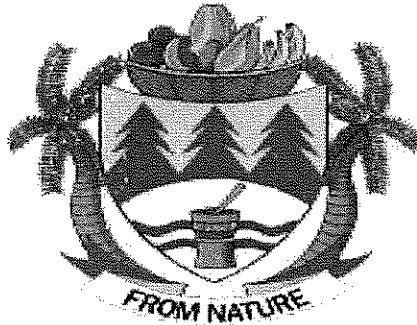
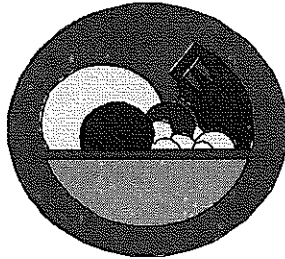


LOCAL AUTHORITY NOTICE 166 OF 2019



**REFUSE REMOVAL,  
REFUSE DUMPS AND  
SOLID WASTE DISPOSAL  
BY-LAW**



Greater Tzaneen Municipality

The Municipal Manager of Greater Tzaneen Local Municipality acting in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) hereby publishes the Refuse Removal, Refuse Dumps And Solid Waste Disposal By-Law for the Municipality as approved by Council as set out hereunder.

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## 1. Definitions

In these by-laws, unless the context indicates otherwise-

**“bin”** means a standard type of refuse bin with a capacity of 0,1m<sup>3</sup> or 85 litre as approved by the Council and which may be supplied by the Council which may be constructed of galvanized iron, rubber or polythene;

**“bin liner”** means a plastic bag approved by the Council which is placed inside a bin with a maximum capacity of 0,1m<sup>3</sup> which must be of a dark colour 950mm x 750mm in size of low density minimum thickness 40 micrometre or 20 micrometre high density;

**“builders refuse”** means refuse generated by demolition, excavation or building activities on premises;

**“bulky garden refuse”** means such refuse as tree-stumps, branches of trees, shrubs, hedge-stumps and branches of hedges and any other garden refuse of quantities more than 2m<sup>3</sup>;

**“bulky refuse”** means refuse which emanates from any premises, excluding industrial refuse, and which cannot by virtue of its mass, shape, size or quantity be conveniently accumulated or removed in a refuse bin with a bin liner;

**“business refuse”** means refuse generated by the use of premises other than a private dwelling-house used solely as a residence, but shall not include builders refuse, bulky refuse, domestic refuse or industrial refuse;

**“container”** means a receptacle of larger volume than a bin and of a structure and material determined by Council;

**“council”** means the Council of the Musina Local Municipality;

**“garden refuse”** means refuse such as grass cuttings, leaves, plants and flowers which is generated as a result of normal gardening activities;

**“infectious waste”** means waste capable of producing or transferring an infectious disease;

**“isolation waste”** means waste generated by hospitalized patients isolated to protect others from communicable diseases;

**“IWMP”** means Integrated Waste Management Plan;

**“licensee”** means any person who has obtained a licence in term of the Act;

**“municipality”** mean Graeter Tzaneen Local Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“**National Road Traffic Regulation**” means the regulations made in terms of section 75 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“**occupier**” means a person who occupies any premises or part thereof, without regard to the title under which the person occupies;

“**public place**” means such place to which the public has access, with or without the payment of money;

“**SANS Codes**” means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice;

“**tariff**” means the tariff of charges as determined from time-to-time by the Council; and

“**the act**” means National Environmental Management Waste Act, 2008 (Act 59 of 2008).

## 2. Purpose

- (1) To regulate the removal and disposal of waste by establishing a system to ensure that the removal and disposal is done in a manner that would not cause harm to human health or damage to the environment and in particular without-
  - (a) risk to water, air, soil, plants or animals;
  - (b) causing nuisance through noise or odours; or
  - (c) adversely affecting rural or urban areas of special interest.
- (2) To provide for procedures, methods and practices to regulate the dumping and removal of refuse.

## 3. Domestic waste

- (1) The municipality shall provide a service for the removal and disposal of domestic refuse subject to such conditions as it may determine.
- (2) Every occupier of a property shall make use of the service for the removal and disposal of domestic refuse provided by the municipality in respect of all domestic refuse which emanates from such property.
- (3) No person other than the municipality or person authorized thereto by the municipality shall remove domestic refuse from any property dispose of it.
- (4) Subject to the provisions of subsection 5 hereunder the municipality may require from every occupier of a property to provide on such property a container with a capacity of not less than 85 litres, constructed of a material approved by the municipality and with a closefitting lid and two handles for the accumulation of domestic refuse.
- (5) If the municipality is of the opinion that more than one container for the accumulation of domestic refuse is essential on a particular property, it may according to the quantity of domestic refuse normally accumulated on such property, require the occupier or occupiers thereof to provide as many containers as it may determine on such property.
- (6) If a container used by an occupier does not comply with the requirements of the municipality, the municipality shall instruct such occupier to obtain and use a suitable container.

- (7) All containers shall be equipped with bin liners, unless the municipality determines otherwise.
- (8) The municipality may, generally or in particular issue instructions to occupiers on the manner in which or the arrangements according to which refuse or refuse bags shall be placed in containers, be removed therefrom, be tied and thereafter be placed for removal.
- (9) No material by reason of its mass or other property is likely to render such bin liners or containers too difficult for the municipal employees to handle or carry, shall be placed in such bin liners or containers.
- (10) The containers or bin liners or both shall be removed by the municipality at such intervals as the municipality may deem necessary, only if such containers or bin liners or both, have been placed or put at the prescribe places and as provided by the municipality.
- (11) If the municipality supplies the container, such container must be supplied free of charge, or at a price or at a hiring tariff, as the municipality may determine.
- (12) Where a container is supplied at a hiring tariff by the Municipality, such container must remain the property of the municipality and the owner of the premises is liable to the municipality for the loss or damage to such container.
- (13) The municipality is not liable for the loss of or for any damage to the bin or bin-liner.

#### **4. Garden refuse**

- (1) Garden refuse may be removed from property where it accumulates according to any arrangements which the owner or occupier of such property desires to make, provided that, should any accumulation of garden refuse not be removed and should such accumulation in the opinion of the municipality constitute a nuisance or danger to public health or an unnecessary fire hazard to nearby property, the municipality may order such owner or occupier by written notice to cause such accumulation to be removed within a specified period.
- (2) If the owner or occupier fails to remove the garden refuse as notified in the written notice in subsection 1 and it causes nuisance or health risk, the municipality shall remove them at the owner or occupier's expense.
- (3) If the municipality has sufficient facilities available, the municipality may in its discretion and on application form from the owner or occupier of property remove garden refuse therefrom at the cost of the owner or occupier in which case the municipality may impose certain rules.
- (4) The owner or occupier of premises on which garden waste is generated may compost garden waste on the property, provided such composting does not cause a nuisance or health risk.
- (5) No garden refuse may be dumped, kept or stored on any sidewalk or vacant ground.

#### **5. Builder's waste**

- (1) Builder's refuse which may have accumulated in the course of the construction building, alteration, renovation or demolition of any structure or works shall be removed from the property concerned according to suitable arrangements to be made by the owner of such property.
- (2) The owner or occupier of the premises on which building waste is generated, must ensure that:-

- (a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;
  - (b) the premises on which the building waste is generated, does not become unsightly or cause a nuisance as a result of accumulated building waste;
  - (c) any building waste which is blow off the premises, is promptly retrieved; and
  - (d) pursuant to any instruction from the Council, any structure necessary to contain the building waste is constructed.
- (3) The Council may determine conditions to place a receptacle for the storage and removal of building waste on a verge.
- (4) Every receptacle used for the storage and removal of building waste must:-
- (a) be clearly marked on it the name, address and telephone number of the person in control of that receptacle;
  - (b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
  - (c) be covered at all times other than when actually receiving, or being emptied of, waste so that no displacement of its contents can occur.
- (5) All building refuse must be deposited at the municipality's disposal sites or at a written consent of the municipality be deposited at a place other than the municipality's disposal site but the municipality will have regard to:
- (a) the safety of the public;
  - (b) the environment of the proposed disposal site;
  - (c) the suitability of the area including the drainage thereof;
  - (d) the expected manner and times of depositing of refuse at the site;
  - (e) the levelling of the site;
  - (f) the control of dust; and
  - (g) other relevant factors.

## 6. Business waste

- (1) The council may by a notice published in the *provincial gazette and local newspaper*, direct that a category of waste be disposed of a particular waste disposal facility or waste handling facility.
- (2) No person may dispose of a category of waste at a waste disposal facility or waste handling facility, which is not designated for receipt of that category of waste in a notice in terms of subsection (1) or designated by their Council under other empowering legislation prior to the commencement of this by-law.
- (3) The owner or occupier of premises on which business, industrial or recyclable waste is generated must ensure that until such time as such waste is collected from the premises on which it was generated:-
- (a) the waste is stored in a bulk container or other approved receptacle; and
  - (b) no nuisance or health risks, including but not limited to dust is caused by the waste in the course of generation, storage or collection.

- (4) The owner or occupier of premises generating business waste must ensure that-
  - (a) the container in which the waste is stored, is not kept in a public place except when so required for collection;
  - (b) the waste is collected within a reasonable time after the generation thereof; and
  - (c) that the service rendered is only in respect of that portion of the business.
- (5) The municipality must dispose of business and recyclable waste at an appropriately permitted waste handling facility or waste disposal facility.

#### **7. Special industrial, hazardous or health care risk waste**

- (1) No person may carry on an activity which will generate special industrial, hazardous or health care risk waste, without notifying the Council in writing, prior to the generation of such waste, of the composition of such waste, the estimated quantity to be generated, the method of storage, the proposed duration of storage, the manner in which it will be collected and disposed of and the identity of the licensee who will remove such waste.
- (2) Any person carrying on an activity which generates special industrial, hazardous or health care risk waste, must ensure that such waste generated on the premises is kept and stored thereon until it is collected from the premises.
- (3) Special industrial, hazardous or health care risk waste stored on premises must be stored in such a manner that it does not become a nuisance or cause harm to human health or damage to the environment and in accordance with the requirements of any applicable legislation relating to buildings.
- (4) Special industrial, hazardous or health care risk waste must be stored in an approved receptacle and for a period not exceeding 90 days or any other maximum period stipulated by the Department of Environmental Affairs, Provincial Government or Council, before collection.
- (5) Only a licensee may transport special industrial, hazardous and health care risk waste and must do so in accordance with the requirements of the conditions of the licence issued to the licensee as well as in the relevant SANS codes, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness and documentation relating to the source, transportation and disposal of such waste and subject to the requirements of the national legislation.
- (6) A licensee licensed to collect and dispose of special industrial, hazardous or health care risk waste, must inform the Council of each removal of special industrial, hazardous or health care risk waste, the date of such removal, the quantity, the composition of the waste removed and the waste disposal facility at which the waste has been disposed of.
- (7) A licensee must dispose of special industrial, hazardous or health care risk waste at a waste disposal facility designated by the Council as a waste disposal facility for special industrial hazardous and health risk.
- (8) If special industrial refuse is not stored on the premises where it is generated, the municipality may order the owner of the premises to remove such refuse within a reasonable time and if thereafter such refuse is not removed within such time, the municipality may remove it at the owner's expense.

#### **8. General requirements for storage of waste**

- (1) Any person who stores waste must ensure that:
  - (a) the containers in which any waste is stored, are intact and not corroded or in any other way rendered unfit for the safe storage of waste;
  - (b) adequate measures are taken to prevent accidental spillage or leaking;
  - (c) the waste cannot be blown away;
  - (d) nuisances such as odour, visual impacts and breeding of vectors do not arise; and
  - (e) pollution of the environment and harm to health are prevented.

#### **9. Storage of general waste**

- (1) Any person who generates general waste that is collected by a municipality must place the waste in a container approved, designated or provided by the municipality for that purpose and in a location approved or authorized by the municipality.
- (2) Waste that is re-usable, recyclable or recoverable and that is intended to be reduced, re-used, recycled or recovered in accordance with the act or any applicable by-laws need not be placed in a container contemplated in subsection 1.

#### **10. Storage, separation and collection of recyclable domestic waste**

- (1) Any person who is undertaking any activity involving reduction, re-use, recycling or recovery of waste including scrap dealers, buy back centres and formalised recycling groups must before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste and must notify the municipality of an intention to undertake such an activity in writing.
- (2) Any person undertaking the activities contemplated in subsection (1) must adhere to the requirements set out in the national or provincial legislation.
- (3) The municipality may require any person or owner of premises to separate their waste and use different receptacles.
- (4) In cases where there are separate receptacles for recyclable material, no person may use the other receptacles for recyclable material.

#### **11. Integrated Waste Management Plan**

- (1) The Municipality must prepare an Integrated Waste Management Plan (IWMP) which should be adopted by the Council, in which the plan must be incorporated in the IWPM in accordance with the provisions of the act.
- (2) The plan contemplated in subsection (1) may include but not limited to the following:
  - (a) establishing a means of ensuring that waste is collected, reused, recycled or disposed of without causing harm to human health or damage to the environment and, in particular, without risk to water, air, soil, plants or animals; causing nuisance through noise or odours; or adversely affecting rural or urban areas or areas of special interest.
- (3) The plan contemplated in subsection (1) must be establishing an integrated network of waste handling and waste disposal facilities to ensure that-



- (a) comprehensive and adequate waste services are rendered within the municipality;
- (b) the disposal of waste occurs at accessible waste disposal facilities;
- (c) the most appropriate methods and technologies are used in order to ensure a high level of protection for and prevention of damage to the environment and harm to human health;
- (d) it is encouraging the minimisation or reduction of waste;
- (e) is promoting the recovery of waste by means of recycling or reuse through proven alternative technology; and
- (f) there are any other object which would enhance sustainable development.

## 12. Waste collection services

- (1) Waste collection services are subject to:
  - (a) the need for an equitable allocation of such services to all people in a municipal area;
  - (b) the obligation of persons utilizing the service to pay any applicable charges;
  - (c) the right of a municipality to limit the provision of general waste collection services if there is a failure to comply with reasonable conditions set for the provision of such services, but where the municipality takes action to limit the provision of services, the limitation must not pose a risk of health or the environment; and
  - (d) the right of a municipality to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of municipal services.
- (2) The municipality must subject to the Act and as far as is reasonably possible provide containers or receptacles for the collection of recyclable waste that are accessible to the public.

## 13. Collection of waste

- (1) No person may collect waste for removal from premises unless such person is:
  - (a) a municipality or municipal service provider;
  - (b) authorized by law to collect waste, where authorization is required; or
  - (c) not prohibited from collecting waste.

## 14. Duties of persons transporting waste

- (1) A municipality may, by notice in the *provincial gazette and local newspapers*, require any person or category of persons who transports waste for gain to –
  - (a) register with the relevant waste management officer in the Department of Environmental Affairs, province or municipality as the case may be; and
  - (b) furnish such information as is specified in that notice or as the waste management officer may require.
- (2) Any person engaged in the transportation of waste must take all reasonable steps to prevent any spillage of waste or littering from a vehicle used to transport waste.

- (3) Where waste is transported for the purpose of disposal, a person transporting waste must before offloading the waste from the vehicle ensure that the facility or place to which waste is transported is authorized to accept such waste.
- (4) Where hazardous waste is transported for purposes other than disposal, a person transporting the waste must before offloading the waste from the vehicle, ensure that the facility or place to which the waste is transported, is authorized to accept such waste and must obtain written confirmation that the waste has been accepted and has complied with the act.
- (5) In the absence of evidence to the contrary which raises a reasonable doubt, a person who is in control of a vehicle or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is considered to knowingly cause that waste to be offloaded at the location where the waste is deposited.

#### **15. Prohibition of unauthorized disposal**

- (1) No person may-
  - (a) dispose of waste, or knowingly or negligently cause or permit waste to be disposed of in or on any land or at any facility unless the disposal of that waste is authorized by this by-law; or
  - (b) dispose of waste in a manner that is likely to cause pollution of the environment or harm to health and well-being.

#### **16. Littering**

- (1) No person may-
  - (a) throw, drop, deposit, spill or in any other way discard any litter into or onto any public place, land, vacant erf, stream, watercourse, street or road, or on any place to which the general public has access, except in a container or a place specifically provided for that purpose; or
  - (b) allow any person under that person's control to do anything contemplated in paragraph (a).
- (2) An owner of privately owned land to which the general public has access, must ensure-
  - (a) that sufficient containers or places are provided to contain litter that is discarded by the public; and
  - (b) that the litter is disposed of before it becomes a nuisance, a ground for a complaint or causes a negative impact on the environment.

#### **17. Transportation and disposal of waste**

- (1) No person may-
  - (a) operate a vehicle for the conveyance of waste upon a public road unless the vehicle has a body of adequate size and construction for the type of waste being transported;
  - (b) fail to maintain a vehicle used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times;

- (c) fail to cover loose waste on the open vehicle with a tarpaulin or suitable net; and
  - (d) cause or permit any waste being transported in or through the municipal area to become detached, leak or fall from a vehicle transporting it, except at a waste disposal facility.
- (2) Subject to the provisions of subsection (1) (a), all transportation of waste must comply with the National Road Traffic Act, 1996 (Act 93 of 1996).
  - (3) Waste generated in the municipal area is disposed of at a waste disposal facility where the council permits such disposal.
  - (4) No person may incinerate waste either in a public or private place for the purpose of disposing of that waste.
  - (5) No person may incinerate waste either in a public or private place, except in an incinerator at a place where the relevant national or provincial authorities permit such incineration or at a place designated by the Council for that purpose.
  - (6) Every person who enters a waste disposal facility must-
    - (a) enter a waste disposal facility at an access point determined by the person in charge of the waste disposal facility; or
    - (b) at the request of the person in charge of a waste disposal facility; comply with any instruction by the person in charge of a waste disposal facility in regard to access to the actual place where and the manner in which waste must be deposited.

#### **18. Duty of the municipality**

- (1) The municipality has the responsibility to ensure that all refuse within the municipal area is collected, disposed of or recycled.

#### **19. Charges**

- (1) The municipality shall charge for the collection of refuse an amount determined by the Council from time to time according to its tariff by-law and policy.

#### **20. Appeals**

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

#### **21. Offences and penalties**

Any person who contravenes or fails to comply with any provision of this by-law shall upon conviction if found guilty of an offence be liable on conviction to a fine or to imprisonment.

#### **22. Repeal**

The provisions of any by-law relating to Refuse Removal, Refuse Dump and Solid Waste Disposal By-law are hereby repealed insofar as they relate to matters provided for in these by-laws; provided that such provisions shall be deemed not to have been repealed in respect of any such by-law which has not been repealed and which is not repugnant to these by-laws on the basis as determined by the relevant by-laws.

**23. Short title and commencement**

This by-law is called Graeter Tzaneen Local Municipality Refuse Removal, Refuse Dump and Solid Waste Disposal By-law and shall come into operation on the date of publication in the *Provincial Gazette*.

**B. S. MATLALA**  
**MUNICIPAL MANAGER**

**27 SEPTEMBER 2019**