



LOCAL AUTHORITY NOTICE

BY-LAW RELATING TO SOLID WASTE DISPOSAL

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government : Municipal Systems Act, 2000 [Act No. 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act, 1996 [Act No. 108 of 1996], the By-law Relating to Solid Waste Disposal.

Purpose of By-law

The purpose of this by-law is to promote a safe and healthy environment for the benefit of the public residing within the municipal boundaries and to provide for practices and procedures to regulate solid waste disposal.

CHAPTER 1

DEFINITIONS

1. **Definitions** – In this by-law, words used in the masculine gender includes the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates -

"attendant" means an employee, agent or contractor of the municipality duly authorised to control or manage a disposal site;

"bin liner" means a plastic bag, as prescribed by the municipality, for placement inside a container;

"builder's refuse" means any waste or refuse resulting from or generated by the construction, renovation or demolition of a building or other structure or works;

"bulky refuse" means any refuse, other than industrial refuse, which emanates from any premises and which by virtue of its mass, shape, size or quantity cannot be conveniently accumulated in or removed from a container with a bin liner;

"charge" means the charge prescribed by the municipality by resolution of its municipal council;

"container" means a standard type of refuse container as approved by the municipality;

"contaminated animal carcass, body part and bedding" means a contaminated carcass, body part and bedding of an animal that was intentionally exposed to pathogens in research, in the production of biologicals or in the *in vivo* testing of pharmaceuticals;

"contaminated sharp" means a discarded sharp (e.g. hypodermic needle, syringe, Pasteur pipette, broken glass, scalpel blade) which has come into contact with infectious agents during use in patient care or in medical, research or industrial laboratories;

"culture and stock of an infectious agent and an associated biological" means a specimen culture and stock from a medical or pathological laboratory, in respect of an infectious agent from a research or industrial laboratory, waste from the production of a biological and a live or attenuated vaccine and culture dish and device used to transfer, inoculate and mix cultures;

"day" means a calendar day, including a Saturday, Sunday and any public holiday;

"disposal site" means any site set aside by the municipality for the disposal of refuse or waste material and which can be identified as such by means of a notice to this effect at or near the entrance of such site;

"domestic refuse" means any refuse or waste usually emanating from or incidental to the normal occupation of a dwelling, flat, hotel, boarding-house, restaurant, guest house, hospital, school, café, shop, old age home or office but shall not include stones, soil, gravel, bricks, waste liquids, sewage, or industrial, builder's or trade refuse;

"garden refuse" means any refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, trees, plants, flowers, weeds and other similar light matter;

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

"industrial refuse" means any refuse generated as a result of manufacturing, maintenance, production and dismantling activities;

"infectious waste" means waste capable of producing an infectious disease;

"isolation waste" means waste generated by hospitalised patients isolated to protect others from communicable diseases;

"miscellaneous contaminated waste" means waste from surgery and autopsy (e.g. soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads and gloves), contaminated laboratory wastes (e.g. specimen containers, slides and cover slips, disposable sheets, towels, gloves, aprons and laboratory coats), and contaminated equipment (e.g. equipment used in

patient care, medical and industrial laboratories, research and in the production and testing of certain pharmaceuticals);

"municipality" means the Municipality of _____, established in terms of Section 12 of the Local Government : Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated to such political structure, political office bearer, councillor, agent or employee;

"municipal service" means, unless otherwise stated, the provision or supply of water, electricity , sewage or fire protection services;

"occupier" means, for the purposes hereof, the person who controls and resides in or who controls and otherwise uses immovable property and includes joint occupiers;

"offensive matter" means such matter, including fluids, that may be classified as such by the municipality from time to time;

"owner" means and includes -

- [a] the person or persons in whom the registered title in immovable property is vested;
- [b] the person administering an estate as curator, executor, proxy, trustee or administrator of a person in whom the legal title in immovable property is vested and who is insolvent, deceased or of unsound mind;
- [c] the agent or persons receiving the rental of immovable property in cases where the registered owner is away or absent;
- [d] the beneficiary of a usufruct over immovable property, or
- [e] the fiduciaries of municipal property;

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

"trade refuse" means any trade material or trade waste as determined by the municipality and agreed to by the owner or occupier; and

"transfer station" means any site set aside by the municipality for the interim storage of refuse or waste material, pending its removal to and disposal at a disposal site.

CHAPTER 2

REFUSE REMOVAL AND DISPOSAL

2. **Domestic refuse removal** – The municipality shall provide a service for the removal and disposal of domestic refuse subject to such conditions as it may determine.
3. **Use of service compulsory** – Every owner or occupier of immovable property shall make use of the service for the removal and disposal of domestic refuse, as provided by the municipality, in respect of all domestic refuse which emanates from such property.
4. **Municipality to remove refuse** – No person other than the municipality or person authorised thereto in writing by the municipality shall remove domestic refuse from any property or dispose of it any manner whatsoever.
5. **Accumulation and removal of domestic refuse**
 - [1] Subject to the provisions of subsection [6], the municipality may require every owner or occupier of a property to provide on such property a container with a capacity of not less than 85 litres, constructed of a material approved by the municipality and with a closefitting lid and handles for the accumulation of domestic refuse.
 - [2] If the municipality is of the opinion that more than 1 (one) container for the accumulation of domestic refuse is essential on a particular property, it may, according to the quantity of domestic refuse normally accumulated on such property, require the occupier thereof to provide as many containers as it may determine on such property.
 - [3] If a container used by an owner or occupier does not comply with the requirements of the municipality, then the municipality may instruct such owner or occupier to obtain and use some other suitable container complying with its requirements.
 - [4] The municipality may, where it considers it necessary or desirable, supply containers to particular classes of owners or occupiers or to particular classes of properties or in particular areas, in which event the cost of such containers shall be recovered from the owners or occupiers of the properties concerned.
 - [5] All containers shall be equipped with bin liners, unless the municipality determines otherwise.
 - [6] The municipality may, generally or in particular, issue instructions to owners and occupiers with regard to the manner in which or the arrangements according to which refuse or refuse bags shall be placed in containers, be removed therefrom, be tied and thereafter be placed or deposited for removal and any disregard of such instructions shall constitute a contravention of this by-law.

- [7] No material, including any liquid, which by reason of its mass or other property is likely to render such bin liners or containers difficult or dangerous for the municipality's employees to handle or carry shall be placed in such bin liners or containers.
- [8] The containers or bin liners or both shall be removed by the municipality at such intervals as the municipality may deem necessary but only if such containers or bin liners or both have been placed or deposited at the prescribed places as determined by the municipality.
- [9] The municipality shall not be liable for the loss of or for any damage to a container or bin liner.
- [10] In any case where the occupier of a property is not also the owner, the municipality may hold the owner him- or herself, instead of the occupier, liable for compliance with the provisions of this by-law.
- [11] The municipality may, in specific cases, impose different requirements, other than the use of an 85 litre container, for the removal and disposal of refuse and the owner or occupier of immovable property, as the case may be, shall be obliged to comply with the aforesaid directions of the municipality.
- [12] The municipality may determine requirements for the reclamation of refuse in which case directions shall be issued in terms of which certain types of refuse shall be separated and disposed of.
6. **Accumulation of domestic refuse** – The owner or occupier of any property shall ensure that all domestic refuse generated on such property shall be accumulated only in a container envisaged by section 5 and in no other manner.
7. **Garden refuse**
- [1] Garden refuse may be removed from the property where it accumulates according to any arrangements which the owner or occupier of such property has made.
- [2] If any accumulation of garden refuse is not removed within a reasonable time or if such accumulation creates a nuisance or danger to public health or a fire hazard to property, then the municipality may instruct such owner or occupier in writing to effect the removal of such accumulation within a specified period, no more than 14 (fourteen) days from the date of such instruction.
- [3] Where necessary and subject to the availability of its facilities and resources, the municipality may, in its discretion and upon application by the owner or occupier of property, remove an accumulation of garden refuse from such property at the cost of the owner or occupier

and in accordance with such terms and conditions as the municipality may determine.

- [4] No garden refuse may be dumped, kept or stored in or on any sidewalk or vacant ground.

8. **Removal of bulky or industrial refuse**

[1] The owner or occupiers of premises in which bulky or industrial refuse is generated shall ensure that such refuse is disposed of in terms of this by-law within a reasonable period, but no more than 14 (fourteen) days after the generation thereof.

[2] Bulky or industrial refuse shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the municipality as a disposal site for such refuse.

[3] No obligation is imposed on the municipality in terms of this by-law to remove bulky or industrial refuse.

9. **Builder's refuse**

[a] Builder's refuse which may have accumulated in the course of the construction, alteration, renovation or demolition of any structure or works shall be removed from the property concerned according to suitable arrangements to be made by the owner or occupier of such property with the municipality.

[b] If there is any undue delay in the removal of such refuse after the completion of the works involved, the municipality may direct, by written notice to such owner, that the refuse be removed within a specified time, no more than 14 (fourteen) days from the date of such notice, to an approved disposal site.

10. **Trade refuse** – The municipality may enter into an agreement with the owner or occupier of any premises for the removal of trade refuse by the municipality at a charge fixed by the municipality.

11. **Abandoned objects** – Any object, other than a vehicle deemed to have been left or abandoned anywhere in terms of the National Road Traffic Act, 1996 [Act No. 93 of 1996], which may be reasonably regarded by the municipality as having been abandoned, may be removed and disposed of by the municipality in any manner as it may deem fit.

CHAPTER 3

DISPOSAL OF INFECTIOUS WASTE

12. **Storage of infectious waste**

- [1] All infectious waste must be placed at the point of generation into a container approved by the municipality.
- [2] The container used for the storage of contaminated sharps must be –
 - (a) constructed of such material that the said contaminated sharp object cannot pierce the container; and
 - (b) fitted with a safe and hygienic lid which must be sealed after use.
- [3] The container used for the disposal of other infectious waste must be –
 - (a) constructed of a suitable material that prevents the leakage of the contents;
 - (b) fitted with a safe and hygienic lid which must be sealed after use.
- [4] All containers must be adequately labelled and marked with the universal biohazardous waste symbol.

13. **Transport of infectious waste**

- [1] All containers of infectious waste must be sealed intact at the point of generation.
- [2] The vehicle used for transporting infectious waste must be clearly marked, indicating that infectious waste is in transit.
- [3] The vehicle used for the transport of infectious waste must be so designed that -
 - (a) the driver's cab is separated from the load area; and,
 - (b) the load area must be enclosed with suitable sealable, lockable doors.
- [4] All infectious loads being carried or conveyed for disposal must be recorded by the person or institution from which such waste is generated and the record must contain details of the premises at which the infectious waste was generated and the premises where the waste will be disposed of.

14. **Removal and disposal of infectious waste**

- [1] At the request of the owner or occupier, the municipality may remove infectious waste from the premises of generation and dispose thereof in a safe, sanitary and supervised manner and the owner or occupier of

such premises or the owner of the waste shall be liable to the municipality for payment of the charges in respect of the said removal services.

- [2] Private contractors may, with the written consent of the municipality and subject to such terms and conditions as the municipality may determine, remove and dispose of infectious waste.
 - [3] No obligation is imposed on the municipality in terms of this by-law to remove infectious waste.
 - [4] Infectious waste may, with the written consent of the municipality and subject to compliance with such terms and conditions as the municipality may determine, be disposed of in an approved high temperature and pollution free incinerator on the premises of origin of such waste.
 - [5] Unless otherwise determined by the municipality, the burning temperatures in the primary and secondary chambers of the incinerator shall, at all times, exceed 800° C and 1000° C respectively and shall also have rapid cooling to prevent carcinogenic chemicals from entering the atmosphere.
 - [6] The municipality may determine additional conditions pertaining to the storage, placement, removal and conveyance of infectious waste, including conditions pertaining to vehicles used for the removal and transportation of such waste and such additional conditions shall apply in addition to the conditions contained in this by-law.
15. **Infectious waste** – For the purpose of this by-law, infectious waste shall include all waste defined in terms of section 1 as well as contaminated animal carcasses, body parts, bedding, sharps, cultures and stocks of infectious agents and associated biologicals, human blood and blood products.

CHAPTER 4

CONTROL OF DISPOSAL SITES AND TRANSFER STATIONS

16. **Disposal sites and transfer stations for refuse**
- [1] The municipality shall set aside and maintain disposal sites and transfer stations where refuse shall be disposed of, deposited or dumped.
 - [2] Any person disposing of, depositing or dumping refuse in any other place shall be guilty of an offence.

[3] The municipality may, from time to time, determine tariffs for the disposal of, depositing or dumping of refuse at a disposal site or transfer station.

17. **Ownership of refuse** – All refuse removed by the municipality and all refuse on disposal sites or transfer stations controlled by the municipality shall be the property of the municipality and no person who is not duly authorised by the municipality to do so shall remove or in any manner interfere with such refuse.

18. **Liability**

[1] Where any object has been removed and disposed of by the municipality in terms of section 17, the owner or person responsible for such object shall be liable to pay the municipality the charge fixed by it for its removal, disposal or custody.

[2] For the purposes of subsection [1], the person responsible shall be –

[a] the owner of the object, including any person who is entitled to be in possession of the object by virtue of a hire-purchase agreement or an agreement of lease, at the time when it was abandoned or deposited in the place from which it was so removed, unless he or she can prove that he did not know that it had been deposited in such place; or,

[b] any person who deposits the object in the said place; or

[c] any person who knowingly permits or permitted the object to be deposited in the said place.

19. **Control of disposal sites and transfer stations**

The municipality may control a disposal site or transfer station or may enter into a contract with a person to control, manage and operate a disposal site or transfer station on behalf of the municipality, in accordance with the provisions of this by-law and the provisions of any other applicable legislation.

20. **Access to disposal sites and transfer stations**

[1] No person shall enter a disposal site or transfer station or shall be or remain on such premises except on such days and at such times as shall be fixed by the municipality from time to time.

[2] A notice, indicating the days and hours during which a disposal site or transfer station will normally be open for the disposal of, depositing or dumping of refuse, shall be displayed by the municipality in a clearly visible place at or near the entrance to such premises.

[3] The municipality may limit access to a disposal site or transfer station by permitting access to only those persons who have paid the

prescribed fee and who are in possession of written permission issued by the municipality, authorizing them to dispose of, deposit or dump refuse at a disposal site or transfer station or authorising them to recycle any materials or objects at or on such site.

- [4] Notwithstanding anything to the contrary contained in this by-law, any employee of the municipality or anybody acting on behalf of the municipality and duly authorised thereto, may enter a refuse disposal site or transfer station at any time in the exercise of his or her duties.
- [5] Any person making use of or entering a disposal site or transfer station shall do so solely at his or her own risk and the municipality will not be responsible for the safety of such person or for any damages or losses sustained by such person as a result of his or her presence at or on such premises.
- [6] Anybody who enters a disposal site or transfer station or who is found thereon in contravention of the provisions of this by-law shall be guilty of an offence.

21. **Off-loading of refuse**

- [a] Any person who wishes to dispose of, deposit or dump refuse at a disposal site or transfer station shall off-load such refuse at such place within the borders of the said premises as directed by an attendant.
- [b] Any person who disregards the reasonable instructions of an attendant shall be guilty of an offence.

22. **Prohibition on disposal of, depositing or dumping of offensive matter -** The municipality reserves the right to prohibit the disposal of, depositing or dumping of any offensive or toxic matter at a refuse site or transfer station.

23. **Charges and deposit -** The charges payable to the municipality for the establishment, provision and maintenance of a refuse removal service and the amount a person making use of such service shall deposit with the municipality shall be determined by resolution of the municipal council concerned.

CHAPTER 5

GENERAL PROVISIONS

24. **Offences and Penalties**

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding -

- [a] a fine of R10 000 or imprisonment for a period of 6 (six) months or such imprisonment without the option of a fine or both such fine and such imprisonment;
- [b] in the case of a continuing offence, an additional fine of R250 or an additional period of imprisonment of 1 (one) day or such additional imprisonment without the option of a fine or both such additional fine and imprisonment for each day on which such offence is continued; and,
- [c] a further amount equal to any costs and expenses found by a court to have been incurred by the municipality as result of such contravention or failure.

25. Regulations

- [1] The municipality may make regulations regarding –
 - [a] the conditions in terms of which the municipality shall provide a refuse removal and disposal service, as contemplated in terms of sections 2,3,4 and 5, including –
 - (i) the construction, capacity and number of containers for domestic refuse;
 - (ii) the provision of such containers to particular classes of owners, occupiers or properties;
 - (iii) arrangements with regard to the use of containers and disposal of domestic refuse for removal by the municipality; and
 - (iv) requirements for the reclamation of refuse;
 - [b] arrangements for the removal and disposal of –
 - (i) garden refuse, as contemplated in terms of section 7(3);
 - (ii) builder's refuse, as contemplated in terms of section 9(a);
 - (iii) trade refuse, as contemplated in terms of section 10; and
 - (iv) infectious waste, as contemplated in terms of section 14(1);
 - [c] the compilation of a tariff of costs and charges, as may be applied in terms of section 7(3), 9(a), 10, 14(1), 16(3), 18(1), 20(3) and 23;

- [d] the identification, designation, preparation and maintenance of disposal sites and transfer stations for the disposal of different categories of refuse and waste mentioned in this by-law;
 - [e] the removal and disposal of abandoned objects, as contemplated in terms of section 11;
 - [f] with regard to infectious waste –
 - (i) the construction, capacity and number of containers for storage of infectious waste, as contemplated in terms of section 12;
 - (ii) additional requirements, as may be necessary from time to time, for the transfer of infectious waste, as contemplated in terms of section 13;
 - (iii) the terms and conditions for the storage, placement, removal, transport and disposal of infectious waste as contemplated in terms of section 14;
 - [g] the terms and conditions of any contract concluded by the municipality with any person to control, manage and operate a disposal site or transfer station, as contemplated in terms of section 19;
 - [h] access to disposal sites or transfer stations, as contemplated in terms of section 20, including –
 - (i) the days and times during which access shall be permissible;
 - (ii) the construction and contents of notices required to indicate the days and times of access;
 - (iii) the terms and conditions of written permission issued by the municipality so as to limit access in terms of section 20(3);
 - [i] (i) the prescription of penalties for the offences contemplated in terms of section 24; and
 - (ii) the amendment of such penalties from time to time;
 - [j] any matter which may be prescribed in terms of this by-law and any matter which may facilitate the application of this by-law.
- [2] [a] The municipality shall, not less than 1 (one) month before promulgating a regulation in terms of sub-section 1, cause a draft of the regulation to be communicated to the local

community and to be made public in terms of sections 21 and 21A of the Local Government : Municipal Systems Act, 2000 [Act No. 32 of 2000], together with a notice declaring the intention of the municipality to issue such a regulation and inviting comments or representations.

- [b] If the municipality decides to alter the draft regulation as a result of comments or representations received pursuant to such invitation, then it shall not be necessary to communicate and make public the alteration before the amended draft is promulgated as a regulation.

26. Repeal of by-laws

Any by-laws relating to solid waste disposal adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

27. Short title

This by-law is called the By-law Relating to Solid Waste Disposal, 2004 and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.