except in a properly constructed, watertight vehicle or in a suitable container that prevents spillage of waste, the suitability of the vehicle to be dependant on the waste stream contemplated in section 24(1), to be collected or transported, as specified in the National Road Traffic Act, 1996.

31. Exemptions

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

32. Transitional provisions

- 32.1 Any person who is at the commencement of these By-laws lawfully providing a commercial service for which a license is required under this Chapter, must within 90 days of such commencement, make application for a license in terms of section 25, failing which such person's right to provide such service lapses.
- 32.2 If an application is submitted in terms of subsection (1), the applicant may continue to provide the commercial service in respect of which the application has been made until a final decision has been taken in respect of that application.

CHAPTER 7 ACCUMULATING WASTE, LITTERING, DUMPING AND ABANDONED ARTICLES

33. Accumulating waste

- 33.1 Every owner and occupier of premises must keep those premises clean and free from any waste which is likely to cause a nuisance, harm to human health or damage to the environment.

34. Duty to provide facilities for litter

- 34.1 The Council, or owner in the case of privately owned land, must take reasonable steps to ensure that a sufficient number of approved receptacles are provided for the discarding of litter by the public, on any premises to which the public has access.
- 34.2 The Council, or owner of privately owned land, must ensure that every receptacle provided in terms of subsection (1), is

- (a) maintained in good condition;
- (b) suitably weighted or anchored so that it cannot be inadvertently overturned;
- (c) constructed in such a manner as to ensure that it is weatherproof and animal proof;
- (d) of a suitable size so that the receptacles on the premises are capable of containing all litter likely to be generated on the premises;
- (e) placed in a location convenient for the use by users and occupants of the premises to discourage littering or the accumulation of waste; and
- (f) emptied and cleansed periodically to ensure that no receptacle or its contents become a nuisance.

35. Prohibition of littering

35.1 No person may

- (a) cause litter;
- (b) sweep any waste into a gutter, onto a road reserve or onto any other public place;
- (c) disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause any of the contents of the receptacle to spill from it; or
- (d) allow any person under his or her control to do any of the acts referred to in paragraph (a), (b) or (c).

35.2 Notwithstanding the provisions of subsection (1), the Council, or the owner in the case of privately owned land to which the public has access, must within a reasonable time after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed from the premises concerned to prevent the litter from becoming a nuisance.

36. Prohibition of dumping and abandoning articles

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

36.2 Subject to any provision to the contrary contained in these By-laws, no person may leave any article or allow any article under his or her control to be left at a place with the intention of abandoning it.

36.3 No person may dump waste.

36.4 Any article, other than a motor vehicle deemed to have been abandoned as contemplated in regulation 320 of the National Road Traffic Regulations, 2000, made under the National Road Traffic Act, 1996, which, in the light of such factors as the place where it is found, the period it has been at such place and the nature and condition of such article, is reasonably considered by the Council as having been abandoned, may be removed and, subject to the provisions subsection (6), disposed of by the Council as it deems fit.

- 36.5 The Council may remove and, subject to the provisions of subsection (6), dispose of any article which is chained or fastened to any pole, parking meter or any other property of the Council as it deems fit.
- 36.6 If an article contemplated in subsection (4) or (5), is, in the opinion of the Council, of significant financial value, the Council may not dispose of it unless it has published a notice in a newspaper circulated in the area where the article was found, describing the article, stating the Council's intention to dispose of it and inviting the owner, or person legally entitled thereto, to claim the article within 30 days of the date of publication of the notice and such article may only be disposed of if no valid claim is made during such period.

CHAPTER 8

AUTHORISED OFFICIALS AND DESIGNATED OFFICERS

37. Identification documents

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

38. Powers of authorised officials and designated officers

- 38.1 In addition to the powers, functions and duties an authorised official or designated officer has by virtue of his appointment as such, an authorised official or designated officer, may with the consent of the owner or person in charge of a vehicle or other mode of conveyance, search that vehicle or other mode of conveyance found in any place other than on premises not belonging to the Council.
- 38.2 If consent is not obtained in terms of subsection (1), a vehicle or other mode of conveyance may be searched or stopped and searched, only pursuant to a warrant issued by a justice of the peace as contemplated in sections 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), and subject to section 25 of the Gauteng Rationalisation Act, read with the necessary changes.

38.3 (a) If, in the opinion of an authorised official or designated officer, any search of a vehicle or other mode of conveyance, in terms of subsection (1) or (2), gives rise to the reasonable apprehension that the presence of waste in or on such vehicle or other mode of conveyance is a serious and immediate danger to human health or to the environment, the authorised official or designated officer must instruct the owner or person in control of the vehicle concerned in writing to take the steps specified in that instruction which, in the opinion of such official or officer, are necessary to mitigate harm to human health or damage to the environment.

(b) In the event of a refusal or failure to comply with an instruction given in terms of paragraph (a), the authorised official or designated officer concerned may report the matter to the Johannesburg Metropolitan Police Department with a view to seizure of the vehicle concerned in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

39. Powers to question

39.1 For the purposes of administering, implementing and enforcing the provisions of these By-laws, an authorised official or designated officer, may, require a licensee or any other person to disclose information, either orally or in writing, and either alone or in the presence of a witnesses, on any matter to which these By-laws relate and require that the disclosure be made on oath or affirmation.

39.2 An authorised official or designated officer may for the purposes of subsection (1) be accompanied by an interpreter and any other person reasonably required to assist that official or officer.

40. Observance of human rights

40.1 The provisions of section 27 of the Gauteng Rationalisation Act, read with the necessary changes, apply to the exercise by an authorised official of any of the powers contemplated in sections 38 and 39.

41. Supervision of licensees

41.1 A designated officer must, subject to the provisions of Chapter 5 of the Gauteng Rationalisation Act, inspect every workplace of a licensee not less than twice a year.

41.2 A licensee must allow a designated officer access for the purposes of an inspection in terms of subsection (1).

41.3 If a designated officer is, after an inspection in terms of subsection (1), of the opinion, that a licensee is complying with these By-laws, he must, subject to the provisions of subsection (4), issue the licensee with a certificate confirming such compliance, in which must be stated

- (a) the name and residential and postal address of the licensee;
- (b) the address of the premises inspected;

- (c) the time, date and scope of the inspection; and
- (d) any remarks which, in the opinion of the designated officer, may be relevant.

41.4 If a licensee fails to obtain a certificate confirming compliance at three consecutive inspections done at intervals of not less than 120 days, a designated officer may recommend that the Council review the license concerned, and should there be reasonable grounds, the Council may suspend or revoke the license concerned in terms of section 26.

41.5 A designated officer must keep a register recording each inspection which he or she has undertaken, in terms of subsection (1).

42 Compliance notices

42.1 If, in the opinion of an authorised official, a person is contravening any provision of these By-laws, that official may in writing issue a compliance notice and serve it on the person concerned.

42.2 The provisions of section 32 of the Gauteng Rationalisation Act, read with the necessary changes, apply to a compliance notice contemplated in subsection (1).

43 Representations

43.1 Any person on whom compliance notice as contemplated in section 42 or section 32 of the Gauteng Rationalisation Act, was served, may make representations to the Council, by submitting a sworn statement or affirmation to the Council, within 21 days of the service of the compliance notice.

43.2 Representations not lodged within 21 days must not be considered, except if the person concerned has shown good cause and the Council condones the late lodging of the representations.

43.3 (a) The Council must consider the representations and any response thereto by an authorised official, designated officer or any other person, if any, and may conduct any further investigation to verify the relevant facts.

(b) If the Council conducts a further investigation, the results of such investigation must be made available to the person who made the representations, who must be given an opportunity to respond thereto and the Council must consider such response.

43.4 (a) After the Council, is satisfied that the requirements of subsection (3) have been satisfied, it must make an order in writing and serve a copy of thereof on the person concerned setting out its findings.

(b) Such an order may

(i) confirm, alter or set aside in whole or in part, the compliance notice concerned; and

(ii) must, if relevant, specify the period within which the person concerned must comply with the order.

- 43.5 If a person makes representations in terms of subsection (1), any requirement to comply with the compliance notice concerned, is suspended until an order is made in terms of subsection (4)(b) unless, in the opinion of the Council, an environmental emergency has been caused in which event and without derogation from any right that the person concerned may have or acquire to any relief of whatever nature, the person concerned must immediately comply with such notice on being instructed, orally or in writing, by the Council to do so.
- 43.6 If a person, fails to comply with such an order in terms of subsection (5), the Council may itself cause the environmental emergency to be stopped, reversed or abated and recover any reasonable and necessary expenditure which it has incurred or may incur in taking those steps, from that person.

CHAPTER 9

MISCELLANEOUS

44 Ownership

- 44.1 The person holding a permit to operate a waste disposal facility becomes the owner of all waste upon disposal thereof at that facility.
- 44.2 A person who generates domestic waste is the owner thereof until it is collected by the Council which then becomes the owner thereof.
- 44.3 A person who abandons any article, is liable for any damage which that article may cause as well as for the cost of removing that article, notwithstanding the fact that such person may no longer be the owner thereof.

45 Serving of documents

45. A notice, instruction, order or other document which has to be served for the purposes of these By-laws, is regarded to have been properly served or delivered if
- (a) it has been served on or delivered to the person concerned personally;
 - (b) it has been sent by registered post or speed post to the person concerned at his or her last known address;
 - (c) it has been served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address.

46 Offences and penalties

- 46.1 Any person, who

- (a) contravenes or fails to comply with any provisions of these By-laws;
- (b) fails to comply with any notice or order issued or condition imposed in terms of or for the purposes of these By-laws; or
- (c) fails to comply with any lawful instruction given in terms or for the purposes of these By-laws, or
- (d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws, is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months and in the case of a continuing offence, to a further fine not exceeding R50 or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

47. Repeal of by-laws

47. The By-laws listed in Schedule 1 are hereby repealed.

48. Short title

49. These By-laws are called the Waste Management By-laws, 2003.

LESEDI 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 by LESEDI 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;

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"Disposal site" means an area set-aside by the Municipality, excluding a garden waste site, for the disposal of waste other than hazardous or medical waste. Permitted private facilities may also be included but the facilities owned by the Municipality will receive preference by the Municipality users.

"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, license or consent issued by a disestablished local councilor 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 the City of the Lesedi Local Municipality established in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes the Council of the Municipality, the Executive Mayor and/or the Mayoral Committee or any other committee established by the Council and any employee or official of the Municipality duly authorized 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 re using 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 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

2. 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.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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.

3. Notice to the Municipality

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.

4. 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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).

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.

5. 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.

5.2 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;

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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)

5.3 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.

5.4 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).

6. 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.
- 6.2 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 unserved.
- 6.3 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.

7. 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) Utilizing 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 a 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.

- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 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.
- 7.7 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.

8. 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.
- 8.2 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.
- 8.3 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.
- 8.4 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

9. The Municipality's service

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.

10. 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.

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

(a) dust or other nuisance is not caused by industrial waste generated on the premises

(b) the storage area around the waste containers or bulk containers is neat and free of waste and obstruction at all times.

10.3 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

11. 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

11.2 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.

11.3(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 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.

11.4 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.

12. The Municipality's regular business and domestic service

12.1 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.

13. The Municipality's special service

13.1 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

14. 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.

14.2 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.

15. 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.

15.2 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. 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

16.1 (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.

16.2 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.

17. 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.

17.2 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.

17.3 Any consent given in terms of subsection (2) is subject to such terms and conditions as the Municipality may deem appropriate.

17.4 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

18. 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.

18.2 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.

18.2 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.

18.3 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.

18.4 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).

19. 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.

19.2 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.

19.3 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.

19.4 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.

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.

20.2 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.

20.3 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.

20.4 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,
- (b) hazardous waste or medical waste;
- (c) the identity of the contractor who will remove the waste;
- (d) the date of the removal of the waste; and
- (e) the quantity and the composition of the waste to be removed.

20.5 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.

20.6 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 SITES

21. Conduct at disposal sites

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 authorized 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.

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

21.3 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 weigh bridge at the disposal site.

21.4 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.

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

21.6 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.

21.7 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.

21.8 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 Environmental Affairs.

21.9 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

22. 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.

22.2 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.

22.3 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 d the waste itself at the expense of that person.

22.4 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.

23. 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.

23.2 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.

23.3 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.

23.4 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).

23.5 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 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.

24. 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.

24.2 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 m(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

25. 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 or his contractor in writing against any such damage or injury.

25.2 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).

25.3 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).

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

26. Incineration of waste

26.1 The Municipality is not obliged to accept any waste destined for incineration.

27. Recycling

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

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

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

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

28. Permanent service by means of bulk containers

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

29. 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.

29.2 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.

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

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

29.5 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.

30. 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.
- 30.2 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.
- 30.3 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.

31. 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.
- 31.2 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.
- 31.3 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.
- 31.4 All existing permits and/or consents given to private service providers shall expire three months from the date of promulgation of these by-laws.
- 31.5 An agreement between a private service provider and an owner, occupier or waste generator is not binding on the Municipality.
- 31.6 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

32. 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.

- 32.2 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.
- 32.3 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.
- 32.4 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 the Lesedi Local Municipality, 2014.

SCHEDULE 1

WASTE INFORMATION SYSTEM: INFORMATION REQUIRED FOR THE REGISTRATION AND PERMITTING OF AUTHORIZED SERVICE PROVIDERS

1. Service provider information:

Name of the service provider
Ownership of the service provider
Name of contact person
Tel no of contact person
Fax no of contact person
E-mail address of contact person
Physical address of contact person

2. Client information:

List of names of proposed clients of the service provider
Name of contact person of proposed clients:
Tel no of proposed clients:
Fax no of proposed clients:
E-mail address of proposed clients:
Physical address of proposed clients:

3. Information regarding type of waste to be removed:

Types of waste to be removed by the service provider. Number and types of containers to be used by the service provider. Frequency of service to be provided by the service provider. Mode of collection to be used by the service provider.

4. Information regarding waste disposal:

Waste disposal facilities to be used by the service provider. Contact person at the waste disposal facilities to be used by the service provider. Tel no of contact person at the waste disposal facilities Fax no of contact person at the waste disposal facilities-mail address of contact person at the waste disposal facilities

5. Recycling

Types of material to be reclaimed by means of recycling activities. Volumes of each type of material to be recycled. Physical address of recycling plant, Proof of an existing market for material to be reclaimed by means of recycling activities.

6. Site Inspection

A site inspection will be conducted on the premises of the applicant service provider in order to verify the following aspects of the application prior to the permitting of the applicant service provider:

- The availability of a fully equipped compactor vehicle which does not cause pollution of any kind whatsoever;
- A wash schedule for equipment must be included in the application;
- All bulk containers must be numbered and such bulk containers shall not have the same colour as bulk containers used by the Municipality;
- No other container shall have the same colour as the containers used by the Municipality;
- The name of the service provider and its contact details must be displayed on all containers in such a way that it will be visible and readable from a distance of at least 20 meters.
- All vehicles, trailers and containers shall comply with the provisions of the National Road Traffic Act, 1996;
- All bulk containers must be marked with the prescribed reflective tape;
- Any service for the removal of garden waste must transport such garden waste by means of vehicles which are suitable to contain loose volumes without the potential to cause littering along the transportation route;

- The applicant service provider's commitment to job creation and Broad Based Black Economic Empowerment as well as its track record in the Lesedi Municipality, in particular, will be a major consideration in the adjudication of applications for registration or permitting of authorized service providers in terms of the provisions of this by-law.
- All the information required in terms of the abovementioned provisions must be furnished in full and in writing, failing which, the applicant service provider's application shall be disqualified.

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