



**DRAFT INTEGRATED WASTE MANAGEMENT BY-LAWS  
FOR  
DR NKOSAZANA DLAMINI ZUMA LOCAL MUNICIPALITY**



06 July 2023

 <b>Mamadi &amp; Company</b>   SA	<b>DOCUMENT TITLE:</b>	<b>Draft By-Laws</b>	
	<b>DOC NO:</b>	<b>MC.NDZ Draft Integrated Waste Management By-Laws-003</b>	

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### VERSION AND AMENDMENT SCHEDULE

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1	January 2023	Sibusiso Shabalala (Attorney of the High Court of South Africa)	Drafted by-laws
2	20 June 2023	Sibusiso Shabalala (Attorney of the High Court of South Africa)	Revised by-laws (to incorporate Municipality's inputs)
3	29 June 2023	Sibusiso Shabalala (Attorney of the High Court of South Africa)	Revised and updated by-laws

### APPROVAL AND CONTROL SCHEDULE

Approved by	Designation	Responsibility	Date	Signature
Mmapula Moropo	Environmental Consultant	Review	July 2023	
Ike Rampedi	Chief Operation Manager	Approval	July 2023	



### CLIENT APPROVAL

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<b>REPORT STATUS</b>	DRAFT		FINAL	
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## BY-LAW

To provide for integrated waste management and matters incidental thereto; to give effect to the environmental right in section 24 of the Constitution, by regulating the collection, storage, disposal, and other waste management activities within the jurisdictional area of Dr Nkosazana Dlamini Zuma Local Municipality; to provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the municipality can manage and regulate waste management activities; to ensure that waste is avoided, or otherwise minimised, reused, recycled, and recovered, and that the remainder thereof is treated and disposed of in an environmental sound manner; to promote and ensure an effective delivery of waste service; and to ensure universal access to the municipal waste services.

## PREAMBLE

**WHEREAS** Dr Nkosazana Dlamini Zuma Local Municipality has the constitutional obligation to provide services within its area of jurisdiction, including waste collection, removal, and disposal;



**AND WHEREAS** the National Environmental Management Act No. 107 of 1998 gives effect to the constitutional right aimed at protecting the environment by stipulating environmental management principles that apply throughout the Republic to the actions of all organs of state that could significantly affect the environment;

**AND WHEREAS** the National Environmental Management: National Environmental Management Waste Act No. 59 of 2008 acknowledges that waste management practices in many areas of the Republic are not conducive to a healthy environment and that sustainable development requires that the generation of waste is avoided, or otherwise reduced, re-used, recycled or recovered, and only as a last resort, treated and safely disposed of, to ensure that the environment is protected from the negative impacts of poor waste management practices;

**AND WHEREAS** poor waste management practices can have adverse impacts on the environment within and beyond Dr Nkosazana Dlamini Zuma Local Municipality's area of jurisdiction;



**AND WHEREAS** Dr Nkosazana Dlamini Zuma Local Municipality is committed to ensuring that all residents, organisations, institutions, businesses, visitors or tourist and public bodies can access services from a legitimate waste service provider;

**AND WHEREAS** Dr Nkosazana Dlamini Zuma Local Municipality resolves to regulate waste collection, separation, storage, processing, treatment, recycling, reuse, and disposal, and to regulate littering and illegal dumping facilities used for the management of waste, with the aim of avoiding or minimising the generation and impact of waste;

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**AND WHEREAS** Dr Nkosazana Dlamini Zuma Local Municipality promotes the waste hierarchy approach set out in the National Waste Management Strategy, as may be amended from time to time,

BE IT THEREFORE ENACTED by the Council of Dr Nkosazana Dlamini Zuma Municipality, as follows:

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## CHAPTER 1

### INTERPRETATION, PRINCIPLES AND OBJECTIVES OF THIS BY-LAW

#### 1. Definitions

In this By-law, unless the context indicates otherwise—

“**accreditation**” means registering with the Municipality in terms of Chapter 8 of these By-Laws;

“**approved**”, in the context of a bin, bin liner, container, receptable and wrapper, means a disposable or re-usable bin, bin liner, container, receptable and wrapper approved by the Municipality or service provider for the purposes of storing, accumulating, handling, transporting, or disposing of that waste;

“**authorised official**” means an official of the Municipality who has been appointed and authorised by the Municipality to administer, implement and enforce the provisions of these By-Laws;

“**bin**” means an approved receptable for the storage of less than 1,5 cubic metres of waste which may be supplied by the Municipality or service provider to premises in terms of these By-Laws;

“**bin liner**” means an approved loose plastic or other suitable material liner for use in the interior of a bin;

“**Bill of Rights**” means Chapter 2 of the Constitution;



“**building waste**” means waste, excluding hazardous 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 business waste or domestic waste which by virtue of its mass, shape, size or quantity is inconvenient to remove in the routine door-to-door municipal service provided by the Municipality or service provider;

“**business waste**” means waste, excluding hazardous waste, health care risk waste, building waste, garden waste and bulky waste, generated on premises used for non-residential purposes;

“**commercial service**” means a service, excluding municipal service, relating or connected to storing, accumulating, collecting, handling, managing, sorting, transporting, recycling, treating, disposing, buying or selling of waste by an accredited permit holder;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

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“**container**” means an approved receptacle for the temporary storage of greater than 1,5 cubic metres of waste;

“**dailies**” means putrescible waste generated from processing, handling, and production of food and food products by non-residential premises, which include hotels, restaurants, food shops, hospitals, and canteens, that must be collected daily to prevent the waste from decomposing and constituting a nuisance, or becoming an environmental or health risk;

“**damage to the environment**” means any pollution, degradation or harm to the environment, whether visible or not;

“**disposal**” means the burial, deposit, discharge, abandoning, dumping, placing or release of any waste into, or onto, any land;

“**decommissioning**”, in relation to waste treatment, waste transfer or waste disposal facilities, means the planning for and management and remediation of the closure of a facility that is in operation or that no longer operates;

“**developer**” means an agent or a person acting on behalf of a person who owns land, building or any undivided share in such land or building situated within the area of jurisdiction of the Municipality;



“**domestic waste**” means waste, excluding hazardous waste, business waste, industrial waste, building waste, health care risk waste, dailies, garden waste or bulky waste, generated on premises used mainly for residential, educational, sport, recreation, or public worship purposes, including halls or other public buildings used for religious purposes;

“**dump**” means to dispose of waste in a manner other than an approved receptacle or a place designated by the Municipality as a waste handling facility or waste disposal facility, and includes, without derogating from the generality of the foregoing, to deposit, discharge, spill or release waste, whether or not the waste is in a container in or at any place whatsoever, whether publicly or privately owned including but not limited to vacant land, rivers, waterways, catchments, and sewage and storm water systems, but excludes littering;

“**environment**” has the meaning assigned to it in section 1 of the National Environmental Management Act;

“**environmental incident**” means an unexpected, sudden and uncontrolled release of a hazardous substance, including from a major emission, fire or explosion, that causes, has caused or may cause significant harm to the environment, human life or property;

“**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

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40mm at any point of its length, un-compactable waste and any waste generated as a result of commercial garden service activities or treating or recovery of waste;

**“garden waste handling facility”** means a waste handling facility in or on which organic waste is received and temporarily stored;

**“hazardous waste”** means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste have a detrimental impact on health and/or the environment, including the hazardous waste listed in Category A in Schedule 3 to the National Environmental Management: Waste Act;

**“health care risk waste”** means all hazardous waste generated at any health care facility such as a hospital, clinic, laboratory, medical research institution, dental or medical practitioner or veterinarian;

**“industrial waste”** means waste, excluding hazardous waste, building waste, health care risk waste, dailies, garden waste or bulky waste, in a solid form that emanates from manufacturing, maintenance, fabrication, processing, dismantling, thermal or other industrial processes;

**“integrated waste management plan”** means a plan prepared in terms section 7 of these By-Laws;

**“Interpretation Act”** means the Interpretation Act, 1957 (Act No. 33 of 1957);



**“land reclamation”** means the planned and engineered disposal of waste with the object of constructing any facility or changing the natural features of any piece of land;

**“litter”** means any object or matter which is discarded by a person in any place except in an approved receptacle provided for that purpose or at a waste handling facility or waste disposal facility;

**“local community”** means that body of persons comprising–

- (a) the residents within the area of jurisdiction of the Municipality;
- (b) the ratepayers of the Municipality;
- (c) any civic organisation and non-governmental, private sector or labour organisation or body which is involved in local affairs within the area of jurisdiction of the Municipality; and
- (d) visitors and other persons residing outside of the area of jurisdiction of the Municipality who, because of their presence in that area, make use of services or facilities provided by the Municipality;

**“MEC”** means the Member of the Executive Council responsible for waste management in KwaZulu-Natal Province;

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**“Municipality”** means—

- (a) the Dr Nkosazana Dlamini Zuma Local Municipality (KZN 436 Municipality) established in terms of section 155(6) of the Constitution, and section 11 and 12 of the Municipal Structures Act, and read with section 3, 4 and 5 of the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000); or
- (b) its successor in title; or
- (c) the Executive Committee of the Municipality; or
- (d) a structure or person exercising a power in this By-law or carrying out an instruction, which power has been delegated or sub-delegated or which instruction has been given, as contemplated in section 59 of the Municipal Systems Act; or
- (e) a service provider appointed by the Municipality to deliver municipal service on its behalf;

**“minimisation”** has the meaning assigned to it in section 1 of the National Environmental Management: Waste Act;

**“municipal service”** means a service relating to the collection of waste, including domestic waste, business waste and dailies, provided exclusively by the municipality or service provider appointed and acting on behalf of the Municipality in terms of a service delivery agreement entered in terms of the Municipal Systems Act and these By-Laws, and which in the case of business waste extends only to waste deposited in bin liners, bins and 240 litre wheeled bins;

**“Municipal Structures Act”** means Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);



**“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

**“National Environmental Management Act”** means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

**“National Environmental Management: Waste Act”** means the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008);

**“National Norms and Standards for the Assessment of Waste for Landfill Disposal”** means the National Norms and Standards for the Assessment of Waste for Landfill Disposal, 2013, published under Government Notice No. R635 in Government Gazette No. 36784 of 23 August 2013;

**“National Norms and Standards for Disposal of Waste to Landfill”** means National Norms and Standards for Disposal of Waste to Landfill, 2013, published

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under Government Notice No. R636 in Government Gazette No. 36784 of 23 August 2013;

**“National Waste Information Regulations”** means the National Waste Information Regulations, 2012, published under Government Notice No. R625 in Government Gazette No. 35583 of 13 August 2012;

**“National Waste Management Strategy”** means the strategy established in terms of section 6(1) of the National Environmental Management: Waste Act;



**“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”**, in relation to any premises, means any person:

- (a) who is in actual occupation of such premises;
- (b) if no person is in actual occupation thereof, any person who whether as owner, lessee or otherwise has, for the time being, control of such premises for the purpose of his business; and
- (c) in the case of premises let to more than one tenant, the person who receives the rent payable by the tenants whether for his or her own account or as an agent for a person entitled to the rent;

**“owner”** means:

- (a) the person who is the registered owner of the premises in the relevant Deeds Office;
- (b) where the registered owner of the premises is insolvent or deceased, or is under any form of legal disability whatsoever, the person on whom the administration and control of his or her property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the Municipality is unable to identify the identity of such person, a person who is entitled to the benefit of the use of the premises, building or buildings on the premises;
- (d) in a case where such premises have been leased for a period of 30 years or longer, the lessee of the premises;
- (e) in relation to – (i) a piece of land alienated on a sectional title plan registered in terms of the Sectional Titles Act No.1986 as common property, the developer or the body corporate in respect of the common property; or (ii) a section as defined in the Sectional Titles Act the person in whose name such

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section is registered under a Sectional Title Deed and includes the lawfully appointed agent of such a person; or

(f) the registered owner, lessee or occupier of premises, or the person in charge or control of any premises or part thereof, or any person who obtains a benefit from the premises or who is entitled thereto;

**“peace officer”** means a law enforcement officer appointed by a municipality in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

**“person”** has the meaning assigned to it in section 1 of the Interpretation Act;

**“pollution”** means any change in the environment caused by –

- (a) substances; or
- (b) noise, odours, dust or heat,



emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or wellbeing or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future;

**“premises”** means—

- (a) any land without any buildings or other structures on it; or
- (b) any building or other structure and the land on which it is situated; or
- (c) any land which adjoins land referred to in paragraph (a) or (b), and any building or other structure on the adjoining land, if that land, building or structure is occupied or used in connection with any activity carried out on the premises referred to in paragraph (a) or (b);

**“prescribed fee”** means a tariff for the services which the Municipality may set for the provision of a municipal service to the local community, and includes a surcharge on such tariff;

**“public place”** means a public road, public parking space, public building, recreation ground, sports ground, beach, overhead bridge, foot pavement, footpath, sidewalk, lane, square open space, garden park, enclosed space, municipal cemetery or vacant municipal land which is vested in the Municipality or in respect of which the public has the right of use, or which is shown on a general plan of a township filed in the Deeds Registry or a Surveyor General’s office as having been provided for the use of the public or the owners of erven in such township;

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“**public road**” means any road, street or thoroughfare or any other place, whether a thoroughfare or not, which is 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 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;

“**recovery**” means the controlled extraction or retrieval of any substance, material or object from waste;

“**recycle or recycling**” means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material;

“**recyclable waste**” means waste which is capable of being separated from the waste stream for the purposes of future recycling;

“**resident**” means a person who is ordinarily resident within the area of jurisdiction of the Municipality;

“**re-use**” means to utilise the whole, a portion of or a specific part of any substance, material or object from the waste stream for a similar or different purpose without changing the form or properties of such substance, material or object;

“**road reserve**” means that portion of a road, street, or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the roadway or that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or shoulder;



“**SANS Code**” means the South African National Standard: 10228 – The Identification and Classification of Dangerous Goods for Transport;

“**scrap dealer**” means a person engaged in buying or collecting, storing and recycling of waste especially metal, but does not include a person engaged solely in recycling metal cans, paper, cardboard or glass;

“**service delivery agreement**” means an agreement between the Municipality and a service provider in terms of which the service provider will provide a municipal service on behalf of the Municipality;

“**service provider**” means a person who has entered into a service delivery agreement with the Municipality in terms of the Municipal Systems Act and these By-Laws;



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“**storage**” means the accumulation of waste in a manner that does not constitute treatment or disposal of that waste;

“**sustainable development**” means the integration of social, economic, and environmental factors into planning, implementation, and decision-making, to ensure that development serves present and future generations;

“**tariff**” means the user charge for the provision of municipal service, determined and promulgated by the Municipality or adjusted by a service provider in terms of tariff policy by-laws adopted under section 75 of the Municipal Systems Act;

“**treatment**” means any method, technique or process that is designed to-

- (a) change the physical, biological or chemical character or composition of a waste; or
- (b) remove, separate, concentrate or recover a hazardous or toxic component of a waste; or
- (c) destroy or reduce the toxicity of a waste,

in order to minimise the impact of the waste on the environment prior to further use or disposal;

“**un-compactable waste**” means business or domestic waste which by its mass, shape, size or quantity, is inconvenient to remove in the routine door-to-door municipal service provided by the Municipality or service provider on behalf of the Municipality;

“**vector**” means an organism, such as a mosquito or tick, that transmits disease-causing microorganisms from an infected person or animal to another;

“**verge**” has the meaning assigned to it in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);



“**waste**” has the meaning assigned to it in section 1 of the National Environmental Management: Waste Act;

“**Waste Classification and Management Regulations**” means the National Waste Classification and Management Regulations, 2013, published under Government Notice No. R634 in Government Gazette No. 36784 of 23 August 2013;

“**waste disposal facility**” means any site or premise used for the accumulation of waste with the purpose of disposing of that waste at that site or on that premise;

“**waste generator**” means a person whose actions, production, processes or activities, including waste management, results in the generation of waste;

“**waste handling facility**” means any facility on or in which waste is accepted, accumulated, handled, and sorted prior to its transfer for treatment, recycling, processing, and disposal;

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“**waste management activity**” has the meaning assigned to it in section 1 of the National Environmental Management: Waste Act;

“**waste management officer**” means the municipal official designated in terms of section 6 of these By-Laws;

“**waste management standards**” means the waste service standards set out in section 9 of the National Environmental Management: Waste Act;

“**waste stream**” means any type of waste, including domestic waste, business waste, industrial waste, or recyclable waste;

“**waste transporter**” means a person who conveys or transports waste:

- (a) between the waste generator, a waste handling facility, waste treatment facility or waste disposal facility; or
- (b) between waste handling facilities, waste treatment facilities, and waste disposal facilities;

“**waste transfer facility**” means a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment or waste disposal facility;

“**waste treatment facility**” means any site that is used to accumulate waste for the purpose of storage, recovery, treatment, reprocessing, recycling or sorting of that waste;

“**waste tyre**” means a new, used, re-treaded or unroadworthy tyre not suitable to be retreaded, repaired or sold as a part worn tyre and not fit for its original intended use;

“**workplace**” means a place within the area of jurisdiction of the Municipality on or in which a person undertakes municipal service or commercial service;

“**wrapper**” means a plastic or a suitable or approved material that totally encloses bales or slugs of compacted waste.



## 2. Application of this by-law

This By-law applies to all premises and person residing or operating within the area of jurisdiction of the Municipality, and is limited to regulate the generation, collection, transportation, storage and disposal of waste.

## 3. Principles

(1) The Municipality has the responsibility to ensure that all waste generated within the area of jurisdiction of the Municipality is—

- (a) collected, disposed of or recovered in accordance with the provisions of this By-law; and

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(b) such collection, disposal or recovery takes account of the waste management hierarchy outlined in subsection (2) below.

(2) The principle underpinning this By-law is informed by a waste management hierarchy approach, as set out in the National Waste Management Strategy, in the following order of priority—

- (a) avoidance, minimisation and reduction of waste;
- (b) re-use of waste;
- (c) recycling, re-claiming, reprocessing and treatment of waste; and
- (d) disposal of waste.

(3) An authorised official must, as far as reasonably possible, take into account the waste hierarchy order of priority as set in subsection (2) above.



#### **4. Objectives of this by-law**

(1) The objectives of this By-Law are to—

- (a) promote the waste management hierarchy in terms of the National Waste Management Strategy;
- (b) regulate the collection, transportation, storage, disposal, treatment and recycling of waste within the area of jurisdiction of the Municipality;
- (c) regulate the provision of municipal service by the Municipality or service provider and commercial services by a person accredited in terms of these By-Laws;
- (d) prohibit littering and dumping of waste and impose appropriate penalties on all offences under these by-laws; and
- (e) promote sustainable development and environmental justice through fair and reasonable measures for the management of waste within the area of jurisdiction of the Municipality.

(2) In pursuing the main objects of these by-laws, and in particular the objectives set out in subsection (1)(b), the Municipality must—

- (a) endeavour to ensure local community involvement in local waste plan;
- (b) endeavour to minimise the consumption of natural resources;
- (c) promote the recycling and re-use of waste;
- (d) encourage waste separation to facilitate re-use and recycling;

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- (e) promote the effective resourcing, planning and delivery of municipal services and commercial services;
- (f) endeavour to achieve integrated waste management, planning and services in a local context;
- (g) promote and ensure environmentally responsible municipal services and commercial services; and
- (h) endeavour to ensure compliance with the provisions of this by-law.

## 5. Duties and obligations



(1) An authorised official must always seek to promote the waste management hierarchy approach as outlined in the National Environmental Management: Waste Act and National Waste Management Strategy, with the aim of promoting avoidance, minimisation, re-use, recycling, recovery, treatment and disposal of waste.

(2) Every person has a duty to manage any waste generated by his or her activities or the activities of those persons working under his or her direction in such a manner that the waste does not cause harm to human health or damage to the environment. In particular, the person must ensure that—

- (a) waste generation is avoided, and where this is not practical, the toxicity and amounts of waste are generated;
- (b) waste is reduced, reused, recycled or recovered;
- (c) where waste must be disposed, it is treated and disposed of in an environmental sound manner;
- (d) waste is managed in such a manner that it does not endanger human health or the environment, or cause a nuisance through noise, odour or visual impacts.
- (e) waste is not used for an unauthorised purpose including prevention of persons under his supervision from contravening this By-Law.

(3) In implementing this By-law, the Municipality may require a generator or holder of waste to take reasonable measures to ensure that the objectives of this By-Law are given effect to. These measures include, but not limited to:

- (a) providing information to the municipality for the purpose of facilitating effective waste management within its jurisdiction;
- (b) presenting proof to the Municipality that any activity which is required to be licensed or registered in terms of the National Environmental Management: Waste Act or this By-Law is so authorised or registered;

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- (c) investigating, assessing and evaluating the impact that any activity, process or situation within the Municipality’s jurisdiction has on the environment and presenting the findings to the Municipality.
- (4) Every person who is a generator or holder of waste must—
- (a) investigate, assess and evaluate the impact that his or her activity, the process, or a situation have on the environment;
- (b) inform and educate employees about the environmental risks of their work and the way their tasks must be performed to avoid causing damage to the environment;
- (c) cease, modify or control any act, process, situation or activity which causes damage to the environment;
- (d) contain or prevent the movement of pollutants or other causes of damage to the environment;
- (e) eliminate or mitigate any source of damage to the environment, or the effects of the damage to the environment.
- (5) Any person conducting an activity listed in Annexure 1 to the National Waste Information Regulations shall comply with the National Waste Information Regulations.
- (6) Any person responsible for the disposal of waste must comply with the Waste Classification and Management Regulations.



## **CHAPTER 2**

### **INSTITUTIONAL AND PLANNING MATTERS**

#### **Part 1: Waste management officer**

#### **6. Designation of waste management officer**

- (1) The Municipality must designate in writing an officer from its administration as the waste management officer responsible for co-ordinating matters pertaining to waste management in the Municipality.
- (2) The waste management officer must exercise the power or perform the duty assigned to him or her by the Municipality.
- (3) The waste management officer may delegate a power or duty assigned to him or her by the Municipality to an official in the Municipality’s administration.
- (4) A delegation in terms of subsection (3) —
- (a) must be in writing;

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- (b) may be made subject to conditions;
  - (c) does not prevent the exercise of the power or the performance of the duty by the waste management officer personally;
  - (d) does not include the power to subdelegate;
  - (e) may be withdrawn by the waste management officer.
- (5) The waste management officer may confirm, vary or revoke any decision taken in consequence of a delegation in terms of subsection (2), subject to any rights that may have accrued to a person as a result of the decision.

## **Part 2: Municipal integrated waste management plan**



### **7. Preparation of municipal integrated waste management plan**

The Municipality must—

- (a) prepare an integrated waste management plan;
- (b) submit its integrated waste management plan to the MEC for endorsement in accordance with the section 11 of the National Environmental Management: Waste Act; and
- (c) include the endorsed integrated waste management plan in its integrated development plan contemplated in Chapter 5 of the Municipal Systems Act.

### **8. Contents of municipal integrated waste management plan**



- (1) A municipal integrated waste management plan must at least include—
  - (a) a situation analysis that includes-
    - (i) a description of the population and development profiles of the Municipality;
    - (ii) an assessment of the quantities and types of waste that are generated in the Municipality;
    - (iii) a description of the services that are provided for the collection, minimisation, re-use, recycling and recovery, treatment and disposal of waste by the Municipality; and
    - (iv) the number of persons in the area who are not receiving municipal service;
  - (b) within its area of jurisdiction, how the Municipality intends-

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- (i) to give effect, in respect of waste management, to Chapter 3 of the National Environmental Management Act;
  - (ii) to give effect to the objects of the National Environmental Management: Waste Act;
  - (iii) to identify and address the negative impact of poor waste management practices on health and the environment;
  - (iv) to provide for the implementation of waste minimisation, re-use, recycling and recovery targets and initiatives;
  - (v) to address the delivery of waste management services to residential premises;
  - (vi) to implement the Republic's obligations in respect of any relevant international agreements;
  - (vii) to give effect to best environmental practice in respect of waste management;
- (c) set out the priorities and objectives of the Municipality in respect of waste management;
  - (d) establish targets for the collection, minimisation, re-use and recycling of waste;
  - (e) set out the approach of the Municipality to the planning of any new facilities for disposal and decommissioning of existing waste disposal facilities;
  - (f) indicate the financial resources that are required to give effect to the municipal integrated waste management plan; and
  - (g) describe how the Municipality intends to give effect to the municipal integrated waste management plan.

## **9. Reporting on implementation of municipal integrated waste management plan**

- (1) The annual performance report that the Municipality must prepare in terms of section 46 of the Municipal Systems Act must contain information on the implementation of the municipal integrated waste management plan.
- (2) The annual performance report in terms of section 46 of the Municipal Systems Act insofar as it relates to the performance of the Municipality must include the following information on the implementation of its integrated waste management plan:
  - (a) the extent to which the municipal integrated waste management plan has been implemented during the period;

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- (b) the waste management initiatives that have been undertaken during the reporting period;
- (c) the delivery of municipal services and measures taken to secure the efficient delivery of municipal services, if applicable;
- (d) the level of compliance with the plan and any applicable waste management standards;
- (e) the measures taken to secure compliance with waste management standards;
- (f) the waste management monitoring activities;
- (g) the actual budget expended on implementing the municipal integrated waste management plan;
- (h) the measures that have been taken to make any necessary amendments to the municipal integrated waste management plan.

## **10. Review and amendment of municipal integrated waste management plan**



The municipal integrated waste management plan must be reviewed and/or amended in accordance with the amendment and consultative processes of the integrated development plan in terms of the Municipal Systems Act.

### **Part 3: Waste information**

## **11. Establishment of municipal waste information system**

- (1) The Municipality may establish a municipal waste information system for the recording, collection, management and analysis of data and information that must include-
- (a) data on the quantity and type of waste generated, stored, transported, treated, re-used, recycled, recovered and disposed of in the Municipality;
  - (b) a register of waste management activities that have been licensed in terms of the National Environmental Management: Waste Act, holders of waste management licences, and the location of the licensed waste management activities in the Municipality;
  - (c) a register of waste generators, waste handling facilities, waste transporters and waste disposal facilities that are accredited in terms of these by-laws;
  - (d) the level and extent of municipal service provided by the Municipality;
  - (e) the level of compliance with the municipal integrated waste management plan; and



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- (f) information on compliance with these By-Laws.
- (2) The municipal waste information system may be implemented incrementally.

## 12. Objectives of municipal waste information system

The objectives of the municipal waste information system are to-



- (a) facilitate waste management within its jurisdiction;
- (b) gather data and information and undertaking strategic planning about the delivery of the municipal service;
- (c) monitor waste management activities within the area of jurisdiction of the Municipality;
- (d) monitor progress made on targets set by the Municipality;
- (e) assess waste minimisation and recycling within the municipal area;
- (f) prepare the Municipality's integrated waste management plan; and
- (g) fulfil the Municipality's internal and external waste management reporting requirements.

## 13. Provision of information

(1) The Municipality may require in writing, subject to the provisions of the National Environmental Management: Waste Act, a waste generator, waste storage facility, waste transporter, waste disposal facility, person accredited to provide commercial services or service provider involved or associated with the provision of municipal services, to provide, within a reasonable time or on a regular basis, such information to the Municipality that may be required for the municipal waste information system.

- (2) The information contemplated in subsection (1) must include-
  - (a) quantity and type of waste generated, stored, transported, treated, re-used, recycled, recovered and disposed of;
  - (b) initiatives on re-use, recycling or recovery of waste;
  - (c) markets for waste by class of waste;

(3) Where the MEC requires the Municipality to furnish data, information, documents, samples or materials in terms of section 63 (2) of the National Environmental Management: Waste Act, the Municipality must by municipal notice published in the *Provincial Gazette* or in writing, require any person to provide, within a reasonable time or on a regular basis, such data, information, documents, samples or materials, and the verification of such information, to the Municipality in order for

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the Municipality to discharge its obligations in terms of the National Environmental Management: Waste Act.

#### **14. Access to information**

Information contained in the municipal waste information system may be made available by the Municipality, subject to the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

### **CHAPTER 3**

#### **WASTE MINIMISATION AND RECYCLING**

#### **15. Waste handling and treatment facilities**

The Municipality may establish appropriate waste handling and waste treatment facilities for the sorting and recycling of waste respectively.

#### **16. Reduction, re-use, recycling, recovery of waste**

(1) All generators of waste and holders of waste must ensure that waste is avoided, or where it cannot altogether be avoided, minimised, re-used, recycled or recovered wherever possible and disposed of in an environmentally sound manner.

(2) Any person who is undertaking reduction, re-use, recycling or recovery of waste including scrap dealers, waste treatment facilities, and formalised recycling groups must, before undertaking that activity, make sure that it is less harmful to the environment than the disposal of such waste.



#### **17. Registration with municipality and compliance with national law**

(1) Re-use, recycling or recovery of waste shall be undertaken in a manner which complies with these By-Laws, the National Environmental Management: Waste Act, and National Waste Management Strategy.

(2) No person may undertake to generate, collect, transport, sort, store, re-use, recycle, recover or dispose waste with the intention of making profit, including scrap dealers, waste treatment facilities and formalized recycling groups, unless the undertaking is licensed or registered in terms of the National Environmental Management: Waste Act or accredited in terms of this By-Law.

(3) Subsection (2) does not apply to collection or transportation of own recyclable waste, person engaged in fundraising venture or *bona fide* non-governmental organisations if the collection, transportation, sorting, storage, re-use or recycling of waste is not for profit.

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

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## 18. Waste pickers

- (1) No waste picker may sort-out and repackage items anywhere at a public place other than the places that have been designated by the Municipality for informal recycling, provided that such designated places shall be always kept tidy and clean.
- (2) A waste picker may not scatter the contents of a waste receptacle from which the waste picker retrieves items.
- (3) A person who contravenes a provision of subsection (1) or (2) commits an offence.

## 19. Litter pickers



No person may pick up litter within the Municipality's jurisdiction unless that person is appointed or contracted by the Municipality, or national department responsible for environmental affairs, or provincial department responsible for environmental affairs, or an organisation working with or supporting the Municipality on waste management.

## 20. Obligation to separate waste into recyclables and non-recyclables

- (1) The Municipality may prescribe by municipal notice in the Provincial Gazette of KwaZulu-Natal Province that, from a prescribed date, areas, specified generators or holders of particular categories of waste, shall for the purpose of recycling, separate those categories of waste and must store, dispose of or treat the separated waste in the manner prescribed in the notice.
- (2) In cases where the Municipality, service provider, or the industry provides separate receptacles for recyclable material, no person may use other receptacle for recyclable material.
- (3) A person who fails to comply with a notice published in terms of subsection (1) or contravenes subsection (2) commits an offence.

## 21. Storage, collection, treatment, transportation, disposal of recyclable waste

- (1) The owner or occupier of premises on which recyclable waste is generated and separately stored, shall ensure that-
  - (a) until such waste is collected by an accredited service provider from the premises on which it was generated or stored, the waste is placed in an approved waste receptacle, and in a secure location;
  - (b) the approved waste receptacle in which the waste is stored is not kept in a public place, except when so required for collection;
  - (c) the approved waste receptacle place for collection is not damaged and is properly closed to prevent the dispersal of its contents;

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- (d) every approved waste receptacle on the premises is kept closed, save when waste is being deposited in it or discharged from it, and every approved receptacle is kept in a clean and hygienic condition;
  - (e) nuisances such as odour, visual impacts, and breeding of vectors do not arise; and
  - (f) the waste is collected by an accredited service provider within a reasonable time after the generation thereof, but at least once per week.
- (2) An accredited service provider shall handle, treat or dispose of recyclable waste at a permitted waste handling, treatment or disposal facility.
- (3) A person who contravenes a provision of subsection (1) or (2) commits an offence.

## **CHAPTER 4**

### **THE MUNICIPAL SERVICE**

#### **22. Duty to provide access to the municipal service**

- (1) The Municipality has a duty to the local community to progressively ensure an efficient, affordable, economical, and sustainable access to the municipal service.
- (2) The duty referred to in subsection (1) is subject to:
- (a) the obligation of the members of the local community, other than those persons who have been declared indigent by Municipality, to pay the prescribed fee for the provision of the municipal service, which fee shall be in accordance with any nationally-prescribed norms and standards for rates and tariffs; and
  - (b) the right of the Municipality to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of the municipal service.
- (3) The Municipality shall take the following factors into account in ensuring access to the municipal service:
- (a) the waste management hierarchy set out in the National Waste Management Strategy in the order of priority as set out in section 3(2) of these By-Laws;
  - (b) the need to use resources efficiently;
  - (c) the need to ensure for affordability;
  - (d) the requirements of operational efficiency;
  - (e) the requirements of equity; and

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- (f) the need to protect human health and the environment.

### **23. Provision of the municipal service**

(1) The Municipality shall, as far as reasonably possible and subject to the provisions of this By-Law, provide for the collection of domestic waste, business waste and dairies and such recycling facilities as it may determine on a regular basis and at a cost to end-users decided according to its tariff's policy.

(2) The Municipality shall, subject to the provisions of section 9(2) of the National Environmental Management: Waste Act, be the sole provider of the municipal service for the collection, transportation, and disposal of domestic waste within its jurisdiction, but may appoint one or more service providers to carry out this function on its behalf.

(3) In providing the municipal service the Municipality may determine:



- (a) collection schedule;
- (b) quantities of waste that will be collected;
- (c) which premises require an increased frequency of the municipal service for reasons of health, safety and environmental protection;
- (d) the maximum amount of waste that may be placed for collection without the provision of an additional service or the payment of an added prescribed fee;
- (e) requirements for the provision of waste storage areas and access to such areas in respect of premises which are constructed after the commencement of these By-Laws;
- (f) waste streams that are unsuitable for collection by the Municipality, and if waste is determined to be unsuitable for collection, the owner of such waste shall be informed of the process for its collection; and
- (g) locations for placing approved receptables for collection.

### **24. Provision and replacement of approved receptables**

(1) Where the Municipality provides an approved waste receptacle, no person may place a receptacle for collection of waste by the Municipality other than the one that has been provided by it.

(2) A receptacle provided by the Municipality remains its property and may not be removed from its storage space, except on days which the waste is collected and for the purpose of the waste collection only.

(3) The owner or occupier of premises for which the Municipality provides an approved waste receptacle shall be liable for its replacement costs if such receptacle

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is lost or damaged, except where such loss or damage is caused by a Municipal employee or a service provider while carrying out their duties.

(4) The Municipality may provide approved waste receptacles to owners and occupiers for the purpose of segregating waste, in which case owners and occupiers shall be obliged to segregate the waste; accordingly, alternatively, the Municipality may place public waste receptacles into which the public may place their segregated domestic and business waste.

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

**25. Compacting of waste**

(1) The Municipality may, if the quantity of domestic waste generated on premises requires the daily removal of more than the equivalent of eight 240-litre bins and the major portion of such waste is compactable, require the generator of such waste to compact that portion of the waste that is compactable and place it in a wrapper.

(2) An owner or occupier of premises may choose to compact any volume of waste as contemplated in subsection (1).

(3) The capacity of the wrapper may not exceed 85 litres and the contents of the wrapper may not exceed 35 kilograms.

(4) Waste wrapped in compliance with this section shall be placed in an approved receptacle and stored in a manner that prevents damage to the wrapper or cause any nuisance until it is collected.

(5) The receptacle used in terms of subsection (4) shall be collected, emptied, and returned to the premises by the Municipality at such intervals as it may deem necessary.

(6) A person who contravenes a provision of subsection (1), or (4) commits an offence.



**26. Obligations of generators of domestic waste, business waste and dailies**

(1) Any person generating domestic waste, business waste, and dailies shall place such waste in an approved waste receptacle.

(2) No person may allow an animal in his or her control to interfere with, overturn or damage a receptacle, which has been placed for collection.

(3) The occupier or owner of premises must ensure that:

(a) no hot ash, unwrapped glass or other domestic waste, business waste or dailies that may cause damage to approved waste receptacles or which may cause injury to the Municipality’s employees while carrying out their duties in

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terms of this By-Law, is placed in an approved receptacle before suitable steps have been taken to avoid such damage or injury;

(b) no material, including any liquid, which by reason of its mass or other characteristics is likely to make an approved waste receptacle unreasonably difficult for employees of the Municipality to handle or carry, is placed in an approved receptacle;

(c) every approved waste receptacle on the premises is kept closed, save when waste is being deposited in it or discharged from it, and every approved receptacle is kept in a clean and hygienic condition;

(d) no approved waste receptacle delivered by the Municipality is used for any purpose other than the storage of domestic waste, business waste, or dailies, and that no fire is lit in such approved receptacle;

(e) an approved waste receptacle is placed outside the entrance to the premises before a time specified by the Municipality and on a day of the week specified by it through written notice to the owner or occupier of the premises, except where, on written application to the municipality, it has indicated in writing that it is satisfied that a person is physically infirm or otherwise incapable of complying with the notice;

(f) an approved waste receptacle, placed according to paragraph (e), is not damaged and is properly closed to prevent the dispersal of its contents;

(g) dailies are not placed in a receptacle or compactor where they are able to contaminate another waste stream; and

(h) No person may recover or dispose of a waste tyre in a manner that is likely to have the potential to impact adversely on the public health wellbeing and the environment.



(4) The owner or occupier of premises must provide space and any other facility considered necessary by the Municipality on the premises for the storage of approved waste receptacles.

(5) The space provided in terms of subsection (4) must:

(a) be in a position on the premises which would allow the storage of any approved waste receptacle without it being visible from a public road or public place;



(b) if dailies are generated on premises:

(i) the receptacle must be in a position that will allow the collection and removal of that waste by the Municipality's employees without hindrance; and

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- (ii) not be more than 20 metres from the entrance to the premises used for the collection of waste by the Municipality;
  - (c) be so located as to allow convenient access to and egress from such space for the Municipality's waste collection vehicles;
  - (d) comply with any further requirements imposed by the Municipality through written notice to the owner or occupier of the premises; and
  - (e) be constructed according to the requirements of any applicable legislation relating to buildings.
- (6) The occupier of premises must place or cause any approved waste receptacle to be placed in the space provided in terms of subsection (5) and must keep them there at all times.
- (7) Notwithstanding the provisions of subsection (6):
- (a) in the case of a building erected, or the building plans of which have been approved, prior to the commencement of these By-Law; or
  - (b) in the event of the Municipality being unable to collect and remove waste from the space provided in terms of subsection (5), the Municipality may, having regard to the avoidance of a nuisance and the inconvenience of collection of waste, indicate a position within or outside the premises concerned where approved waste receptacles shall be placed for the collection and removal of waste and such receptacles must then be placed in that position at such times and for such period as the Municipality may require.
- (8) The owner or occupier on which domestic waste or business waste is generated shall within seven days after the commencement of the generation of such waste notify the Municipality in writing:
- (a) that the premises are being occupied; and
  - (b) whether domestic waste or business waste or both the aforementioned is being generated on the premises.
- (9) Where business or commercial premises is vacated it is the responsibility of the owner or occupier to inform the Municipality in writing on or before the day of vacating the premises that the municipal service should be ceased, and the tariff charge should be cancelled. Where a third party is removing waste from business or commercial premises it is the responsibility of the owner or occupier to inform the Municipality that the municipal service must not longer be rendered and that the tariff charged should be cancelled, failing which the owner or occupier will be held liable for the tariff charge for the full period.
- (10) A person who contravenes a provision of subsection (1), (2), (3), (4), or (8) commits an offence.



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## 27. Liability to pay for the municipal service

- (1) The owner or occupier of premises is liable to pay to the Municipality the prescribed fee for the provision of the municipal service in terms of the Municipality's approved waste tariff policy, and is not entitled to exemption from, or reduction of the amount of such fee by reason of not making use, or of making a partial or limited use, of the municipal service.
- (2) A prescribed fee becomes due and payable on the date stipulated in the account.
- (3) Non-receipt of an account does not relieve the person concerned of the liability to pay a prescribed fee before or on the due date.

## CHAPTER 5

### COMMERCIAL SERVICE AND MANAGEMENT OF CERTAIN TYPES OF WASTE



#### Part 1: Provision of commercial services

## 28. Provision of commercial services

- (1) Only a person accredited in terms of Chapter 8 of these By-Laws may provide a commercial service.
- (2) Any person requiring a commercial service must satisfy himself or herself or itself that a person is properly accredited by the Municipality to provide the commercial service in terms of these By-Laws or is licensed by the national or provincial authority if a waste management licence is required for the commercial service it provides in terms of the National Environmental Management: Waste Act.
- (3) A person who contravenes a provision of subsection (1) or (2) commits an offence.

## 29. Provision for municipal co-ordination of waste disposal

- (1) The Municipality may direct, by a municipal notice published in the *Provincial Gazette* in KwaZulu-Natal Province, that a category of waste be disposed of at a particular waste handling facility or waste disposal facility.
- (2) Where the Municipality has directed as contemplated in subsection (1), no person may dispose of such waste at a waste facility which is not designated to receive the category of waste specified in the municipal notice referred to in subsection (1).
- (3) A person who fails to comply with a municipal notice published in terms of subsection (1) or contravenes subsection (2) commits an offence.

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## **Part 2: Business waste or industrial waste**

### **30. Generation and storage of business waste or industrial waste**

(1) The owner or occupier of premises on which business waste or industrial waste is generated must ensure that until such time that the person accredited in terms of these By-Laws collects such waste from the premises on which it was generated:

- (a) the waste is stored within a bulk container or other approved receptacle; and
- (b) no nuisance, including but not limited to dust, is caused by the waste in the course of generation, storage, or collection.

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

### **31. Collection and disposal of business waste or industrial waste**

(1) The owner or occupier of premises generating business waste or industrial waste must ensure that the-

- (a) container in which business waste or industrial waste is stored may not be kept in a public place except as required for collection;
- (b) business waste or industrial waste is collected by a person accredited in terms of Chapter 8 of these By-Laws within a reasonable time after the generation thereof; and
- (c) commercial service rendered by the person accredited in terms of Chapter 8 of these By-Laws or authorised in terms of the National Environmental Management: Waste Act must only be in respect of that portion of the business waste or industrial waste authorised in terms of the waste management licence.



(2) A person accredited in terms of Chapter 8 of these By-Laws or authorised in terms of the National Environmental Management: Waste Act must dispose of business waste or industrial waste at a waste disposal facility designated by the Municipality or as authorised in terms of the waste management licence.

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

## **Part 3: Garden waste or bulky waste**

### **32. Generation, storage, collection and disposal of garden waste or bulky waste**

(1) The owner or occupier of the premises on which garden waste is generated may compost garden waste on the property, provided that such composting does not cause a nuisance.

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(2) The occupier of the premises on which garden waste is generated and not composted or on which bulky waste is generated must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.

(3) Any person may remove garden waste or bulky waste, provided that once such waste has been collected from the premises on which it was generated, it is deposited at a garden waste handling facility.

(4) At the written request of the occupier of premises the Municipality or service provider may, in its sole discretion, deliver an approved receptacle for the purpose of storing garden waste or bulky waste in addition to any approved receptacle delivered to the premises for the storage of garden waste or bulky waste.

(5) Where, in the course of providing municipal services, the Municipality or the service provider, is of the opinion that it would cause inconvenience to members of the public not, at the same time, to remove garden waste or bulky waste, the Municipality or service provider may remove such waste if such waste has been placed in an approved receptacle in the space designated for domestic waste, in which event the tariff for domestic waste, read with the necessary changes, must apply.

(6) A person who contravenes a provision of subsection (1), (2) or (3) commits an offence.

#### **Part 4: Building waste**



### **33. Generation, storage, collection and disposal of building waste**

(1) Any site development plan or building plan submitted to the Municipality for approval shall be accompanied by a building waste management plan setting out the way the building and other waste to be generated during construction will be managed.

(2) The waste management plan must ensure that the waste is contained in a manner approved by the Municipality or within an approved waste receptacle provided by or leased from the Municipality.

(3) The owner or occupier of premises on which building waste is generated and any person conducting an activity which causes such waste to be generated, must ensure that:

- (a) recyclable and non-recyclable waste is separated;
- (b) non-recyclable waste is treated or disposed of in an environmentally-sound manner;
- (c) until disposal, all building waste, together with the containers used for its storage, collection or disposal, is kept on the premises on which the waste was generated;



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- (d) the premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;
  - (e) any building waste which is blown off the premises is promptly retrieved; and
  - (f) any instructions from the Municipality regarding the management and storage of building are adhered to.
- (4) No person may place building waste on a pavement or sidewalk unless he or she has obtained the Municipality's written consent, and such waste is placed in a skip.
- (5) Every receptacle used for the storage or removal of building waste, must:
- (a) have a clearly-marked name, address, and telephone number of the person in control of such receptacle;
  - (b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and be covered always other than when actually receiving waste or being emptied of such waste, so that no displacement of its contents can occur.
- (6) The owner or occupier of premises on which building waste is generated, or a developer, shall ensure that the waste is collected, transported, recycled by or disposed of an accredited service provider after its generation.
- (7) All building waste must be deposited of at an appropriately licensed waste disposal facility, unless:
- (a) the building waste will be re-used or recycled by an accredited or licensed service provider; or
  - (b) the building waste will be treated at a licensed waste treatment facility.
- (8) A person who contravenes a provision of subsection (3), (4), (5), (6), or (7) commits an offence.

## **Part 5: Hazardous waste or health care risk waste**

### **34. Hazardous waste or health care risk waste**



- (1) The Municipality is not obliged to collect and remove hazardous or health-care waste.
- (2) Any person carrying on an activity which generates hazardous or health-care risk waste shall ensure that such waste is kept and stored on the premises it was generated until it is collected by an accredited service provider from the premises.
- (3) Hazardous or health-care risk waste on any premises shall be stored-

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- (a) in such a manner that it does not become a nuisance, or cause harm to human health or damage to the environment, and
  - (b) in compliance with the requirements of the National Environmental Management: Waste Act.
- (4) Any person who stores hazardous or health-care risk waste shall, as a minimum, at least take steps to ensure that:
- (a) the containers in which this waste is stored are intact and not corroded or in any other way rendered unfit for the safe storage of such waste;
  - (b) adequate measures are taken to prevent accidental spillage or leakage;
  - (c) the waste cannot be blown or washed away;
  - (d) nuisances such as odour, visual impacts, and breeding of vectors, do not arise;
  - (e) pollution of the environment and harm to human health are prevented;
  - (f) the waste is sealed in an impervious container, and suitable measures are in place to prevent tampering;
  - (g) any waste items or substances are safe for handling, collection or disposal, and are not harmful to persons when accessed by unauthorised persons or members of the public; and
  - (h) the waste is collected by a person authorised in terms of the National Environmental Management: Waste Act within a reasonable time after its generation.
- (5) A person who contravenes a provision of subsection (2), (3) or (4) commits an offence.

**35. Collection and disposal of hazardous waste or health care risk waste**

- (1) Only an accredited service provider may transport hazardous and health-care risk waste, and must do so in accordance with the conditions of an accreditation permit issued in terms of these By-Laws, as well as the requirements of any 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 any other legislation.
- (2) A person accredited to collect and dispose of hazardous or health-care risk waste, must inform the Municipality at intervals stipulated in the accreditation permit issued in terms of this By-Law, of each removal of hazardous or health-care risk waste, the date of such removal, the quantity of the waste removed, the composition of the

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waste removed, and the waste disposal facility at which the waste has been disposed of.

(3) Any person carrying on an activity which generates hazardous or health-care risk waste must ensure that such waste is treated or disposed of at a licensed waste treatment facility or waste disposal facility.

(4) The Municipality may, by notice in writing, instruct a waste generator who generates hazardous waste or health care waste to remove such waste, or cause such waste to be removed by an accredited or licensed provider, to an appropriately licensed waste disposal facility or waste treatment facility.

(5) A person who contravenes a provision of subsection (1), (2) or (3), or who fails to comply with a notice issued in terms of subsection (4) commits an offence.

## **CHAPTER 6**

### **COLLECTION, TRANSPORTATION AND DISPOSAL OF WASTE**

#### **36. Collection of waste**

(1) No person may collect waste for removal from premises within the area of jurisdiction of the Municipality, unless such person is:

- (a) the Municipality or a service provider contracted to it for this purpose; or
- (b) has been accredited under these By-Laws and, where applicable, has obtained the requisite licence or authorisation in terms of any national or provincial law.

(2) The occupier(s) and/or owner(s) of business or industrial premises on which waste is generated shall use the municipal service except in cases where special written exemption is granted by the Municipality to occupier(s) and/or owner(s) of business or industrial premises to make use of private companies for waste removal services subject to the municipal exemption criteria being met.



(3) Premises and residential households on which domestic waste is generated shall use municipal service only. No written exemption to make use of private companies for domestic waste removal services can be made by such owners nor shall it be granted by the Municipality.

(4) A person who contravenes a provision of subsection (1), (2) or (3) commits an offence.

#### **37. Transportation of waste**

(1) No person may:

- (a) transport waste within the area of jurisdiction of the Municipality, unless he or she is accredited in terms of these By-Laws, excluding the transportation

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of domestic waste by the owner or occupier of premises for the purposes of placing the waste in approved waste receptacles;

(b) operate a vehicle for the conveyance of waste upon a public road, unless the vehicle has a body of an adequate size and construction for the type of waste being transported;

(c) fail to maintain a vehicle used for the conveyance of waste in a clean, sanitary, and roadworthy condition at all times;

(d) fail to cover loose waste on an open vehicle with a tarpaulin or suitable net;

(e) cause or permit any waste being transported in or through the area of jurisdiction of the Municipality to become detached, or to leak or fall from a vehicle transporting the waste;

(f) transport waste in a manner that would cause nuisance or environmental pollution.

(2) Subject to the provisions of subsection (1), all transportation of waste must comply with the National Road Traffic Act, 1996 (Act No. 93 of 1996).

(3) Any person engaged in the transportation of waste shall take all reasonable measures to prevent any spillage of waste or littering from a vehicle used to transport waste, and where waste is spilled, immediately clean-up the spilled waste.



(4) A person who contravenes a provision of subsection (1) or (3) commits an offence.

### **38. Disposal of waste**

(1) Waste within the jurisdictional area of the Municipality, including recycled or treated matter, may only be disposed of by an accredited service provider, at a waste disposal facility licensed or permitted to accept such waste.

(2) In disposing of waste, an accredited service provider shall comply with the provisions of subsection (3) and with the provisions of any other law regulating the disposal of waste.

(3) Subject to the provisions of the National Environmental Management: Waste Act and the Waste Classification and Management Regulations, National Norms and Standards for the Assessment of Waste for Landfill Disposal and National Norms and Standards for Disposal of Waste to Landfill, the Municipality may, by a means of a written notice, direct that a category of waste be disposed of at a particular appropriately licensed waste disposal facility or waste handling facility; where the Municipality has so directed, no person may dispose of such waste at a waste disposal facility which is not, in terms of the notice, designated to receive that category of waste.

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(4) No person may burn waste either in a public or private place, for the purpose of disposing of that waste and/or salvaging the other by-products, metals or materials.

(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 in terms of a valid licence, or at a place designated by the Municipality for that purpose.

(6) A person may dispose of domestic waste specified by the Municipality in a notice in terms of subsection (3) at a designated waste handling facility but may do so only if all such waste is brought to the facility in a vehicle able to carry a maximum load of 1 (one) ton or less.

(7) The disposal of waste at any waste disposal facility is, in addition to any condition imposed by the provincial and national departments, subject to such conditions as the Municipality may impose, including the hours of opening and closing, the nature of the waste which may be disposed of, the position in any such waste disposal facility in which the waste may be placed, and any other matter which the Municipality considers necessary to ensure the environmentally-sound management of waste.

(8) Any person who enters a waste disposal facility shall:

(a) do so at an access point determined by the person in charge of the waste disposal facility;

(b) at the request of the person in charge of a waste disposal facility, provide the Municipality or that person with any information about the composition of the waste disposed of or to be disposed of; and

(c) comply with any instruction by the person in charge of the waste disposal facility in respect of access to the actual place where, and the manner in which, waste must be deposited.



(9) No person may:

(a) bring any liquor or intoxicating or narcotic substance onto a waste disposal facility, or enter such facility under the influence of liquor or such substance;

(b) enter a waste disposal facility for any purpose other than the disposal of waste in terms of this By-Law, unless authorised to do so by the person in charge of the waste disposal facility or the Municipality, and then only at such times and subject to such conditions as the Municipality or such person may impose;

(c) dispose of waste at a waste disposal facility where the disposal of the waste concerned is not permitted;



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- (d) No person may dispose of waste tyre at a waste disposal facility; or
- (e) light a fire in a waste disposal facility without the prior written consent of the person in charge of that facility.

(10) Any person who contravenes subsection (9)(c) shall be liable for all costs reasonably incurred by the Municipality in removing or otherwise dealing with the waste concerned.

(11) The person in charge of a waste disposal facility may at any time require a vehicle or a container on a vehicle brought into the waste disposal facility for the purposes of disposing of waste, to be weighed at a weighbridge.

(12) The person in charge of a waste disposal facility or an authorised official may, at a waste disposal facility, inspect the content and nature of waste to be disposed of or processed, and may take samples and test any waste found on any vehicle to ascertain its composition.

(13) Any person contravening any preceding provision of this section, may be refused entry or instructed by the person in charge to leave a waste disposal facility, and if such person fails or refuses to comply with such instruction, he or she may be removed from such facility by an authorised official.



(14) A person who contravenes a provision of subsection (1), (2), (4), (5), (8) or (9), or who fails to comply with a notice issued in terms of subsection (3) commits an offence.

**39. Waste handling facilities, waste treatment facilities and waste disposal facilities**

(1) A waste handling facility, waste treatment facility or waste disposal facility operating within the area of jurisdiction of the Municipality shall be appropriately licensed by the national or provincial authorities and be accredited in terms of this By-Law.

(2) A holder of a waste management licence in terms of the National Environmental Management: Waste Act, and accredited in terms of these By-Laws, is deemed to the owner of the waste handling facility, waste treatment facility or waste disposal facility.

(3) Waste management activities in the facilities referred to in subsection (1) must be undertaken in compliance with the licence conditions, provisions of this By-Law and any other applicable legislation.

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## CHAPTER 7

### SERVICE DELIVERY AGREEMENT

#### 40. Service delivery agreement

(1) The Municipality may discharge its obligations under section 23 of these By-Laws by entering into a service delivery agreement with a service provider or service providers to provide municipal service on behalf of the Municipality in terms of the Municipal Systems Act.

(2) Subject to the provisions of the Municipal Systems Act and any other applicable legislation, the Municipality may assign to a service provider any function entrusted to the Municipality under these By-Laws: Provided such assignment is necessary for the service provider to discharge its obligation in the service delivery agreement.

(3) Any reference in these By-Laws to “Municipality or service provider” should be read as the “Municipality” if the Municipality has not entered into a service delivery agreement with a service provider and should be read as “service provider” if the Municipality has entered into a service delivery agreement with a service provider or service providers.

(4) A service provider must provide the municipal services in accordance with a consumer charter which must be developed in consultation with the Municipality, and which charter must:

- (a) be in accordance with the provisions of the Municipal Systems Act and these By-Laws;
- (b) be accessible to the residents of the Municipality;
- (c) provide for circumstances under which municipal service may be limited.

## CHAPTER 8



### ACCREDITATION FOR COMMERCIAL SERVICE

#### 41. Accreditation permit for commercial service

(1) The Municipality may accredit any person who provides or intends to provide commercial service within the area of jurisdiction of the Municipality.

(2) No person may provide a commercial service without a valid accreditation permit issued by the Municipality and where applicable, without a relevant licence issued by the national or provincial authorities in terms of the National Environmental Management: Waste Act.

(3) An accreditation permit issued under this Chapter:

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- (a) is incapable of cession or assignment without the prior written consent of the Municipality;
- (b) is valid only for the service and category of waste specified therein; and
- (c) is valid for the period set out in the permit.

(4) A person who contravenes subsection (2) commits an offence.

#### **42. Application for accreditation permit**

(1) An application for an accreditation permit to provide a commercial service must be:

- (a) made in writing on a form prescribed by the Municipality, and accompanied by the documents specified in that form; and
- (b) accompanied by the prescribed fee, if applicable.

(2) The Municipality may request an applicant to furnish it with any additional information before it considers the application.



(3) A decision by the Municipality must, subject to the provisions of subsection (6), be made within 60 (sixty) days of receipt of an application or additional information requested in terms of subsection (2), and the Municipality may decide to:

- (a) require the applicant to comply with such reasonable conditions as it may impose before it grants the application;
- (b) issue a permit unconditionally, or issue it subject to conditions; or
- (c) refuse a permit.

(4) A decision to issue or refuse a permit or to issue it subject to conditions, must be consistent with:

- (a) the provisions of this By-Law;
- (b) the National Environmental Management: Waste Act;
- (c) the Promotion of Administrative Justice, 2000 (Act No. 3 of 2000); and
- (d) any other applicable legislation.

(5) Notwithstanding subsections (3) and (4), an accreditation application by any person who is licensed by the national or provincial authorities to undertake or conduct a waste management activity shall, upon the applicant providing a copy of a valid waste management licence and any information reasonably required by the Municipality, be granted.

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(6) After the Municipality has reached a decision in respect of an accreditation permit application, it must, within 20 (twenty) days, notify the applicant of the decision.

(7) If the Municipality is unable to make a decision on an application within 60 (sixty) days of receipt thereof, or of receipt of additional information requested in terms of subsection (2), it shall inform the applicant in writing that the period for consideration is extended and must inform the applicant of the date by which a decision shall be made.

#### **43. Suspension or revocation of accreditation permit**

(1) An accreditation permit issued under this Chapter may be suspended or revoked by the Municipality on the grounds that the accreditation permit holder:

- (a) is in breach of its waste management licence conditions, and the national or provincial authorities have suspended or revoked the licence;
- (b) has failed to comply with any provision of these By-Laws;
- (c) has failed to comply with any provision of the National Environmental Management: Waste Act which regulates the collection, transportation or disposal of waste;
- (d) has failed to comply with any accreditation permit condition; or
- (e) on any other ground which the Municipality considers relevant, which is fair and reasonable in the circumstances.



(2) An accreditation permit may only be suspended or revoked after:

- (a) the permit holder has been given written notice that the Municipality is considering the suspension or revocation of the permit; and
- (b) after the permit holder has been given a period of 30 (thirty) days after service of the notice to make representations to the Municipality as to why the permit should not be suspended or revoked.

(3) The Municipality shall:

- (a) make a decision within 14 (fourteen) days of receipt of the representations contemplated in subsection (2)(b), if any, or within 14 (fourteen) days after the permit holder informed the Municipality that he or she does not wish to make representations, or within 14 (fourteen) days of the expiry of the period referred to in subsection (2)(b), whichever date is the earliest; and
- (b) inform the permit holder of its decision in writing within seven (7) days of making it.

(4) Subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the Municipality may not disclose any confidential commercial

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information submitted as part of an accreditation permit application process and procedure to any person other than a Municipal official requiring such information to perform his or her functions for the purposes of this By-Law.

#### **44. Terms and conditions for accreditation permit**

- (1) When issuing an accreditation permit under this Chapter, the Municipality may impose any valid conditions in accordance with the provisions of these By-Laws.
- (2) An accreditation permit issued under this Chapter shall:
  - (a) specify the period for which the permit is valid, and the process and procedure for renewing the accreditation permit;
  - (b) specify the nature of the commercial service the permit holder may provide;
  - (c) specify every category of waste in respect of which the permit holder may provide a commercial service;
  - (d) contain conditions that the permit holder shall comply with, and ensure compliance by his or her employees, agents and sub-contractors, with this By-Law and the National Environmental Management: Waste Act;
  - (e) require the permit holder to keep monthly written records on a form prescribed by the Municipality of the quantities of each category of waste stored, collected, transported, treated or processed during the permit period; and
  - (f) keep such monthly records for a period of five (5) years and immediately supply the same to the Municipality upon receipt of a written request issued by the Municipality to do so.

#### **45. Renewal of accreditation permit**

- (1) An accreditation permit holder who wishes to renew his or her accreditation permit shall at least 90 (ninety) days prior to the expiry of the existing permit:
  - (a) apply on the prescribed form to renew the permit concerned; and
  - (b) pay the prescribed renewal fee, if applicable.
- (2) Before considering an application made in terms of subsection (1), the Municipality may require the applicant to furnish such information as it may require.
- (3) The Municipality shall consider and grant or reject an accreditation permit renewal application within 60 (sixty) days of the receipt of the application.
- (4) If the Municipality fails to consider and grant or reject an accreditation permit renewal application within 60 (sixty) days, it shall inform the accreditation permit holder

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in writing that the period for consideration is extended and of the date by which a decision shall be made.

(5) An accreditation permit in respect of which application for renewal has been made in terms of subsection (1) remains valid until a final decision has been made in respect of that renewal application.

#### **46. Display of an accreditation permit**

(1) Upon issuing an accreditation permit under this Chapter, the Municipality shall issue to the applicant a permit sticker for each waste transporting vehicle or a signed and dated certificate to a waste treatment facility.

(2) An accreditation permit holder must affix such permit sticker to each vehicle used to collect and transport waste, and prominently display the certificate or permit at all premises utilised for providing the commercial service.

#### **47. Prohibited conduct**

(1) An accreditation permit holder shall not:

(a) intentionally or negligently comply with any provision of the National Environmental Management: Waste Act which regulates the collection, transportation or disposal of waste;

(b) intentionally or negligently operate in contravention of any condition of the accreditation permit;

(c) intentionally or negligently fail or refuse to give information to an authorised official when required to do so in terms of this By-Law or the National Environmental Management: Waste Act, or give false or misleading information;



(d) intentionally or negligently fail to take all reasonable steps to prevent a contravention of this By-Law by any act or omission of his or her employee acting in the course and scope of his or her duties, or

(e) collect or transport any waste, except in a properly-constructed, watertight vehicle or in a suitable container that prevents spillage of waste, the suitability of the vehicle being dependent on the waste stream collected or transported, as specified in the National Road Traffic Act, 1996 (Act No. 93 of 1996).

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

#### **48. Transitional provisions**

(1) Any person who is, at the commencement of this By-Law, lawfully providing a commercial service for which an accreditation permit, was issued in terms of Chapter

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7 of the waste management by-laws, 2018, and is required under this Chapter, may continue providing such service until called upon by the Municipality, in writing, to renew its accreditation permit in terms of section 45 of this By-Law, failing which the accreditation permit holder's right to provide commercial service within the area of jurisdiction of the Municipality shall lapse.

(2) If a renewal application is submitted in terms of subsection (1), the accreditation permit holder may continue to provide the commercial service in respect of which the application has been made, until a final decision has been taken in respect of that renewal application.

## CHAPTER 9

### ACCUMULATING WASTE, LITTERING, DUMPING AND ABANDONED ARTICLES

#### **49. Accumulating waste**

(1) Every owner and occupier of premises shall keep those premises clean and free from any waste which is likely to cause a nuisance, harm to human health, or damage to the environment.



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

#### **50. Duty to provide facilities for litter**

(1) The Municipality or, in the case of privately-owned premises, the owner, shall take reasonable steps to ensure that enough approved receptacles are provided for the discarding of litter by the public on any premises to which the public has access.

(2) The Municipality or, in the case of privately-owned premises, shall ensure that every receptacle provided in terms of subsection (1) is:

- (a) maintained in good condition;
- (b) suitably weighted or anchored so that it cannot be inadvertently overturned;
- (c) constructed in such a manner as to ensure it is weatherproof and animal-proof;
- (d) of adequate size to ensure that all waste likely to be generated on the premises is sufficiently provided for;
- (e) placed in a location convenient for the use by members of the public; and
- (f) emptied and cleansed periodically, to ensure that no receptacle or its contents become a nuisance.

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## **51. Prohibition of littering**

- (1) No person may:
- (a) cause litter;
  - (b) sweep any waste into a gutter, onto a road reserve, or onto any other public place;
  - (c) disturb anything in, or remove anything from, any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause any of the contents of the receptacle to spill from it; or
  - (d) allow any person under his or her control to do any of the acts referred to in paragraphs (a), (b) or (c).
- (2) The Municipality or, in the case of privately-owned premises, shall, within a reasonable time after litter has been discarded, dumped or left behind, remove such litter or cause it to be removed from the premises to prevent it from becoming nuisance.
- (3) A person who contravenes a provision of subsection (1) commits an offence.



## **52. Prohibition of dumping**

- (1) No person may dump waste.
- (2) No person may deposit or permit the depositing of any waste, whether for gain or otherwise, upon any premises of which he or she is the owner or occupier.
- (3) Subject to any provision to the contrary in these By-Laws, no person may leave anything under his or her control at a place where such thing has been brought with the intention of abandoning it.
- (4) Where a person has left any object or allowed something to be left at a place which he or she is not the owner or occupier, he or she shall be deemed to have contravened the provisions of subsections (2) or (3), until the contrary is proved.
- (5) A person who contravenes a provision of subsection (1), (2) or (3) commits an offence.

## **53. Duty to prevent premises from being used for dumping**

- (1) The owner or occupier of any premises shall take reasonable measures to prevent such premises from being used for dumping, and to clean up all waste dumped on or at the premises immediately upon becoming aware of same or being notified of same.
- (2) The measures required in terms of subsection (1) may include:



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- (a) fencing-off the premises;
- (b) erecting “no dumping” signs; and
- (c) security measures to monitor and enforce anti-dumping measures on the premises.

(3) If the premises is used for dumping and, in the reasonable opinion of the Municipality, the owner or occupier of the premises has failed to take reasonable measures to prevent dumping and to clean-up waste dumped on the premises, the Municipality may direct the owner or occupier of the premises to fence-off the premises and/or to erect notices to prevent further dumping.

(4) Should the owner or occupier of any premises fail to comply with a directive under subsection (3), the Municipality may take reasonable measures to prevent dumping on the premises and may recover its costs incurred in that regard from the owner or occupier of the premises.

(5) The owner of any premises shall be liable for the costs of the rehabilitation of the premises contaminated by the dumping of waste.

(6) A person who contravenes subsection (1) commits an offence.



#### **54. Disposal of dumped or abandoned articles**

(1) Any article, other than a motor vehicle deemed to have been abandoned as contemplated in regulation 320 of the National Road Traffic Regulations, 2000, made under the National Road Traffic Act, 1996 (Act No. 93 of 1996) which, in the light of such factors as the place where it is found, the period it has been at such place and the nature and condition of such article, is reasonably considered by the Municipality as having been abandoned, may be removed and, subject to the provisions subsection (3), disposed of by the Municipality as it deems fit.

(2) The Municipality may remove and, subject to the provisions of subsection (3), dispose of any article which is chained or fastened to any pole, or any other premises of the Municipality, as it deems fit.

(3) If an article contemplated in subsection (1) or (2) is, in the opinion of the Municipality, of significant financial value, the Municipality may not dispose of it unless it has published a notice in a newspaper circulated in the area where the article was found, describing the article, stating the Municipality’s intention to dispose of it, and inviting the owner, or person legally entitled thereto, to claim the article within 30 (thirty) days of the date of publication of the notice and such article may only be disposed of if no valid claim is made during such period.

(4) The Municipality may recover any reasonable and necessary expenditure which it has incurred in disposing of an article contemplated in subsection (1) or (2) from the proceeds derived from disposing of the article.

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## CHAPTER 10



### ADMINISTRATIVE ENFORCEMENT

#### 55. Enforcement

- (1) The Municipality shall appoint suitably-qualified authorised officials and designated peace officers for the enforcement of these By-Laws.
- (2) An authorised official shall, upon appointment, be issued with an identification document by the Municipality which must state the name, designation and a photograph of the official.
- (3) The waste management officer designated in terms of section 6 of these By-Laws is an authorised official.
- (4) An authorised official, exercising a power or performing a function or duty in terms of these By-Laws, shall present an identification document issued in terms of subsection (2) on demand by a member of the local community.

#### 56. Powers of authorised officials and peace officers

- (1) The peace officers shall have all the powers bestowed upon them in terms of Chapters 2, 5, 7 and 8 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (2) In addition to the powers, functions, and duties an authorised official and/or peace officer has by virtue of her or his appointment as such, she or he may, with the consent of the owner or person in charge of a vehicle or other mode of conveyance, search that vehicle or other mode of conveyance found in any premises.
- (3) If consent is not obtained in terms of subsection (2), a vehicle or other mode of conveyance may be searched or stopped and searched, only pursuant to a valid search warrant issued by a magistrate:
  - (a) if, in the opinion of an authorised official and /or peace officer, any search of a vehicle or other mode of conveyance in terms of subsection (1) or (2), gives rise to the reasonable apprehension that the presence of waste in or on such vehicle or other mode of conveyance is a serious and immediate danger to human health or to the environment, the authorised official must instruct the owner or person in control of the vehicle concerned in writing to take the steps specified in that instruction which, in the opinion of such official, are necessary to mitigate harm to human health or damage to the environment; and
  - (b) in the event of a refusal or failure to comply with an instruction given in terms of paragraph (a), the authorised official and /or peace officer, may report the matter to the South African Police Service with a view to seizure and impoundment of the vehicle concerned in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

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(4) The Municipal authorised official and/or peace officer, may, subject to section 101 of the Municipal Systems Act enter any premises if a magistrate has issued a search warrant to enter premises, for the purposes of ascertaining compliance with:

- (a) these By-Laws; or
- (b) a term or condition of an accreditation permit issued in terms of Chapter 8 of these By-Laws.

(5) The authorised official and/or peace officer, who has a search warrant referred to in subsection (4), is allowed to:

- (a) inspect any document that a person is required to maintain in terms of these By-Laws;
- (b) copy any document referred to in paragraph (a) or if necessary, remove the document from the premises in order to make the copy;
- (c) take samples of any substance that is relevant to the search; and
- (d) take photos or make audio-visual recordings of anything or any person, process, action or condition on or about any premises.

**57. Powers to question**

(1) For purposes of administering, implementing, and enforcing the provisions of these By-Laws, an authorised official and/or peace officer may require an accreditation permit holder or any other person to disclose information, either orally or in writing, and either alone or in the presence of a witnesses, on any matter to which these By-Laws relate, and require that the disclosure be made on oath or affirmation.



(2) An authorised official and /or peace officer, may, for the purposes of subsection (1), be accompanied by an interpreter and any other person reasonably required to assist that official and/or peace officer.

**58. Observation of human rights**

The exercise of power under this By-Law by an authorised official and/or peace officer should be undertaken with strict regard to decency; orderliness; and each person’s human rights including the right to dignity, freedom, security and privacy in terms of Chapter 2 of the Constitution, Bill of Rights.

**59. Supervision of accreditation permit holders**

(1) An authorised official and/or peace officer, may inspect every premises or workplace of an accreditation permit holder at a frequency determined by the Municipality.

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(2) An accreditation permit holder must allow an authorised official and/or peace officer access for the purposes of an inspection in terms of subsection (1) of these By-Laws.

(3) If an authorised official and/or peace officer is, after an inspection in terms of subsection (1), of the opinion that an accreditation permit holder is complying with these By-Laws, that official or officer may issue a letter confirming such compliance to an accreditation permit holder, in which it shall be stated:



- (a) the name and residential and postal addresses of the accreditation permit holder;
- (b) the address of the premises inspected;
- (c) the time, date, and scope of the inspection;
- (d) compliance conditions; and
- (e) any remarks which, in the opinion of an authorised official, may be relevant.

(4) If an accreditation permit holder fails to obtain a letter confirming compliance at three (3) consecutive inspections, an authorised official and/or peace officer may recommend that the Municipality review the accreditation permit concerned and, should there be reasonable grounds, the Municipality may suspend or revoke the accreditation permit in accordance with section 43 of the By-Laws.

(5) If during an inspection by an authorised official and/or peace officer it becomes apparent that any contravention by an accredited permit holder has caused or may cause significant pollution or degradation of the environment, then the authorised official and/or peace officer may recommend to the Municipality that the accreditation permit be suspended with immediate effect until such time that the accredited permit holder has taken reasonable measures to prevent such pollution or degradation from continuing or recurring.

(6) In the event that the accredited permit holder fails to take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, then the Municipality may permanently revoke the accreditation permit and take necessary measures to remedy the situation and recover the costs from the accredited permit holder for the reasonable remedial measures taken and accredited permit holder will be issued with a fine.

(7) An authorised official and/or peace officer shall keep a register recording each inspection which he or she has undertaken, in terms of subsection (1).

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## 60. Compliance notice

(1) If, in the opinion of an authorised official and/or peace officer, a person is contravening any provision of these By-Laws, that official and/or peace officer shall issue, in writing, a compliance notice and serve it on the person.



(2) A compliance notice shall set out:

- (a) name of the person;
- (b) name of the business;
- (c) physical address;
- (d) the provision that has not been complied with;
- (e) details of the nature and extent of non-compliance;
- (f) any steps required to be taken, and the period within which they must be completed; and
- (g) any penalty/fine that may be imposed in terms of these By-Laws if the steps mentioned in paragraph (f) are not taken.

(3) If a person fails to comply with a compliance notice issued in terms of subsection (1), an authorised official and/or peace officer, the Municipality may take the necessary steps to clean-up or remove the waste, or to rehabilitate the premises, or the affected environment, and recover the costs for the clean-up or rehabilitation from the person, and such person shall be guilty of an offence and liable to a fine.

(4) A compliance notice may be issued and served to the following person, but not limited to:

- (a) a person who committed, or who directly or indirectly permitted the occurrence of the contravention of any provision of these By-Laws;
- (b) a waste generator;
- (c) a waste transporter;
- (d) an owner of the premises where the contravention took place;
- (e) a person in control of the premises where the contravention took place;  
or
- (f) a person who had the right to use the premises where the contravention took place.

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(5) An authorised official and/or peace officer who is satisfied that the person served with the compliance notice has complied with the terms of the notice, shall issue a compliance letter to that effect.

(6) A compliance notice remains in force until an authorised official and/or peace officer has issued a compliance letter in respect of that notice.

## **61. Representations**

(1) Any person on whom the Municipality has issued a notice to suspend or revoke that person's accreditation permit in terms of section 43 of these By-Laws or a compliance notice in terms of section 60 of these By-Laws was served, may make representations by submitting a sworn statement or affirmation to the Municipality within a period set out in the notice.

(2) Representations not lodged within the period set out in that notice shall not be considered, except if the person concerned has shown good cause for condonation, and the Municipality condones the late lodging of the representation.

(3) The Municipality shall consider the representation and any response thereto by an authorised official and/or peace officer, if any, and may conduct any further investigation to verify the relevant facts.

(4) Should the Municipality conduct a further investigation, the results of such investigation must be made available to the person who made the representation so that such person may be given an opportunity to respond thereto, and the Municipality shall consider such response.



(5) After the Municipality is satisfied that the requirements of subsection (3) and (4) have been satisfied, it shall make a decision in writing and serve a copy of it on the person concerned, setting out its findings.

(6) Such a written decision:

(a) may confirm, alter, or set aside in whole or in part, the notice of suspension or revocation of the accreditation permit or compliance notice; and

(b) shall, if applicable, specify the period within which the person concerned must comply with the decision of the Municipality.

(7) If a person makes representations in terms of subsection (1), any requirement to comply with the notice of suspension or revocation of the accreditation permit or compliance notice is suspended until a written decision is made in terms of this section unless, in the opinion of the Municipality, an environmental incident has been caused in which event and without derogating from any right that the person concerned may have or acquire to any relief of whatever nature, the person concerned must immediately comply with such notice of suspension or revocation of the accreditation permit or contravention notice on being instructed, orally or in writing, by the Municipality to do so.

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(8) If a person fails to comply with such oral or written instruction contemplated in subsection (7), the Municipality may itself cause the environmental incident to be stopped, reversed or abated, and recover any expenditure it has incurred or may incur in taking those steps, from that person.

## 62. Complaints

Any person may lodge a complaint with an authorised official, or through any other channel established by the Municipality, that a person undertaking commercial services is causing harm to human health or damage to the environment, in which event the authorised official, unless that official has reasonable grounds to believe that the complaint is frivolous or abuse of the objectives of these By-Laws, must investigate the complaint, and must, if that official is satisfied that such harm is or is likely to be caused, issue a compliance notice.

## CHAPTER 11

### ADMINISTRATION OF THESE BY-LAWS

## 63. Ownership of waste

(1) Waste on premises controlled by the Municipality, including landfill sites, refuse transfer stations or disposal sites, shall be the property of the Municipality and no person who is not duly authorised by it shall remove or interfere therewith.

(2) Waste that is collected by the Municipality or a service provider or service providers appointed by it shall become the property of the Municipality upon its collection.

(3) A person who is responsible for a waste management activity and who is accredited in terms of Chapter 8 of this By-Law, is the owner of all the waste that he or she handles.

(4) A person who contravenes subsection (1) commits an offence.

## 64. Consultation



When in terms of this By-Law the Municipality is required to consult any person such consultation is regarded as having been satisfied if a formal written notification of intention to act has been made to that person and no response has been received within a reasonable time.

## 65. Delegation

(1) The Municipality may delegate a power or duty entrusted to it in terms of this By-Law to the municipal manager.

(2) A delegation in terms of subsection (1)-

(a) must be in writing;

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- (b) may be made subject to conditions;
- (c) does not prevent the exercise of the power or the performance of the duty by the Municipality;
- (d) may include the power to subdelegate; and
- (e) may be withdrawn by the Municipality.

(3) The Municipality may confirm, vary or revoke any decision taken in consequence of a delegation or sub delegation in terms of this section, subject to any rights that may have accrued to a person as a result of the decision.

(4) A municipal manager may delegate a power or duty vested in him or her or delegated to him or her by the Municipality in terms of this By-Law to the holder of an office in the Municipality.

(5) The delegation in subsection (4)-

- (a) must be in writing;
- (b) may be made subject to conditions; and
- (c) may be withdrawn by the municipal manager.

## 66. Exemption

(1) Any person may apply in writing for exemption from the application of a provision of these By-Law to the Municipality.

(2) An application in terms of subsection (1) must state the reasons for the application and any applicable supporting documents.



(3) The Municipality may request an applicant contemplated in subsection (1) to furnish additional information where such information is necessary for the purposes of informing the Municipality's decision.

(4) If the rights or interests of other parties are likely to be adversely affected by the proposed exemption, the Municipality must, before deciding the application, request the applicant to-

- (a) bring the application to the attention of relevant interested persons and the public by conducting a public participation process indicated by the Municipality; and
- (b) to submit any comments received from the public following such process to the Municipality.

(5) The Municipality may-



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- (a) grant an exemption from the application of a provision of this By-Law;
  - (b) refuse to grant such exemption.
- (6) Any decision by the Municipality to grant an application for exemption must be consistent with-
- (a) these By-Laws, including the municipal integrated waste management plan prepared in terms of the National Environmental Management: Waste Act;
  - (b) the principles and objectives set out in Chapter 1 of this By-Law;
  - (c) waste service standards set out in section 9 of the National Environmental Management: Waste Act.
- (7) If an application is granted, the Municipality must issue a written exemption notice to the applicant contemplated in subsection (1) stating-
- (a) the name, address and telephone number of the person to whom the exemption is granted;
  - (b) the provision of this By-Law from which exemption is granted;
  - (c) the conditions subject to which the exemption is granted, if the exemption is granted subject to conditions; and
  - (d) the period for which exemption is granted, if the exemption is granted for a period.
- (8) The Municipality may from time to time review any exemptions granted in terms of this section, and on good grounds suspend or withdraw such exemption or amend the exemption, or any part thereof.
- (9) Before suspending, withdrawing or amending an exemption, the Municipality must give the person to whom the exemption was granted an opportunity to comment, in writing, on the reasons for the suspension, withdrawal or amendment.

## **67. Appeal**

Any person whose rights are affected by a decision taken by the Municipality in terms of this By-Law, may appeal against that decision by giving written notice of the appeal and the reasons therefor, in terms of section 62 of the Municipal Systems Act, to the City Manager or delegated official within 21 (twenty-one) days of the date of the notification of the decision.

## **68. Service of documents and process**

- (1) A notice or other document in terms of this By-Law may be issued to a person-
  - (a) by delivering it by hand; or

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- (b) by sending it by registered mail-
    - (i) to that person’s business or residential address; or
    - (ii) in the case of a juristic person, to its registered address or principal place of business;
  - (c) by faxing a copy of the notice or other document to the person, if the person has a fax number;
  - (d) by e-mailing a copy of the notice or other document to the person, if the person has an e-mail address;
  - (e) by posting a copy of the notice or other document to the person by ordinary mail, if the person has a postal address;
  - (f) where an address is unknown despite reasonable enquiry, by publishing a municipal notice once in the KwaZulu-Natal Provincial *Gazette* and once in a local newspaper circulating in the area of that person’s last known residential or business address.
- (2) A notice or other document issued in terms of subsection (1)(b), (c), (d), (e) or (f) must be regarded as having come to the notice of the person, unless the contrary is proved.

## CHAPTER 12

### GENERAL AND TRANSITIONAL PROVISIONS

#### **69. Penalties**

A person who has committed an offence in terms of this By-Law is liable upon conviction to a fine or to imprisonment, or to both a fine and such imprisonment.



#### **70. Repeal of by-laws**

The By-Laws mentioned in the Table in Schedule 1 to these By-Laws are hereby repealed to the extent set out in the third column in the Table.

#### **71. Savings**



Anything done or deemed to have been done under a provision repealed by section 71 of this By-Law-

- (a) remains valid to the extent that it is consistent with this By-Law until anything done under this By-Law overrides it; and
- (b) subject to paragraph (a) is considered to be an action under the corresponding provision of this By-Law.

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## 72. Short title and commencement

This By-Law may be cited as the Dr Nkosazana Dlamini Zuma Local Municipality Integrated Waste Management By-Laws, 2023 and shall come into operation on the date of publication by municipal notice in the *Provincial Gazette* of the KwaZulu-Natal Province.

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## SCHEDULE 1

### (Section 71)

#### By-Laws Repealed

<b>No. and year of by-laws</b>	<b>Short title</b>	<b>Extent of repeal</b>
KwaZulu-Natal Province, <i>Provincial Gazette</i> No. 1972, Volume 12, Municipal Notice No. 83 dated 12 July 2018	Waste management by-law	The whole
KwaZulu-Natal Province, <i>Provincial Gazette</i> No. 1846, Volume 11, Municipal Notice No. 76 dated 06 July 2017	Refuse removal by-law	The whole
KwaZulu-Natal Province, <i>Provincial Gazette</i> No. 1846, Volume 11, Municipal Notice No. 76 dated 06 July 2017	Dumping and littering by-law	The whole



## DRAFT INTEGRATED WASTE MANAGEMENT BY-LAWS, 2023

### DR NKOSANA DLAMINI ZUMA LOCAL MUNICIPALITY

#### SCHEDULE OF OFFENCES AND ADMISSION OF GUILT FINES

By-Law published in Provincial Gazette Number... dated ...

Section Contravened	Description of Offence	Proposed Fine	Approved Fine	Offence Code
17(1) r/w 17(4) and 69	Failure to re-use, recycling or recovery of waste in accordance with this by-law, the National Environmental Management: Waste Act, and National Waste Management Strategy	R1,500.00		
17(2) r/w 17(4) and 69	Generation, collection, transportation, sorting, storing, re-using, recycling, recovery or disposal of waste without authorisation in terms of this National Environmental Management: Waste Act or accreditation in terms of this by-law	R2,000.00		
18(1) r/w 18(3) and 69	Sorting and repackaging items outside designated place	R100.00		
18(2) r/w 18(3) and 69	Scattering the contents of a waste receptable	R100.00		
20(1) r/w 20(3) and 69	Failure to store, dispose, or treat separated waste in a manner prescribed in a municipal notice published in terms of this subsection	R2,500.00		
20(2) r/w 20(3) and 69	Failure to use a receptable provided for recyclable material	R3,000.00		
21(1)(a) r/w 21(3) and 69	Failure to store recyclable waste in an approved waste receptable and secure location	R3,000.00		
21(1)(b) r/w 21(3) and 69	Approved receptable storing recyclable waste kept in a public place on days that recyclable waste is not collected	R3,000.00		

21(1)(c) r/w 21(3) and 69	Recyclable waste receptable place for collection location is damaged and not properly closed	R3,000.00		
21(1)(d) r/w 21(3) and 69	Failure to keep recyclable waste receptable closed, clean and hygiene condition	R3,000.00		
21(1)(e) r/w 21(3) and 69	Failure to prevent nuisance from recyclable waste	R3,000.00		
21(1)(f) r/w 21(3) and 69	Failure to ensure recyclable waste is collected by an accredited service provider	R2,000.00		
21(2) r/w 21(3) and 69	Failure to handle, treat or dispose recyclable waste at a permitted handling facility, treatment facility or disposal facility	R2,000.00		
24(1) r/w 24(5)	Placing a receptable for collection of waste not approved by the municipality	R1,000.00		
24(2) r/w 24(5) and 69	Waste receptable placed outside premises on days that waste is not collected	R100.00		
25(1) r/w 25(6) and 69	Failure to pack and wrap compactable waste according to the volume prescribed in terms of this subsection	R100.00 per day		
25(4) r/w 25(6) and 69	Failure to place wrapped waste in the approved receptable and stored it in a manner that prevents damage to the wrapper or nuisance until it is collected	R100.00 per day		
26(1) r/w 26(10) and 69	Failure to place domestic waste, business waste, or dailies in the approved waste receptable	R500.00		
26(2) r/w 26(10) and 69	Failure to ensure that a receptable is not interfered with, overturned, or damaged until it is collected	R100.00		
26(3)(a) r/w 26(10) and 69	Failure to ensure no hot ash, unwrapped glass or other domestic waste, business waste or dailies is placed in an approved receptacle before suitable steps are taken to avoid such damage or injury	R500.00		
26(3)(b) r/w 26(10) and 69	Placing any material that is likely to render a receptable difficult for municipal employee to handle or carry	R500.00		
26(3)(c) r/w 26(10) and 69	Failure to keep approved waste receptable closed, clean and hygiene condition	R50.00		

26(3)(d) r/w 26(10) and 69	Using a receptable provided by the municipality for purposes other than storing waste	R500.00		
26(3)(d) r/w 26(10) and 69	Lighting fire in a receptable	R500.00		
26(3)(e) r/w 26(10) and 69	Failing to place the receptable in the entrance of the premises and at the times specified by the municipality	R100.00 per day		
26(3)(f) r/w 26(10) and 69	Failure to ensure that the receptable is undamaged and properly closed to prevent the dispersal of its contents	R500.00		
26(3)(g) r/w 26(10) and 69	Failure to ensure dailies are not placed in a receptacle or compactor where it contaminates another waste stream	R500.00		
26(3)(h) r/w 26(10) and 69	Recovery or disposal of waste tyre in a manner that impact adversely on the public health wellbeing and the environment	R1,000.00		
26(4) r/w 26(5), (6), (7), (10) and 69	Failure to provide adequate space and any other facility considered necessary by the Municipality on the premises for the storage of approved waste receptacles	R2,000.00 per month		
26(8) r/w 26(10) and 69	Failure to inform the municipality of the generation of domestic waste or business waste as prescribed in terms of this subsection	R1,800.00		
28(1) r/w 28(3) and 69	Failure to be accredited when a person provides a commercial service	R2,500.00		
28(2) r/w 28(3) and 69	Failure to use an accredited service provider for commercial services	R1,500.00		
29(1) r/w 29(3) and 69	Failure to comply with a municipal notice in respect of the disposal of waste published in terms of this subsection	R500.00		
29(2) r/w 29(3) and 69	Failure to dispose waste at designated waste disposal facility	R3,500.00		
30(1) r/w 30(2) and 69	Failure to store business waste or industrial waste until it is collected by an accredited service provider	R1,500.00		
31(1)(a) r/w 31(3) and 69	Failure to ensure that the container in which business waste or industrial waste is stored is not kept in a public place except as required for collection	R100.00 per day		
31(1)(b) r/w 31(3) and 69	Failure to ensure that the business waste or industrial waste is collected	R2,000.00		

	by an accredited person within a reasonable time after generation thereof			
31(1)(c) r/w 31(3) and 69	Failure to ensure that commercial service for business waste or industrial waste is only rendered by an accredited person or person authorised in terms of the National Environmental Management: Waste Act	R2,000.00		
31(2) r/w 31(3) and 69	Failure to ensure that the business waste or industrial waste is disposed of by an accredited person or person authorised in terms of the National Environmental Management: Waste Act at a waste disposal facility designated by the Municipality or as authorised in terms of the waste management licence	R2,000.00		
32(1) r/w 32(6) and 69	Failure to ensure that garden waste which is composed is not causing a nuisance	R500.00		
32(2) r/w 32(6) and 69	Failure to ensure that garden waste or bulky waste is collected and disposed within a reasonable time after generation thereof	R1,000.00		
32(3) r/w 32(6) and 69	Removing garden waste or bulky waste and not disposing it at a garden waste handling facility	R1,000.00		
33(3)(a) r/w 33(8) and 69	Failure to ensure that recyclable and non-recyclable waste is separated at source	R2,500.00		
33(3)(b) r/w 33(8) and 69	Failure to ensure that non-recyclable waste is treated or disposed of in an environmentally sound manner	R2,500.00		
33(3)(c) r/w 33(8) and 69	Failure to keep building waste on the premises it was generated until disposal	R2,000.00 per month		
33(3)(d) r/w 33(8) and 69	Failure to ensure that the premises on which building waste is generated does not become unsightly or cause a nuisance	R1,000.00		
33(3)(e) r/w 33(8) and 69	Failure to retrieve building waste blown off from the premises it was generated	R100.00 per day		
33(3)(f) r/w 33(8) and 69	Failure to adhere to instruction regarding management and storage of building waste by the municipality	R500.00		



33(4) r/w 33(8) and 69	Placing building waste on a pavement or sidewalk and not in a waste skip for building waste	R100.00 per day		
33(5)(a) r/w 33(8) and 69	Receptacle used for storage or removal of building waste not clearly marked with name, address and telephone numbers of the person in control of such receptacle	R1,000.00		
33(5)(b) r/w 33(8) and 69	Receptacle used for storage or removal of building waste is not fitted with reflecting chevrons or reflectors and not covered to prevent displacement of its contents	R1,000.00		
33(6) r/w 33(8) and 69	Failure to ensure that building waste is collected, transported, recycled or disposed by an accredited person	R1,000.00		
33(7) r/w 33(8) and 69	Failure to dispose building waste at a licensed waste disposal facility	R1,000.00		
34(2) r/w 34(5) and 69	Failure to keep and store hazardous or health-care risk waste on the premises it was generated until it is collected by an accredited person	R2,500.00		
34(3)(a) r/w 34(5) and 69	Hazardous or health care risk waste stored in such a manner that it creates a nuisance or causes harm to human health or environmental damage	R2,500.00		
34(3)(b) r/w 34(5) and 69	Failure to store hazardous or health care risk waste in compliance with the requirements of the National Environmental Management: Waste Act	R2,500.00		
34(4)(a) r/w 34(5) and 69	Failure to take steps that ensures a container is fit for safe storage of hazardous or health care risk waste	R2,500.00		
34(4)(b) r/w 34(5) and 69	Failure to take steps that prevents accidental spillage or leakage of hazardous or health care risk waste	R2,500.00		
34(4)(c) r/w 34(5) and 69	Failure to take steps that ensures hazardous or health care risk waste is not blown or washed away	R2,500.00		
34(4)(d) r/w 34(5) and 69	Failure to take steps that prevents nuisances such as odour, visual impacts, and breeding of vectors	R2,500.00		
34(4)(e) r/w 34(5) and 69	Failure to take steps that prevents environmental pollution and harm to human health	R2,500.00		

34(4)(f) r/w 34(5) and 69	Failure to take steps that ensures hazardous or health care risk waste is sealed in an impervious container, and prevent tampering	R2,500.00		
34(4)(g) r/w 34(5) and 69	Failure to take steps that ensures hazardous or health care risk waste items or substances are safe for handling, collection or disposal and not harmful when accessed by persons	R2,500.00		
34(4)(h) r/w 34(5) and 69	Failure to take steps that ensures hazardous or health care risk waste is collected by a person authorised in terms of the National Environmental Management: Waste Act within reasonable time after its generation thereof	R2,500.00		
35(1) r/w 35(5) and 69	Unauthorised transportation of hazardous or health care risk waste within the municipality's jurisdiction	R2,500.00		
35(2) r/w 35(5) and 69	Failure to inform the municipality regarding collection and disposal of hazardous or health care risk waste as required by an accreditation permit	R2,500.00		
35(3) r/w 35(5) and 69	Failure to ensure hazardous or health care risk waste is treated or disposed at a facility authorised to treat or dispose such waste	R2,500.00		
35(4) r/w 35(5) and 69	Failure to comply with a written notice issued by the municipality in terms of this subsection	R500.00		
36(1) r/w 36(4) and 69	Unauthorised collection of waste within the municipal jurisdiction	R2,500.00		
36(2) r/w 36(4) and 69	Failure to use municipal service for removal of business or industrial waste	R3,000.00		
36(3) r/w 36(4) and 69	Failure to use municipal service for removal of domestic waste	R2,000.00		
37(1)(a) r/w 37(4) and 69	Unauthorised transportation of waste within the municipal jurisdiction	R2,500.00		
37(1)(b) r/w 37(4) and 69	Operating a vehicle for the conveyance of waste on a public road that is not of a body of adequate size and constructed for the type of waste being transported	R1,000.00		
37(1)(c) r/w 37(4) and 69	Failure to maintain a vehicle used for conveyance of waste in a clean, sanitary, and roadworthy condition	R1,000.00		

37(1)(d) r/w 37(4) and 69	Failure to cover loose waste on an open vehicle with a tarpaulin or suitable net	R1,000.00		
37(1)(e) r/w 37(4) and 69	Causing or permitting any waste being transported to become detached, leak or fall from the vehicle transporting the waste	R1,000.00		
37(1)(f) r/w 37(4) and 69	Transportation of waste in a manner that causes nuisance or environmental pollution	R1,000.00		
37(2) r/w 37(4) and 69	Transportation of waste in contravention of the National Road Traffic Act, 1996 (Act No. 93 of 1996)	R1,000.00		
37(3) r/w 37(4) and 69	Failure to take reasonable measures to prevent spillage of such waste or littering from a vehicle used to transport waste	R1,000.00		
38(1) r/w 38(14) and 69	Operating a waste disposal business in contravention of this by-law	R2,000.00		
38(2) r/w 38(14) and 69	Failure to comply with the provisions of this by-law read with the provisions of the National Environmental Management: Waste Act on disposal of waste at a waste disposal facility	R2,000.00		
38(3) r/w 38(14) and 69	Failure to dispose of a category of waste at a particular licensed waste disposal facility when so directed through a written notice by the municipality	R2,000.00		
38(4) r/w 38(14) and 69	Burning of waste in a public or private place for purposes of disposal and/or salvaging other by-products, metals or materials	R2,000.00		
38(5) r/w 38(14) and 69	Incineration of waste at a place not authorised to incinerate waste	R2,500.00		
38(8)(a) r/w 38(14) and 69	Unauthorised entry to a waste disposal facility	R500.00		
38(8)(b) r/w 38(14) and 69	Failure to provide information on the composition of waste to be disposed at the request of the person in charge of a waste disposal facility	R500.00		
38(8)(c) r/w 38(14) and 69	Failure to comply with an instruction in respect of access to the place where and the way the waste must be deposited by a person in charge of a waste disposal facility	R500.00		

38(9)(a) r/w 38(14) and 69	Bringing liquor, intoxicating or narcotic substance onto a waste disposal facility, or entering such facility under the influence of liquor or such substance	R500.00		
38(9)(b) r/w 38(14) and 69	Entering a waste disposal facility for any purpose other than for the disposal of waste	R500.00		
38(9)(c) r/w 38(10), 38(14) and 69	Disposal of waste at a waste disposal facility not permitted for the disposal of that category of waste	R2,000.00		
38(9)(d) r/w 38(14) and 69	Disposal of waste tyre at a waste disposal facility	R2,000.00		
38(9)(e) r/w 38(14) and 69	Lighting a fire at a waste disposal facility	R500.00		
41(2) r/w 41(4) and 69	Provision of a commercial service without an accreditation permit issued by the municipality or waste management licence issued in terms of the National Environmental Management: Waste Act	R3,000.00		
47(1)(a) r/w 47(2) and 69	Failure to comply with any provision for the collection, transportation or disposal of waste regulated in terms of the National Environmental Management: Waste Act	R2,000.00		
47(1)(b) r/w 47(2) and 69	Operate in contravention of a condition of an accreditation permit	R2,000.00		
47(1)(c) r/w 47(2) and 69	Failure or refusal to give information or giving false or misleading information when requested to do so by an authorised official	R2,000.00		
47(1)(d) r/w 47(2) and 69	Failure to take reasonable steps to prevent contravention of this by-law by an employee acting in the course and scope of duties	R2,000.00		
47(1)(e) r/w 47(2) and 69	Collection or transportation of waste in a vehicle not suitable for the waste stream collected or transported	R2,000.00		
49(1) r/w 49(2)	Failure to keep premises clean and free from accumulation of waste that causes a nuisance, harm to human health or environmental damage	R1,000.00		
51(1)(a) r/w 51(3)	Littering	R3,000.00		
51(1)(b) r/w 51(3)	Sweeping waste into a gutter, onto a road reserve, or onto a public place	R500.00		

51(1)(c) 51(3)	r/w	Disturbing or removing items from a receptable which has been placed for the purposes of collecting litter	R100.00		
52(1) 52(5)	r/w	Dumping of waste	R2,000.00		
52(2) 52(5)	r/w	Depositing waste on private premises	R2,000.00		
52(3) 52(5)	r/w	Abandonment of object	R2,000.00		
53(1) 53(6)	r/w	Failure to take reasonable measures to prevent premises being used as a dumping site	R3,000.00		
63(1) 63(4)	r/w	Removal of or interference with waste on premises controlled by the municipality	R1,000.00		

I hereby certify that the admission of guilt fines listed in the Fourth Column of the Table above as submitted by the Dr Nkosana Dlamini Zuma Local Municipality have been approved by me in terms of Section 57(5)(a) and 341(5) of the Criminal Procedure Act No. 51 of 1977, for the Magisterial District/s of

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This determination replaces any previous determination for the said Magisterial District.

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Magistrate

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Date Stamp