



**GREATER LETABA  
MUNICIPALITY**

**GREATER LETABA LOCAL MUNICIPALITY**

**WASTE MANAGEMENT BY – LAWS**

## **WASTE MANAGEMENT BY – LAWS**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Greater Letaba Local Municipality, enacts as follows:-

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### **1. INTERPRETATION**

In this by-law, unless the contents otherwise indicates –

- “approved” in the context of bins, bin liners, containers, receptacles and wrappers, means approved by the municipality or a licensee for the collection and storage of waste;
- “Authorized official: means an official who has been authorized by the municipality to perform and exercise any or all of the functions and powers specified in and subject to the provisions of this By-law;
- “Bin” means an approved receptacle for the storage of less than 1.5 cubic meters of waste, which may be supplied by the municipality to property in terms of this By-law;

- “building waste” means all waste produced during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rock displaced during such construction, alteration, repair or demolition;
- “bulky waste” means waste which by virtue of its mass, shape, size or quantity is inconvenient to remove in the routine door – to – door municipal service, as specified in section 22;
- “commercial services” means any service, excluding municipal services, relating or connected to accumulating, collecting, managing, recycling, sorting, storing, trading, transporting, disposing, buying or selling of waste or any other manner of handling waste;
- “commercial waste” means solid waste generated on property used for non-residential purposes such as office buildings, stores, markets, theatres, hotels, warehouses, industrial operations and manufacturing processes, and which are occupied by wholesale, retail, institutional, or service establishments, and includes waste generated by office workers or employees of the establishments;
- “Container” means an approved receptacle having a capacity greater than 1, 5 cubic meters for the temporary storage of waste in terms of this By-law;
- “Council” means the Council of the Greater Letaba Local Municipality;
- “DEAT” means the Department of Environmental Affairs and Tourism;
- “Domestic waste” means waste such as dust, ash, rubbish or other refuse arising or incidental to the normal occupation of property used –

- (a) For residential purposes, such as a dwelling house or flat, hotel or boarding house; and
- (b) For purposes of public worship, including a hall or other building used for religious purposes,

But does not include any other category of waste, liquid matter or night soil;

- “DWAF” means the National Department of Water Affairs and Forestry;
- “Firm” includes any juristic person or any association of persons established or operating in the Republic of South Africa;
- “garden waste” means waste generated as a result of normal domestic gardening activities, including grass cuttings, leaves, plants, flowers and other similar small and light organic matter, but does not include tree branches with a diameter thicker than 40 mm at any point of its length, or any other category of waste or waste generated as a result of garden service activities;
- “garden service” means the provision of gardening services including the cutting of grass, pruning of trees or any other horticultural activity including landscaping, to any domestic, business, commercial or industrial property;
- “Household bin” means an approved receptacle for the storage of 240 liters of domestic waste, which may be supplied by the municipality to property in terms of this By-law;
- “hazardous waste” means waste containing or contaminated by poison, a corrosive agent a flammable substance having an open flash-point of less than 90 degrees C, an explosive, radioactive material, a chemical or any other waste that has the potential even in low concentrations to have a significant adverse effect on public

health or the environment because of its inherent toxicological, chemical and physical characteristics;

- “industrial waste” means waste generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include any other category of waste such as building waste or domestic waste;
- “Level of service” means the frequency of municipal service and the type of service point;
- “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 a waste disposal or processing facility;
- “Local community” in relation to municipality means that body of persons comprising –
  - (a) The residents of the Greater Letaba Local Municipality
  - (b) The rates payers within the Greater Letaba Local Municipality
  - (c) The private sector, any civic organization, non-governmental organization, labor organization or body which is involved in local affairs within the municipal area; and
  - (d) a visitor or another person residing outside of the Greater Letaba Local Municipality who , because of his or her presence in the municipality, makes use of services or facilities provided by the municipality;
- “municipality” means the Greater Letaba Local Municipality and includes any political structure, political office bearer, councillor, duly authorized agent thereof or any employee thereof acting in any connection with this By-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
- “municipal services” means a service relating to the collection of waste, provided exclusively by Greater Letaba Local Municipality in

accordance with the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) and this By-law;

- “nuisance” means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste or by littering;
  
- “Occupier” means any person in actual occupation of property or part thereof without regard to the title under which he or she occupies, and includes-
  - (a) any person in actual occupation of such property;
  - (b) any person legally entitled to occupy such property;
  - (c) in the case of such property being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers 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 property, and includes the agent of any such person when is absent from the Republic of South Africa or his or her whereabouts are unknown; or
  - (e) the owner of such property;
  
- **“Owner”** means-
  - (a) a person in whom the legal title to a property is vested;
  - (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such property is vested as curator, trustee, executor,



administrator, judicial manager, liquidator or other legal representative;

- (c) in the case where the municipality is unable to determine the identity of the person in whom a legal title is vested, the person who is entitled to the benefit of such property or a building thereon;
  - (d) in the case of property for which a lease of 30 years or more has been entered into, the lessee thereof;
  - (e) in relation to-
    - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Title Act, 1986 (Act No.95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property; or
    - (ii) a section as defined in such 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;
  - (f) any legal person including, but not limited to-
    - (i) a company registered in terms of Companies Act, 1973 (Act 61 of 1973), Trust inervivos, Trust morits causa, a Closed Corporation registered in terms of the Closed Corporation's Act 1984 (Act 69 of 1984), a voluntary association;
    - (ii) any Department of State;
    - (iii) any Council or Board established in terms of any legislation applicable to the Republic of South Africa;
    - (iv) any Embassy or other foreign entity;
  - (g) a lessee of municipal property, who will be deemed to be the owner for the purposes of rendering a municipal account;
- "Pollution" means any change in the environment caused by-

- (a) substances; or
  - (b) radioactive or other waves; or
  - (c) noise, odors, dust or heat, emitted from any activity, including the storage or treatment of waste or substance, 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 well-being 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;
- 'Property' means-
    - (a) Immovable property registered in the name of a person, including, In the case of a sectional title scheme, a sectional title unit registered in the name of a person;
    - (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
    - (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
    - (d) public service infrastructure;
  - "Prescribed fee" means a fee determined by the municipality in terms of the Municipal Systems Act, 2000 (Act 32 of 2000), or any other applicable legislation;
  - "public place" includes any public building, public road, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park, enclosed space vested in the 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;
  - "Public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public

or any section thereof or to which the public or any section thereof has a right of access and includes-

(a) the verge of any such road, street or thoroughfare;

(b) any bridge, ferry, or drift traversed by any such road, street or thoroughfare; and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

- **“Resident”** means, in relation to the municipality, a person who is ordinarily resident in the municipal area;
- **“Solid waste”** means waste of a solid nature generated by a person or business
- **“Structures Act”** means the Local Government: Municipality Structures Act, 1998 (Act 117 of 1998);
- **“Systems Act”** means the Local Government: Municipality Systems Act, 2000 (Act 32 of 2000);
- **“Tariff”** means the user charge for the provision of municipal services, determined and promulgated by the municipality in terms of the Systems Act, 2000;
- **“Waste”** means an undesirable or superfluous by-product, emission, residue or remainder of any process or actively, any matter, gaseous, liquid or soiled or any combination thereof, which-
  - (a) is discarded by any person; or
  - (b) is accumulated and stored by any person with the purpose of eventually discarding it with or without prior treatment connected with the discarding thereof; or
  - (c) is stored by any person with the purpose of recycling, re-using or extracting a usable product from such matter, excluding –
    - I. water used for industrial purpose or any effluent produced by or resulting from such use which is discharged in compliance with the provisions of section 7 (2) of the Water Service Act, 1997 (Act 108 of 1997);

- II. any matter discharged into a septic tank or French drain sewerage system and any water or effluent contemplated by section 7 (2) of the Water Service Act, 1997 (Act 108 of 1997);
- III. building rubble used for filling or levelling purposes;
- IV. any radio-active substance discarded in compliance with the provisions of the Nuclear Energy Act , 1999 (Act No. 46 of 1999);
- V. any minerals or works as defined in section 1 of the Minerals and petroleum Resources Development, 2002, (Act No. 28 of 2002); and
- VI. Ash produced by or resulting from activities at an undertaking from the generation of electricity under the provisions of Electricity Act, 1987 (Act No. 41 of 1987).

- **“Waste collector”** means a person who is registered under the provisions of this By-law as a waste collector;
- **“waste disposal or processing facility”** means any facility or site which receives waste for disposal thereof, and which is operated in terms of a permit obtained from DEAT or any other competent authority or where such a facility is an incinerator, registration or such permission as is required by law, and includes waste transfer and recycling stations;
- **“Waste generator”** means any person or firm that generates or produces waste;
- **“Waste management services”** means services that relate to any one or more of the waste require him or her to provide at his or her own expense such number of special receptacles as are specified in the notice, and the he or she must comply with the notice.

(4) Where any refuse receptacle provided on property is-

- (a) Of a size likely to hinder the efficient removal of refuse therefore by the employees of the municipality;
- (b) Insufficient for the recap

- **“Waste management services”** means services that relate to any one or more of the waste management activities;
- **“Waste oil”** means mineral or synthetic oil which is contaminated, spoiled or otherwise unfit for its original purpose; and
- **“Waste transfer” and recycling station”** means a waste handling facility that receives and temporarily stores garden and bulky waste or any waste recyclable waste, or a combination of garden, bulky and recyclable waste.
- **Application principles and objectives**
  - This By-law applies to all areas under the control of the Greater Letaba Local Municipality and is limited to regulate the generation, storage and collection of solid, non-hazardous waste.

(2) The municipality, aware of the Constitutional right of every person to an environment that is not harmful to his or her health or well-being adopts this by-law with the aim of protecting and promoting the health and well-being of all people in the

Greater Letaba Local Municipality, District area, providing, in conjunction with applicable laws, a legal and administrative framework within which the municipality can develop and manage its obligations.

(3) In the implementation and enforcement of this by-law, the municipality may take into consideration the realities of the Greater Letaba Local Municipality area, the difference customs, cultures, circumstances, geographical areas, kinds of property levels of development and conventions and the municipality may use the devices provided for in this by-law, including the application of different norms, standards and guidelines, the granting of exemptions and the utilisation of liaison forums as contemplated in section 37 of this by-law.

## CHAPTER 1: PROVISIONS OF SERVICES

### 3. Duties and powers of municipality

- (1) The municipality as a primary service provider in the municipal area has a duty to the local community to progressively ensure efficient, affordable, economical and sustainable access to waste management services in its area or a part of its area.
- (2) **This duty is subject to**
  - (a) the duty of member of the local community as users of the municipality's waste management services or any other person making use of the municipality's waste management services to pay, for the provision of the services, the prescribed charges, which must be priced in accordance with any nationally prescribed norms and standards of rates and tariffs; and
  - (b) The right of the municipality to differentiate between geographical areas when providing types of waste management services, without compromising on service equity in line with the Constitution.
- (3) The municipality must as far as is reasonably possible and subject to the provisions of this By-law provide, at a cost to users of the services prescribed by the municipality-
  - (a) For the collection of waste on a regular basis, except waste in its area, which is situated at a place which is so isolated or inaccessible that the cost of collecting it would be unreasonably high; and
  - (b) Access to facilities for the recovery and disposal of waste.
- (4) The municipality must notify all users of its waste management services of any decisions taken in terms of this by-law.

#### **4. Charges and fees**

- (1) The municipality may fix the charges payable to it for the removal of waste from property of the disposal of waste at a disposal site under the control of the municipality.
- (2) Should a person fail to pay the fee on the date determined by the municipality, the municipality may apply the debt collection procedures provided for in its existing Customer Care and Revenue Management By-laws.

### **CHAPTER 2: WASTE MANAGEMENT**

#### **PART 1: Categories of waste**

#### **5. Categories of waste**

- (1) For the purposes of this By-law, waste is categorised as either-
  - (a) General waste, which consists of one or more of the following:
    - (i) Paper;
    - (ii) Metals;
    - (iii) Glass;
    - (iv) Plastic;
    - (v) Organic materials, which includes building waste; or
  - (b) Hazardous waste; as described in the DWAF Minimum Requirements documents of more recent guidelines.
- (2) Within these two categories, waste is categorised according to its source namely:
  - a) domestic
  - b) Commercial; or
  - c) industrial.

## **Part 2: General provisions relating to non-hazardous waste**

### **6. Provisions of receptacle for storage of waste**

- (1) The owner of property must provide on such property at his or her own expense a sufficient number of portable, covered receptacles of a size and design approved by the municipality for the reception of the maximum quantity of waste that is likely to accumulate on the property during any period of seven days.
- (2) The municipality reserves the right to determine the size and types of receptacles to be used.
- (3) The municipality may, where special receptacles are necessary, prescribe special receptacles for the reception and storage of such types of refuse as it may specify and may by written notice to be served on the owner of property require him or her to provide at his or her own expense such number of special receptacles as are specified in the notice, and the he or she must comply with the notice.
- (4) Where any refuse receptacle provided on property is-
  - (a) Of a size likely to hinder the efficient removal of refuse therefrom by the employees of the municipality;
  - (b) Insufficient for the reception of all refuse which is to be removed from such property by the municipality;
  - (c) Dilapidated; or
  - (d) Likely to cause a nuisance, the municipality may serve a written notice on the owner of the property requiring him or her to provide-
    - (i) Such number of receptacles; or
    - (ii) racks or other means of storing receptacles or packages or bundles of waste within a period stated therein, being not less than 14 days from date of service of such notice, provided that



the municipality may in the notice require or authorise the provision of receptacles of such different sizes or design as may be specified where the prescribed standard receptacles would not be practical.

- (5) No person may dispose of any refuse by placing it anywhere else than in a receptacle or other container provided or approved by the municipality.
- (6) Where a receptacle is supplied free of charge, or at a tariff determined by the municipality, such receptacle remains the property of the municipality and the owner of the property-
  - (a) is liable to the municipality for the loss or damage to such receptacle; and
  - (b) Must keep the said receptacle in a clean and sanitary condition.
- (7) The owner or occupier of the property must ensure that any waste which is blown off the property by wind is promptly retrieved.
- (8) Every receptacle containing waste, except plastic bags, which is to be collected, must have clearly marked on it the name and telephone number of the person or company in control of the receptacle.
- (9) A person who contravenes a provision of subsection (1), (5), (6)(b), (7) or (8), or who fails to comply with a notice served in terms of subsection (3) or (4) commits an offence.

## **7. Location of receptacle**

- (1) The owner of property must provide adequate space on the property where a receptacle for the purpose of depositing waste, or packages or bundles of refuse required to be packed or bundled in terms of this By-law are kept, and the place must-

- (a) Comply with requirements imposed by the municipality by notice to the owner where applicable;
  - (b) Be constructed in accordance with the requirements of any applicable building regulations;
  - (c) Be so located that the receptacle or racks are not visible from a street or public place;
  - (d) Where applicable, be so located as to permit convenient access to and egress from such place for waste collection vehicle; and
  - (e) Be in a location convenient for the occupants of the property so as to discourage littering or the unhealthy accumulation of waste.
- (2) In the case of multi-storey buildings the municipality may approve the installation of refuse chutes, subject to the submission and approval of the plans for such installation.
- (3) The owner of the property must place or cause the receptacle to be placed in the space provided and must at all times keep it there, save that-
- (a) in case of buildings in the process of being erected, or existing buildings, the building plans of which have been approved prior to the coming into operation of this By-law, or
  - (b) In the event of the municipality being unable to collect and remove waste from the space provided, the owner or occupier may place the receptacle at a place stipulated by the municipality
- (4) A person who contravenes a provision of subsection (1) or (3) commits an offence

## **8. Standards which receptacles must meet**

The municipality may-

- (a) provide plastic bags or bins, which must meet the standards set by national or provincial legislation; and

(b) Authorise the use of bins and lids constructed of rubber or other material where the design and construction meet the standards set by national or provincial legislation.

## **9. Maintenance of receptacle**

(1) The owner or occupier of property must place the receptacle in which waste or packages or bundles of refuse are required to be packed or bundled in terms of this By-law, in the space provided and must-

(a) At all times keep it there;

(b) Take reasonable steps to ensure that a sufficient number of receptacles is provided on the property for the discarding of waste; and

(c) Ensure that the receptacle is-

(i) At all times maintained in good order and repair and in a clean and hygiene condition;

(ii) At all times suitably weighted and anchored so that it cannot be inadvertently overturned;

(iii) At all times is waterproof and animal proof;

(iv) Emptied and cleansed periodically so that its contents do not become a nuisance or provide grounds for complaint;

(v) kept closed; and

(vi) protected against unauthorised disturbance or interference at all times;

(2) A person who contravenes a provision of substance (1) commits an offence.

## **10. Contents of receptacle**

(1) No material, including any liquid, which by reason of its mass or other characteristics is likely to render a receptacle unreasonably difficult for employees of the municipality to handle or carry, may be placed in a receptacle.

- (2) Organic waste such as food scraps and similar waste likely to rapidly decompose and cause a nuisance, must before being deposited in the receptacles, be sealed in a bag which is disposable and water-tight.
- (3) A receptacle provided by the municipality may not be used for any purpose other than the storage of waste.
- (4) No person may-
- (a) Light a fire in a receptacle;
  - (b) Deposit in a receptacle burning or glowing coal, ashes or other burning material; or
  - (c) Deposit in a receptacle any material that is likely to-
    - (i) cause damage to the receptacle ;
    - (ii) Cause injury to the municipality's employees while carrying out their duties; or

Hinder or delay work by the municipality's employees undertaken in terms of this By-law.

- (5) Waste oil must be stored in leak-proof metal, plastic or concrete containers, which are not subject to fire or accidental spillage, and the storage or disposal of waste oil in earth pits or upon the surface of any plot, street or public area is prohibited.
- (6) A person who contravenes a provision of this section commits an offence.

## **11. Collection of waste.**

- (1) The municipality may, having regard to the avoidance of nuisance and the convenience of collection of waste, indicate a position within or outside the property where the receptacle must be placed for the collection and

removal of the waste, and the receptacle must then be placed in that position at the times and for such period as the municipality may require.

- (2) The municipality will collect all waste placed in portable receptacles referred to in section 6 from all property upon which a compulsory domestic refuse removal tariff or charge is levied and as frequently as may be determined by the municipality.
- (3) The municipality will only collect waste placed in a receptacle or other container approved by it or which is bundled or packaged in a manner approved by the municipality.
- (4) Where the collection of a particular kind of waste is not regarded by the municipality as a municipal service in terms of this by-law, the owner of the waste must arrange for the collection and transport of the waste, as often as may be necessary to prevent undue accumulation or any nuisance arising therefrom, to a waste disposal or processing site under the control of the municipality, or to such other place as may be approved by the municipality.
- (5) The municipality may stipulate separate times on which particular categories of waste are to be collected.
- (6) The municipality may-
  - (a) Cause collections to be made at regular periods daily or otherwise, and may alter dates of collection;
  - (b) Increase the number of collections as it may become necessary or desirable; and
  - (c) Make additional collections should it be desirable.
- (7) In the event of any additional collection being required by the owner of property, the collection will be subject to the approval of the municipality and each additional collection must be paid for the owner of property from which the waste is collected at the fixed tariff.

- (8) A person requiring commercial services must ensure that the waste collector is registered with the Municipality to collect and dispose of the category of waste, and such person must take reasonable steps to ensure that the relevant waste is collected and disposed of in terms of this By-law.
- (9) A person who contravenes a provision of subsection (1), (4) or (8) commits an offence.

## **12. Access to property**

- (1) Exempt where otherwise approved by the municipality, taking into account physical accessibility, an owner must-
- (a) Provide access from the nearest public road to the waste storage area on property, which access must be independent and unimpeded;
  - (b) Provide access from the nearest public road to the waste storage area on property, which access may not lead through any aperture less than 1 metre wide and 2, 5 metres high;
  - (c) Ensure that access to waste storage area and all parts of the access thereto is on the same level as the road, and
  - (d) Ensure that the waste storage area and all parts of the access thereto is not more than 18 metres from the entrance to the property from which the collection of waste is made.

- (2) A person who contravenes a provision of subsection (1) commits an offence.

## **13. Right of entry**

- (1) Any duly authorised employee of the municipality is entitled to enter, during normal working hours, property in respect of which the municipality's waste management services are rendered-
- (a) For collecting and overseeing the collection of waste;
  - (b) For inspecting or replacing receptacles, containers or bundles;

(c) for inspecting the means of access to the property in general or the place where refuse receptacle or containers are kept so as to ensure that they are accessible and convenient for the collectors; and

(d) Generally for ensuring that the provisions of this By-law are complied with.

(2) An owner or occupier of property may not-

(a) Refuse access to the property to an authorised employee of the municipality in the performance on his or her duties;

(b) Abstract or impede such employee in the performance of his or her duties; or

(c) Omit or refuse to give to an employee of the municipality any information lawfully required for the proper discharge of the employee of the municipality any information lawfully required for the proper discharge of the employee's duties, or supply false information.

(3) A person who contravenes a provision of subsection (2) commits an offence.

#### **14. Inaccessible property**

(1) The owner or occupier of property whom the municipality has notified that the property is dangerous for removal of refuse because of-

(a) The existence on the property of a vicious animal; or

(b) any other reason which renders the property dangerous, must, on the day on which waste is collected from the property, place for collection all receptacles or other containers, packages or bundles of waste outside the property at a time and for a period as specified in the notice.

(2) A person who contravenes a provision of subsection (1) commits an offence.

### **15. Interference with receptacle**

(1) No person other than a person employed by the municipality in connection with the municipality's waste management services may, where a receptacle placed in a street or public place for the purpose of its contents being removed by the municipality, sort over, interfere with or disturb the contents of the receptacle.

(2) A person who contravenes a provision of subsection (1) commits an offence.

### **16. Transport waste**

(1) A person removing or conveying waste along any public place in or through an owned or managed by the municipality-

(a) Must ensure that the receptacle, vehicle or conveyance in which the waste is carried is of a type and design approved by the municipality;

(b) Must ensure that receptacle, vehicle or conveyance has a body or adequate size and construction for the type of waste being transported;

(c) Must remove or convey the waste in such a manner as will prevent any nuisance resulting therefrom or the contents or materials therein;

(d) Must maintain the receptacle, vehicle or conveyance in a clean, sanitary and roadworthy condition at all times;

(e) may not cause or permit any waste being transferred to become detached, leak or fall from the receptacle, vehicle or conveyance transporting it, except at a waste disposal facility; and



- (f) Must ensure that the waste is deposited at a waste disposal facility that is permitted to accept such waste.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

### **Part 3: Specific provisions relating to domestic waste**

#### **17. Specific provisions relating to generation, storage, collection and transport of domestic waste.**

- (1) The owner or occupier of property used for residential purposes or for purposes of public worship from which waste is to be collected must-
- (a) except where the municipality has upon written application confirmed in writing that a person is physically incapable or otherwise incapable of complying with the notice, place the receptacle or bag on the pavement in front of the property, provided that the municipality may, having regard to the avoidance of nuisance and the convenience of collection of waste, indicate a position within or outside the property where the receptacle must be placed.
  - (b) Place the receptacle or bag on the pavement in front of the property before the time and the day of the week specified by the municipality;
  - (c) Ensure that the receptacle or bag is undamaged and properly closed so as to prevent the dispersal of its contents; and
  - (d) Ensure that an emptied receptacle is removed within a reasonable time, and that the immediate area around the spot where the receptacle bag was placed, is free from waste that may have been spilled before collection.
- (2) If an owner or occupier intends to transfer waste to a disposal site, the provisions of section 16, where applicable, apply.

- (3) An owner or occupier of property may not deposit or allow to be deposited in any receptacle for domestic refuse any waste other than domestic waste.
- (4) A person who contravenes a provision of subsection (1) or (3) commits an offence and may in addition to any penalty to which he or she may be liable, be required to pay the requisite fee for the collection of other waste.

#### **Part 4: Specific provisions relating to industrial and commercial waste**

### **18. Collection of waste**

- (1) The owner or occupier of property on which industrial or commercial waste is generated must ensure that-
- (a) The container in which the waste is stored not be kept in a public place except as required for collection;
  - (b) Such waste is kept in a secure, designed refuse area on the property; and
  - (c) The waste is collected by a registered waste collector within a reasonable time after the generation of the waste.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

### **19. Compaction of waste**

- (1) Where-
- (a) The quantity of waste generated on property requires daily removal or more than the equivalent of eight 240-litre bins; and

- (b) the major portion of the waste is compactable, the municipality may require from the owner or occupier to compact that portion of the waste that is compactable, and the owner or occupier must compact any volume of the waste and place it into a receptacle or wrapper approved by the municipality, subject thereto that-
- (i) The capacity of the wrapper does not exceed 85 litres; and
  - (ii) The mass of the wrapper and contents does not exceed 35 kilograms.
- (2) After the waste has been compacted and put into the wrapper as contemplated in subsection (1), it must be placed in the approved receptacle and must be stored so as to prevent damaged to the wrapper or any nuisance arising until collected.
- (3) A person who fails to comply with a requirement by the municipality in terms of subsection (1) or who contravenes a provision of subsection (2) commits an offence.

## **Part 5: Specific provisions relating to other types of waste**

### **20. Garden waste**

- (1) The owner or occupier of property on which garden waste is generated but not composed must ensure that the waste is collected and disposed of at a waste transfer and recycling station or waste disposal site within a reasonable time after the generation thereof.
- (2) The municipality may by notice limit the amount of garden waste collected by the municipality from households in conjunction with the normal collection of domestic waste.
- (3) An owner or occupier may compost garden waste on the property, provided that such composting does not cause a nuisance and provided

further that the quantity of the compost does not exceed the quantity that could be required for gardening purposes on the property where it is composted.

- (4) Any person or a waste collector may remove garden waste, provided that once such waste has been collected from the property on which it was generated, it is disposed of at a waste disposal site.
- (5) A person who fails to comply with a requirement by the municipality in terms of subsection (1) or subsection (3) or who contravenes a provision of subsection (4) commits an offense.

## **21. Building waste**

- (1) The owner or occupier of property on which building waste is generated must ensure that-
  - (a) Until disposal, all building waste, is kept on the property on which the waste was generated; or
  - (b) in a container, approved by the municipality, that may be used for the storage, collection or disposal of building waste, which container may, subject to the provisions of any other law, be kept on the verge adjoining the property on which the waste was generated; or
  - (c) Pursuant to any instructions from the municipality, any structure necessary to contain the building waste is constructed; and
  - (d) That such building waste be removed within 14 days from completion of the construction in respect of which such waste was generated.
- (2) The owner or occupier of property on which building waste is generated may himself or herself dispose of the waste or must ensure that the waste is

collected and disposed of by a waste collector registered with the municipality.

- (3) A building waste must be disposed at a waste disposal facility designed for that purpose by the municipality, unless the municipality has given written consent for the building waste to be used for the purpose of land reclamation or for recycling.
- (4) A person who contravenes a provision of this section commits an offence.

## **22. Bulky waste**

(1) The following is treated as bulky waste:

(a) An article of non-hazardous waste which does not fit, or cannot be fitted into-

(i) A receptacle for domestic waste provided, a cylindrical container 750 millimetres in diameter and 1 metre in length.

(2) The owner or occupier of property on which bulky waste is generated must ensure that the waste is collected and disposed within a reasonable time after the generation thereof at a waste transfer and recycling station or waste disposal site.

(3) A person who contravenes a provision of subsection (2) commits an offence.

## **Part 6: Littering and dumping**

### **23. Littering**

(1) No person may-

(a) discard, place or leave waste on any municipal land, a public road or a public place other than in a receptacle provided or approved by the municipality for the discarding of waste by the public;

(b) Disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting waste; or

(c) Sweep any waste into a gutter, onto a road reserve or onto any other public place.

(2) An owner or occupier of the property must monitor the property for acts of littering by another person and must forthwith report such act of littering to the municipality.

(3) A person who contravenes a provision of this section commits an offence.

## **24. Dumping**

(1) No person may –

(a) except with the permission of the owner or of the person or authority having control thereof dump, accumulate, place, deposit, leave or cause or allow to be dumped, accumulated, placed, deposited or left any waste whatsoever, whether for gain or otherwise, on or in-

(i) A public road;

(ii) A public place:

(iii) any drain, watercourse, flood prone areas, tidal or other water in or abutting on any such road, highway, street lane, public footway or pavement, roadside or other open space to which the public have access; or (iv) Private or municipal land.

(2) Should a person perform any of the acts referred to in subsection (1), the municipality may by written notice require-

(a) The person directly or indirectly or responsible for dumping, accumulating, placing, depositing, or leaving the waste;

- (b) The owner of the waste, whether or not he is responsible for dumping accumulating, placing, depositing, or leaving the waste; or
  - (c) The owner of the property on which waste was dumped, accumulated, placed, deposited, or left, whether or not he or he is responsible therefore; to remove the waste within the period stated in the notice.
- (3) If a person fails to comply with the requirements of a written notice, the municipality may dispose of, destroy or remove the waste and may recover the cost of doing so from the person or persons to whom the notice was issued.
- (4) If waste has been deposited in or on any unoccupied land in contravention of subsection (1) and it is necessary that the waste be forthwith removed or other steps be taken to eliminate or reduce the consequences of the deposit, the municipality may remove the waste from the land or take other steps to eliminate or reduce the consequences of the deposit or, as the case may require, to remove the waste and take those steps, and is entitled to recover the cost incurred by it in removing the waste or taking the steps or both and in disposing of the waste
- (a) From the owner of the land, unless he or she proves that he or she neither made nor knowingly caused nor knowingly permitted the deposit of the waste; and
  - (b) From any person who deposited or knowingly caused or knowingly permitted the deposit of any of the waste.
- (5) Any waste removed by the municipality belongs to the municipality and may be dealt with accordingly.
- (6) A person who contravenes a provision of subsection (1) or who fails to comply with a notice issued in terms of subsection (2) commits an offence

## **Part 7: Prohibited conduct at dumping sites**

### **25. Access to disposal site**

- (1) Only a person wishing to dump waste who has paid the prescribe fees or who is in possession of written permission issued by the municipality which permits him or her to dump such waste at a disposal site and a person who has 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.
- (2) Notwithstanding anything to the contrary contained in the 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.
- (3) A person making use of the disposal site or entering the disposal site, do so at his or her own risk and the municipality accepts no responsibility for the safety of such person or any damages or losses sustained by such person.
- (4) A person who enters a disposal site or who is found on such a site in contravention of the provisions of the section commits an offence.

### **26. Off- loading of waste**

- (1) A person who wishes to dump 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.
- (2) The municipality may-
  - (a) Set aside any part of disposal site where only waste of a particular kind may be dumped or deposited.
  - (b) Limit the type or size of a 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) Determine the days when and hours during which dumping may take place at any disposal site.
- (3) 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 in charge of access control at the dumping site must be complied with.
- (4) The municipality reserves the right not to permit the dumping of toxic or offensive waste at a disposal site.
- (5) A person who contravenes any of the provisions of this section commits an offence.

## **27. Ownership of waste**

- (1) Waste dumped at a disposal site, becomes the property of the municipality and no person who is not duly authorised by the municipality to do so may remove or interfere with such waste.
- (2) A person who contravenes subsection (1) commits an offence.

## **Part 8: Burning of waste**

### **28. Burning of waste.**

- (1) No person may burn waste except at-
- (a) An authorised incinerator operated by the municipality; or
  - (b) A place designed by the municipality for such purpose.

- (2) A person who contravenes a provision of subsection (1) commits an offence.

### **CHAPTER 3: LICENCES AND CONTRACTS**

#### **29. Waste transporter registration**

- (1) No person may provide a commercial service as a transporter of waste for disposal within an area owned by or under control of the municipality unless the person has first registered with the municipality as a waste collector.
- (2) A person who wishes to register as a transporter of waste must, subject to the provisions of section 30, submit the required application form and, where applicable, substantiating documentation of the municipality for consideration
- (3) The municipality may, for the purposes of considering an application, require additional information.
- (4) After consideration of the application for registration, the municipality must-
- (a) Approve the application subject to such conditions it may deem necessary, and issue proof of registration; or
  - (b) Reject the application and supply reasons for the rejection.

#### **30. Registration**

- (1) A person who wishes to register as a transporter of waste must provide the municipality with the following information at least 14 days before initiating a service:
- (a) His or her name, residential and postal address, if a company or close corporation, its registration number, names of its directors or members and the address of its registered head office;

(b) A description of the nature of the waste management services provided or intended to be provided;

(c) A specification of the scope of the service including-

(i) The number of clients served or intended to be served at the time of registration;

(ii) The geographical area of operation; and

(iii) The disposal facilities owned or intended to be utilised for the disposal of waste collected.

(2) A person making use of the services of a transport of waste must satisfy himself or herself that the contractor is registered with the municipality as the transporter of waste and that such transporter of waste may collect and dispose of the category of waste that the person intends to dispose of.

### **31. Duties of registered transporter of waste**

(1) A registered waste transporter may to-

(a) Operate in contravention of this By-law;

(b) Fail or refuse to give information, or give false or misleading information when required to do in terms of this By-laws;

(c) Dispose of waste otherwise than by disposing of it at a waste disposal site which has been permitted for the disposal of that category of waste.

(2) Where a person has been registered, and –

(a) Such person acquires a firm providing commercial services;

(b) Such person merges with another person or firm providing commercial services;

- (c) There is a change in ownership of the enterprise;
- (d) There is a change in the juristic nature of the enterprise;
- (e) There is a change in nature of the commercial services it provides;
- (f) Such person intends to cease providing such services; or
- (g) Such person is involved in winding-up proceedings; he or she must immediately notify the municipality of that occurrence and, save in the circumstances set out in subsection (f) or (g), must re-register.

(3) A registered transporter of waste must-

- (a) When issued with a weighbridge receipt, keep such weighbridge receipt for 12 months as proof of safe disposal of the waste that has been collected; and
- (b) Provide his or her commercial clients with a receipt of the amounts and types of waste that have been collected for subsequent waste treatment or disposal.

(4) A person who contravenes any of the provisions of this section commits an offence, and such person may be deregistered as a transporter of waste.

### **32. Supervision or registered waste transporters**

(1) An authorised official of the municipality-

- (a) May inspect the activities of a registered waste transporter and is entitled to enter the workplace of the transporter for this purpose;
- (b) may request to view the transporters weighbridge receipts for the previous 12 month period as proof of safe disposal; and
- (c) Must keep a register recording each inspection that has been undertaken.

- (2) If a registered transporter fails to comply with the provisions of section 31 at three inspections over a period of two years, the authorised official may recommend that the municipality deregister such transporter of waste, provided that the consecutive inspections occur at not less than four month intervals.

## **CHAPTER 4: COMPLIANCE AND ENFORCEMENT**

### **33. Notice of compliance and representations**

- (1) If a person is contravening a provision of this By-law, an official may in writing issue a compliance notice and serve it on the person concerned to take remedial measures.
- (2) A notice must state-
- (a) The name and residential and postal address, if either or both of these be known, of the affected person;
  - (b) the nature of the contravention, nuisance, harm to human health or damage to the environment that the affected person is causing or is likely to cause;
  - (c) in sufficient detail to enable compliance with the notice, the measures required to forestall or remedy the nuisance, harm to human health or damage to the environment;
  - (d) that the person must within a specified time period take measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specific date; and
  - (e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence; and that written

representations may, within the time period stipulated under paragraph (d), be made to the municipality at a specified place.

- (3) If a person fails to comply within the stipulated time period with the requirements stipulated in the notice-
  - (a) the municipality may perform the steps required in the notice, and should the municipality incur any costs as a result of performing such steps, it may recover any reasonable costs irrespective if criminal proceedings have been or not been instituted against a person; and
  - (b) The person commits an offence.
- (4) A person may within the time period contemplated in subsection (2) (e) make representations, in the form of a sworn statement or affirmation to the municipality at the place specified in the notice.
- (5) Representations not lodged within the time period will not be considered, except where the person has shown good cause and the municipality condones the late lodging of the representations.
- (6) The municipality must consider the representations and any response thereto by an authorised official or any other person, if there be such a response.
- (7) The municipality may, on its own volition, conduct any further investigations to verify the facts in necessary, and the results on the investigation must be made available to the person, who must be given an opportunity of making a further response if he or she so wishes, and the municipality must also consider the further response.
- (8) The municipality must, after consideration of the representations and response, if there be such a response, make an order in writing and serve a copy of it on the person.
- (9) The order contemplated in subsection (8) must-

- (a) set out the findings of the municipality;
  - (b) Confirm, alter or set aside in whole or in part, the notice of compliance;  
and
  - (c) Specify a period within which the person must comply with the notice/order made by the municipality.
- (10) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, the municipality will inform the person that he or she-
- (a) Must discharge the obligations set out in the notice; or
  - (b) May elect to be tried in court.
- (11) If the person elects to be tried in court he or she must within seven calendar days, notify the municipality of his or her intention and on receipt of the notification by the municipality.
- (12) If the person does not elect to be tried in court, he or she must, within the prescribed manner and time discharge his or her obligations under the notice.

### **34. Costs**

- (1) Should a person fail to take the measures required of him or her by written notice, the municipality may, subject to subsection (4) recover all costs incurred as a result of it acting in terms of section 33 (3) (a) from that person and any or all of the following persons-
- (a) Any person who is or was responsible for, or who directly or indirectly contributed to the pollution or degradation occurred, or that owner's successor in title;

- (c) The person in control of the land or any person who has or had a right to use the land at the time when-
    - (i) The activity or the process is or was performed or undertaken; or
    - (ii) The situation came about;
  - (d) any person who negligently failed to prevent-
    - (i) the activity or the process being performed or undertaken; or
    - (ii) the situation from coming about.
- (2) The municipality may furthermore, in respect of the recovery of costs, claim proportionally from any other person who benefited from the measure undertaken by the municipality.
- (3) The costs claimed must be reasonable and may include, without being limited to, labour, administrative and overhead costs.
- (4) If more than one person is liable for costs incurred, the liability must be apportioned among the persons concerned according to the degree to which each was responsible for the harm to the environment resulting from their respective failures to take the required measures.

## **CHAPTER 5: ADMINISTRATIVE AND OTHER MATTERS**

### **35. Authentication and service of order, notice or other document**

- (1) Any notice or other document that is served on a person in terms of this By-law, is regarded as having been served-
- (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;



- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
- (e) if that person's address and agent or representative in the Republic is unknown when it has been posted in a conspicuous place on the property, if any, to which it relates; or
- (f) In the event of a body corporate, when it has been delivered at the registered office of the business property of such body corporate.

(2) Service of a copy shall be deemed to be service of the original.

(3) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipality manager or a person in attendance at the municipal manager's office.

### **36. Appeal**

A person whose rights are affected by a decision delegated by the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

### **37. Exemptions**

(1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.

(2) The municipality may-

(a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;

(b) alter or cancel any exemption or condition in an exemption; or

(c) refuse to grant an exemption.

(3) In order to consider an application in terms of sub-section (1), the municipality may obtain the input or comments of the owners or occupants of surrounding property.

(4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under section (2), however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.

(5) If any condition of an exemption is not complied with, the exemption lapses immediately.

### **38. Penalties**

A person who has committed an offence in terms of this by-law is liable upon conviction to a fine or imprisonment, or either such fine or imprisonment or both such fine and such imprisonment and, in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and, a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

### **39. Repeal**

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 matter provided for in this By-law.

#### **40. Short title and commencement**

- (1) This By-law may be cited as the Grater Letaba Local Municipality waste management By-law.
- (2) This By-law comes into operation on the date of publication thereof in the Provincial Gazette, except-
  - (a) Sections 29 and 30(1) which shall come into operation 12 months after the date of promulgation of this By-law; and
  - (b) Section 30 (2) which shall come into operation 24 months after the date of promulgation of this By-law.