

**BY- LAW RELATING TO SOLID  
WASTE - WASTE MATERIAL**

# **DRAFT –BY LAW RELATING TO SOLID WASTE- WASTE MANAGEMENT**

## **PREAMBLE**

In terms of section 156 (2) of The Constitution of the Republic of South Africa, 1996, the Local Government: Municipal Systems Act, 2000 and the Local Government : Municipal Structures Act, 1998, the Municipal Council has made the following by-law as set forth hereunder.

## **DEFINITIONS**

- (a) Refuses means all waste matter, except refuse, attending or resulting from the occupancy of residences, apartments, or other places of dwelling and from the operation of a business. Refuse shall not be deemed to include industrial waste matter resulting from the construction, demolition or repair of a building or other structure.
- (b) Community waste means lawn cuttings, clipping from bushes and shrubs leaves and trees and tree branches.
- (c) Container or regulation container means a type of refuse container of galvanized metal or other approved material and having a fitting lid or property and sufficiently treated weather resistant paper bag manufactured specifically for use in waste and refuse collection.

## **2. Collection and Disposal of Solid Waste**

- (a) The municipality shall collect, remove, and dispose of solid waste in accordance with the provisions of this chapter.

- (b) The council may enter into contracts with an agency to provide for the collection, removal, and disposal of solid waste premises.
- (c) Nothing in this chapter shall preclude persons from removing and transporting their own solid waste from their premises.

3. **Service Charges**

- (a) The council shall determine service charges by resolution of the purpose of financing the establishment, maintenance, and operation of solid waste collection, removal, and disposal.
- (b) Charges shall apply to all residences and business establishments whether or not they have also erected to haul their own waste, or employ the service or authorized waste removers.

4. **Billing**

- (a) The waste service charges above imposed by this part shall be added to the charge made for water furnished through the water system of the municipality and shall be billed and collected in the same manner as water service charges are billed and collected.
- (b) In the event that the obligor for the water service charges and the obligee for the waste service charges does not coincide, or in the event that practical economic and administrative reasons do not make combined billing and collection feasible in the opinion of the council, the waste service charges may be collected with such frequency and such manner as the council shall by regulation provide.

5. **Prohibition**

- (a) The owner or occupant of any premises within the Municipality is responsible for the sanitary condition of those premises.
- (b) It shall be unlawful for any person to accumulate, or cause to be accumulated, any solid waste upon any street, public property, the premises of another, except as provided by this chapter, without the express permission of the municipality and owner of the premises.

6. **Solid Waste Pickup**

- (a) Solid waste to be collected by the Municipality shall be curbed in front of the premises or other pickup points designated by the Municipality for the collection of solid waste in accordance with a schedule or regulations adopted by the council.
- (b) Until otherwise provided by regulation, waste and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out the day of collection before the hour of collection designated by regulations of the council.
- (c) All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on any street longer than may be necessary for the removal of the contents.

7. **Containers and Storage**

- (a) All refuse shall be stored in containers as specified by the Municipality.

- (b) Ashes containing hot embers shall not be placed in containers for collection.
- (c) It shall be unlawful to accumulate refuse on any premises except in containers which are approved by the council.

8. **Solid Waste Acceptable for Collection**

The following solid shall be considered to be acceptable for collection:

- (a) Garbage: animal and vegetable waste resulting from the handling, preparation, cooking and /or consumption of foods.
- (b) Ashes: the residue from the burning of food, coal, or other combustible materials.
- (c) Rubbish: solid wastes, excluding ashes, consisting of paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, metals, and similar materials.
- (d) Dead Animals: Small, dead animals which die in the normal course of community activity excluding condemned animals from a slaughter house, or other animals normally considered industrial refuse, may be removed by the municipality upon request.

9. **Solid Waste Not Acceptable For Collection**

The following solid waste shall be considered to be acceptable for collection

- (a) Dangerous materials or substances, such as poisons, acid, caustics, inferred materials and explosives.

- (b) unusual qualities of materials resulting from the repair, excavation or construction of buildings, or structures such as earth, plaster, mortar, rocks and roofing material.
- (c) Materials which have not been prepared for collection in accordance with these regulations.
- (d) The solid wastes resulting from industrial processes.
- (e) Any other material which in the judgment of the Council is dangerous to equipment or unfeasible to handle.

10. **Disposal**

- (a) The disposal of solid waste shall be by a method or methods which comply with the requirements of these by-laws and shall include maximum practicable rodent, insect and nuisance control at the place or places of disposal.
- (b) No waste shall be fed to hogs, unless such waste has been heat-treated to kill any disease agents herein by boiling or by other equally effective means.
- (c) Animals offal and carcasses of dead animals shall be buried, cremated or disposed of as directed by the council.
- (d) It shall be unlawful for any person, except those authorized by the council, to regularly transport solid waste upon the street and public ways of the council.

- (e) It shall be unlawful for any person intentionally or carelessly to throw, put into, drop or permit to fall from a vehicle and remain in any street, gutter, sidewalk, or public place any solid waste such as stones, gravel, sand, coal, dirt, manure, garbage, leaves, lawn or hedge clipping or rubbish of any kind or any other substance which shall render such highway unsafe or unsightly or shall interfere with travel thereon.
- (f) It shall be unlawful for any reason to burn papers, boxes, dry rubbish or similar materials unless it is burned in an incinerator approved by the council and controlled so as not to create a smoke or odour nuisance. Hours of burning will be regulated and posted by the council.
- (g) It shall be unlawful for any person to burn garbage, market waste, manure or other refuse in open air or in any furnace stove within the municipality.
- (h) It shall be unlawful for any owner, occupant, or tenant of any premises adjoining on alleyways, to fail to keep such part of the said alleyway or said premises clean and free from solid waste of all kinds.

11. **Equipment**

- (a) All public or private vehicles used for the collection or disposal of refuse shall have enclosed bodies or suitable provision for covering body.
- (b) Vehicle used for the collection or disposal of garbage, or of refuse containing garbage, shall have watertight, metal bodies or easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect-breeding and shall be maintained in good repair.

12. **Disposal of community Waste**

- (a) Community waste may be disposed of by residents and business establishments in vehicle provided by them subject to regulation by the council as to the places of disposal and as to the type of vehicle used to avoid spillage upon the public ways of the municipality, hazards to safety and the prevention of nuisances.
- (b) The Council from time to time may provide for the collection and disposal of such types of community waste as it may decide to collect and haul in connection with its regular, waste collecting and disposal service. In the event community waste disposal service should require a charge to be made by the municipality, the determination of the charge will be made negotiation with the residents or business enterprises and the residents or business enterprises will be given an opportunity to choose from among services offered by persons other than the municipality.

13. **Dumping**

It shall be unlawful for any person to dump, place, or deposit or cause to be dumped, placed or deposited any solid waster garbage, ashes or refuse except in places specifically designated and posted by the municipality. Dumping shall be subject to the rules and regulations adopted by the council.

14. **Regulations**

The council, any adopt such regulations as in its opinion are necessary to implement this part and its objectives.

15. **Contravention of by-laws**

- (a) Whenever the municipality has determined that there are reasonable grounds to believe that there has been a violation of any provisions of this



chapter, notice of such alleged violation shall be given to the person or persons responsible therefore, as hereinafter provided. Such notice shall:

- (1) Be put into writing:
  - (2) Include a statement of the reasons why it is being issued:
  - (3) Allow a reasonable time for the performance of any act it requires:
  4. Be served upon the holder of a permit issued under this chapter or upon the owner or the occupant of any premises within the municipality; provided that such notice shall be deemed to have been properly served when a copy therefore has been served personally or in accordance with any other method authorized or required under the laws of this state for commencement of civil actions.
- (b) Such notice may:
- (1) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this part
  - (2) State that unless conditions or practices described in such notice which violate this part are corrected within reasonable time specified in such notice, the violator may be published in accordance with the provisions of this part, or a permit which has been issued pursuant to this part may be suspended or revoked.

16. **Inspection**

The municipality may designate an agent, who after identifying himself, shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of

the provisions of this by-law and where necessary shall obtain a search warrant from a court having jurisdiction.

17. **Penalties**

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this by-law shall be guilty of an offence and be liable to a fine of R300-00 or 30 days imprisonment or both.

18. **SHORT TITLE AND COMMENCEMENT:**

These By- laws are called Relating to Solid Waste-Waste Management By -laws and takes effect on a date approved by Council and proclaimed in the Government Gazette.