



Waste Management By-law 2025

The Municipality of Swellendam ("the Municipality") hereby publishes the Waste Management By-laws set out below, promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and section 9(3)(a)-(d) of the National Environmental Management: Waste Act, 2008.

PREAMBLE

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

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

AND WHEREAS the "Municipality" is committed to ensuring that all residents, organisations, institutions, businesses, visitors or tourists, and public bodies are able to access services from a legitimate waste service provider;

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

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

AND NOW THEREFORE, BE IT ENACTED BY THE SWELLEN DAM MUNICIPALITY AS FOLLOWS:

- 1) Final check with WC Legislation Development complete ☒
- 2) Next steps as of 7th September 2025
 - a) Sent to council for first approval
 - b) Translation Afrikaans & isiXhosa
 - c) Then Public Participation for comment
 - d) Then council final approval
 - e) Then Promulgated at government gazette (through Robert Young, Legislation Development)
 - f) Then Section 57 and set up admission of guilt (charge sheets) to magistrate (Create Charge sheet covering all parts of by law) Add a general failed to adhere to this by law

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CHAPTER 1 GENERAL PROVISIONS

.1. Definitions and interpretation

In this By-law and the Schedule thereto, words used in the masculine gender include the feminine, the singular includes the plural and vice versa; in the event of a conflict between -the English, isiXhosa and Afrikaans versions of this By-law, the English version shall be decisive; and unless the context otherwise indicates.

1. **“accredited service provider”** means a person or entity accredited by and registered with the Municipality and having obtained an authorisation to collect and transport specified types of waste in the municipal area;
2. **“agricultural and farm waste”** means all waste generated on farms as part of agricultural processes (including crop residues, animal manure and bedding, silage, pruning waste and other organic farm materials) or through ordinary domestic and business activities on the farm, and may include different types of waste, but excludes hazardous waste, health care risk waste and building and demolition waste;
3. **“animal proof container”** means an approved waste container which protects the contents from problem animals, as required by the Municipality in specific areas;
4. **“applicable charge”** means the rate, charge, tariff, flat rate, subsidy or any other cost prescribed by the Municipality from time to time;
5. **“approved”** in the context of bins, bin liners, refuse bags, containers, receptacles and wrappers, means approved by the Municipality or an accredited service provider for the collection and storage of waste;
6. **“approved business waste container”** means a receptacle with a storage capacity of 240 litre or any other approved container prescribed by the Municipality;
7. **“approved domestic waste container”** means a receptacle with a storage capacity of 240 litres or any other approved container prescribed by the Municipality including a refuse bags;
8. **“authorised - official”** means a -waste management officer or other person in the employ of the Council, authorised by the Council for the purposes of this By-law, or if the Council has appointed a service provider to perform municipal services, an employee of such service provider, authorised by it as an authorised official in terms of this By-law and acting within the scope of the powers, functions and duties assigned to that service provider by Council in terms of section 81(2) of the Systems Act or other applicable law;
9. **“building and demolition waste”** Means waste produced through the construction, alteration, repair or demolition of any structures both manmade and natural and includes rubble, earth, wood, and rock that is displaced during any construction, alteration, repair or demolition but excludes garden waste and hazardous waste;

10. **“bulky waste”** means waste that by virtue of its mass, shape, size or quantity is inconvenient to remove by the routine door-to-door waste removal service provided by the Municipality or a service provider;
11. **“business waste”** means waste that emanates from premises that are used, whether lawfully or unlawfully mainly, for commercial, retail, wholesale, entertainment or government administration purposes and also includes waste generated by informal traders and residential premises where commercial activities are being conducted;
12. **“by product”** means a substance that is produced as part of a process that is primarily intended to produce another substance or product and that has the characteristics of an equivalent virgin product or material;
13. **“chemical waste”** Includes discarded solid, liquid and gaseous chemicals; **“clean building waste”** means the inert waste produced during the construction, alteration, repair or demolition of any structure both manmade or natural thus including rubble but excluding building materials such as cement bags, paint holders, window frames, carpets as well as earth, vegetation, wood and rock that are displaced during such construction, alteration, repair or demolition processes;
14. **“collection”** means the act of collecting domestic or business waste at the place of generation or storage by the Municipality or an accredited service provider and removal has a similar meaning;
15. **“commercial services”** means any waste management service, relating or connected to accumulating, collecting, managing, recycling, sorting, storing, treating, transporting, disposing, buying or selling of waste or any other manner of handling waste excluding municipal services rendered by the Municipality;
16. **“community scheme”** has the meaning assigned to it in the Community Schemes Ombud Service Act, 2011 (Act 9 of 2011);
17. **“compost”** means stabilised, homogenous, fully decomposed material of animal or plant origin to which no plant nutrients have been added and that is free of substances or elements that could be harmful to human beings, animals, plants or the environment;
18. **“composting”** means a controlled biological process in which organic materials are broken down by micro-organisms into compost;
19. **“contaminated”** means the presence in or under any land, site, buildings or structures of a substance or micro-organism above the concentration that is normally present in or under that land, which substance or micro-organism directly or indirectly affects or may affect the quality of soil or the environment adversely;
20. **“dailies”** means putrescible business waste generated by hotels, restaurants, food shops, hospitals and canteens that must be collected on a more frequent basis, often a daily basis, to prevent the waste from decomposing and presenting a nuisance, environmental or health risk;
21. **“damage to the environment”** means any pollution, degradation or harm to the environment whether visible or not;
22. **“DEA&DP”** means the provincial Department of Environmental Affairs and Development Planning;
23. **“DFFE”**: means the national Department of Forestry, Fisheries and the Environment;
24. **“disposal”** Means the burial, deposit, discharge, abandoning, dumping, placing or release of any waste into or onto any land;

25. **"disposal site"** means a site which is licensed in terms of the provisions of the National Environmental Management Waste Act, 2008 (Act 59 of 2008) used for the accumulation of waste with the purpose of disposing or treatment of such waste and includes a waste transfer and recycling station;
26. **"domestic hazardous waste"** means hazardous waste generated in a household in minimum quantities consistent with the home use of materials such as paints and solvents, automotive wastes, pesticides, electronics, aerosols, cleaning agents, batteries, fluorescent lamps and refrigerant containing appliances;
27. **"domestic health care waste"** means waste, other than hazardous waste, that emanates from premises used wholly or mainly for (a) residential purposes, such as a dwelling house, flat, boarding house, old age home or group development; (b) educational, sport or recreational purposes; or (c) purposes of public worship, including a hall or other building used for religious purposes, and includes domestic health care waste and domestic hazardous waste generated in quantities consistent with normal household use, but excludes business waste, building and demolition waste, garden waste, bulky waste, special waste, industrial waste, and liquid waste.
28. **"dump"** means placing waste anywhere other than in an approved receptacle or a place designated as a waste handling facility or waste disposal facility by the Municipality;
29. **"DWA"** means the National Department of Water Affairs;
30. **"ECA"** means the Environment Conservation Act, 1989 (Act 73 of 1989) and any regulations made in terms thereof, or any superseding legislation;
31. **"EIA"** means an environmental impact assessment as contemplated in NEMA, and/or the ECA and the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time;
32. **"enforcement notice"** means any notice issued by an authorised official under this By-law which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section -56;
33. **"environment"** means the individual parts and total sum of all elements, properties, conditions and the like making up the surroundings within which living organisms exist and any part or combination of the interrelationships among and between them;
34. **"environmental emergency"** means any situation that has caused or may cause serious harm to human health or damage to the environment, irrespective of whether the potential for harm or damage is immediate or delayed;
35. **"environmental restoration cost"** means the full cost of all measures necessary to restore the environment to its condition prior to an incident which caused damage to it, and in the event of this not being possible the value of the cost benefit that has been lost through the damage to or destruction of the environment;
36. **"event organiser"** means a person who organises an event requiring an event permit;
37. **"event waste"** means waste generated from activities related to an event authorised by an event permit;
38. **"e-waste"** means electric and electronic equipment waste such as lighting equipment, circuit boards, mobile phones, computers, television sets and audio-visual equipment that are still mainly treated as domestic or business waste but with a high need and potential for recycling;

39. **"garden waste"** means organic waste that emanates from gardening or landscaping activities, including soil, grass cuttings, leaves and branches, but excludes waste products of animal origin or bulky waste;
40. **"general waste"** means waste that does not pose an immediate hazard or threat to health or to the environment, and includes domestic waste; - building and demolition waste; business waste: and - inert waste;
41. **"general waste storage facility"** means a storage facility that has a capacity to store in excess of 100 cubic metres of general waste continuously;
42. **"group development"** means a high density residential development with common property and/or facilities and which is managed by a home owners association or body;
43. **"hazardous chemical substance"** means any toxic, harmful, corrosive, irritant or asphyxiant substance, or a mixture of such substances for which (a) an occupational exposure limit is prescribed (b) an occupational exposure limit is not prescribed but which creates a hazard to health and the environment;
44. **"hazardous waste"** means any waste, matter or substance which may be hazardous or harmful to the environment and residents or which may pollute the environment including asbestos, motor oils or lubricants, or any other waste, matter or substance which constitutes hazardous waste as envisaged in the Hazardous Substances Act, 1973 (Act 15 of 1973); and means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment;
45. **"health care risk waste"** has the meaning assigned to it in the Western Cape Health Care Waste Management Act, 2007 (Act 7 of 2007);
46. **"health care waste"** means all waste generated by or derived from medical care or medical research including but not limited to infectious waste, pathological waste, sharp waste, pharmaceutical waste, genotoxic waste, chemical waste, pressurized container waste, waste with heavy metals, radio-active waste, or any waste that has been in contact with blood, bodily fluids or tissues from humans or infected animals from veterinary practices;
47. **"holder of waste"** means any person or entity that imports, generates, collects, handles, accumulates, stores, transports, transfers, processes, treats, trades, exports, recovers, recycles, re-uses or disposes of waste including sorters of waste such as recycling or waste minimisation groups, scrap dealers and buy-back centres;
48. **"industrial waste"** means waste generated as a result of manufacturing, industrial, fabricating, processing, dismantling or maintenance activities and may include waste generated by agricultural, mining or power plant activities but does not include any other category of waste;
49. **"infectious waste"** means waste which is generated during diagnosis, treatment or immunization of humans or animals, in the research pertaining to this, in the manufacturing or testing of biological agents including blood products, cultures, pathological waste, sharp objects, human and animal anatomical waste and isolation waste that contain or may contain infectious substances;
50. **"integrated pollutant and waste information system"** means the online waste management information system of the Western Cape Department of Environmental Affairs and Development Planning;

51. **"integrated waste management plan"** -means a plan prepared in terms of section 5;
52. **"inert waste"** means waste that does not undergo any significant physical, chemical or biological transformation after disposal; does not burn, react physically or chemically biodegrade or otherwise adversely affect any other matter or environment with which it may come into contact; and does not impact negatively on the environment, because of its pollutant content and because the toxicity of its leachate is insignificant;
53. **"interest"** means a levy with the same legal property as service fees and calculated in terms of this By-law on all amounts in arrears in respect of prescribed fees for waste management services at a standard rate equal to an interest rate as determined by the Customer Care, Credit Control and Debt Collection Policy of the Municipality;
54. **"IPWIS"** means the Integrated Pollutant and Waste Information System of the Western Cape Government as established in accordance with the national and provincial legislative and policy framework including NEMWA;
55. **"large generator"** means any premises that generates more than one tonne of waste per month or such other threshold as the Municipality may determine by Council resolution;
56. **"level of service"** means the frequency of municipal service and the type of service point;
57. **"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 disposal facility or a waste handling facility and "littering" has a corresponding meaning;
58. **"material recovery"** means any process where material is removed from the waste stream with the purpose to re-use, recycle or treat the material so removed;
59. **"minimisation"** means the steps that are taken by the Municipality, residents, businesses and industries to avoid and reduce the amount and toxicity of waste generated and disposed of;
60. **"Minister"** means the Minister - for Forestry, Fisheries and the Environment;
61. **"municipal council"** means a municipal council contemplated in section 157 of the Constitution of the Republic of South Africa, 1996 and Council has a corresponding meaning;
62. **"municipal indigent policy"** means a policy for indigent users approved by the Municipality;
63. **"Municipality"** means the Swellendam Local Municipality;
64. **"municipal manager"** means the person appointed as municipal manager by the Municipality in terms of section 54A of the Municipal Systems Act;
65. **"municipal service"** means the municipal service relating to the collection of waste, including domestic waste, business waste and dairies and related waste activities provided by the Municipality or a municipal service provider on behalf of the Municipality, in accordance with this By-law;
66. **"Municipal Structures Act"** means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
67. **"Municipal Systems Act"** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
68. **"NEMA"** means the National Environmental Management Act, 1998 (Act 107 of 1998);

69. **"NEM:WA"** means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008);
70. **"nuisance"** means any damage, inconvenience or annoyance to a person caused by the improper generation, handling, management, storage, placement, collection, transport or disposal of waste, including littering;
71. **"occupier"** means a person who occupies any premises or part thereof, without regard to the title under which he or she so occupies, and includes: (a) any person in actual occupation of those premises, (b) any person legally entitled to occupy those premises, (c) in the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodges or tenants whether on the person's own account or as agent for any person entitled thereto or interested therein, (d) any person having the charge of or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; or (e) the owner of those premises;
72. **"offensive waste"** means any waste, matter or substance which may be harmful to the environment and residents and includes, but is not limited to— animal products, animal carcasses and meat as defined in the Meat Safety Act, 2000 (Act 40 of 2000) and in the Red Meat Regulations promulgated under GN 1072 of 17 September 2004; fruit or vegetables or any by-product obtained from such fruit or vegetables; perishable foodstuffs; and health care waste as defined in the Western Cape Health Care Waste Management Act, 2007, (Act 7 of 2007);
73. **"organic waste"** means waste of a biological origin that can be broken down by micro-organisms, including garden waste, food waste, animal manure and other biodegradable waste, but excludes hazardous waste;
74. **"owner"** includes: (a) the person in whom is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed; (b) where the person in whom the legal title to the premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; (c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon; and (d) in the case of premises for which a lease agreement of ten years or longer has been entered into and registered in the Deeds Office, the lessee thereof, (aa) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property or (bb) a section as defined in the Sectional Titles Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person (cc) the person who has purchased immovable property from the Municipality, in terms of a scheme that allows for the purchase price to be paid in instalments and who has not received transfer from the Municipality
75. **"peace officer"** has the meaning assigned to it in the Criminal Procedure Act, 1977 (Act 51 of 1977);
76. **"pollution"** means any change in the environment caused by substances; or radioactive or other waves; or noise, odours, dust or heat, emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or wellbeing or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future;
77. **"premises"** means an erf or any other portion of land, including any building thereon or any other structure utilised for business, industrial or residential purposes;

78. **"prescribed"** means, determined by resolution of the Municipal Council from time to time;
79. **"prescribed fee"** means a fee including a tariff or charge determined by the Municipal Council by resolution;
80. **"prescribed tariff"** means a schedule of prescribed fees as entailed in the municipalities tariff bylaws;
81. **"premises"** means residential-, business-, and industrial premises and includes any land, whether vacant, occupied or with buildings thereon, forming part of a piece of land laid out as a township within the jurisdictional area of the Municipality, irrespective of being proclaimed as a township;
82. **"priority waste"** means a waste declared to be a priority waste in terms of section 14 of the National Environmental Management Waste Act;
83. **"problem animal areas"** means areas identified from time to time by the Municipality where animals behave in a way that creates problems;
84. **"public notice"** means notice to the public in a manner determined by the Municipality;
85. **"public place"** includes any public building, public road, overhead bridge, subway, foot pavement, footpath, sidewalk, lane square, open space, garden, park, sports ground, enclosed space vested in a Municipality, 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;
86. **"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 – the verge of any such road, street or thoroughfare; any bridge, ferry or drift traversed by any such road, street or thoroughfare; and any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;
87. **"receptacle"** means a container approved by the Municipality and having the capacity for the temporary storage of waste;
88. **"recovery"** means the controlled extraction of a material or the retrieval of energy from waste to produce a product;
89. **"recycle"** means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material;
90. **"recyclable waste"** means waste that could be separated from the waste stream and set aside for purposes of re-use or recycling;
91. **"reclaimer"** or waste picker means a person or group who collects, sorts or recovers recyclable waste from the waste stream for re-use or recycling;
92. **"refuse bag"** means a plastic bag at least 22 micron thick with dimensions of 750mm x 950mm or as otherwise prescribed by the Municipality and the same applies to a bin liner;
93. **"responsible person"**, in relation to waste, means a person who— generates the waste; is the owner of the land on which the waste has been disposed of; or was in control of the waste when it was disposed of;

94. **"re-use"** means to utilise articles from the waste stream again for a similar or different purpose without changing the form or properties of the article;
95. **"SABS"** means the South African Bureau of Standards established in terms of the Standards Act, 1945 (Act 24 of 1945);
96. **"safety data sheet"** means the information sheet to be completed by all generators of hazardous waste in accordance with relevant regulations and the latest edition of SANS 10234 Globally Harmonised System of Classification and Labelling of Chemicals GHS and to be in the possession of all holders of waste that handles such hazardous waste;
97. **"SANS"** means a South African National Standard published by the SABS;
98. **"service delivery agreement"** means an agreement between the Municipality and a person in terms of which a municipal service is provided by that person, either for that person's own account or on behalf of the Municipality;
99. **"service provider"** means a person who provides a municipal service in terms of a service delivery agreement with the Municipality;
100. **"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;
101. **"special waste"** means a non-hazardous industrial waste that may include a number of waste types which has physical or chemical characteristics, or both, that requires special handling at a waste disposal facility such as contaminated soil, raw animal manure, dead animals and any other material determined to be special waste by the Municipality;
102. **"storage"** means the accumulation of waste in a manner that does not constitute treatment or disposal of that waste;
103. **"storage containers"** refers to any type of bin, bag, receptacle, or container designated for the collection, temporary storage, and transportation of waste. These containers are used to prevent spillage, contamination, and environmental harm by keeping waste securely enclosed until it can be properly disposed of or recycled;
104. **"sustainable development"** means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations;
105. **"tariff"** means the charge determined by the Municipality in terms of any applicable law for any service rendered by the Municipality or a service provider in terms of this by-law;
106. **"the Waste Act"** means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008);
107. **"transport"** means the movement of waste from one place to another;
108. **"treatment"** or disposal of that waste; "treatment" means any method, technique or process that is designed to (a) change the physical, biological or chemical character or composition of a waste; or (b;) remove, separate, concentrate or recover a hazardous or toxic component of a waste; or (c) destroy or reduce the toxicity of a waste, in order to minimise the impact of the waste on the environment prior to further use or disposal;
109. **"waste"** means any substance, whether or not that substance can be reduced, re-used, recycled

and recovered that is surplus, unwanted, rejected, discarded, abandoned or disposed of; which the generator has no further use of for the purposes of production that must be treated or disposed of; or that is identified as a waste by the Minister by notice in the Gazette, and includes waste generated by the mining, medical or other sectors, but a by-product is not considered waste; and any portion of waste, once re-used, recycled and recovered ceases to be waste;

- 110. **"waste container"** means a mobile container with a capacity determined by the Municipality, or alternatively plastic bags, suitable for the purpose of storage of waste, which the Municipality may make available to each premises;
- 111. **"waste collection day schedule"** means a schedule contemplated in section 40;
- 112. **"waste disposal facility"** means a site which is licensed in terms of the provisions of the Waste Act, used for the accumulation of waste with the purpose of disposing or treatment of such waste and including a waste transfer and recycling station;
- 113. **"waste disposal facility operator"** means a person designated in terms of section 121 as a waste disposal operator;
- 114. **"waste generator"** means a property owner, a household, organisation or business entity, the inhabitants, occupants or employees of which generate waste and includes sorters of waste such as recycling or waste minimisation groups, scrap dealers and buy-back centres;
- 115. **"waste handling facility"** means any site or premise that receives, accumulates, handles, recycles, sorts and temporarily stores or treats waste prior to its transfer for final disposal and is operated in terms of a license obtained from a statutory regulatory authority;
- 116. **"waste information system"** means IPWIS;
- 117. **"waste management activities"** means the generation, reduction and minimisation of waste, waste handling, which includes the separation, storage, collection, and transfer of waste, processing of waste and waste treatment, which includes the recovery of waste, recovery being the recycling, reclamation and re-use of waste, and disposal of waste. "Waste transfer and recycling station" means a waste handling facility that receives and temporarily stores waste or any recyclable waste, or a combination thereof;
- 118. **"waste management hierarchy"** means a method of managing waste in the following order: avoidance, reduction, re-use, recycling, recovery, treatment and disposal;
- 119. **"waste management officer"** A waste management officer uses legislation, initiatives and policies – as well as communication with residents and councils – to devise and implement strategies to handle waste;
- 120. **"waste management plan"** means a waste management plan required by the Municipality in terms of this By-law and NEM:WA;
- 121. **"waste management services"** means services that relate to any one or more of the waste management activities;
- 122. **"waste manifest documents"** means the control documents containing information as legally prescribed and maintained by the holders of waste involved; which documents must accompany each load of hazardous waste from point of generation to final management of it;
- 123. **"waste minimisation"**, when used in relation to waste, means the avoidance of the amount and toxicity of waste that is generated and. in the event where waste is generated, the reduction of the amount and toxicity of waste that is disposed of; "Municipal Systems Act" means the Local

Government: Municipal Systems Act, 2000 (Act 32 of 2000);

124. **"waste removal system"** means a system by means of which refuse is removed and disposed of by the Municipality;
125. **"waste stream"** means waste that can be separated into different types of waste, including building and demolition waste, business waste, bulky waste, domestic waste, garden waste, hazardous waste, health care risk waste, industrial waste and recyclable waste.
126. **"WEEE"** Waste Electrical and Electronic Equipment;
127. **"working day"** means a day other than a Saturday, Sunday or public holiday but in the context of the Municipality Waste handling and waste disposal facilities it includes all calendar days except Sundays, certain religious public holidays or as determined by the Municipality.

.2. Principles

- 1) The principles contemplated in Chapter 1 of the National Environmental Management Act, 1998 (Act 107 of 1998), apply in all instances where this by-law applies.
- 2) The waste management hierarchy must be applied in the implementation of this by-law.
- 3) The application of this by-law must promote:
 - a) sustainable development and a healthy environment through the management of waste within the area of the Municipality;
 - b) responsible citizenship by residents in the Municipality to ensure sound waste management practices;
- 4) enforce waste minimisation principles that lead to zero waste to landfill; and
- 5) enforce SDGs related to solid waste and the environment.

.3. Main objectives

- 1) The main objectives of this By-law are:
 - a) to regulate the collection, handling, storage, transport, recycling, treatment and disposal of waste;
 - b) to regulate the pursuance of an integrated waste management approach;
 - c) to regulate the provision of municipal services by a municipal service provider and commercial services by accredited service providers; and
 - d) to enhance sustainable development.
- 2) In pursuing the main objects of this By-law, the Municipality shall, within its financial and administrative capacity:
 - a) endeavour to ensure local community involvement in local waste planning;
 - b) endeavour to minimise the consumption of natural resources;
 - c) promote the recycling and re-use of waste;
 - d) encourage waste separation to facilitate re-use and recycling;
 - e) promote the effective resourcing, planning and delivery of municipal services and commercial services;
 - f) endeavour to achieve integrated waste management, planning and services in a local context;
 - g) promote and ensure environmentally responsible municipal services and commercial services;
 - h) endeavour to ensure compliance with the provisions of this By-law;
 - i) align with the National Waste Management Strategy (NWMS) and shall be implemented in a manner that supports both national and international waste management objectives. The Municipality is committed to integrating the principles of sustainable development, waste minimisation and the **circular** economy into its practices, as outlined in the National Environmental Management: Waste Act, 2008 (NEM:WA). To this end the Municipality must:
 - i) adopt the Waste Management Hierarchy and prioritise waste prevention, reduction, re-use, recycling, recovery and composting before considering disposal;

- ii) promote and enforce Extended Producer Responsibility (EPR) in accordance with section 18 of NEM:WA and any applicable national regulations;
- iii) develop and implement a Municipal Green Procurement Policy that gives preference to products and services containing recycled content, designed for longevity, reparability and recyclability, and that minimise packaging and single-use items;
- iv) actively support the establishment and growth of local recycling, composting, remanufacturing and resource-recovery industries through incentives, streamlined permitting, partnerships and access to municipal waste streams;
- v) consider and, where environmentally sound and technically feasible, promote waste-to-energy solutions only as a last resort after all higher-order options in the waste hierarchy have been maximised; and
- vi) progressively prohibit the landfilling of priority recyclable and organic waste streams in accordance with the phased diversion targets and timelines set out in section 5.8.
- j) To operationalise the circular economy the Municipality must:
 - i) establish or support facilities and systems focused on the recovery of materials from waste streams for re-use, recycling, composting or other forms of recovery;
 - ii) develop incentive programmes (including tariff rebates under section 61) for businesses, organisations and individuals that implement circular-economy solutions;
 - iii) support waste-to-resource projects that convert non-recyclable waste into renewable energy or other beneficial products only where higher-order recovery is not viable;
 - iv) adopt circular-economy principles in all municipal procurement, infrastructure and operational decisions; and
 - v) foster the growth of local enterprises engaged in recycling, remanufacturing, composting and material recovery.

.4. Duties and obligations

- 1) A holder of waste or persons working in his or her employ or under his or her direction or control must take all reasonable measures to:
 - a) ensure the waste does not cause harm to human health or damage to the environment and causes no nuisance related to sight, noise or odour;
 - b) reduce or avoid waste generation and minimise the toxicity of waste generated;
 - c) re-use, recycle and recover waste;
 - d) dispose of waste in an environmentally sound manner;
 - e) prevent waste from being used for an unauthorised purpose including the prevention the prevention of persons under his or her supervision from contravening this By-law.
- 2) A person who sells a product which may be used by the public and is likely to result in the generation of hazardous waste must take all reasonable steps to inform the public of the impact of that waste on health and the environment.
- 3) Any person subject to the duties and obligations imposed in subsections (1) and (2) may be required by the municipality or and authorised official to take measures to ensure compliance with these duties and obligations, which measures may be to:
 - a) separate waste in a manner that minimises waste and its environmental impacts, storing recyclable waste separately from non-recyclable waste, ensuring that waste can be separated into liquids, components, and materials that can be recycled, composted or repurposed;
 - b) inform and educate persons working in his or her employ or under his or her direction or control about the environmental risks of their work and how their tasks must be performed to manage waste in a manner that avoids causing harm to human health or damage to the environment;
 - c) investigate and assess the impact that his or her waste management activities have on the environment;
 - d) start, continue and complete specific measures before a date specified in -a compliance notice;
 - e) cease, modify or control any waste management activity that is causing, has caused or may cause harm to human health or damage to the environment;
 - f) waste streams may need to be separated for recycling purposes. Individuals or entities may require segregating recyclable materials from general waste and placing them in separate storage containers provided by the Municipality.

- g) rehabilitate the effects of waste damage to the environment.

CHAPTER 2 INTEGRATED WASTE MANAGEMENT

.5. Waste management plans

- 1) The Municipality shall:
 - a) establish, review and revise its integrated waste management plan in accordance with the prescriptions of national legislation;
 - b) annually report on the implementation of its integrated waste management plan; and
 - c) follow prescribed processes of community consultation in terms of subsections (1)(a) and (b).
- 2) All events organised and hosted in the municipal area must at least one month prior to the event taking place submit to the Municipality a waste management plan that includes the waste management services to be provided and such other information as required by the Municipality.
- 3) The Municipality may grant conditional exemption in terms of Chapter 9 Section 68 depending on the size, nature and duration of the event.
- 4) An owner or occupier or any other person responsible for the submission of building plans for a new building or an alteration to an existing building must submit to the Municipality an integrated waste management plan including such information as the Municipality requires prior to the start of such building or alteration and also during such building or alteration, if so requested by the Municipality.
- 5) The Municipality shall require a holder of waste involved in a waste management activity listed in terms of section 19 of NEM:WA to submit its integrated waste management plan to the Municipality within a specified time and thereafter at intervals coinciding with the requirements of national and provincial legislation or standards.
- 6) The Municipality may require from any other holder of waste excluding domestic waste to submit within a reasonable time and thereafter at intervals determined by the Municipality an integrated waste management plan containing such information as the Municipality deems necessary or, if applicable, a copy of its industry waste management plan as required by national legislation.
- 7) If an integrated waste management plan as referred to in subsections (4), (5) or (6) is in any way changed or amended, the holder of waste must submit such changed or amended plan to the Municipality immediately after the amendment has been made.
- 8) The Municipality's integrated waste management plan 2024-2029 includes measurable targets and a phased implementation programme aimed at achieving zero waste to landfill, including
 - a) progressive waste diversion targets from landfill, with a minimum target of at least 50% diversion of waste from landfill by 2030 and 70% by 2040;
 - b) a phased prohibition on the landfilling of priority waste streams, including organic waste and garden waste, with interim mandatory diversion measures commencing no later than 1 July 2028;
 - c) specific targets for recycling and composting rates, including separate collection and processing of recyclables and organic waste; and
 - d) clear timelines, responsibilities, and monitoring mechanisms for each target.
 - e) progressively prohibit the landfilling of priority waste streams on the date determined by Council as follows
 - i) organic waste and garden waste;
 - ii) clean recyclables (paper, cardboard, plastic, glass, metal)
 - iii) any other priority waste declared by the Municipality or national/provincial authority
- 9) The Municipality must

- a) monitor and evaluate progress against the targets set in subsection 5.8 on an annual basis;
 - b) include in its monthly report to Council detailed statistics on (i) the quantity and percentage of waste diverted from landfill; (ii) recycling and composting rates; and (iii) progress towards the phased landfill bans;
 - c) incorporate the results of waste audits conducted in terms of section 6.6 and 6.7.
- 10) The Municipality must review and, if necessary, revise the integrated waste management plan and the targets in subsection 5.8 at least once every five years, or more frequently if required by national or provincial legislation or if performance falls significantly short of the set targets.

.6. Waste information system

- 1) The Municipality shall maintain a waste information system including information on the levels and extent of waste management services provided by it and enter such information on the IPWIS as and when required.
- 2) The Municipality may require from a holder of waste or any person to furnish the Municipality within a reasonable time or on a regular basis with such data, documents, information, samples or materials and the verification of information reasonably required by the Municipality to discharge its responsibilities in terms of subsection (1).
- 3) The Municipality may request a person or holder of waste that it reasonably believe should be registered on the IPWIS and/or the national waste information system to effect such registration and submit proof thereof to the Municipality or to submit proof of not conducting a waste management activity obligating such registration within a time that the Municipality regards as reasonable.
- 4) The Municipality may provide public education and awareness initiatives to support the community's understanding and participation in waste management efforts.
- 5) All institutions, including groups, companies, churches, societies, and schools, are responsible for educating their staff or members on waste minimisation and relevant recycling practices.
- 6) Waste audits by large generators
 - a) The Municipality may, by written notice, require any large generator of waste (including but not limited to industrial, commercial, business, building and demolition, or institutional premises that generate more than 1 ton of waste per month or such other threshold as the Municipality may determine by Council resolution) to conduct a waste audit at their own cost at intervals determined by the Municipality.
 - b) A waste audit must include, at a minimum
 - i) the quantity, composition and source of waste generated;
 - ii) the quantities of waste that are re-used, recycled, composted, recovered or diverted from landfill;
 - iii) the quantity of waste disposed of at landfill or other facilities; and
 - iv) measures taken or proposed to minimise waste and improve diversion rates.
 - c) The large generator must submit the completed audit report to the Municipality within the period specified in the notice and in a format determined by the Municipality.
 - d) The Municipality may require the audit to be verified by an independent auditor or authorised official.
- 7) Municipal internal reporting and multi-sector waste information
 - a) The Municipality must conduct or commission its own annual waste audit of municipal operations and facilities and integrate the results into its integrated waste management plan.
 - b) The Municipality must
 - i) maintain a comprehensive multi-sector waste information database that includes data from IPWIS, waste audits, accredited service providers, large generators and municipal operations;

- ii) produce and publish an monthly waste management performance report containing
 - (1) total waste generated, recycled, composted and diverted from landfill;
 - (2) progress against the diversion targets set in section 5.8; and
 - (3) sector-specific data where available (residential, commercial, industrial, agricultural, etc.); and
 - (4) submit this report to Council
 - iii) Failure by a large generator to conduct or submit a waste audit as required constitutes an offence.
- 8) Education, awareness and community capacity building
 - a) The Municipality must implement a comprehensive, ongoing public education and awareness programmes to promote the waste management hierarchy, source separation, recycling, composting, re-use, waste minimisation and the circular economy.
 - b) The programme must include, at a minimum
 - i) regular public awareness campaigns using local media, signage, printed materials, social media and the municipal website;
 - ii) integration of waste management education into school curricula and collaboration with educational institutions;
 - iii) workshops, demonstrations and practical training on home composting, recycling and waste separation for households, businesses, institutions, farms and community groups;
 - iv) targeted campaigns for specific waste streams (organic waste, recyclables, building waste, event waste, etc.);
 - v) partnerships with community organisations, NGOs, recyclers, reclaimers and the private sector; and
 - vi) use of digital platforms, mobile applications and the municipal waste collection day schedule to disseminate information and encourage reporting of illegal dumping.
 - c) The Municipality must regularly evaluate the effectiveness of its education and awareness programmes and report on participation levels, behavioural change and impact on diversion rates as part of its annual integrated waste management plan report required under section 5.9.
 - d) All large generators, event organisers and accredited service providers must actively participate in and support municipal education and awareness initiatives when required by the Municipality.

.7. Waste minimisation and recycling

- 1) The Municipality shall in accordance with its responsibilities and its resources progressively implement measures to reduce waste and promote the recovery, re-use and recycling of waste including waste separation at source in respect of appropriate levels of services.
- 2) The Municipality may on a regular basis and in a manner, it deems suitable acknowledge outstanding achievements in respect of waste avoidance, waste minimisation, recycling or other waste management practices advancing environmentally responsible integrated waste management.
- 3) The Municipality will initiate mandatory separation of recyclables at the source or give specific guidelines for what materials must be recycled which may include public participation requirements and penalties for non-compliance in accordance with (NEM:WA s17, NWMS)
- 4) Such public participation will include:
 - a) Collaboration with educational institutions to integrate waste management education into school curricula, ensuring that students are educated on the principles of waste minimisation, recycling, and environmental sustainability.
 - b) Regularly organising workshops and public forums to educate residents, organisations, and businesses on proper waste segregation, recycling methods, composting, and the environmental and health impacts of illegal dumping.
 - c) Making use of digital platforms such as the municipal website, social media, and mobile applications to disseminate information on waste management services, collection schedules, and guidelines for proper disposal and recycling. These platforms shall also facilitate reporting of illegal

- dumping and encourage participation in recycling efforts.
- d) Engaging in regular public awareness campaigns using local media, signage, and printed materials to promote responsible waste management and encourage compliance with the provisions of this by-law.
- 5) Extended Producer Responsibility to capacitate waste minimization and recycling:
- a) Producers, importers, brand owners and distributors of priority products under national EPR regulations must comply with all obligations imposed by those regulations within the municipal area.
 - b) The Municipality may require any such producer or brand owner to
 - i) register with the Municipality;
 - ii) submit an EPR plan and annual reports on waste minimisation, collection, recycling and recovery performance; and
 - iii) participate in or support municipal waste minimisation, separation-at-source and recycling programmes.
 - c) Failure to comply with national EPR obligations or any lawful direction issued by the Municipality in terms of this section constitutes an offence.
- 6) The Municipality may use data obtained from waste audits to identify priority waste streams for mandatory separation, recycling or composting programmes and to enforce the diversion targets in section 5.8.
- 7) Organic waste diversion and composting programmes
- a) The Municipality shall prioritise the diversion of organic waste (including garden waste, food waste and other biodegradable waste) through composting, anaerobic digestion or other recovery methods as a core component of its waste minimisation strategy.
 - b) In addition to the measures in Chapter 4, the Municipality must
 - i) develop and implement or support private separate collection systems for organic waste;
 - ii) establish targets for organic waste diversion that contribute to the overall landfill diversion targets in section 5.8; and
 - iii) provide incentives, including tariff rebates, recognition programmes and technical support, to encourage composting and organic waste recovery by residents, businesses and institutions.
- 8) The Municipality shall use the tariff structure and incentive mechanisms in section 61 to reward positive waste behaviour (separation, recycling and composting) and discourage non-compliance, thereby accelerating progress towards the diversion targets in section 5.8.
- 9) Circular economy operationalisation
- a) The Municipality must give effect to the circular-economy commitments in section 3.2 by
 - i) implementing its Green Procurement Policy across all municipal departments and contracts;
 - ii) providing technical, financial or planning support to local recycling and resource-recovery enterprises;
 - iii) ensuring that all municipal waste-handling and disposal facilities prioritise material recovery and composting over disposal; and
 - iv) progressively implementing the phased prohibition on landfilling of priority recyclables and organic waste as set out in section 5.8.
 - b) The Municipality must report annually on progress in implementing the circular-economy measures in its integrated waste management plan report.
- 10) Mandatory source separation
- a) The Municipality shall implement mandatory separation at source in a phased manner in accordance with the following schedule (or any revised schedule determined by Council):
 - i) Phase 1: separation of recyclables (paper, cardboard, plastic, glass, metal) from all residential, business and institutional premises;
 - ii) Phase 2: separation of organic/garden waste from the above premises;
 - iii) Phase 3 separation of additional priority streams as determined by the Municipality.
 - b) Every owner or occupier of premises must separate waste into at least the categories required in

- the current phase and place each category in the approved receptacles or bags provided or designated by the Municipality.
- c) Failure to comply with mandatory separation requirements constitutes an offence and is subject to
 - i) a penalty tariff surcharge of up to 25 % (or such higher percentage as Council may determine) in accordance with section 61(4)(c); and
 - ii) the issue of a compliance notice under section 56.
 - d) The Municipality must provide adequate notice, receptacles and education before each phase commences.
- 11) Integration of waste reclaimers
- a) The Municipality must recognise, support and integrate informal and formal waste reclaimers into the formal waste management system.
 - b) Measures shall include
 - i) registration of reclaimers and recycling groups;
 - ii) designation of safe access points at waste handling facilities and communal collection points;
 - iii) protection from interference with their lawful activities; and
 - iv) inclusion of reclaimers in municipal education, collection and diversion programmes.
 - v) The Municipality may enter into agreements with reclaimer cooperatives or organisations to support source separation and material recovery targets.

CHAPTER 3 COLLECTION OF REFUSE

.8. Levels of service

- 1) The levels of refuse collection may differ between areas based on the practicality and cost-efficiency of delivering the service. Service levels in areas may vary between:
 - a) on-site appropriate and regularly supervised or monitored disposal;
 - b) community transfer to a central collection point;
 - c) organised transfer to a central collection point and kerbside collection; and
 - d) a combination or hybrid of (b) and (c).
- 2) Before affecting changes to the existing refuse removal system, the Municipality will consult the affected communities or areas and give adequate notice of the commencement of new arrangements.

.9. Agreement of service

- 1) The Municipality shall render a service for the collection of business and domestic refuse from built upon premises at a prescribed fee and the owner or occupier of such premises shall make use of the refuse collection service provided by the Municipality.
- 2) The occupier of premises or, in the case of premises being occupied by more than one occupier, the owner of such premises on which business or domestic waste is generated, shall where a collection service is available, within seven days of such occupation or changes in such occupation notify the Municipality in writing -
 - a) that the premises is being occupied by one or more occupier; and
 - b) whether the collection service is for business or domestic purposes.
- 3) If the applicant for services in terms of Chapter 8 Section 50 is not the owner, the Municipality shall require any owner to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed fees payable to the Municipality in terms of this By-law.
- 4) The refuse collection service rendered in terms of Chapter 3 Section 10 shall be in accordance with the agreement for services concluded with the Municipality; which agreement shall, subject to the terms,

conditions and prescribed fees determined by the Municipality, be amended in writing to make provision for an increase in the frequency and/or volume of the refuse removal service rendered should it be required by the Municipality in giving effect to this Bylaw or in response to a request by the owner or occupier of residential or business premises.

- 5) An owner or occupier of premises may contract with an accredited service provider to collect its refuse but shall not be entitled to exemption from or a reduction in the prescribed fee determined by the Municipality merely on the grounds that no or limited use is made of the service rendered by the Municipality.
- 6) An owner or occupier of premises is liable to pay the Municipality the prescribed fee for the provision of refuse collection services on the due date for payment stipulated in the account, failing which the Municipality will deal with the matter in accordance with its Customer Care, Credit Control and Debt Collection By-laws.
- 7) Availability tariffs may be charged on vacant plots, as determined by the Municipality from time to time.
- 8) The Municipality will determine which waste items are unsuitable for collection because they do not constitute domestic waste or business waste or could be classified as bulky waste, and if waste is determined to be unsuitable for collection, a process for removal and disposal of such waste shall be recommended by the Municipality to the owner of the waste or occupier of the premises.
- 9) If the - municipality's scheduled refuse collection services are interrupted for whatever reason, the Municipality will resume the service as soon as reasonably possible and address backlogs as a matter of priority.
- 10) Complaints about the refuse collection service will be dealt with in accordance with the municipality's guidelines.

.10. Frequency

- 1) The Municipality shall collect domestic waste and business waste at least once per week on scheduled dates for different areas. Occupiers or owners of premises will be informed of revised collection arrangements reasonably in advance by one or more appropriate methods.
- 2) The Municipality will determine which business premises generate waste that can be regarded as dailies and may instruct an increase in the frequency of refuse collection from such premises as provided for in Chapter 3 Section 11. The converse may also reduce the number of collections and possibly decrease the refuse tariff.
- 3) If the Municipality is of the opinion that a business creates a nuisance, health risk, odour or danger to public health due to the fact that refuse is not removed during weekends, the Municipality may instruct the owner or occupier to make use of an additional refuse collection service rendered at a prescribed fee by the Municipality.
- 4) An owner or occupier of a business premises that receives a refuse removal service once per week may apply to the Municipality in writing to increase the number of refuse removals to multiple times per week.
- 5) Visitors that leave before collection day must place their refuse in containers supplied in the area for that purpose or take their refuse to the nearest waste handling facility as directed by the Municipality.

.11. Volume

- 1) The Municipality shall determine:

- a) the number of refuse bags or receptacles to be collected from each residential premises per collection, same being a maximum of 3 x black bags or 1 x 140l wheelie bin;
 - b) the number of receptacles to be collected from each business premises per collection based on an inspection of the waste volumes with the owner or occupier; and
 - c) the maximum amount of business waste that may be placed for collection without the provision of an additional service or the payment of an additional prescribed fee.
- 2) Should the Municipality require the provision of an additional service to a residential or business premises or the owner or occupier of a residential or business premises apply to the Municipality in writing to increase the number of receptacles to be collected per collection from its premise.
 - 3) Tariffs for additional receptacles or excess volume shall be applied in accordance with the incentive-based system in section 61.

.12. Receptacles

- 1) General Waste Storage Requirements
 - a) A person who generates waste to be collected by the Municipality must:
 - i) use a receptacle approved, designated or provided by the Municipality or the relevant service provider for that purpose;
 - ii) ensure that the receptacle is stored on the premises where the waste is generated and away from public places between collection days;
 - iii) place the receptacle outside the premises in an area accessible to municipal officials or service providers on the designated collection day;
 - b) implement measures to prevent tampering with the receptacle by animals or unauthorized persons;
 - c) use the receptacle solely for the storage of waste and not for any other purpose;
 - d) replace the receptacle at their own expense if it is stolen, damaged, or corroded.
- 2) The Municipality may not provide refuse receptacles in all cases.
- 3) If a wheelie bin is used for waste, the waste generator will not receive -refuse bags from the Municipality.
- 4) The owner or occupier of residential or business premises shall be responsible for marking his receptacle/s with the stand number to ensure easy identification thereof and to assist the municipal employees to return it to the correct stand.
- 5) Receptacles for the temporary storage of waste at business and residential premises must be intact, not corroded or worn out and fit for the safe storage of waste; such that damage to the environment and harm to health are prevented.
- 6) When provided waste bins and receptacles provided by the Municipality remain the property of the Municipality. The owner or occupier is liable for the cost of replacement if a bin is lost, stolen or damaged through negligence. The occupier must maintain the bin in good order and repair at all times.
- 7) 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.
- 8) The owner or occupier of business or residential premises must ensure that
 - a) a receptacle contains no hot ash, unwrapped glass or other domestic waste, business waste including dailies which may cause injury to the municipal employees while carrying out their duties in terms of this By-law or damage to the receptacle;
 - b) no material, including any liquid, which by reason of its mass or other characteristics is likely to render a receptacle unreasonably difficult for the municipal employees to handle or carry, is placed in such receptacle;
 - c) receptacles are kept closed to avoid animal and insect interference and wind-blown litter and in a clean and hygienic condition;

- d) receptacles are placed outside the entrance to the premises from 08:00 on the day of the week specified by the Municipality for waste removal and taken back inside before sunset on the same day or such other location or times as required by the Municipality in terms of a written notice to the owner or occupier of the premises;
 - e) in accordance with the municipality's specifications, whether contained in approved building plans or a Municipal Council notice, a designated space and any other facility deemed necessary by the Municipality are provided on the premises for the storage of receptacles without these been visible from a public road or public place and the designated space so allowed permitting convenient access to and egress for the Municipalities waste collection services in accordance with the mandatory separation requirements of section 7.10. ; and
 - f) the pavement in front of or abutting the premises is kept clean and free of refuse.
- 9) Notwithstanding anything to the contrary contained in this By-law, the Municipality may, having regard to the avoidance of a nuisance and the convenience of collection of waste, indicate a specific 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 Municipality may require.
 - 10) The Municipality will not collect refuse that is not in refuse bags or is in damaged receptacles or torn - refuse bags and no liability will be accepted for lost or damaged containers.
 - 11) Only animal proof containers may be used by residents in areas which the Municipality has declared as problem animal areas and these containers are at cost obtainable from the Municipality.
 - 12) If an owner or occupier of premises in a problem animal area is using a receptacle that does not comply with the requirements of the Municipality, he or she will be instructed to obtain an animal proof container from the Municipality and, in cases where the Municipality is of the opinion that more than one animal proof container is needed due to the volume of waste, the owner or occupier will be compelled to purchase such from the Municipality in accordance with the mandatory separation requirements of section 7.10.
 - 13) Nothing that may cause damage to the refuse compactor of the Municipality may be deposited in approved domestic and business waste containers or animal proof containers and where such care is not taken and damage of municipal equipment takes place, the Municipality will hold the owner or occupier liable for the full cost of such damages.

.13. Communal Collections

- 1) In respect of group developments, the Municipality may allow fewer waste containers per household, subject to the following conditions:
 - a) a central refuse collection point must be provided by the managing body;
 - b) the managing body must apply in writing for the reduction of waste containers issued to the development;
 - c) the reduced number of bins must be approved by the Municipality; and
 - d) the managing body shall be held liable for payment of the waste removal account, which will be equal to the cost as if the prescribed number of individual waste containers were in use.
- 2) Waste separation at source will be encouraged in respect of communal collection by providing separate bulk receptacles for non-recyclable and recyclable waste at the communal collection points should the Municipality determine it to be viable.

.14. Municipal Intervention

- 1) The Municipality may, by written notice, require the owner of premises to provide, at the owner's expense, additional waste containers or other means of storing receptacles if:
 - (1) any existing waste container is of a size likely to hinder efficient waste removal;

- (2) the existing bins are insufficient for the reception of all waste to be removed;
- (3) any bin is dilapidated; or
- (4) any bin is likely to cause a nuisance.

.15. Collection in rural areas

- 1) In rural areas, every waste generator must, where reasonably practicable
 - a) use an appropriate waste transfer facility, drop-off point, or municipal collection service as instructed by an authorised municipal official, waste disposal facility operator or accredited service provider; and
 - b) adhere to the operational procedures of the waste transfer facility or collection service as determined by the Municipality.
- 2) On-site disposal of waste in rural areas is permitted only as a last resort and only where no feasible alternative (including transfer to a designated facility, separate collection, composting, recycling or recovery) is available.
- 3) Any person wishing to undertake on-site disposal must first obtain written approval from the Municipality. Such approval will be granted only if the applicant demonstrates that
 - a) higher-order waste management options in the waste hierarchy have been maximised;
 - b) the proposed on-site disposal will be conducted in an environmentally sound manner that does not cause nuisance, pollution or harm to human health; and
 - c) the site and method of disposal will be subject to ongoing municipal supervision and monitoring.
- 4) The Municipality may impose conditions on any approval granted under subsection (3), including
 - a) mandatory separation of recyclables and organic waste prior to any on-site disposal;
 - b) prioritisation of home or on-site composting for garden and organic waste;
 - c) regular reporting of waste quantities and diversion activities; and
 - d) periodic inspection by an authorised official.
- 5) The Municipality must keep a register of all approvals granted for on-site disposal and review such approvals at least annually.
- 6) Failure to comply with any condition of an approval or with the provisions of this section constitutes an offence.

.16. Recycling

- 1) The Municipality may collect separated waste for recycling purposes or designate a recycler or service provider for this purpose.
- 2) Any owner or occupier of a business or residential premises or any other holders of waste as determined by the Municipality and in areas as determined by the Municipality may be required to-
 - a) separate their waste in recyclable, e.g. e-waste; plastics, paper and glass and nonrecyclable waste in accordance with the directives of the Municipality;
 - b) use different receptacles for waste so separated as directed and/or provided by the Municipality;
 - c) place receptacles containing the recyclable waste outside the entrance to the premises before 08:00 on the day of the week specified by the Municipality for waste removal or, if so requested, drop these recyclable waste receptacles off at places as directed by the Municipality; and
 - d) follow any other reasonable prescribed procedures.
- 3) The Municipality or its service provider may, in areas where such services are necessary and viable, collect recyclable waste from business premises multiple times per week.
- 4) The Municipality will locate drop-off centres for recyclables at central locations ensuring easy and safe

access for the public.

.17. Accumulation of waste

- 1) The owner or occupier of a business or residential premises must ensure that all domestic or business waste generated on the premises be placed for collection and not be accumulated on-site.
- 2) Where a type or quantity of waste is not collected by the Municipality or regularly removed by an accredited service provider, the owner or occupier of the premises and/or holder of the waste must arrange for the removal, transport and disposal of the waste at a waste handling or waste disposal facility, as often as may be necessary to prevent undue accumulation and any nuisance or detrimental impact on human health or the environment arising from the waste.
- 3) The Municipality may enter any premises where it suspects waste of any type is accumulated and may instruct the person generating the waste or the owner or the occupier of the premises where it is so accumulated to remove the waste immediately or the Municipality may proceed to do so at the cost of the owner or occupier of the premises where the waste is accumulated.

CHAPTER 4 HANDLING DIFFERENT TYPES OF WASTE

Part 1 Garden Waste

.18. Composting

1. The owner or occupier of premises on which garden waste or other organic waste is generated is encouraged and supported by the Municipality to compost such waste on the property, provided that the composting process does not cause a nuisance or harm to human health or the environment.
2. The Municipality shall actively promote and support home and on-site composting by
 - a. providing educational materials, workshops and technical guidance on effective composting methods;
 - b. establishing or supporting community composting hubs and drop-off points at convenient locations across the municipal area.
3. Large generators of organic waste (including but not limited to restaurants, food outlets, hotels, institutions, group developments and farms that generate organic waste must
 - a. install and maintain an on-site composting system approved by the Municipality; or
 - b. participate in a municipal or accredited organic waste collection and processing programme; unless the Municipality grants a written exemption on good cause shown.
4. The Municipality may, by notice, prescribe compulsory separation of organic waste at source and mandatory composting or separate collection for specified categories of premises.

.19. Disposal of garden waste

1. Where on-site composting is not feasible or sufficient, the owner or occupier must remove and divert garden waste and organic waste to a municipal or accredited organic waste processing facility, composting hub or drop-off centre designated by the Municipality at their own cost.
2. The Municipality shall establish and operate, or contract accredited service providers to operate, regular separate collection programmes for organic waste and garden waste in order to achieve the diversion targets set in section 5.8.

3. The Municipality must set and publish annual organic waste processing and diversion targets, with the aim of reaching national diversion targets.
4. The Municipal Manager may
 - a. instruct large organic waste generators to develop and implement an on-site organic waste management plan;
 - b. require participation in municipal organic waste collection services; and
 - c. offer tariff rebates or other incentives to households, businesses and institutions that demonstrate high rates of composting or organic waste diversion.
 - d. enforce tariff penalties to households, businesses and institutions that no composting or organic waste diversion.

Part 2 Bulky Waste

.20. Removal and disposal

1. A person generating bulky waste may not place the bulky waste with other waste that is to be collected by the Municipality in accordance with the waste collection day schedule and must ensure that the bulky waste is recycled or, when it cannot be recycled, disposed of at a facility designated by the Municipality to receive bulky waste.
2. The Municipality may, remove bulky waste from an occupant's premises and reclaim costs from the occupant.
3. The Municipal Manager may instruct a service provider that collects bulky waste to report monthly to the Municipality on the quantities of bulky waste disposed of and the quantities separated for recycling.

Part 3 Building Waste

.21. Plans and inspection

1. An authorised official of the Municipality may inspect and verify that the waste arrangements contemplated in Chapter 2 Section 5(4) were followed and all building waste appropriately disposed of as part of the final municipal sign-off of the building activities.
2. A person generating building and demolition waste may not mix building and demolition waste with waste to be collected by the Municipality in accordance with the waste collection day schedule and must ensure that the building and demolition waste is recycled or, when it cannot be recycled, is disposed of at a facility designated by the Municipality to receive building and demolition waste.
3. Building and demolition waste may not contain metal, plastic, paper or any general waste or an increased tariff may apply.
4. The Municipality may require the builder's rubble to be crushed at the owner's expense if deemed necessary for waste minimisation and reduction of waste to landfill.
5. The Municipal Manager may issue an instruction to a person who generates building or demolition waste to separate the waste for treatment, recycling or re-use and to report monthly to the Municipality on the quantities of building or demolition waste generated, the quantities disposed of at an authorised waste disposal facility and the quantities separated for recycling and re-use.

6. The Municipality may, by notice in the Provincial Gazette, require a person operating or wishing to operate a building and demolition waste removal service in the area of the Municipality to—
 - a. register with the Municipality before undertaking such work; and
 - b. provide such information as is specified in the notice or as the Municipality may reasonably require.
7. A person who applies for approval from the Municipality to undertake demolition work in terms of the National Building Regulations, made under Government Notice R2378 of 1990 in Government Gazette 12780 dated 12 October 1990, must submit a demolition waste plan with the application.
8. The demolition waste plan must include a deconstruction plan describing the process proposed for the demolition and must set out detailed plans for maximising the recovery of reusable and recyclable waste.
9. An application for registration to operate a building and demolition waste removal service must be in a form determined by the Municipality.
10. The Municipality must, within 30 days of receipt of an application for registration contemplated in subsection 6 above, consider the application and either—
 - a. register the applicant and issue a registration certificate to the applicant stating—
 - i. the name of the facility registered to operate as a building and demolition waste removal service;
 - ii. the waste information registration number;
 - iii. the type of waste handled by the facility;
 - iv. the location of the facility; and
 - v. the date of registration; or
 - vi. by written notice send the application for registration back to the applicant for correction.
11. An application for registration that has been sent back for correction must be amended and resubmitted to the Municipality within 30 days after the date on which the Municipality issued the written notice to the applicant for the correction of the application.
12. Any person who undertakes construction, alteration, repair or demolition work that is expected to generate building and demolition waste must register with the Municipality as a building waste generator before commencing the work, in the form and manner determined by the Municipality.
13. Every registered building waste generator must submit to the Municipality, at intervals determined by the Municipality (but no less frequently than quarterly), a **diversion report** in the prescribed format containing
 - a) the total quantity and composition of building and demolition waste generated;
 - b) the quantities of waste that were re-used, recycled, crushed, recovered or otherwise diverted from landfill; and
 - c) the quantities disposed of at a waste disposal facility.
14. The Municipality may require independent verification of the diversion data and may make submission of a satisfactory diversion report a condition of final building-plan sign-off.

.22. Generation and storage

1. Notwithstanding the waste arrangements contemplated in Section 22, the owner or occupier of premises on which building waste is generated and/or the person engaged in any activity which causes such waste to be generated, must ensure that
 - a. all building waste and the containers used for the storage thereof is kept on the premises on which the building waste is 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; and
 - c. any building waste which is blown off the premises, is promptly retrieved.
- 2. Upon written request and subject to conditions as it may determine the Municipality may approve the use of a bulk receptacle placed on a verge for a specified duration.
- 3. The Municipality may instruct an owner or occupier of premises on which building waste is generated and/or the person engaged in any activity which causes such waste to be generated to make use of special containers to dispose of it.
- 4. The owner or occupier of the premises on which building waste is generated must endeavour to separate clean building waste from the rest of the building waste and also dispose of it separately as contemplated in in this By-law.

.23. Removal and disposal

- 1) The owner or occupier of premises on which building waste is generated and/or the person engaged in any activity which causes such waste to be generated, must ensure that all building waste is removed weekly and disposed of and the premises completely cleared of building waste before final sign-off by the Municipal building inspector will be done and must submit proof of compliance with the diversion reporting requirements in section 21 prior to final municipal sign-off of the building activities.
- 2) Building waste must be disposed of at a waste handling and/or waste disposal facility determined by the Municipality.

Part 4

Special Industrial, Health Care and Hazardous Waste

.24. Notification and verification

- 1) The Municipality may, by notice in the Provincial Gazette, require a person who generates, treats, transports or disposes of hazardous waste, or who wishes to generate, treat, transport or dispose of hazardous waste, in the area of the Municipality to—
 - a) register with the Municipality before undertaking such work; and
 - b) provide such information as is specified in the notice or as the Municipality may reasonably require.
- 2) An application for registration to generate, treat, transport or dispose of hazardous waste must be in a form determined by the Municipality.
- 3) The Municipality must, within 30 days of receipt of an application for registration consider the application and either—
 - a) register the applicant and issue a registration certificate to the applicant stating—
 - i) the name of the facility registered to generate, treat, transport or dispose of hazardous waste;
 - ii) the waste information registration number;
 - iii) the type of waste handled by the facility;
 - iv) the location of the facility; and
 - v) the date of registration; or
 - vi) by written notice send the application for registration back to the applicant for correction.
- 4) An application for registration that has been sent back for correction must be amended and resubmitted to the Municipality within 30 days after the date on which the Municipality issued the written notice to the applicant for the correction of the application.

- 5) A person who generates hazardous waste or the owner of premises where hazardous waste is generated must contract with a service provider registered in terms of this section to treat, transport or dispose of such waste.

.25. Storage

1. Special industrial, health care and hazardous waste generated on premises must be stored in such a manner so as not to cause a nuisance, harm to human health or polluting the environment and in accordance with applicable legislation, national standards and the latest edition of the relevant SANS Code in an approved container until it is collected from the premises by a registered service provider.
2. If the waste referred to in subsection 1 is not stored as stipulated, the Municipality may require a full record of the waste content, date of containment and quantity and if such a record is not available the Municipality may instruct the person generating the waste or the owner or the occupier of the premises where it is stored to remove the waste immediately or the Municipality may proceed to do so at the cost of the owner or occupier of the premises where the waste is stored.

.26. Collection and disposal (Special Industrial, Health Care and Hazardous Waste)

1. The Municipality does not handle, collect or dispose of hazardous waste except in the case of special collection events
2. Only an accredited service provider may collect special industrial, health care and hazardous waste from premises where it is stored and transport it to and dispose of it at a waste disposal facility designated by the Municipality to receive such waste.
3. An accredited service provider must collect, transport and dispose of the waste referred to in subsection 1 in accordance with its accreditation terms and conditions and in compliance with applicable legislation, national standards and the latest edition of the relevant SANS Code of Practice.

Part 5

Industrial Waste and Special Waste

.27. Storage and disposal (Industrial Waste and Special Waste)

- 1) The owner or occupier of premises on which industrial waste or special waste is generated must ensure that until such time as the waste is collected by an accredited service provider from the premises on which it was generated-
 - a) the waste is stored in accordance with applicable legislation, national standards and the latest edition of the relevant SANS Code of Practice in approved containers which are not kept in a public place; and
 - b) no nuisance, health risk or environmental damage is caused by the waste in the course of its generation or storage.
- 2) Event Waste:
 - a) An event organiser must submit an event waste management plan together with his or her application to the Municipality for an event permit. The plan can be obtained from the Waste and Environmental Department.
 - b) The event waste management plan must set out in detail:
 - i) how waste will be minimised and recovered for recycling; and
 - ii) how waste will be separated for recycling, composting and general waste treatment and disposal;

- iii) the person responsible and measures in place for the clean-up, collection, recycling and disposal of the event waste.
 - iv) including quantities of event waste diverted through recycling, composting or other recovery methods
- c) The event organiser must ensure that the event waste is disposed of at an authorised waste disposal facility and provide the Municipality with proof of the disposal.
- d) If any event waste has not been cleaned up and collected after an event has been held, the municipal manager may issue an instruction to the event organiser or responsible person to remove the waste to an authorised waste disposal facility at their cost.
- e) If an instruction is issued as contemplated above and—
 - i) an event organiser or responsible person fails to comply or inadequately complies with the instruction;
 - ii) there is uncertainty regarding the identity or whereabouts of the event organiser or responsible person; or
 - iii) there is an immediate risk of danger to the public or detriment to the environment.
- f) The municipality may take any measure it considers necessary to clean up, collect and dispose of the event waste.
- g) The Municipality may recover the costs incurred from the event organiser and any responsible person, jointly and severally.

Part 6

Tyre-Tyres, Disused Vehicles or Machinery and Scrap Metal

.28. Storage and disposal

- 1) The Municipality may, by notice in the Provincial Gazette, require a person operating or wishing to operate as a tyre producer, tyre dealer, waste tyre collector, tyre stockpile owner or tyre recycling processor to—
 - a) register with the Municipality before undertaking such work; and
 - b) provide such information as is specified in the notice or as the Municipality may reasonably require.
- 2) An application for registration to operate as a tyre producer, tyre dealer, waste tyre collector, tyre stockpile owner or tyre recycling processor must be in a form determined by the Municipality.
- 3) The Municipality must, within 30 days of receipt of an application for registration consider the application and either—
 - a) register the applicant and issue a registration certificate to the applicant stating—
 - i) the name of the facility registered to operate as a tyre producer, tyre dealer, waste tyre collector, tyre stockpile owner or tyre recycling processor;
 - ii) the waste information registration number;
 - iii) the type of waste handled by the facility;
 - iv) the location of the facility; and
 - v) the date of registration; or
 - b) by written notice send the application for registration back to the applicant for correction.
- 4) An application for registration that has been sent back for correction must be amended and resubmitted to the Municipality within 30 days after the date on which the Municipality issued the written notice to the applicant for the correction of the application.
- 5) The Municipality may, by notice in the Provincial Gazette, require the public to dispose of waste tyres at facilities designated in the notice.
- 6) The disposal of waste tyres in landfills is prohibited. Waste tyres must be managed in an environmentally sound and safe manner, such as through re-use, recycling or other forms of recovery.

- 7) The landfilling of whole waste tyres or shredded waste tyres is strictly prohibited within the municipal area, except in exceptional circumstances with the prior written approval of the Municipal Manager and only where no feasible re-use, recycling, retreading or energy-recovery option exists.
- 8) All persons who generate, collect, store, transport or deal in waste tyres must ensure that such tyres are directed exclusively to approved facilities for re-use, recycling, retreading or other forms of recovery in accordance with national tyre management regulations and this By-law.
- 9) Tyre producers, dealers, collectors, stockpile owners and recyclers must register with the Municipality and submit monthly reports on the quantities of tyres collected, recycled, re-used or otherwise diverted, in the format and at the times prescribed by the Municipality.

Part 7

Recyclable Waste

.29. Storage, collection and disposal

- 1) No owner or occupier of premises or any other person may temporarily accumulate, sort, store or stockpile recyclable waste on any premises within the municipal area unless acting in accordance with subsection
- 2) An owner or occupier of premises or any other person must prior to commencing an activity involving the re-use, reclamation or recycling of waste, comply with national and provincial legislation and standards and the latest edition of the relevant SANS Code of Practice for such activity and provide the Municipality with a copy of his integrated waste management plan and such other information as the Municipality may require.
- 3) Only an accredited service provider may collect recyclable waste from premises where it is generated and/or separated from other waste and transport and dispose of it at a waste
- 4) Any person undertaking activities involving the re-use, recycling, or recovery of waste, including scrap dealers and formalized recycling groups, must ensure that such activities are less detrimental to the environment than waste disposal.
- 5) The Municipality may, by notice in the Provincial Gazette, require waste holders within a specified geographical area to:
 - h) separate specified recyclable waste;
 - i) use different receptacles for different categories of recyclable waste;
 - j) make recyclable waste available for collection in a specified manner;
 - k) allocate designated spaces in households, complexes, smallholdings, and businesses for organic waste, recycling, and other waste.
- 6) The Municipality shall strive to:
 - a) establish or support the establishment of community recycling centres;
 - b) facilitate the development of local recycling industries;
 - c) integrate informal waste pickers into the formal recycling system through training and support programs.
- 7) The Municipality may implement incentive programs to encourage recycling, for instance:
 - a) Rebates on waste management fees for households and businesses that consistently separate and recycle waste;
 - b) Recognition programs for top recyclers in the community;
 - c) Partnerships with local businesses to offer discounts or rewards for recycling efforts

- 8) The Municipality shall conduct regular education and awareness campaigns on:
 - a) The importance of recycling and its environmental benefits;
 - b) Proper waste separation techniques;
 - c) The types of materials that can be recycled locally;
 - d) Monitoring and Reporting
- 9) The Municipality shall:
 - a) Regularly monitor and report on recycling rates within its jurisdiction;
 - b) Set and publish annual recycling targets;
 - c) Conduct waste audits to identify opportunities for increased recycling;
 - d) Implement a green procurement policy favouring products made from recycled materials;
 - e) Ensure all municipal facilities have adequate recycling infrastructure and follow best practices in waste separation.
- 10) The Municipality shall review and update recycling provisions annually, taking into account:
 - a) Technological advancements in recycling;
 - b) Changes in local and global recycling markets;
 - c) Feedback from the community and stakeholders.

Part 8

Agriculture and Farm Waste

.30. Disposal

- 1) An owner or occupier of farmland may not burn waste without permissions from relevant authorities including fire services.
- 2) An owner or occupier of farmland may not dispose any quantity of hazardous waste, which may be present in agricultural waste, to the land unless in possession of the applicable waste management license in terms of national legislation, and if applicable, provincial legislation.
- 3) An owner or occupier of farmland may dispose of general waste, which may include agricultural and farm waste, to the land provided this is done in accordance with applicable legislation, national standards and the latest edition of the relevant SANS Code of Practice and, if the quantity of waste requires it, authorisation thereof by a valid waste management license.
- 4) An authorised official of the Municipality may request an owner or occupier of farm land who he suspects is disposing hazardous waste and/or general waste exceeding the quantity allowed for disposal to provide proof of the licences referred to in subsections (2) and/or (3) and, irrespective of the composition and/or quantity of the waste disposed of to land by the owner or occupier, the Municipality may request the owner or occupier to submit an integrated waste management plan to the Municipality within a time frame determined by the Municipality.
- 5) An owner or occupier of farmland may dispose of domestic waste excluding hazardous and health care waste at waste handling or waste disposal facilities as directed by the Municipality.
- 6) On-site disposal of agricultural and farm waste is subject to the provisions of section 15 and must, wherever possible, take the form of composting, re-use or other recovery methods rather than disposal.

CHAPTER 5 TRANSPORTATION AND DISPOSAL

Part 1 Transportation of Waste

.31. Collection and transportation of general waste

- 1) A transporter of waste must ensure that:
 - a) vehicles used for the conveyance of waste upon a public road are of adequate size and construction for the type of waste being transported; and
 - b) he/she maintains the vehicles used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times.
- 2) The Municipality must:
 - a) set a schedule of the days for the collection of waste;
 - b) designate the locations where waste receptacles must be placed on collection days;
 - c) publish the waste collection day schedule in printed or electronic form; and
 - d) take reasonable measures to ensure that the public is notified of the schedule.
- 3) The Municipality may:
 - a) set separate waste collection day schedules for commercial and residential properties;
 - b) collect waste outside of the set schedule upon request, subject to a fixed tariff;
 - c) set maximum quantities of waste for collection;
 - d) by notice in the Provincial Gazette, identify waste streams that:
 - i) may not be collected by the Municipality; or
 - ii) are unsuitable for collection;
 - e) request that waste be separated to aid in waste minimisation;
 - f) designate positions within or outside premises where waste containers must be placed for collection;
 - g) require certain types of waste, such as garden waste, to be bundled or packaged and placed in designated positions at specified times and for specified periods;
 - h) require owners to arrange for the collection and transport of waste not collected by the Municipality to prevent undue accumulation or nuisance;
 - i) enter any premises for the purpose of;
 - ii) refuse collection or audit purposes;
 - iii) collecting and supervising the collection of waste;
 - iv) inspect waste containers; or
 - v) inspecting means of access to waste containers storage areas.
- 4) The owner of premises must:
 - a) ensure unimpeded access from the nearest public road to the waste storage area on the premises;
 - b) not refuse access to the premises by a duly authorised employee of the Municipality who must produce identification on demand.
- 5) Where the Municipality does not collect a particular kind of waste from premises, the owner must arrange for its collection and transport to an approved waste disposal or processing site as often as necessary to prevent undue accumulation or nuisance.

.32. No wastage or spillage

- 1) A person transporting waste through the municipal area must ensure that loose waste on an open vehicle is covered with a tarpaulin or suitable net; and no waste becomes detached, leaks or falls from the vehicle transporting it.

.33. Legal Compliance

- 1) A transporter of waste, specifically hazardous waste, must ensure he or she operates in compliance with all relevant national and provincial legislation, national standards and the latest edition of the relevant SANS Code of Practice.

Part 2 Waste Disposal

.34. Permitted use

- 1) The Municipality may prescribe which types of waste may be disposed of at a particular waste handling or waste disposal facility as permitted in terms of the license stipulations of each facility and further in compliance with national legislation and standards.
- 2) Different tariffs for the disposal of different waste types and volumes are applicable but residents are allowed disposal of general waste at the waste handling and waste disposal facilities determined by the Municipality.

.35. Liabilities

- 1) No person may dispose of waste at a waste disposal facility which is not licensed for such use. Any person who disposes waste in contravention of this By-law will be liable for all reasonable costs incurred by the Municipality in removing or otherwise dealing with the waste improperly disposed.
- 2) The Municipality shall not be liable for any claim resulting from access to any waste handling or waste disposal facility and any person who enters any of the sites of these facilities does so at own risk.

.36. Conduct at facilities

1. The Municipality may establish and control a disposal site or may appoint agents or may contract some other person or body to control, manage and operate a disposal site on behalf of the Municipality in accordance with the provisions of this By-law and the provisions of any other legislation that may be applicable.
2. An authorised municipal official, waste disposal facility operator or service provider may inspect all waste loads entering a waste transfer facility, general waste storage facility, recycling facility or waste disposal facility.
3. The inspection contemplated in subsection (2) may include:
 - a. visual and physical inspection of the waste, including the use of hand-held testing equipment; and
 - b. a laboratory analysis of the waste.
4. An authorised municipal official may issue an instruction to the holder of waste that is potentially detrimental to the environment to:
 - a. have independent laboratory tests conducted at their costs before the waste is disposed of to assess whether the waste is suitable for a waste disposal facility; or
 - b. dispose of the waste at a specified waste disposal facility at their cost and provide proof of such disposal.
5. If an authorised municipal official has concerns about the potential detrimental impact of any waste if not disposed of correctly, the authorised municipal official may dispose of the waste at an appropriate waste disposal facility.
6. In the circumstances contemplated in subsection (3), where waste is identified by the Municipality, the

Municipality may recover any costs incurred from every responsible person, jointly and severally, including the costs associated with—

- a. the use of specialised equipment during the laboratory tests;
 - b. laboratory analysis fees;
 - c. administrative fees;
 - d. transporting and disposal costs; and
 - e. clean-up costs, where applicable
7. A person disposing of waste at a waste disposal facility owned or managed by the Municipality must adhere to the operational procedures of the facility.
8. Only a person wishing to dispose of waste who has paid the prescribed fees or who is in possession of a written permission issued by the Municipality which permits him or her to dispose of such waste at a disposal site and a person having obtained the written consent of the Municipality to recycle any materials or objects on such a site, is entitled to enter the disposal site or to be on the site.
9. 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 disposal site at any time in exercising his or her duties.
10. Any person making use of the disposal site or entering the disposal site, do so at their own risk and the Municipality accepts no responsibility for the safety of any person or any damages or losses sustained by such person.
11. No person may enter a waste handling or a waste disposal facility for any purpose other than the disposal of waste in terms of this By-law and only at such times and between such hours as the Municipality may determine and display on a clearly visible notice board at the entrance of the waste handling or waste disposal facility.
12. Every person who, for the purpose of disposing waste enters a waste handling or a waste disposal facility must –
 - a. enter and leave the facility at the designated entrance and exit points;
 - b. supply all the particulars required regarding the source and composition of the waste, which waste may be inspected by the Municipality;
 - c. follow all instructions with regard to access to the actual disposal, transfer or recycling point and the place where and the manner in which the waste should be deposited;
 - d. not bring any intoxicating liquor or narcotic substances into any waste handling or waste disposal facility;
13. The Municipality may prescribe the maximum size of a vehicle allowed to enter a waste handling or waste disposal facility.
14. A person who enters a disposal site or who is found on such a site in contravention of the provisions of this section commits an offence.
15. A waste disposal facility operator must administer, implement and enforce this by-law at a municipal waste transfer facility, general waste storage facility, recycling facility or waste disposal facility.
16. A person who wishes to dispose of waste at a disposal site, must off-load such waste at such a place within the borders of the disposal site and in such a manner as the attendant may direct.
17. The Municipality may—
 - a. set aside any part of a disposal site where only waste of a particular kind may be dumped or deposited.
 - b. limit the type or size of vehicle from which waste may be dumped or deposited at any disposal site.

- c. limit the quantity of waste in general or the quantity of a particular type of waste which may be dumped or deposited at any disposal site.
 - d. the days when and hours during which dumping may take place at any disposal site.
18. Any requirement imposed in terms of this By-law must be indicated to the public by means of an appropriate notice erected at the entrance of the disposal site concerned and any instruction issued by an official of the Municipality or a person acting on behalf of the Municipality in charge of access control at the dumping site, shall be strictly complied with.
19. Notwithstanding these provisions the Municipality reserves the right not to permit the disposal of hazardous or offensive waste at a disposal site.
20. Any person who contravenes any provision or fails to comply with any instruction contained in this section is guilty of an offence.

.37. Accepting waste from others

- 1) The Municipality may consider an application from another municipality to dispose waste at a designated waste disposal facility provided that the acceptance of waste from another municipality will not impact on the Municipality Authority and ownership of the said waste disposal facility.
- 2) The Municipality may allow a person to dispose waste generated outside the Municipality's municipal area at a designated waste disposal facility of the Municipality provided such person first becomes an accredited service provider as provided for in this By-law.
- 3) The tariffs applicable to accredited service providers referred to in subsection 2 may differ from the waste disposal tariffs stipulated in the Municipality's by-laws, as annually determined during the approval of the budget.

CHAPTER 6 LITTERING AND DUMPING

.38. Provision of facilities for litter

- 1) The Municipality must take reasonable steps to ensure that a sufficient number of receptacles are provided for the discarding of litter by the public on any premises to which the public has access.
- 2) The owner or occupier of private land to which the public has access must ensure that sufficient containers are provided to contain litter which is discarded by the public.

.39. Littering and dumping

- 1) No person may:
 - a) litter;
 - b) dispose of waste in any public place;
 - c) disturb anything in, or remove anything from, any receptacle that has been placed for the purposes of collecting waste in such a manner as to cause the contents of the receptacle to spill or fall onto the ground;
 - d) allow a person under his or her employ, direction or control to do any of the acts contemplated in subsection 1 (a), (b) or (c); and
 - e) knowingly or negligently cause or permit waste to be disposed of in a manner that is likely to cause harm to human health or damage to the environment.
- 2) If litter has been disposed of or discarded in contravention of this by-law on privately owned land to which the public has access, the owner of that land must remove the litter from the property within a reasonable period.
- 3) An authorised official may act against any of the contraventions listed in subsection (1) through a written notice directing such person to;
 - a) cease the contravention within a specified time;
 - b) prevent a repeat of the contravention or a further contravention;
 - c) take whatever measures that the Municipality considers necessary to clean up or remove the waste and rehabilitate the affected environment within a specified time; or
 - d) institute criminal action in terms of the Criminal Procedure Act, 1977 (Act 51 of 1977) in case of non-compliance with -such written notice.
- 4) Should the Municipality regard it necessary to remove waste or litter from land or premises, the owner, occupier or person having control over the land or premises will be held liable for the costs incurred by the Municipality for such removal operation.
- 5) In the case of hazardous waste, the Municipality will immediately remove such waste and thereafter issue notices to the person liable for the cost of removal and rehabilitation of the environment.

.40. Nuisance

- 1) A person handling waste, whether during storage, collection, transportation, recycling, treatment or disposal, must:
 - a) take reasonable measures to prevent it from being a nuisance to anybody or the environment; and
 - b) take measures at his or her own cost to remedy any nuisance caused.
- 2) The municipal manager may issue an instruction to a responsible person to take measures to ensure compliance with subsection (1).
- 3) If an instruction is issued as contemplated in subsection (2) and:

- a) the responsible person fails to comply, or inadequately complies, with the instruction;
 - b) there is uncertainty regarding the identity or whereabouts of the responsible person; or
 - c) there is an immediate risk of danger to the public or detriment to the environment,
 - d) the municipality may take any measure it considers necessary to prevent the nuisance, contain and minimize the effects of the nuisance and remedy the effects of the nuisance.
- 4) The Municipality may recover any costs incurred in terms of subsection (3) from every responsible person, jointly and severally.

.41. Burning of waste

- 1) No person may burn, incinerate or apply any other thermal treatment technology to waste except in a thermal treatment facility authorized by the Municipality or the relevant competent authority.

.42. Abandoned objects

- 1) A person who abandons any article is liable for any damage which that article has caused or 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.

CHAPTER 7 EXTERNAL SERVICE PROVIDERS

Part 1 Accredited Service Providers of Commercial Services

.43. Accreditation application

- 1) No person may provide commercial services for the collection and transport of waste in the municipal area unless such person has registered with the Municipality and obtained an accreditation authorising such waste management activities within the municipal area.
- 2) An application for accreditation must be submitted in writing in a format or on a form prescribed by the Municipality including such information as the Municipality requires and the prescribed fee, the Municipality's approval for the collection and transportation of waste must first be obtained before such waste services may commence.
- 3) An Integrated Waste Management Plan prepared by waste generators must include the following information:
- a) the quantity of waste generated;
 - b) measures to prevent pollution or ecological degradation;
 - c) targets for waste minimisation through waste reduction, re-use, recycling and recovery;
 - d) measures or programmes to minimise the generation of waste and the final disposal of waste;
 - e) measures or actions to manage waste;
 - f) opportunities for the reduction of waste generation through changes to packaging, product design or production processes;
 - g) mechanisms for informing the public of the impact of waste-generating products or packaging on the environment;
 - h) the period required for the implementation of the plan; and
 - i) methods for monitoring and reporting on the implementation of the plan.
- 4) Any person already providing commercial services at the commencement of this By-law, must within ninety days of such commencement date apply for accreditation in terms of subsection (1), failing which such person will no longer be able to render commercial services in the municipal area.

- 5) The Municipality will consider and grant or reject the application submitted in terms of subsection 3 within thirty days of its receipt having regard to the health, safety and environmental record of the applicant and the nature of the commercial service to be provided and will furnish in writing specific and substantive reasons if such application is rejected.

.44. Terms and conditions of accreditation

- 1) An accreditation must-
 - a) clearly identify the accredited person or entity;
 - b) specify the accreditation period;
 - c) specify the categories of waste which the accredited service provider may collect, transport and dispose;
 - d) outline the information recording and submission requirements of the Municipality for its own integrated waste management plan and IPWIS; and
 - e) deal with other procedural matters.
- 2) An accreditation for the collection and transport of waste
 - a) may not be ceded or assigned without the prior written consent of the Municipality;
 - b) is valid for one year from the date of issue; and
 - c) is valid only for the categories of waste specified therein.
- 3) An accreditation authorisation will include a display sticker for each of the vehicles identified in the accreditation application indicating the validity period and the category of waste for which it is granted, which sticker must be clearly displayed on the front window of the identified vehicles.
- 4) The Municipality will not receive waste at its waste handling facilities or waste disposal facilities from service providers or contractors who are not able to provide proof of accreditation by the Municipality should it be requested and without an accreditation sticker on the vehicle.
- 5) An accredited service provider may not fail or refuse to provide the Municipality with any information reasonably requested with regards to the terms and conditions of the accreditation or give false or misleading information.
- 6) An accredited service provider is fully liable for any act or omission by any of his or her employees that could be seen as a transgression of the accreditation conditions and/or have a detrimental impact on human health or the environment.

.45. Suspension and revocation of accreditation

- 1) The Municipality may suspend or revoke an accreditation if an accredited service provider failed to comply with any of the terms and conditions of the accreditation or any other provision of this By-law, or any national or provincial legislation regulating the collection, transportation or disposal of waste or any other grounds considered by the Municipality as substantive reason to revoke or suspend an accreditation.
- 2) The Municipality must give an accredited service provider written notice of the intended suspension or revocation of his or her accreditation and within thirty days from the date of issuing the notification to submit reasons for such action not to be taken by the Municipality.
- 3) The Municipality must make a final decision within fourteen days of the expiry of the period stated in subsection 2 irrespective if a representation was received from the service provider and notify the service provider in writing within seven days of taking a final decision.

.46. Renewal of accreditation

- 1) An application for renewal of accreditation must be submitted at least sixty days prior to the expiry date of a current accreditation and will be considered and either granted or rejected by the Municipality within thirty days of receipt thereof. The Municipality must provide reasons for the rejection of a renewal application.
- 2) Notwithstanding anything to the contrary in this By-law, the Municipality will temporary extend accreditation for a specific duration not exceeding thirty days if an accredited service provider followed the correct procedure as contemplated in subsection (1) and due to the Municipal processes, the renewal application has not been considered and the new accreditation granted or rejected.

.47. Accreditation exemptions

- 1) The Municipality may exempt an external service provider or a type of commercial service from any or all of the accreditation provisions Sections 43 and 44 and such other sections as may be deemed necessary by the Municipality.

.48. Consumer responsibilities

- 1) The owner or occupier of premises or the holder of waste that contracts with an accredited service provider must ensure that-
 - a) the service provider is accredited to collect and transport the categories of waste for which he or she is contracted;
 - b) until such time as the accredited service provider collects such waste from the premises on which it was generated, the waste is stored in an approved container and no nuisance, including but not limited to dust and smells, is caused by the handling of the waste in the course of its generation, storage or collection; and
 - c) the service rendered is only in respect of the categories of waste authorised in the accreditation.

Part 2

Municipal Service Providers

.49. Outsourcing of services

- 1) The Swellendam Local Municipality may discharge any of its functions pertaining to waste separation, collection, storage, processing, recycling, treatment and disposal by entering into agreements with external service providers, whether public or private.
- 2) All agreements must;
 - a) accord with -municipal, provincial and national legislation;
 - b) stipulate service standards for the services to be rendered, including collection times and frequency;
 - c) provide for the circumstances in which services rendered by the service provider may be limited; and,
 - d) require the service provider to be registered and report on the provincial Integrated Pollutant and Waste Information System.

CHAPTER 8 GENERAL

.50. Ownership

- 1) A person or business who generates waste is the owner of that waste until such time that the waste is collected by the Municipality or a service provider in accordance with this by-law.
- 2) Subsections (1) does not apply to waste streams identified in terms of waste reclaimers and to waste disposed of unlawfully.
- 3) Waste on the following premises is controlled by the Municipality:
 - a) waste disposal facilities;
 - b) waste transfer facilities; and
 - c) facilities where waste is received, stored, recovered or treated, is the property of the Municipality.
- 4) No person may remove or interfere with waste on premises contemplated in subsection 4, unless authorised by the Municipality.
- 5) The Municipality may remove and dispose of any waste it reasonably considers abandoned, taking into account the following factors:
 - a) the location of the waste;
 - b) the length of time that the waste has been at that location; and
 - c) the nature and condition of the waste.

.51. Access to premises

- 1) Should the Municipality be impeded from collecting or handling refuse due to the layout of the premises and/or such layout is likely to result in damage to private property or municipal property or injury to municipal employees, the Municipality may require the owner or occupier to do such alterations as necessary at own cost to remove any impediments, failing or refusing which, the Municipality will suspend the service and require the owner or occupier to indemnify the Municipality in writing in respect of such damage or injury or any claims arising from it before resuming the service.

CHAPTER 9 ENFORCEMENT AND LEGAL SERVICES

.52. Compliance with this by-law and other laws

- 1) The owner or occupier of premises is responsible for ensuring compliance with this By-law in respect of all or any of its stipulations including.
- 2) Any person who, or an entity which, requires a waste related accreditation or authorisation in terms of national, provincial or municipal legislation will have to prove on request, to an authorised official that such person or entity has obtained the appropriate accreditation by submission thereof to the Municipality within thirty days or such other period as specified by the authorised official.

.53. Authorisation of an official

- 1) The Municipality or a service provider contemplated in section 49 of this By-law, may authorise any person in its employ to be an authorised official.
- 2) The waste management officer of the Municipality is an authorised official.

.54. Functions and powers of an authorised official

- 1) An authorised official may execute work, conduct an inspection and monitor and enforce compliance with this By-law and, any applicable, national and provincial legislation relating to waste management.

- 2) Subject to the provision of any other applicable law, an authorised official must carry out the functions contemplated in this section and the powers set out herein.
- 3) A person to whom a certificate, permit, authorisation or any other document contemplated in this by-law has been issued must produce it at the request of a peace officer or an authorised municipal official.
- 4) The waste management officer may require that any person, or entity which, requires a licence or accreditation to handle waste in terms of national or provincial legislation, provide proof of the appropriate license within a period as stipulated by the waste management officer.
- 5) An authorised municipal official may issue a written compliance notice to a person if there are reasonable grounds for believing that the person has not complied with—
 - a) a provision of this by-law; or
 - b) a term or condition of any permit, authorisation, exemption or other document issued in terms of this by-law.
- 6) Before issuing a compliance notice, an authorised municipal official must give notice in writing to the person to whom the compliance notice is intended to be issued of the intention to issue the compliance notice and provide that person with a reasonable opportunity to make written representations.
- 7) If urgent action is necessary for the protection of the environment, an authorised municipal official—
 - a) may issue a compliance notice without giving written notice to the person beforehand; and
 - b) must give the person on whom the compliance notice was issued an opportunity to make written representations as soon as is reasonable thereafter.
- 8) A compliance notice must be set out:
 - a) details of the conduct constituting non-compliance;
 - b) any steps the person must take and the period within which the steps must be taken;
 - c) any actions the person may not perform, and the period during which the person may not do so;
 - d) the steps the Municipality is entitled to take if the notice is not complied with; and
 - e) the procedure to be followed to lodge an appeal against the compliance notice.
- 9) An authorised municipal official may, on good cause shown, vary a compliance notice and extend the period within which it must be complied with.
- 10) If a person to whom a compliance notice has been issued fails to comply with it, the Municipality may—
 - a) take whatever steps it considers necessary, where applicable, to—
 - b) clean up or remove the waste;
 - c) rehabilitate the premises, place or affected area at which the waste has been dumped or disposed of or is stored;
 - d) ensure that waste and any contaminated material that cannot be removed, cleaned or rehabilitated is treated or disposed of lawfully; and
 - e) recover the costs of taking any steps contemplated Section 54 from every responsible person, jointly and severally.

.55. Service of notices and documents

- 1) A notice or document issued by the Municipality in terms of this By-law must be deemed to be duly authorised if an authorised official signed it.
- 2) If a notice or document is to be served on an owner, occupier or any other person in terms of this By-law it shall be deemed to be effectively and sufficiently served on such a person-
 - a) when it has been delivered to him or her personally or to his or her duly authorised agent;
 - b) when it has been left at his or her residence or place of business or employment to a person apparently over the age of sixteen years of age and residing or employed there;

- c) if he or she has nominated an address for legal purposes, having been delivered to such an address;
- d) if he or she has not nominated an address for legal purposes, having delivered it to the address given by him or her in his or her application for the provision of waste services, for the reception of an account for the provision of waste services;
- e) when it has been sent by pre-paid registered or certified post addressed to his or her last known address for which an acknowledgement of the posting thereof will be obtained from the postal service; or
- f) if service cannot be effected in terms of subsections (a) to (e), by affixing it to a conspicuous place on the premises concerned.

.56. Compliance notices

- 1) An authorised official may issue a written notice to any person contravening the provisions of this By-law.
- 2) A notice in terms of subsection (1) must;
 - a) provide details of the provision of the By-law that has not been complied with;
 - b) provide the owner, occupier, or other party a reasonable opportunity to make representations and state his or her case in writing to the Municipality within a specified period, unless the owner, occupier or other person was given such an opportunity before the notice was served;
 - c) specify the steps that the owner, occupier or other person must take to rectify or remedy the failure;
 - d) specify the period within which the owner, occupier or other person must take these steps to rectify the failure; and
 - e) indicate that the Municipality may;
 - i) if the notice is not complied with, undertake or allow the work that is necessary to rectify the failure to be undertaken and recover from the owner, occupier or other person the actual cost of such work; and
 - ii) take any other action it deems necessary to ensure compliance.
- 3) If an owner or occupier or any other person fails to comply with a written notice served on him or her by the Municipality in terms of this By-law, the Municipality may take such action as in its opinion is necessary to ensure compliance, including-
 - a) Undertaking the actions and/or work necessary and recovering the cost of such actions and/or work from the owner, occupier or other person, as the case may be; or
 - b) Instituting legal proceedings against the owner, occupier, or other person, as the case may be in terms of the Criminal Procedure Act, 1977 (Act 51 of 1977).
- 4) In the event of an emergency, notwithstanding any other provisions of this By-law, the Municipality may without prior notice undertake the work contemplated in subsection (3) and recover such costs from the owner, occupier or other person, as the case may be.
- 5) The actual costs recoverable by the Municipality in terms of subsections (3) and (4) shall be the full costs associated with such work.
- 6) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of issue of such notice.
- 7) A notice or document issued in terms of subsection (2) is valid until one of the following events occurs:
 - a) it is carried out;
 - b) it is cancelled by the authorized official who issued it, or in that person's absence, by a person with similar authority
 - c) the purpose for which it was issued, has lapsed.
- 8) An authorised official who is satisfied that the owner or occupier or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that

effect.

.57. Liaison forums in the community

- 1) The Municipality may establish one or more liaison forums in a community for the purposes of-
 - a) creating conditions for a local community to participate in the affairs of the Municipality; and
 - b) promoting the waste management activities of the Municipality.
- 2) A liaison forum may consist of-
 - a) a member or members of an interest group, or an affected person in the spirit of section 2(4)(f) of the NEMA;
 - b) a member or members of a community in whose immediate area a solid waste disposal site exists or may come to be established;
 - c) a designated official or officials of the Municipality;
 - d) a councillor; and
 - e) such other person or persons, the Municipality may decide on.
- 3) The Municipality may, when considering an application for consent, permit or exemption certificate in terms of this By-law, where applicable, request the input of a liaison forum.
- 4) A liaison forum, person or persons or any other person may, on own initiative, with due regard to section 31 of the National Environmental Act, 1998 (Act 107 of 1998) submit an input to the Municipality for consideration.

.58. Power of entry and inspection

- 1) An owner or occupier must, on request, allow an authorised official access to premises to carry out such inspection and examination as he or she may deem necessary to investigate any contravention of this By-law and ensure compliance therewith.
- 2) When accessing the premises, the authorised official must, if requested, identify him or herself through written proof of authorisation.

.59. Using force to enter

- 1) Force may not be used to affect entry to execute work or conduct an inspection on any premises in terms of Section(58), unless an emergency arises.

.60. Liabilities and compensation

- 1) The Municipality will not be liable for damages or compensation arising from anything done by it in terms of this By-law.

.61. Liability to pay tariffs and economic incentives aligned to behaviour

- 1) The owner of premises for which the Municipality is providing waste management services contemplated in this by-law is liable for the payment of tariffs.
- 2) The tariff as fixed by the Municipality annually as part of the budget process shall be payable to the Municipality by the owner, irrespective whether the service is being used, or not.
- 3) The Municipality may exempt or grant a rebate to any person or category of persons that are regarded to be indigent in terms of the municipal indigent policy from paying tariffs for waste management services.

- 4) To promote waste minimisation, source separation, recycling, composting and behavioural change in line with the waste management hierarchy and the diversion targets in section 5.8, the Municipality may implement through council approval a differentiated, incentive-based tariff structure that may include
 - a) **volume-based or “Pay-As-You-Throw” (PAYT) tariffs**, whereby the charge is determined by the number, size, weight or actual volume of receptacles or waste presented for collection;
 - b) **rebates or discounts** on the standard waste tariff for households, businesses, institutions and group developments that demonstrate consistent source separation, high recycling rates and/or effective on-site/home composting, as verified by waste audits, self-declaration, or other means determined by the Municipality;
 - c) **surcharges or penalty tariffs** (of up to 25% or such higher percentage as Council may determine) on the standard tariff for failure to comply with mandatory separation requirements, excessive residual waste, or poor diversion performance;
 - d) specific **incentives or reduced rates** for participation in separate organic waste/garden waste collection programmes or verified composting; and
 - e) any other incentive or disincentive mechanism the Municipality considers necessary to support the circular economy and zero waste to landfill goals.
- 5) Any refuse tariff reduction, rebate or incentive will be granted only after successful application and verification by the waste management officer in accordance with criteria and procedures determined by the Municipality.
- 6) If a residence operates a guesthouse or other commercial activity and exceeds the maximum amount of refuse receptacles/bags permitted under the domestic tariff, it may be moved to the appropriate business tariff.
- 7) The detailed tariff structure, criteria for rebates/surcharges, verification mechanisms and PAYT system shall be determined by Council resolution as part of the annual tariff policy and budget process and published annually.

.62. False statement or information

- 1) No person may make a false statement or furnish false information to the Municipality, an authorised official or an employee of the Municipality, or falsify any document issued in terms of this By-law.

.63. Appeals

- 1) Any person whose rights are affected by a decision taken by the Municipality in terms of this by-law may, unless the decision was taken by the municipal council, appeal against that decision in terms of Section 62 of the Municipal Systems Act.
- 2) An appeal under this section suspends the operation of the decision concerned, pending the finalisation of the appeal.
- 3) Any person who receives a directive or compliance notice issued in terms of this By-law must comply with that directive or compliance notice within the period stated in such directive or compliance notice unless the appeal authority has agreed to suspend the operation of the directive or compliance notice.
- 4) The appeal authority may, on application and on good cause shown, direct that, pending the finalisation of the appeal the operation of the decision forming the subject of the appeal, or any provision or condition attached thereto, is not suspended, either wholly or in part.

.64. Offences

- 1) It is an offence for any person to –
 - a. interfere with Municipal Officials and Services;

- b. interfere with or hinder a service provider, a waste disposal facility operator or an authorised municipal official in the exercise of their powers or duties under this by-law;
 - c. contravene or fail to comply with any section of this by-law;
 - d. fail to comply with a compliance notice issued under this by-law;
 - e. fail to comply with a lawful instruction given in terms of this By-law;
 - f. give false or misleading information to an authorised official;
 - g. impersonate an authorised municipal official or waste disposal facility operator;
 - h. furnish false or misleading information when complying with any provision of this by-law.
- 2) Unlawfully, intentionally or negligently, perform any act or omission in relation to waste that detrimentally affects or is likely to detrimentally affect the environment;
 - 3) Unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with the requirements of this By-law;
 - 4) Refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access;
 - 5) Fail or refuse to provide an authorised official with a document or information that the person is required to provide under this By-law.

.65. Penalties

- 1) Any person who contravenes any provision of this By-law is guilty of an offence and liable on conviction to –
 - a. a fine or imprisonment not exceeding 24 months or to such imprisonment without the option of a fine, or to both such fine and such imprisonment;
 - b. in the case of a successive or continuing offence, to an additional fine or an additional period of imprisonment, or such additional imprisonment without the option of a fine, or to both such additional fine and such additional imprisonment, for every day such offence continues; and
 - c. any further amount as an order of court for costs, equal to any costs and/or expenses, deemed by the Court to have been incurred by the Municipality as a result of such contraventions.
- 2) In addition to any penalty imposed in terms of subsection (1) the Municipality may terminate the rendering of waste serves to such person.

.66. Application of this By-law

- 1) This By-law applies to all persons or bodies, including organs of State, situated within the area of jurisdiction of the Municipality.

.67. Repeal of by-laws

- 1) The provisions of any By-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this By-law.

.68. Interpretation

- 1) In the event of a conflict between English, IsiXhosa and the Afrikaans versions of this By-law, the English version shall be decisive.

.69. Conflict between legislation

- 1) When any stipulation of this By-law, is in conflict with national and provincial legislation or regulations, the national and provincial legislation or regulations shall prevail.

.70. Short title and commencement

- 1) This By-law is called the Waste Management By-law, No _____ of 2025 and commences on the date of publication in the Provincial Gazette.

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