

THEEWATERSKLOOF MUNICIPALITY

WASTE MANAGEMENT BY-LAW

**Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996
the Municipal Council of the Theewaterskloof Municipality,
hereby enacts as follows:**

PREAMBLE

The purpose of this by-law is to regulate the delivery of waste management services in the area of jurisdiction of the Theewaterskloof Municipality, and to provide for matters related thereto.

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CHAPTER 1: INTERPRETATION AND APPLICATION

1. INTERPRETATION

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text, and unless the context indicates otherwise –

“agricultural and farm waste”, means all types of waste generated on farms as part of agricultural processes or through ordinary domestic or business or agricultural activities on farms;

“agricultural land”, means land zoned for agricultural purposes, located in either urban areas or rural areas;

“approved”, means in the context of bins, bin liners, refuse bags, containers, receptacles and wrappers, approval given by the Theewaterskloof Municipality;

“approved business waste container”, means a refuse bag, a receptacle with a storage capacity of eighty five to ninety (85-90) litres, a receptacle with a storage capacity of two hundred and forty (240) litres or any other container approved by the Theewaterskloof Municipality for use by businesses;

“approved container”, means a container approved by the Theewaterskloof Municipality, to temporarily store any or a specific type waste in, until removed by the Theewaterskloof Municipality or an authorized service provider;

“approved domestic waste container”, means a refuse bag, a receptacle with a storage capacity of two hundred and forty (240) litres or any other approved container prescribed by the Theewaterskloof Municipality for domestic use;

“authorized official”, means any peace officer authorized in terms of section 334 of the Criminal Procedures Act, 1977 (Act No 51 of 1977), as amended, or any employee of the Theewaterskloof Municipality, who is authorized by the Theewaterskloof Municipality to enforce the provisions of this by-law;

“authorized service provider”, means a person or entity, approved and registered by the Theewaterskloof Municipality, and in possession of an authorization to remove, transport and dispose certain types of waste in the area of jurisdiction of the Theewaterskloof Municipality;

“availability charges”, means the tariffs charged by the Theewaterskloof Municipality on vacant premises in the area of jurisdiction of the Municipality, where municipal service infrastructure are available, but are not being utilized by the owner or occupant of a premise;

“building waste”, means waste produced during the construction, alteration, repair or demolition of any structures or earthworks, and includes rubble, soil, vegetation, wood and rock displaced during such construction, alteration, repair or demolition, but excludes hazardous waste and compostable garden waste;

“bulky waste”, means domestic waste or business waste which, by virtue of its mass, shape, size or quantity, cannot easily be accommodated in a standard approved container;

“business waste”, means waste, other than hazardous waste, health care waste, building waste, industrial waste, non-compostable garden waste, bulky waste, special waste and special industrial waste, generated on premises used for non-residential purposes and residential premises where commercial activities are being conducted;

“commercial services”, means any waste management service, relating or connected to accumulating, collecting, removing, managing, recycling, sorting, storing, treating, transporting, disposing, buying or selling of waste or any other waste activity , but exclude the waste management services rendered by the Theewaterskloof Municipality as a municipal service;

“communal removal facilities”, means the use of centrally located bulk waste containers as communal waste collection points in areas, where the residents can dispose of waste they removed themselves from their premises;

“compostable garden waste”, means organic waste which emanates from normal domestic gardening activities, including grass cuttings, leaves, plants, flowers and other similar bio-degradable material that can be accumulated in a refuse bag, but exclude non-compostable garden waste or non-compostable waste generated as a result of garden services activities;

“contagious waste”, means waste which is generated: during the diagnostics, treatment or immunization of humans and animals; or as part of research related to the immunization of humans and animals; or as a result of the production and testing of biological agents, including blood products, culture mediums, pathological waste, bodily waste of humans and animals, and waste which can contain or may contain infectious substances;

“domestic waste”, means waste generated on a premise which is primarily used for –
(a) residential purposes, such as a house, flat, hostel, boarding house or old age home;
(b) educational, sport and recreational purposes; and
(c) a place of worship, including a hall or other building used for religious purposes, and includes compostable garden waste and domestic health care waste, but excludes hazardous waste, business waste, building waste, non-compostable garden waste, bulky waste, special waste, liquid matter or night soil;

“environment”, means the individual parts, inter relationships and total sum of all elements, properties and conditions making up the environment, within which living organisms and ecosystems exist;

“event waste”, means waste generated by activities at an event, that took place in an area;

“garden service activities”, means the provision of gardening services including the cutting of grass, pruning of trees or any other horticultural activity, including landscaping on any domestic, business, commercial or industrial premises;

“garden waste”, means waste generated in a garden, such as dead or green plant material, leaves, fruit, seeds, flowers, grass, branches, stumps, or any waste of a botanical nature;

“general waste”, means waste that does not pose an immediate hazard or threat to health or to the environment, and includes domestic waste; business waste; building waste; inert waste and compostable and non-compostable garden waste;

“hazardous chemical substances”, means any toxic, harmful, corrosive, irritant or asphyxiating substance, or a mixture of such substances for which -

- (a) an occupational exposure limit is prescribed;
- (b) an occupational exposure limit is not prescribed, but which creates a hazard to health and the environment;

“hazardous waste”, means any waste that contains chemical, organic or non-organic elements or compositions, which has a substantial detrimental effect on the health of persons and the environment, as a result of the inherent physical, chemical or toxicological characteristics thereof;

“health care waste”, means all waste generated by or derived from medical care or medical research, including, but not limited to, infectious waste, pathological waste, used needles and other sharp objects, pharmaceutical waste, genotoxic waste, chemical waste, pressurized container waste, waste with heavy metals, radioactive waste, or any waste that has been in contact with blood, bodily fluids or tissues from humans or infected animals from veterinary practices;

“holder of waste”, means any person or entity who import, generate, collect, gather, remove, handle, accumulate, salvage, transport, digest, transfer, treat, trade, export, retrieve, recycle, re-use or dispose of waste, including sorters or recyclers of waste, waste minimization groups, scrap dealers and other similar waste buy back initiatives;

“e-waste”, means electric and electronic equipment that became waste, which include, but is not limited to, lighting equipment, circuit boards, mobile phones, computers, television sets and audio visual equipment;

“industrial waste”, means waste generated as a result of manufacturing processes, industrial activities or maintenance activities at industries, and may include, but is not limited to, waste generated by all categories of industry, agric-industries, agricultural, mining activities or power generation activities, but does not include any other category of waste;

“integrated waste management plan”, means an integrated waste management plan compiled in terms of this by-law or as required in terms of any other applicable legislation;

“minimization”, means the measures implemented by the Theewaterskloof Municipality, residents, businesses and industries, to avoid the generation and disposal of waste, and reduce the volume and toxicity of waste generated and disposed of;

“Municipality”, means the Theewaterskloof Municipality, and includes reference to any duly delegated and / or appointed officials and / or service providers in terms of service level agreements of the Theewaterskloof Municipality;

“municipal service”, means the municipal services, with regard to the collection of waste and related waste activities provided by the Theewaterskloof Municipality, or an authorized service provider on behalf of the Theewaterskloof Municipality;

“national government”, means the government and the respective national departments of the Republic of South Africa;

“occupant”, means a person who occupies and control land or a premise, and includes a resident of a premise;

“owner”, means with regard to property, the registered owner of a property, who can be either a natural or juristic person, and include the occupant, lessee, holder of a servitude right, holder of a land tenure right, holder of land rights, holder of a letter of occupation, trustee,

executor, curator or appointed agent or administrator of a property;

“person”, means and includes for purpose of this by-law, a natural person, a juristic person, any industrial or commercial undertaking and an organ of state;

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

- (a) substances; or
- (b) radioactive waves or other waves; or
- (c) noise, odours, dust or heat emitted by any activities, including the storage or treatment of waste or substances, construction and the provision of services by any person or an organ of state, where the involved changes have an immediate or future adverse effect on human health or well-being or on the composition and / or resilience of natural and managed ecosystems, or on the means of livelihood for human survival;

“premises”, means any portion of land situated within the area of jurisdiction of the Theewaterskloof Municipality, of which the outer boundaries are demarcated on a general plan or diagram or sectional title plan registered in accordance with applicable legislation,

“property”, means –

- (a) immovable property registered in the name of a person, including in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; and
- (d) public service infrastructure, including any public road;

“public place”, means any premises or property or land, under the control of the Theewaterskloof Municipality, to which the public have access, and includes, but are not restricted to: any square; building; park; recreational area; sports grounds; open space; nature reserve; municipal street, alley or road reserve; public road; parking area; municipal commonage; unused, used, build-up or vacant municipal land; or a cemetery;

“public notice”, means a notice for the public, published in a local newspaper and posted on the official notice board of the Theewaterkloof Municipality;

“public nuisance”, means any action, omission or condition, on or at any premises or public place or public road, including any reference to any building, structure or growth on such premises, public place, or public road, which can put the safety of persons or property in jeopardy or which is unsightly, annoying, offensive or a disturbance for other persons, and includes **“nuisance”**;

“public road”, means any public road as referred to in section 1 of the National Road Traffic Act, 1996 (Act No 93 of 1996), as amended, and includes any municipal road, alley or road reserve;

“receptacle”, means a container, used for the temporary storage of waste;

“recycling”, means a process where recovered waste is further processed to a product or raw material;

“recyclable waste”, means waste that could be separated from the waste stream and be re-used or recycled;

“redundant tires”, means any unused, used, retreated or tires not being roadworthy anymore, which is no longer suitable to be retreated, be repaired or be sold as a usable tire;

“refuse”, has a similar meaning as **“waste”**;

“refuse bag”, means a plastic bag with measurements of seven hundred and fifty (750) millimeter by nine hundred and fifty (950) millimeter and at least twenty-two (22) micron thick, or as otherwise prescribed, and includes plastic bags used as bin liners;

“removal”, means the activity for the collection of domestic or business waste by the Theewaterskloof Municipality or an authorized service provider, from the place where it is generated or where it is stored, and **“gather”** has a similar meaning;

“retrieving”, means a process through which waste can be retrieved, and can include the separation of waste any place in the waste stream for further use;

“SANS code”, means a South African National Standard as contemplated in section 2 of the Standards Act, 2008 (Act No 8 of 2008), as amended, and the use of the abbreviation “SANS” followed by any sequel of numbers, means a reference to a SANS code of practices, specifications or standards, published under the corresponding number;

“SAWIS”, means the national waste management information system, as provided for in the National Environmental Management: Waste Act, 2008 (Act No 59 van 2008), as amended

“separation of waste”, means the separation of waste in non-recyclable and recyclable waste, with the intention to re-use or rework the various types recyclable waste in usable products, and **“sorting of waste”** has a similar meaning;

“service levels”, means the frequency of a municipal service and the type of service rendered per area;

“special industrial waste”, means waste consisting out of liquids, slime and solid substances, which is the result of production processes, industrial treatments or the treatment of raw materials, preceding the disposal of any industrial or liquid mining waste;

“special waste”, means non-hazardous industrial waste, which include waste types with physical and / or chemical characteristics that requires special handling at waste disposal facilities, such as contaminated soil, raw animal manure, dead animals and any other waste deemed by the Theewaterskloof Municipality to be special waste;

“statutory provisions”, means the provisions of the National Environmental Management: Waste Act, 2008 (Act No 59 van 2008), as amended, the National Environmental Management Act, 1998 (Act No 107 of 1998), as amended, the Environment Conservation Act, 1989 (Act No 73 of 1989), as amended, and any regulation promulgated in terms of the stated legislation, and any provincial legislation which provide for similar matters;

“storage”, means the accumulation of waste for a period of time in such a way, that it do not constitute the treatment or disposal of waste

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

“tariff”, means the fees payable for the provision of a municipal service, as annually determined in terms of the Tariff Bylaw of the Theewaterskloof Municipality;

“waste”, means any substance, irrespective whether it can be reduced, re-used, recycled or retrieved, or not –

- (a) which is surplus, undesirable, rejected, discarded, abandoned or disposed;
- (b) which is no longer required by the person who generated or used it, and has no further productive use;
- (c) which has to be treated and be disposed of; or
- (d) which has been identified in terms of a government notice as waste, including waste generated by the mining, medical or other sectors, on condition that –
 - (i) any usable by-product not be considered as waste; and
 - (ii) any portion of waste that can be re-used, recycled or retrieved, not be considered as waste;

“waste disposal facility”, means any site or premise which receives waste for treatment or disposal thereof, and which is operated in terms of an authorization obtained from a statutory authority, and “waste disposal site” has a similar meaning;

“waste handling facility”, means any site or premises where waste is received, stock-piled, handled, recycled, sorted, temporarily stored and treated, before it is loaded or transferred for final disposal;

“waste information system”, has a similar meaning as SAWIS;

“waste management activity”, means any one of the activities listed in the National Environmental Management: Waste Act, 2008 (Act No 59 van 2008), as amended, in which the holder of waste may be involved;

“Waste Management Official”, means a person designated by the Theewaterskloof Municipality to be responsible for the co-ordination of waste management affairs of the Municipality;

“waste management plan”, means a waste management plan compiled by Theewaterskloof Municipality, in terms of this by-law and the National Environmental Management: Waste Act, 2008 (Act No 59 van 2008), as amended;

“waste management service”, means services related to any of the various waste management activities; and

“workday”, means an ordinary day, and excludes Saturdays, Sundays and public holidays.

2. PRINCIPLES OF THE BY-LAW

- (1) It is the responsibility of the Municipality to ensure that all waste generated in the area of jurisdiction of the Municipality -

- (a) are removed, disposed or recycled in terms of the provisions of this by-law; and
 - (b) are removed, disposed or recycled in terms of waste management, as contemplated in section 2(2) of this by-law.
- (2) The primary objective of this by-law is to establish a waste management hierarchy of priorities, in the following order of priority for activities –
- (a) avoidance, minimization and reduction of waste;
 - (b) re-use of waste;
 - (c) recycling, reclaiming, processing and treatment of waste; and
 - (d) disposal of waste.
- (3) A Waste Management Official authorized in terms of this by-law shall where possible in the management of waste implement the waste management hierarchy of priorities, as contemplated in section 2(2) of this by-law.

3. OBJECTIVES OF THE BY-LAW

- (1) The objective of this by-law is –
- (a) to regulate the removal, handling, storage, transport, re-cycling, treatment and disposal of waste;
 - (b) to regulate the attainment of an integrated waste management approach;
 - (c) to regulate the provision of municipal waste removal and waste grading services by authorized service providers and commercial waste management services; and
 - (d) to promote sustainable development.
- (2) In pursuance of the objectives of this by-law, the Municipality shall –
- (a) endeavour to ensure local community involvement in local waste management planning;
 - (b) endeavour to minimize the consumption of natural resources;
 - (c) promote the recycling and re-use of waste;
 - (d) endeavour to promote the separation of waste, for purpose of facilitating the recycling and re-use thereof;
 - (e) improve the efficiency in the obtaining, planning and delivery of municipal waste management services and commercial waste management services;
 - (f) endeavour to ensure the attainment of local integrated waste management, planning and services;

- (g) to promote and ensure environmental responsible municipal waste management services and commercial waste management services; and
- (h) endeavour to ensure compliance to the provisions of this by-law.

4. DUTIES AND OBLIGATIONS

- (1) A holder of waste must take all reasonable measures to: –
 - (a) reduce or avoid waste generation and minimise the toxicity of waste generated;
 - (b) re-use, recycle and recover waste;
 - (c) dispose waste in an environmentally sound manner;
 - (d) manage waste in a manner not endangering health or the environment, and cause no nuisance related to sight, noise or odour; and
 - (e) prevent waste from being used for an unauthorised purpose, including actions to prevent the persons under the supervision of the holder of waste from contravening this by-law.
- (2) A person who sells a product or provide a service to the public, which may result in the generation of hazardous waste, shall take all reasonable steps to inform the public of the impact of such waste on health and the environment.
- (3) An authorized official may require from a person who is responsible for the duties and responsibilities imposed in subsections 4(1) and 4(2) of this by-law, to implement measures to ensure execution of these duties and responsibilities, which measures shall be intended to –
 - (a) investigate, assess and evaluate the impact on the environment;
 - (b) inform and educate employees about the environmental risks of their work and the manner in which their tasks have to be performed in order to avoid causing significant pollution or degradation of the environment;
 - (c) cease, modify or control any action, activity or process causing the pollution or degradation of the environment;
 - (d) contain or prevent the movement of pollutants or the cause of degradation of the environment;
 - (e) eliminate any source of pollution or degradation of the environment; or
 - (f) remedy the effects of the pollution or degradation on the environment.

CHAPTER 2 **INTEGRATED WASTE MANAGEMENT**

5. WASTE MANAGEMENT PLAN

- (1) The Municipality shall –
 - (a) establish an integrated waste management plan for the Municipality in accordance with the prescriptions of statutory provisions, and review and revise such plan regularly;
 - (b) annually report on the implementation of the integrated waste management plan of the Municipality; and
 - (c) follow the prescribed processes of community consultation in terms the provisions of statutory provisions.
- (2) The Municipality may request any holder of waste to submit to it a copy of the waste management plan for the specific industrial sector, as required in terms of the prescriptions of statutory provisions.
- (3) For all events organised and hosted in the area of jurisdiction of the Municipality, the event organizer must at least one month prior to the event taking place, submit to the Municipality a waste management plan, that includes the waste management services to be provided and such other information as required by the Municipality.
- (4) The Municipality may grant conditional exemption from the provisions of this by-law, depending on the size, nature and duration of an event;
- (5) The owner or any other person responsible for a new development must submit a waste management plan to the Municipality, including such information as the Municipality may require, prior to the start of such a development.

6. WASTE INFORMATION SYSTEM

- (1) The Municipality shall establish and maintain a waste information system including information on the levels and extent of waste management services provided by the institution, and enter such information on the SAWIS when required.
- (2) The Municipality may require from a holder of waste or any person to furnish the Municipality within a reasonable time or on a regular basis with such data, documents, information, samples or materials, and the verification of information as required by the Municipality, to enable the Municipality to discharge its statutory responsibilities in terms of subsection 6(1) of this by-law.
- (3) The Municipality may request a person or holder of waste, when in the opinion of the Municipality the person or holder of waste should be registered on the SAWIS, to effect such registration and submit proof thereof to the Municipality or alternatively submit proof within a reasonable period, that the person or holder of waste, is not involved in a waste management activity obligating such registration.

7. MINIMIZATION AND RECYCLING OF WASTE

The Municipality shall in terms of its responsibilities and resources, implement progressive actions for the reduction of waste, and promote the retrieval, re-use and recycling of waste, including the separation of waste at the source for certain service levels.

CHAPTER 3 REMOVAL OF WASTE

8. SERVICE LEVELS

The service levels for waste removal may differ between areas, based on practical and cost considerations for service delivery in an area, and the following service levels may be offered by the Municipality in an area –

- (i) regularly monitored removal and disposal;
- (ii) a central collection point;
- (iii) organised transfer to a central collection point and kerbside collection; and
- (iv) a combination of afore stated service levels.

9. SERVICE AGREEMENTS

- (1) The Municipality shall render a service for the collection of business and domestic refuse from built upon premises, at such service fees as annually determined, and the owners or occupants of such premises shall make use of the refuse collection service provided by the Municipality.
- (2) The occupant of a premise, or in the case of a premise where business or domestic waste are generated being occupied by more than one occupant, the owner of such a premise, shall where a collection service is available, within seven (7) days of such occupation or changes in such occupation, notify the Municipality in writing—
 - (a) that the premises is being occupied by one or more occupant; and
 - (b) indicate whether the collection service is for business or domestic purposes.
- (3) An owner or occupant of a business or residential premise is liable to pay the Municipality the prescribed fee for the provision of refuse collection services on the due date for payment stipulated in an account, failing which the Municipality shall deal with the matter in accordance with the Credit Control and Debt Collection By-Law of the Theewaterskloof Municipality.
- (4) A business may elect to contract with an authorized service provider to collect its waste, but the owner or occupant of the business premises concerned, shall not be entitled to exemption from, or a discount on service fees payable as determined by the Municipality, because no or limited use is made of the waste removal service rendered by the Municipality.
- (5) Availability tariffs may be charged on vacant premises, as determined by the Municipality from time to time.

- (6) The Municipality shall determine which waste items are unsuitable for collection when such waste items do not constitute domestic waste or business waste, and when such waste is determined as unsuitable to be removed by normal waste removal survives rendered by the Municipality, a process for removal and disposal of such waste shall be recommended to the owner of the waste or occupant of the premises.
- (7) When the scheduled waste collection services of the Municipality are interrupted for whatever reason, the Municipality shall resume the service as soon as reasonably possible and shall address back-logs as a priority.
- (8) Complaints on the waste removal service shall be handled in terms of the client service charter of the Municipality.

10. FREQUENCY OF REMOVAL

- (1) The Municipality shall collect domestic waste and business waste at least once per week on scheduled dates for different areas, and when collection schedules are to be amended, owners or occupants of premises shall be informed in advance of the revised collection arrangements, by one or more of the appropriate methods of communication.
- (2) The Municipality shall determine which business premises generate waste that can be regarded as daily and the frequency of the collection of waste from such premises.
- (3) When the Municipality is of the opinion that a business creates a nuisance, a bad odour, a health risk or a danger to public health, because waste are not removed during weekends from such premises, the Municipality may instruct the owner or occupant of the premises to make use at an extra cost of the additional refuse collection service rendered by the Municipality, or to use an authorized service provider to collect the refuse during weekends.

11. WASTE VOLUMES

The Municipality shall for purpose of managing the volumes of waste, determine -

- (i) the amount of refuse bags or approved containers removed per collection from each residential premises; and
- (ii) the maximum allowable amount of business waste that may be placed for collection, without the provision of an additional service or the payment of additional fees.

12. APPROVED WASTE CONTAINERS

- (1) The Municipality shall remove domestic waste placed in approved domestic waste containers and business waste placed in approved business waste containers, from accessible locations on premises, in terms of operational arrangements for waste removal.
- (2) Waste which are not placed in the correct waste container or which are placed in a locality which does not comply to the operational arrangements of the Municipality, shall not be removed.

- (3) Approved waste containers for the temporary storage of waste at business and residential premises may not be damaged, corroded or worn out, and shall be intact and suitable for the safe storage of waste until removal, to mitigate and / or prevent the occurrence of nuisances and the negative impact of waste material on the environment and public health.
- (4) No person may allow an animal in his or her control to interfere with, overturn or damage a waste container which has been placed for collection.
- (5) The owner or occupier of business or residential premises shall ensure that —
- (a) an approved waste container do not contain hot ash, broken glass or other dangerous domestic waste and business waste, which may cause injury to the employees of the Municipality, carrying out their duties or damage such container;
 - (b) no matter or material or any liquid are placed in an approved waste container, which as a result of the mass or other characteristics of such matter or material or liquid, are likely to render such container unreasonably difficult to handle or to heavy to carry;
 - (c) approved waste containers are kept closed, to prevent animal and insect nuisances, and windblown litter;
 - (d) approved waste containers are placed outside entrances to premises, on the scheduled days and before a specified time for removal, as communicated by the Municipality per written notice to the owners or occupants of premises, with the exception of individual special cases where alternative arrangements have been made for the elderly or disabled persons;
 - (e) in accordance with specifications, as either contained in building plans or as otherwise determined, space and any other facilities are provided on premises, that may be deemed necessary by the Municipality for the storage of waste in approved containers until the removal thereof; and
 - (f) the pavement in front of or abutting the premises is kept clean and free of refuse.
- (6) When large quantities of waste are generated daily, the owner or occupant of a premises shall ensure that —
- (a) the waste concerned are not placed in waste containers normally used, where it can affect the normal waste stream; and
 - (b) the special waste containers provided for the excessive waste, are placed for removal not more than twenty (20) meters from the entrance of the premises concerned.
- (7) Notwithstanding anything to the contrary contained in this by-law, the Municipality may with regard to the avoidance of nuisances and the requirements for the efficient collection of waste, indicate specific positions within or outside premises, where approved waste containers shall be placed for the collection and removal of waste on predetermined days and specified times.

- (8) No owner or occupant of a premises is allowed to place any refuse bags or other approved waste containers outside a premise, which contain other types of waste than domestic or business waste, except for special removal thereof in terms of the conditions and operational arrangements of the waste removal services of the Municipality.
- (9) Approved waste containers used as receptacles for domestic and business waste, may be obtained for a fee from the Municipality

13. COMMUNAL REMOVAL FACILITIES

- (1) The Municipality shall place appropriate bulk receptacles at central communal collection points determined by the Municipality as suitable for communal collection.
- (2) Communal collection points shall be clearly demarcated areas.
- (3) The bulk containers used as receptacles shall be manufactured in accordance with specifications determined by the Municipality, and the placement of the bulk containers shall as far as reasonably possible -
 - (a) allow secure and easy access for the community; and
 - (b) enable easy access for waste collection vehicles.
- (4) Waste from communal collection points shall as far as reasonably possible, be collected by the Municipality once per week or within twenty four (24) hours after a bulk receptacle has been reported full to the Municipality, to prevent littering and pollution.
- (5) Waste separation at source shall be encouraged in respect of communal collection, by providing separate bulk receptacles for non-recyclable and recyclable waste at the communal collection points, when viable.

14. RECYCLING OF WASTE

- (1) Any owner or occupant of a business or residential premises or any holder of waste, may separate waste at the source in non-recyclable and recyclable waste for non-commercial purposes, as determined by the Municipality.
- (2) The Municipality may in terms of its responsibilities and available resources, implement progressive measures and operational arrangements to promote the recycling of waste, and may -
 - (a) determine areas to separate compostable garden waste from domestic and / or business waste, by using separate waste containers for each type of waste;
 - (b) determine areas to separate waste in non-recyclable and recyclable waste;
 - (c) use various approved containers for the separated waste, and provide and place approved containers at localities, as determined by the Municipality;

- (d) develop and implement policies for the separation of non-recyclable and recyclable waste from all the sources of waste and identify the types of waste deemed to be non-recyclable and recyclable; and
 - (e) implement any other reasonable predetermined measures for the promotion of recycling.
- (3) The Municipality may establish drop-off centres for recyclables at places, ensuring easy and safe access for the public.

15. ACCUMULATION OF WASTE

- (1) The owner or occupant of a business or residential premise shall ensure that all domestic or business waste generated on the premises, be made available for collection and that no unnecessary accumulation of waste occur.
- (2) Where a type of waste is not collected regularly by the Municipality or is not regularly removed by an authorized service provider, the owner or occupant of the premises concerned and / or the holder of the waste shall arrange for the removal, transport and disposal of the waste at a waste handling or waste disposal facility, as often as may be necessary to prevent uncalled accumulation of waste, and the occurrence of a nuisance or a detrimental impact on the environment or human health.
- (3) The Municipality may enter any premises, when a reasonable suspicion exist, that waste, irrespective of the type, are accumulating on a premises, and may instruct the person generating the waste or the owner or the occupant of the premises concerned, to remove the waste immediately or the Municipality may proceed to remove the accumulated waste at the cost of the owner or occupant of the premises concerned..

CHAPTER 4

HANDLING DIFFERENT TYPES OF WASTE

Section 1 – Garden waste

16. COMPOSTING

The owner or occupant of premises on which garden waste is generated, may compost garden waste on such property, provided that such composting do not cause a nuisance or is properly screened from the road or has a detrimental impact on human health and the environment.

17. DISPOSAL OF NON-COMPOSTABLE WASTE

The owner or occupant of a premises on which non-compostable garden waste are generated, shall within a reasonable time after such waste have been generated, remove the waste to the nearest waste handling or waste disposal facility, unless the Municipality determine otherwise.

Section 2 – Bulky Waste

18. REMOVAL AND DISPOSAL

- (1) The owner or occupant of premises on which bulky waste are generated, shall ensure that such waste is removed and disposed of within fourteen (14) days after generation thereof at the nearest waste handling or waste disposal facility, unless otherwise determined by the Municipality.
- (2) At the request of the owner or occupant of any premises, the Municipality may remove bulky waste from the premises concerned, provided that the Municipality shall be able to do so with the refuse removal equipment available and that the costs involved are paid by the owner or occupant of the premises concerned.

Section 3 – Building Waste

19. APPROVAL OF BUILDING PLANS AND INSPECTIONS

- (1) The owner or occupant or any person responsible for the submission of building plans for a new building or alterations to an existing building, shall indicate in the application for building plan approval, how building waste shall be disposed of during the construction phase of the building concerned.
- (2) An authorized official of the Municipality shall during the construction period of a building and / or a project, regularly inspect the construction premises to determine and verify whether the required arrangements for building waste have been continuously complied with, as contemplated in subsection 19(1) of this by-law.

20. STORAGE OF BUILDING WASTE

- (1) Notwithstanding the stated requirements of the Municipality with regard to building waste, when building plans are approved, the owner or occupant of a premises where building waste are being generated and / or the person responsible for the building activities, shall ensure that –
 - (a) all building waste and the containers used for the storage thereof, are kept on the premises on which the building waste are generated;
 - (b) the premises on which the building waste are generated, does not become unsightly or cause a nuisance as a result of the accumulation of building waste; and
 - (c) any material or building waste blown off the premises by wind, are promptly retrieved.
- (2) Upon written request and subject to conditions as the Municipality may determine, the Municipality may approve the use of a bulk containers for building waste, which containers then may be placed for specified periods on the boundary of the premises where the building waste are generated.

- (3) The Municipality may instruct an owner or occupant of a premise on which building waste are being generated and / or the person responsible for the building activities which generate the building waste, to make use of special containers to store building waste.

21. REMOVAL AND DISPOSAL OF BUILDING WASTE

- (1) The owner or occupant of a premises where building waste are being generated, and / or the responsible person for supervision over building activities, shall always assure that all building waste are removed and disposed of, within one (1) month of being generated.
- (2) Building waste generated on a building premise shall be disposed of at the nearest waste handling or waste disposal facility, unless determined otherwise by the Municipality.

Section 4 – Special Waste, Special Industrial Waste, Health Care Waste en Hazardous Waste

22. NOTICE AND VERIFICATION

- (1) Any person or institution involved in activities which shall generate special waste, special industrial waste, health care waste or hazardous waste, shall prior to the generation of such waste, notify the Municipality in writing of the composition of such waste, the quantity of the waste to be generated, how and where the waste shall be stored, how the waste shall be collected and disposed of and the particulars of the authorized service provider who shall be responsible for the removal, transportation and disposal of the waste concerned.
- (2) Any person or institution who were in operation prior to the commencement of this by-law and are engaged in the generation of the types of waste, as referred to in subsection 22(1) of this by-law, shall notify the Municipality in writing, within ninety (90) days of the commencement of this by-law, about the nature and extent of the types of waste, as contemplated in subsection 22(1) of this by-law, generated by them.
- (3) When so required by the Municipality, a notification with regard to the activities for generating the types of waste, contemplated in subsection 22(1) and 22(2) of this by-law, shall be substantiated by -
- an analysis of the chemical composition of the waste concerned, certified by an appropriately qualified industrial chemist; and
 - a written confirmation on the way which the waste concerned are collected, transported and disposed of by an authorized service provider.
- (4) The person or institution referred to in subsection 22(1) and 22(2) of this by-law, shall whenever changes occur in operational arrangements, and annually before or on the thirtieth day of June of every year, submit to the Municipality a written report containing the information stipulated in subsection 22(1) of this by-law, and when so required by the Municipality provide the substantiating documents referred to in subsection 22(3) of this by-law and any other information which reasonably may be required by the Municipality.

(5) An authorised official may enter a premise at any reasonable time, to ascertain whether waste referred to in subsection 22(1) of this by-law, are being generated or stored on the premise concerned and the authorized official may take samples and analyse any waste found on such premises, to ascertain the composition thereof.

23. STORAGE OF SPECIAL WASTE, SPECIAL INDUSTRIAL WASTE, HEALTH CARE WASTE AND HAZARDOUS WASTE

- (1) Special waste, special industrial waste, health care waste or hazardous waste generated on premises, shall be stored on the same premises where it were generated in approved containers, until the waste are collected from the premises and it shall be stored in such a manner, that a nuisance or a danger to human health or the environment are not created
- (2) When waste referred in subsection 23(1) of this by-law, are not stored in accordance with the provisions as contemplated in subsection 23(1) of this by-law, the Municipality may instruct the person generating the waste or the owner or the occupant of the premises where it is stored, to immediately remove the waste or the Municipality may proceed to remove it at the cost of the owner or occupant of the premises where the waste is stored.

24. REMOVAL AND DISPOSAL OF SPECIAL WASTE, SPECIAL INDUSTRIAL WASTE, HEALTH CARE WASTE AND HAZARDOUS WASTE

- (1) Only the Municipality or an authorized service provider may collect special waste, special industrial waste, health care waste or hazardous waste from premises where such waste are stored and transport such waste to and dispose of it at a waste disposal site authorized to receive such waste.
- (2) An authorized service provider shall collect, transport and dispose of the waste referred to in subsection 24(1) of this by-law, and in accordance with the terms and conditions of the authorization concerned, and subject to the requirements of any applicable legislation or SANS codes of practices, specifications or standards.
- (3) The Municipality may provide a facility for the disposal of animal carcasses as a special waste item, subject to the requirements of any applicable legislation or SANS codes of practices, specifications or standards.

Section 5 – Industrial Waste

25. GENERATION AND STORAGE OF INDUSTRIAL WASTE

The owner or occupant of a premise on which industrial waste is generated, shall ensure that until the industrial waste are removed from the premises concerned by an authorized service provider –

- (a) the waste is stored in approved containers, which shall be kept in a specifically prepared area, blocked off from the general public; and

- (b) the waste does not create a nuisance, a health risk or a risk to the environment, while stored.

26. REMOVAL AND DISPOSAL OF INDUSTRIAL WASTE

- (1) Only an authorized service provider may remove industrial waste from premises where such industrial waste are stored, and the authorized service shall transport the waste to a waste disposal site authorized to receive the waste concerned, and dispose of it there.
- (2) An authorized service provider shall remove, transport and dispose the industrial waste contemplated in subsection 26(1) of this by-law, in accordance with the terms and conditions of the authorization concerned, and subject to the requirements of any applicable legislation and SANS codes of practices, specifications or standards.
- (3) The Municipality may determine specific times when special waste may be received at an authorized facility

Section 6 – Redundant Tires, and Scrapped Metal , Vehicles and Machinery

27. STORAGE AND REMOVAL

- (1) No owner or occupant of a premise may accumulate, store or stockpile redundant tires, and scraped metal, vehicles and machinery, unless authorized to do it in terms of legislative provisions.
- (2) Redundant tires, and scraped metal, vehicles and machinery are not accepted at any of the waste handling or waste disposal facilities of the Municipality, and any person who wish to dispose of any of the waste items concerned, shall dispose thereof in terms of the conditions determined for such waste, at a waste disposal site authorized to receive such waste items.
- (3) The Municipality may enter the premises of any person involved in the storage or accumulation of redundant tires, and scraped metal, vehicles and machinery, and request proof of any authorizations and other applicable documents to verify compliance with the provisions of applicable legislation.

Section 7 - Recyclable Waste

28. STORAGE, REMOVAL AND DISPOSAL

- (1) No owner or occupant of a premises or any other person may temporary accumulate, sort or store recyclable waste on any premises within the area of jurisdiction of the Municipality for commercial purposes, unless complying to the provisions in subsections 28(2) and 28(3) of this by-law.

- (2) An owner or occupant of premises where waste recycling are done for commercial purposes, shall before commencing with an activity involving the re-use, retrieval or recycling of waste, obtain a waste management authorization in terms of statutory provisions.
- (3) The holder of a waste management authorization for recyclable waste shall provide the Municipality, with a copy of the waste management plan submitted as part of the authorization application and any such other information as the Municipality may require.
- (4) Only an authorized service provider may collect recyclable waste from premises where it are separated from other waste, and may transport and dispose of it at a waste handling facility or a waste disposal facility authorized to receive such waste.

Section 8 – Agricultural and Farm Waste

29. DISPOSAL

- (1) An owner or occupant of farm land may dispose of agricultural and farm waste at a suitable location on such farm land, but the burning of waste is prohibited without prior written approval of the Municipality
- (2) An owner or occupant of farm land may not dispose of any quantity of hazardous waste on such farm land, which may be present in normal agricultural and farm waste, unless in possession of a waste management authorization for such disposal in terms of statutory provisions.
- (3) The general agricultural and farm waste generated on a farm unit, and being disposed of by the owner or occupant of a farm unit, may not exceed the allowable volume of such waste for disposal in terms of statutory provisions, unless authorised thereto by a waste management authorization.
- (4) An authorised official of the Municipality may request the owner or occupant of farm land to provide proof of the authorizations referred to in subsections 29(2) and 29(3) of this by-law.
- (5) An owner or occupant of farm land may apply in writing to make use of the Municipality waste handling and waste disposal facilities, and such approval shall provide the applicant on payment of the applicable fees and tariffs with access to the facilities for waste disposal of the Municipality, excluding access for the disposal of hazardous waste and health care waste, and waste which have to be disposed of at special authorized waste disposal facilities, as directed by the Municipality in its approval.

CHAPTER 5 **TRANSPORT AND DISPOSAL OF WASTE**

Section 1 – Transport of Waste

30. SAFETY CONSIDERATIONS FOR THE TRANSPORT OF WASTE

No person may -

- (a) operate a vehicle for the conveyance of waste on a public road, unless the vehicle has a body of adequate size and construction, for the type of waste being transported; and
- (b) fail to maintain a vehicle used for the conveyance of waste, at all times in a clean, sanitary and roadworthy condition.

31. WASTAGE AND SPILLAGE BY VEHICLES

A person transporting waste through the area of jurisdiction of the Municipality shall ensure that -

- (a) all waste on an open vehicle is covered with a tarpaulin or suitable net; and
- (b) no waste become detached, leak or fall from the vehicle transporting it.

32. LEGAL COMPLIANCE

A person who transports waste, with specific reference to hazardous waste, shall ensure he or she operates in compliance with all relevant statutory provisions.

Section 2 - Disposal of waste

33. AUTHORIZED USE

The Municipality may dictate which types of waste may be disposed at a particular waste handling or waste disposal facility, as authorized in terms of the conditions of authorization of each such facility.

34. COMPLIANCE TO THE CONDITIONS OF AUTHORIZATION

- (1) No person may dispose of waste at a waste disposal facility, which is not authorized in terms of an authorization to receive such waste.
- (2) Any person who contravenes any conditions of authorization, shall be liable for all reasonable costs incurred by the Municipality in removing the waste improperly disposed.

35. PROHIBITED CONDUCT AT FACILITIES

- (1) No person may gain access to a waste handling or waste disposal facility for any purpose other than the disposal of waste and only at such times determined by the Municipality from time to time.
- (2) Any person who gains access to a waste handling or a waste disposal facility, for the purpose of disposing of waste, shall -
 - (a) enter and leave the facility at the designated entrance and exit points;
 - (b) supply all the particulars required by the Municipality, with regard to the source and composition of the waste to be disposed of, subject thereto that such waste may be inspected by the Municipality, before disposal thereof;
 - (c) follow all instructions of authorized officials, with regard to the use of a waste handling or a waste disposal facility;
 - (d) only dispose of waste at places indicated by authorized officials; and
 - (e) as applicable pay the prescribed user fees for waste handling or waste disposal facilities.
- (3) No person shall bring any liquor or narcotic substances into any waste handling or waste disposal facility.
- (4) No person may dispose of waste outside a waste handling or waste disposal facility.

36. ACCEPTING WASTE FROM OTHERS

- (1) The Municipality may consider an application from another municipality to dispose waste at a designated waste disposal facility of the Municipality, provided that the acceptance of waste from another municipality shall not impact on the authority of the Municipality and ownership of the waste disposal facility concerned, and shall be done on payment of the applicable fees and tariffs.
- (2) The Municipality may allow a person to dispose waste generated outside the area of jurisdiction of the Municipality, at a designated waste disposal facility of the Municipality, provided that such person comply too all statutory provisions and shall pay the applicable fees and tariffs.

CHAPTER 6

LITTERING

37. PROVISION OF WASTE CONTAINERS

- (1) The Municipality shall implement reasonable steps to ensure that a sufficient number of approved waste containers are provided and maintained for the disposal of litter at or on municipal premises, public roads and public places, to which the public has access.

- (2) The owners or occupants of private properties to which the public has access, shall ensure that sufficient approved waste containers are provided and maintained for the disposal of litter by the public on the premises concerned.

38. LITTERING

- (1) No person may drop, throw, deposit, spill, dump or in any other way discard, any litter on or at any public place, public road, in municipal sewage systems, storm water systems, vacant premises, water courses, water streams, or any other places not approved for waste disposal or allow any person under his or her control to do so.
- (2) An authorised official shall take action against any person that is guilty of littering, or who contravenes the provisions of subsection 38(1) of this bylaw, by issuing a written notice directing such person to –
- (a) cease the contravention within a specified time;
 - (b) refrain from a repeat of the contravention or a further contravention; and
 - (c) take whatever measures that the Municipality considers necessary to clean up or remove the waste and rehabilitate the affected environment within a specified timeframe.
- (3) When the Municipality regard it as necessary to remove waste or litter from any premises, the owner, occupant or person having control over the premises, shall be liable for the costs incurred by the Municipality for the removal of the waste and litter on the premises concerned.
- (4) In the case of litter which are hazardous waste, the Municipality shall immediately remove such waste, and issue the required notice to the person responsible for the costs of removal and rehabilitation of the environment.

39. BURNING OF WASTE

The burning of any waste are prohibited, except when written approval for such burning has been obtained from the Municipality.

40. ABANDONED ARTICLES OR GOODS

A person who abandon any article or goods, is liable for any damage which such article or goods may cause or has caused, as well as for the costs of removing such article or goods, notwithstanding the fact that such person may no longer be the owner thereof.

CHAPTER 7 **External Service Providers**

Section 1 – Authorized Service Providers of Commercial Services

41. APPLICATION FOR AUTHORIZATIONS

- (1) No person may provide commercial waste management services for the collection, transport or disposal of any category of waste, excluding garden waste in the area of jurisdiction of the Municipality, unless such person has registered the service rendered at the Municipality and obtained an authorization, authorising the waste management activities concerned within the area of jurisdiction of the Municipality.
- (2) An application for an authorization must be submitted in writing in a format as required by the Municipality, which shall include the prescribed fees and such additional information as the Municipality may require, on condition that municipal approval for the collection, transportation disposal of waste shall first be obtained from the Municipality, before such waste services may commence.
- (3) Any person already providing commercial services as contemplated in subsection 41(1) of this by-law at the commencement of this by-law, shall within ninety (90) days of the commencement date of this by-law, submit an application for an authorization as contemplated in subsection 41(1) of this by-law, failing which the person concerned shall no longer be able to render such services in the area of jurisdiction of the Municipality.
- (4) The Municipality shall consider an application submitted in terms of subsection 41(1) of this by-law and grant or decline the application and shall provide written reasons when such application has been declined.

42. TERMS AND CONDITIONS

- (1) An authorization shall –
 - (a) identify the authorized holder clearly;
 - (b) specify the validity period of the authorization;
 - (c) determine the categories of waste which the service provider may collect, transport and dispose of;
 - (d) indicate the information which must be recorded and submitted for purpose of the integrated waste management plan of the Municipality and SAWIS; and
 - (e) any other applicable procedural matters.
- (2) An authorization for the collection, transport and disposal of waste –
 - (a) may not be ceded or transferred, without the prior written approval of the Municipality;
 - (b) is valid for one (1) year from date of issue; and

(c) is only valid for the category of waste specified therein.

(3) An authorized service provider shall -

- (a) identify the vehicles used by the service provider for the collection, transport and disposal of waste distinctly, by providing the vehicles with identification markings and display an identification disc on the front windshields of vehicles;
- (b) always provide proof of the terms and conditions of the authorization granted for the collection, transport and disposal of waste;
- (c) supply detailed information and data about the authorized service, when the information is requested by an authorized official; and
- (d) accept full responsibility for any and all actions and omissions of his or her employees, when such an actions or omission is a transgression of the conditions of an authorization or may have a detrimental impact on human health or the environment.

43. RENEWAL OF AUTHORIZATIONS

- (1) A renewal application for an authorization must be submitted at least sixty (60) days prior to the expiry date of a current authorization and shall be considered by the Municipality, and either be granted or be declined, and when the application is declined, the Municipality shall provide reasons for the rejection of the authorization renewal.
- (2) Notwithstanding anything to the contrary in this by-law, the Municipality may temporarily extend an authorization for a specific period, when valid reasons exist therefore.

44. SUSPENSION AND REVOCATION OF AUTHORIZATIONS

- (1) The Municipality may suspend or revoke an authorization when a service provider fails to comply with any of the terms and conditions of the authorization or any other provision of this by-law, or any statutory stipulation regulating the collection, transportation and disposal of waste, or any other reasons considered to be sufficient reason for suspension or revocation.
- (2) The Municipality shall give a service provider written notice of the intended suspension or revocation of an authorization, and supply reasons therefore.

45. EXEMPTIONS

The Municipality may exempt a service provider of a commercial waste management service from any or all of the provisions of this by-law.

46. CONSUMER RESPONSIBILITIES

The owner or occupant of a premises or the holder of waste that contracts with an authorized service provider shall ensure that –

- (a) the service provider has been authorized to collect, transport and dispose of the categories of waste for which he or she is contracted;
- (b) until such time as the service provider collect waste from the premises on which it was generated, store such waste in an approved waste container, and ensure that no nuisance, including but not limited to dust and odours, are caused during the process of waste generation, storage or collection.

Section 2 – Municipal Service Providers

47. OUTSOURCING OF SERVICES

The Municipality may enter into agreements with public or private external service providers, for the rendering of municipal waste services and activities, subject to statutory provisions.

48. CONSUMER CHARTER

When a service provider as contemplated in section 47 of this by-law has been appointed by the Municipality to render a service to a large geographical area or major part of the population in the area of jurisdiction of the Municipality, the service provider shall be required to compile and adopt a consumer charter in consultation with the community.

CHAPTER 8 OWNERSHIP AND THE RIGHT OF ACCESS

49. OWNERSHIP OF WASTE

- (1) The person who is authorized to operate a waste handling or waste disposal facility, become the owner of waste, as soon as the waste are disposed at the facility concerned.
- (2) A person who generate domestic or business waste is the owner of such waste, until the waste are removed by the Municipality or a service provider, where after the Municipality or the service provider becomes the owner of the waste.

50. ACCESS TO PREMISES

- (1) When the Municipality is impeded from collecting or handling, because of the layout of a premises and such layout is likely to result in damage to private or municipal property or injury to employees, the Municipality may require from the owner or occupant of such premises, to carry out such alterations as necessary at his or her own cost and to remove any impediments, to ensure unrestricted access to the premises

- (2) When the owner or occupant of a premises, as contemplated in subsection 50(1) of this by-law, fail or refuse to comply to the corrections requested by the Municipality, the Municipality shall suspend the waste removal service to the premises, and shall require from the owner or occupant to indemnify the Municipality in writing from all claims for damages or injury with regard to the situation that exist, before resuming the service.

CHAPTER 9 GENERAL PROVISIONS

51. COMPLIANCE TO BY-LAWS AND OTHER LEGISLATION

- (1) The owner or occupant of a premise is responsible for ensuring compliance with this by-law, in respect of all or any of the provisions of this by-law.
- (2) Any person or entity who requires a waste related authorization in terms of statutory provisions, shall within thirty (30) days or any other period as specified by an authorized official, after proof of such authorization has been requested by an authorized official that the appropriate authorization has been obtained, submit proof thereof to the Municipality.

52. AUTHORIZATION OF OFFICIALS

The Municipality or an authorized service provider as contemplated in section 47 of this by-law, may designate any person in their service as an authorized official.

53. FUNCTIONS AND POWERS OF AUTHORIZED OFFICIALS

An authorized official has the functions and powers, as allocated by the Municipality or the authorized service provider as contemplated in section 47 of this by-law, to the person.

54. SERVING OF NOTICES AND OTHER DOCUMENTS

- (1) A notice, instruction, letter of demand, or other document issued by the Municipality in terms of this by-law, is deemed to be duly issued when a duly delegated official of the Municipality has signed it.
- (2) Any notice, instruction, letter of demand, or other document that is served on a person in terms of this by-law, is regarded as having been duly and effectively served –
- (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic of South Africa, with a person apparently older than sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic of South Africa, and proof of the posting thereof is provided;

- (d) if that person's address in the Republic of South Africa is unknown, when it has been served on that person's agent or representative in the Republic of South Africa, in a manner as provided in subsections 54(2)(a), 54(2)(b) or 54(2)(c) of this by-law;
 - (e) if that person's address and agent or representative in the Republic of South Africa is unknown, when it has been posted in a conspicuous place on the property or premises to which it relates; or
 - (f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of the body corporate.
- (3) When any notice, instruction, letter of demand, or other document is served on a person in terms of this by-law, it is sufficient for purpose of the serving of the notice, instruction, letter of demand, or other document, to describe the person in the notice, instruction, letter of demand or other document, as the owner, occupant, or holder of the property or rights in question, and it is not a requirement to name that person.
- (4) A notice, instruction, letter of demand, or other document shall for purpose of authentication, be properly signed by the Municipality.

55. APPEALS

A person whose rights are affected by a decision of the Municipality in terms of any delegated powers, may appeal against such a decision in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as amended, by giving written notice of the appeal against the decision and the reasons for the appeal to the Municipal Manager, within twenty-one (21) days of the date of the notification of the decision.

56. OFFENCES AND PENALTIES

Any person who -

- (a) fails to comply to the instructions of an authorized official issued in terms of this by-law;
- (b) fails to comply with any notice served in terms of this by-law;
- (c) contravenes any provision of this by-law;
- (d) fails to comply to any instruction posted on a notice board; or
- (e) deliberately obstructs an authorized official in the execution of his or her duties in terms of this by-law,

is guilty of an offence and is liable on conviction, for -

- (i) a fine or imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment;

- (ii) in the case of a successive or continuing offence, to an additional fine or additional period of imprisonment, or such additional imprisonment without the option of a fine, or to both such additional fine and such additional imprisonment, for every day such offence continues; and
- (iii) any further amount as an order of court for costs, equal to any costs and expenses, deemed by the Court, to have been incurred by the Municipality as a result of such contraventions.

57. APPLICATION OF BY-LAW

This by-law is applicable for all persons and institutions, including government institutions, which are situated in the area of jurisdiction of the Theewaterskloof Municipality.

58. REPEAL OF BY-LAWS

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

Name of by-law	Date published	As a whole or partially
By-law relating to the control of disposal sites.	PG 6234 dated 8 March 2005.	As a whole.
By-law relating to refuse removal.	PG 6234 dated 8 March 2005.	As a whole.

59. SHORT TITLE

This by-law shall be called the Waste Management By-law of the Theewaterskloof Municipality.

60. JURISDICTION OF MAGISTRATES COURT

Notwithstanding any other provision referred to in any legislation with regard to the jurisdiction of a magistrate's court, a magistrate has the jurisdiction to issue an order on application by the Municipality, for the implementation of any provision of this by-law, or for any approval, refusal or conditional approval granted or applicable in terms of this by-law.

61. OPERATIVE DATE

This by-law shall take effect on the date of publication.

MUNISIPALITEIT VAN THEEWATERSKLOOF
VERORDENING INSAKE AFVALBESTUUR

Kragtens artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996 verorden die Municipale Raad van die Municipaliteit van Theewaterskloof, hiermee soos volg:

AANHEF

Die doel van hierdie verordening is om lewering van afvalbestuursdienste in die gebied van jurisdiksie van die Municipaliteit van Theewaterskloof, te reguleer en voorsiening te maak vir alle aangeleenthede wat daarmee verband hou.

INHOUDSOPGawe

HOOFSTUK 1: INTERPRETASIE EN TOEPASSING

1. Interpretasie
2. Beginsels van die verordening
3. Doelwitte van die verordening
4. Take en verpligte

HOOFSTUK 2: GEïNTEGREERDE AFVALBESTUUR

5. Afvalbestuursplanne
6. Afvalbestuurinligtingstelsel
7. Minimalisering en hersirkulering van afval

HOOFSTUK 3: AFVALVERWYDERING

8. Diensvlakte
9. Diensooreenkoms
10. Frekwensie van verwydering
11. Volume van afval
12. Goedgekeurde afvalhouers
13. Gemeenskapsverwyderingfasiliteite
14. Hersirkulering van afval
15. Opgaar van afval

HOOFSTUK 4: HANTERING VAN VERSKILLEnde TIPeS AFVAL

Deel 1 – Tuinafval

16. Kompostering
17. Wegdoening met nie-komposteerbare tuinafval

Deel 2 - Groot Afval

18. Verwydering en wegdoening

Deel 3 – Bou afval

19. Bouplangoedkeurings en inspeksies

20. Berging van bou afval

21. Verwydering en wegdoening van bou afval

Deel 4 – Spesiale Afval, Spesiale Industriële Afval, Gesondheidsorg Afval en Gevaarlike Afval

22. Kennisgewing en verifiëring

23. Berging van spesiale, spesiale industriële, gesondheidsorg en gevaarlike afval

24. Verwydering en wegdoening van spesiale, spesiale industriële, gesondheidsorg en gevaarlike afval

Deel 5 - Industriële Afval

25. Generering en bering van industriële afval

26. Verwydering en wegdoening van industriële afval

Deel 6 - Afvalbande, Afvalmetaal, Motorwrakke en Weggegooide Masjinerie

27. Berging en wegdoening

Deel 7 - Hersirkuleerbare Afval

28. Berging, verwydering en wegdoening

Deel 8 – Landbou- en Plaasafval

29. Wegdoening

HOOFTUK 5: VERVOER EN WEGDOENING VAN AFVAL

Deel 1 - Vervoer van Afval

30. Veiligheidoorwegings vir die transport van afval

31. Mors en storting deur voertuie

32. Nakoming van wetlike bepalings

Deel 2 - Wegdoening met Afval

33. Toegelate gebruik

34. Voldoening aan die voorwaardes van magtigings

35. Verbode gedrag by fasiliteite

36. Aanvaarding van die afval van ander

HOOFTUK 6: ROMMELSTROOIING EN -STORTING

37. Voorsiening van afvalhouers
38. Rommelstrooiing en onwettige storting
39. Brand van afval
40. Verlate voorwerpe en goedere

HOOFTUK 7: EKSTERNE DIENSVERSKAFFERS

Deel 1 - Gemagtigde Diensverskaffers van Kommersiële Afvalbestuursdienste

41. Aansoeke vir magtigings
42. Terme en voorwaardes van magtigings
43. Hernuwing van magtigings
44. Opskorting en herroeping van magtigings
45. Vrystellings
46. Verantwoordelikhede van eindverbruiker

Deel 2 - Munisipale Diensverskaffers

47. Kontraktering van dienste
48. Verbruikershandves

HOOFTUK 8: EIENAARSKAP EN DIE REG VAN TOEGANG

49. Eienaarskap
50. Toegang to persele

HOOFTUK 9: ALGEMENE BEPALINGS

51. Nakoming van hierdie verordening en ander wette
52. Magtiging van beampies
53. Funksies en magte van 'n gemagtigde amptenaar
54. Bediening van kennisgewings en ander dokumente
55. Appèlle
56. Strafbepalings
57. Toepassing van hierdie verordening
58. Herroeping van verordeninge
59. Kort titel
60. Jurisdiksie van landdroshof
61. Inwerkingtreding

HOOFTUK 1: INTERPRETASIE EN TOEPASSING

1. INTERPRETASIE

In hierdie verordening, geld die Engelse teks in die geval van enige teenstrydigheid met die Afrikaanse teks, tensy dit uit die samehang anders blyk, beteken -

“aansteeklike afval”, afval wat tydens: die diagnose, behandeling of immunisering van mense of diere; of as deel van die navorsing verwant aan die immunisering van mense of diere; of in die vervaardiging of toetsing van biologiese agente, insluitende bloedprodukte, kultuur mediums, patologiese afval, liggaamlike afval van mense en diere en afval wat aansteeklike substansies bevat of kan bevat, gegenereer word;

“afval”, enige substansie, ongeag of die substansie verminder, herbruik, hersirkuleer of herwin kan word, of nie -

- (a) wat surplus, ongewens, verwerp, weggegooi, agtergelaat of mee weggedoen is;
- (b) waarvoor die persoon wat dit gegeneer of gebruik het, geen verdere produktiewe gebruik meer het nie;
- (c) wat behandel of mee weggedoen moet word; of
- (d) wat per regeringskennisgewing as afval geïdentifiseer is, insluitende afval gegenereer deur die mynbou, mediese of ander sektore, met dien verstande dat -
 - (i) enige newe-produk nie as afval gereken word nie; en
 - (ii) enige gedeelte van afval wat hergebruik, hersirkuleer en herwin word, nie as afval beskou word nie;

“afvalband”, ‘n ongebruikte, gebruikte, versoolde, of onpadwaardige band, wat nie langer geskik is om weer versool, herstel of verkoop te word vir gebruik as ‘n band nie;

“afvalbestuuraktiwiteit”, enige een of meer van die aktiwiteite gelys in die “National Environmental Management: Waste Act”, 2008 (Wet No 59 van 2008), soos gewysig, waarin ‘n houer van afval betrokke mag wees;

“afvalbestuursdienste”, dienste verwant aan enige een of meer van die onderskeie afvalbestuuraktiwiteite;

“Afvalbestuurbeampte”, ‘n persoon deur die Munisipaliteit van Theewaterskloof aangewys om verantwoordelik te wees vir die koördinering van afvalbestuuraangeleenthede van die Munisipaliteit van Theewaterskloof;

“afvalbestuursplan”, ‘n afvalbestuursplan deur die Munisipaliteit van Theewaterskloof opgestel, ingevolge hierdie verordening en die “National Environmental Management: Waste Act”, 2008 (Wet No 59 van 2008), soos gewysig;

“afvalhanteringfasiliteit”, enige terrein of perseel wat afval ontvang, opgaar, hanteer, hersirkuleer, sorteer en tydelik berg of behandel, voordat dit vir finale wegdoening oorgelaai of oorgeplaas word;

“afvalinligtingstelsel”, het dieselfde betekenis as SAAIS;

“afvalwegdoeningfasiliteit”, enige terrein of perseel wat afval vir die behandeling of wegdoening daarvan ontvang en wat bedryf word ingevolge ‘n magtiging deur ‘n statutêre owerheid, en **“afvalstortingfasiliteit”** het dieselfde betekenis;

“algemene afval”, afval wat nie ‘n onmiddellike gevvaar of bedreiging vir gesondheid of die omgewing inhou nie en sluit huishoudelike afval, besigheid afval, bou afval, onaktiewe afval, en komposteerbare asook nie-komposteerbare tuinafval in;

“berging”, die opgaar van afval vir ‘n periode van tyd op sodanige wyse, dat nie neerkom op die behandeling of wegdoening van sodanige afval nie;

“besoedeling”, enige verandering in die omgewing wat veroorsaak word deur -

- (a) substansies; of
- (b) radio aktiewe golwe of ander golwe; of
- (c) geraas, reuke, stof of hitte vrygestel deur enige aktiwiteite, insluitende die bering of behandeling van afval of substansies, konstruksie en die voorsiening van dienste deur enige persoon of ‘n staatsinstelling, waar die veranderinge ter sprake ‘n onmiddelike of toekomstige nadelige uitwerking het op menslike gesondheid of welstand, of op die samestelling en / of herstelvermoë van natuurlike en bestuurde ekosisteme, of op die middele nodig vir menslike oorlewing;

“bou afval”, is afval gegenereer gedurende die konstruksie, verbouing, herstel of sloping van enige mensgemaak struktuur of grondwerke, en sluit in rommel, grond, plantegroei, hout en rots verplaas gedurende sodanige konstruksie, verbouing, herstel of sloping, maar sluit gevaarlike afval en komposteerbare tuinafval uit;

“besigheid afval”, is afval, anders as gevaelike afval, gesondheidsorg afval, bou afval, industriële afval, nie-komposteerbare tuinafval, groot afval, spesiale afval en spesiale industriële afval, wat gegenereer word op persele wat gebruik word vir nie-woondoeleindes en op woonpersele waar kommersiële aktiwiteite plaasvind;

“beskikbaarheidtarieve”, die tariewe gehef deur die Munisipaliteit van Theewaterskloof op onbehoude persele binne die gebied van jurisdiksie van die Munisipaliteit, in gevalle waar munisipale dienste infrastruktuur beskikbaar is vir gebruik, maar nie deur die eienaar of okkuperer van ‘n perseel benut word nie;

“diensvlakke”, die frekwensie van ‘n munisipale diens en die tipe van diens gelewer per area;

“e-afval”, afval elektriese en elektroniese toerusting, wat insluit, maar nie beperk is tot, beligtingstoerusting, stroombaanborde, mobiele fone, rekenaars, televisiestelle, en audio-visuele toerusting;

“eienaar”, is met betrekking tot ‘n eiendom, die geregistreerde eienaar van ‘n eiendom, wie of ‘n natuurlike persoon of ‘n regspersoon kan wees, en sluit die okkuperer, huurder, serwituuthouer, huurpaghouer, grondbriefhouer, trustee, eksekuteur, kurator of aangewysde agent of administrateur van sodanige eiendom in;

“eiendom”, is –

- (a) onroerende eiendom geregistreer in die naam van ‘n persoon, insluitend in die geval van ‘n deeltitelskema, ‘n deeltiteleenheid wat in die naam van ‘n persoon geregistreer is;
- (b) ‘n reg geregistreer teen onroerende eiendom in die naam van ‘n persoon, met uitsluiting van ‘n verbandlening wat teen die eiendom geregistreer is;
- (c) ‘n grondbesitreg geregistreer in die naam van ‘n persoon ingevolge wetgewing; en
- (d) openbare dienste infrastruktuur, wat insluit enige openbare pad;

“geïntegreerde afvalbestuursplan”, ‘n geïntegreerde afvalbestuursplan opgestel in terme van hierdie verordening of soos verlang in terme van enige ander toepaslike wetgewing;

“geleenheids afval”, afval gegenereer deur aktiwiteit wat verband hou met ‘n byeenkoms wat in ‘n area plaasgevind het;

“gemagtigde diensverskaffer”, ‘n persoon of entiteit goedgekeur deur en geregistreer by die Munisipaliteit van Theewaterskloof, en in besit van ‘n magtiging vir die verwydering en vervoer van spesifieke tipes afval in die gebied van jurisdiksie van die Munisipaliteit;

“gemagtigde beampte”, enige vredesbeampte gemagtig ingevolge artikel 334 van die Strafproseswet, 1977 (Wet No 51 van 1977), soos gewysig of enige beampte van die Munisipaliteit van Theewaterskloof wat deur die Munisipaliteit van Theewaterskloof gemagtig is om die bepalings van hierdie verordening af te dwing;

“gemeenskapsverwydering fasiliteite”, die gebruik van gemeenskaplike afvalversamelpunte in gebiede, waar grootmaat afvalhouers sentraal geplaas word, sodat inwoners self afval van hulle persele kan verwyder en dit dan in die grootmaat afvalhouers kan stort;

“gesondheidsorg afval”, alle afval gegenereer deur of afkomstig van mediese sorg of mediese navorsing, met inbegrip van, maar nie beperk tot, aansteeklike afval, patologiese afval, gebruikte inspuitingnaalde en ander skerp voorwerpe, farmaseutiese afval, genotoksiese afval, chemiese afval, drukhouerafval, afval met swaar metale, radio aktiewe afval, of enige afval wat met bloed, liggaamsvloeistowwe of menslike weefsel of geïnfekteerde diere van veeartsenkundige praktyke in aanraking was;

“gevaarlike afval”, enige afval wat chemiese, organiese of nie-organiese elemente of verbindings bevat, wat as gevolg van die inherente fisiese, chemiese of toksikologiese eienskappe daarvan, ‘n wesentlike nadelige uitwerking op die gesondheid van persone en die omgewing kan hê;

“gevaarlike chemiese substansies”, enige toksiese, skadelike, korroderende, branderige, bytende of verstikkende substansie of mengsels van sodanige substansies ten opsigte waarvan -

- (a) ‘n beroep blootstellinglimiet voorgeskryf is; en
- (b) ‘n beroep blootstellinglimiet nie voorgeskryf is nie, maar wat ‘n gevær vir gesondheid en die omgewing inhou;

“goedgekeurde”, in die konteks van blikke, blikuitvoerings, vullissakke, afvalhouers, vullishouers en omhulsels, goedgekeuring verleen deur die Munisipaliteit van Theewaterskloof

“goedgekeurde besigheidafvalhouer”, ‘n vullissak, ‘n goedgekeurde houer met ‘n bergingskapasiteit van vyf-en-tagtig tot negentig (85-90) liter, ‘n goedgekeurde houer met ‘n bergingskapasiteit van tweehonderd-en-veertig (240) liter of enige ander goedgekeurde houer vir besighede, soos deur die Munisipaliteit van Theewaterskloof voorgeskryf;

“goedgekeurde houer”, ‘n houer goedgekeur om enige of ‘n spesifieke tipe afval tydelik te berg in, totdat dit deur die Munisipaliteit van Theewaterskloof of ‘n gemagtigde diensverskaffer verwyder kan word;

“goedgekeurde huishoudelike afvalhouer”, ‘n vullissak, ‘n goedgekeurde houer met ‘n bergingskapasiteit van tweehonderd-en-veertig (240) liter of enige ander goedgekeurde houer vir huishoudings, soos deur die Munisipaliteit van Theewaterskloof voorgeskryf;

“groot afval”, huishoudelike of besigheidsafval wat as gevolg van die massa, vorm, grootte, of omvang daarvan nie normaalweg in ‘n goedgekeurde standaard afvalhouer geplaas kan word nie;

“hersirkuleerbare afval”, afval wat van die afvalstroom geskei kan word, en hergebruik of hergesirkuleer kan word;

“hersirkulering”, ‘n proses waardeur herwinde afval verder verwerk word tot ‘n produk of ‘n rou materiaal;

“herwinning”, ‘n proses waardeur afval herwin word, en sluit die skeiding van afval op enige plek in die afvalstroom, vir verdere gebruik in;

“houer van afval”, enige persoon of entiteit wat afval invoer, genereer, kollekteer, versamel, verwyder, hanteer, opgaar, berg, vervoer, verwerk, oorlaai, behandel, verhandel, uitvoer, herwin, hersirkuleer, hergebruik of daarmee wegdoen, insluitende sorteerders en hersirkuleerders van afval, afvalminimaliseringsgroepe, skroothandelaars en ander tipes terugkoopinisiatiewe;

“huishoudelike afval”, afval wat op ‘n perseel gegenereer word, voortspruitend uit die primêre gebruik van die perseel vir--

- (a) residensiële doeleindes soos ‘n woonhuis, woonstel, koshuis, losieshuis of ‘n ouetehuis;
- (b) onderwys, sport- en ontspanningsdoeleindes; en
- (c) openbare aanbidding, insluitende ‘n saal of ander gebou vir godsdienstige doeleindes, en sluit komposteerbare tuinafval en huishoudelike gesondheidsorg afval in, maar sluit geværlike afval, besigheid afval, bou afval, groot afval, nie-komposteerbare tuinafval, spesiale afval, vloeistowwe of nagvuil uit;

“industriële afval”, afval gegenereer deur vervaardigingsprosesse, industriële aktiwiteite of onderhoudsaktiwiteite by nywerhede, en kan insluit, maar is nie beperk tot, afval gegenereer deur alle katogorië van nywerhede, agri-nywerhede, landbou, mynbou aktiwiteite of kragopwekking, maar sluit nie enige ander kategorieë van afval in nie;

“kommersiële dienste”, enige afvalbestuursdiens, verwant tot of gekoppel aan die opgaar, kollektering, verwydering, bestuur, hersirkulering, sortering, berging, behandeling, vervoer, wegdoening, koop of verkoop van afval of enige ander afvalaktiwiteite, maar sluit die afvalbestuursdienste wat deur die Municipaaliteit van Theewaterskloof as ‘n municipale diens gelewer word uit;

“komposteerbare tuinafval”, organiese afval wat uit normale huishoudelike tuinaktiwiteite voortspruit, insluitende grassnysels, blare, plante, blomme en ander soortgelyke bio-abbrekbaar materiaal wat in ‘n vullissak opgehoop kan word, maar met uitsluiting van nie-komposteerbare tuinafval of nie-komposteerbare afval gegenereer as ‘n gevolg van tuindienste aktiwiteite;

“landbou grond”, grond wat vir landbou doeleindes gesoneer is, het sy of dit in ‘n stedelike gebied of landelike gebied geleë is;

“landbou- en plaasafval”, alle tipes afval gegenereer op place as deel van landbouprosesse of deur gewone huishoudelike of besigheidsaktiwiteite of landbou aktiwiteite op place;

“minimalisering”, die maatreëls wat die deur die Munisipaliteit van Theewaterskloof, inwoners, besighede en industrieë implementeer word, om die generering en wegdoening van afval te vermy, en die volume en toksisiteit van afval gegenereer en weggedoen mee te verminder;

“munisipale diens”, die munisipale dienste gelewer met betrekking tot die verwydering van afval en verwante afvalbestuuraktiwiteite, deur die Munisipaliteit van Theewaterskloof of ‘n gemagtigde diensverskaffer namens die Munisipaliteit van Theewaterskloof;

“Munisipaliteit”, die Munisipaliteit van Theewaterskloof, wat insluit enige verwysing na behoorlike gemagtigde en / of aangestelde beampes en / of diensverskaffers in terme van dienslewingooreenkoms van die Munisipaliteit van Theewaterskloof;

“nasionale regering”, die regering en die onderskeie nasionale departemente van die Republiek van Suid-Afrika;

“okkupererder”, ‘n persoon wat grond of ‘n perseel okkuper en beheer, en sluit ‘n bewoner van ‘n perseel in;

“omgewing”, die individuele dele, interverwantskappe en totale som van alle elemente, eienskappe en toestande, wat gesamentlik die omgewing uitmaak waarin lewende organismes en ekosisteme bestaan;

“openbare oorlas”, wat die begrip **“oorlas”** insluit, enige handeling, versuim of toestand op of by enige perseel of ‘n openbare plek of openbare pad, met inbegrip van enige verwysing na enige gebou, struktuur of gewas op sodanige perseel of openbare plek of openbare pad, wat die veiligheid van persone of eiendom in gevaar kan stel of wat onooglik, hinderlik, aanstootlik of rusversteurend vir ander mense is;

“openbare kennisgewing”, ‘n kennisgewing aan die publiek, gepubliseer in ‘n plaaslike nuusblad, en aangebring op die offisiële kennisgewingbord van die Munisipaliteit van Theewaterskloof;

“openbare pad”, wat insluit enige munisipale straat of steeg of padreserwe, enige openbare pad, soos bedoel in artikel 1 van die Nasionale Padverkeerswet, 1996 (Wet No 93 van 1996), soos gewysig;

“openbare plek”, enige perseel of eiendom of grond waartoe die publiek toegang het, wat insluit, maar nie beperk is tot: enige plein; gebou; park; ontspanningsgebied; sportgronde; oop ruimte; reservaat; munisipale straat of steeg of straatreserwe; openbare pad; parkeerarea; munisipale meent; ongebruikte, gebruikte, beboude of onbeboude munisipale grond; of ‘n begraafplaas, waaroor die Munisipaliteit van Theewaterskloof jurisdiksie het;

“perseel”, enige grond, geleë binne die regsgebied van die Munisipaliteit van Theewaterskloof waarvan die buitegrense afgebaken is op ‘n algemene plan of diagram of deeltitelplan, en wat ingevolge die toepaslike wetgewing geregistreer is, wat insluit ‘n gebou of struktuur wat op sodanige grond gebou of opgerig is;

“persoon”, sluit vir doeleindes van hierdie verordening, ‘n natuurlike persoon, ‘n regspersoon, enige onderneming, ‘n vereniging of organisasie of ‘n instelling van die staat, in;

“SAAIS”, is die nasionale afvalbestuurinligtingstelsel, soos voorsien voor in die “National Environmental Management: Waste Act”, 2008 (Wet No 59 van 2008), soos gewysig;

“SANS-kode”, ‘n Suid-Afrikaanse Nasionale Standaard, soos voorsien in die Wet op Standaarde, 2008 (Wet No. 8 van 2008), soos gewysig, en die gebruik van die afkorting “SANS”, gevvolg deur ‘n series van nommers, verwys na ‘n spesifieke SANS-kode van praktyke, spesifikasies of standarde, wat onder die spesifieke nommer gepubliseer is;

“skeiding van afval”, die skeiding van afval in nie-hersirkuleerbare en sirkuleerbare afval, met die oogmerk om die verskillende tipes sirkuleerbare afval te hergebruik of te herverwerk as bruikbare produkte, en **“sortering van afval”** het ‘n ooreenstemmende betekenis;

“spesiale afval”, nie-gevaarlike industriële afval, wat tipes afval insluit met fisiese en / of chemiese eienskappe , wat noodsaak dat die afval by afvalstortingsfasilitete op ‘n spesiale wyse hanteer moet word, en sluit besoedelde grond, rou dieremis, dooie diere en enige ander afval in, wat in die opinie van die Munisipaliteit van Theewaterskloof spesiale afval is;

“spesiale industriële afval”, afval bestaande uit vloeistowwe, slyk of soliede substansies, wat die resultaat van vervaardigingsprosesse, industriële behandelings of die behandeling van grondstowwe is, wat die wegdoening van enige industriële of vloeibare mynbou afval voorafgaan;

“Stelselwet”, die Wet op Plaaslike Regering: Munisipale Stelselwet, 2000 (Wet No 32 of 2000), soos gewysig;

“tarief”, die fooie betaalbaar vir die voorsiening van ‘n munisipale diens, soos jaarliks in terme van die Tarief Verordening van die Munisipaliteit van Theewaterskloof bepaal;

“tuinafval”, afval gegeneer in ‘n tuin, soos ondermeer dooie of groen plantmateriaal, blare, vrugte, sade, blomme, gras, takke, stompe, of enige ander afvalmateriaal van ‘n plantkundige aard;

“tuindienste aktiwiteite”, die voorsiening van tuindienste, insluitende die sny van gras, snoei van bome of enige ander tuinboukundige aktiwiteite, insluitende landskapskepping vir enige huishoudelike, besigheid, kommersiële of industriële persele;

“vergaderbak”, ‘n houer wat gebruik word vir die tydelike berging van afval;

“verwydering”, die aktiwiteit gerig op die kollektering van huishoudelike of besigheidsafval deur die Munisipaliteit van Theewaterskloof of ‘n gemagtigde diensverskaffer, by die plek waar dit gegenereer of geberg word, en **“versamel”** het ‘n soortgelyke betekenis;

“vullis”, huishoudelike en besigheid afval van so vorm of grootte dat dit in goedgekeurde huishoudelike afvalhouers of goedgekeurde besigheidafvalhouers geplaas kan word, of enige ander wat in die opinie van die Munisipaliteit van Theewaterskloof vullis is;

“vullissak”, ‘n plastieksak met afmetings van sewehonderd-en-vyftig (750) millimeter by negehonderd-en-vyftig (950) millimeter en ten minste twee-en-twintig (22) micron dik, of soos andersins voorgeskryf, en sluit in plastieksakke aangewend as blikuitvoerings;

“werksdag”, is ‘n gewone dag, en sluit Saterdae, Sondae of openbare vakansiedae uit; en

“wetgewende bepalinge”, die bepalings van die “National Environmental Management: Waste Act”, 2008 (Wet No 59 van 2008), soos gewysig; die Wet op Nasionale Omgewingsbestuur, 1998 (Wet No 107 van 1998), soos gewysig; die Wet op Omgewingsbewaring, 1989 (Wet No 73 van 1989), soos gewysig, en enige regulasies uitgevaardig in terme van die wetgewing, of enige provinsiale wetgewing wat verbandhoudende sake reël.

2. BEGINSELS VAN DIE VERORDENING

- (1) Dit is die Munisipaliteit se verantwoordelikheid om te verseker dat alle afval wat binne die gebied van jurisdiksie van die Munisipaliteit gegenereer word –
 - (a) ingevolge die bepalings van hierdie verordening verwyder, mee weggedoen of herwin word; en
 - (b) dat sodanige verwydering, wegdoening of herwinning, die afvalbestuurshierargie wat in subartikel 2(2) van hierdie verordening uiteengesit word, in ag neem.
- (2) Die primêre beginsel wat hierdie verordening ondervang, is die vestiging van ‘n afvalbestuurshierargie van prioriteite in die volgende prioriteitsorde van aktiwiteite –
 - (a) vermyding, minimalisering en vermindering van afval;
 - (b) hergebruik van afval;
 - (c) hersirkulasie, herwinning, verwerking en behandeling van afval; en
 - (d) wegdoening van afval.
- (3) ‘n Afvalbestuurbeampte gemagtig in terme van hierdie verordening, moet sovôr moontlik, die afvalbestuurshierargie van prioriteite, soos gespesifieer in subartikel 2(2) van hierdie verordening, in ag neem met afvalbestuur.

3. DOELWITTE VAN DIE VERORDENING

- (1) Die doelwitte van hierdie verordening is –
 - (a) om die verwydering, hantering, berging, vervoer, hersirkulasie, behandeling en wegdoening van afval te reguleer;
 - (b) om die nastrewing van ‘n geïntegreerde afvalbestuursbenadering te reguleer;
 - (c) om die voorsiening van munisipale afvalverwydering- en afvalsorteringdienste deur gemagtigde diensverskaffers vir kommersiële afvalbestuursdienste te reguleer; en
 - (d) om volhoubare ontwikkeling te bevorder.
- (2) In nastrewing van die doelwitte van hierdie verordening, moet die Munisipaliteit –

- (a) poog om plaaslike gemeenskapsdeelname in plaaslike afvalbeplanning te verseker;
- (b) poog om die verbruik van natuurlike hulpbronne te minimaliseer;
- (c) die hersirkulasie en hergebruik van afval te bevorder;
- (d) poog om die skeiding van afval vir die hergebruik en hersirkulasie daarvan te faciliteer en aan te moedig;
- (e) die effektiewe verkryging, beplanning en lewering van munisipale afvalbestuursdienste en kommersiële afvalbestuursdienste verbeter;
- (f) poog om in plaaslike verband, geïntegreerde afvalbestuur, beplanning en dienste te bereik;
- (g) om omgewingsverantwoordelike munisipale afvalbestuursdienste dienste en kommersiële afvalbestuursdienste dienste te bevorder en te verseker; en
- (h) daarna streef om nakoming van die bepalinge van hierdie verordening te verseker.

4. TAKE EN VERPLIGTINGE

- (1) 'n Houer van afval moet alle redelike maatreëls tref om –
 - (a) afvalgenerering te vermy of te verminder en die toksisiteit van die afval wat as sulks gegenereer word, te minimaliseer;
 - (b) afval te hergebruik, te hersirkuleer en te herwin;
 - (c) op 'n omgewingsverantwoordelike wyse met afval weg te doen;
 - (d) afval so te bestuur dat dit nie gesondheid of die omgewing in gevaar stel nie, en geen geraas, reukoorlas of visuele steurnis veroorsaak nie;
 - (e) te voorkom dat afval gebruik word vir 'n ongemagtigde doel, insluitende optredes om te voorkom dat persone onder beheer van die houer van vullis, hierdie verordening oortree.
- (2) 'n Persoon wat 'n produk verkoop of 'n diens verskaf wat deur die publiek gebruik word, en wat waarskynlik die generering van gevaaarlike afval tot gevolg sal hê, moet alle redelike stappe doen om die publiek oor die uitwerking van sodanige afval op persoonlike gesondheid en die omgewing in te lig.
- (3) 'n Gemagtigde beampte mag van enige persoon wat verantwoordelik is vir die take en verpligtinge soos opgelê in subartikels 4(1) en 4(2) van hierdie verordening, vereis om maatreëls te tref om die nakoming van hierdie verpligtinge en die uitvoering van die vereiste take te verseker; welke maatreëls bedoel mag wees om –
 - (a) die uitwerking op die omgewing te ondersoek, te assesseer en te evalueer;

- (b) werknemers omtrent die omgewingsrisikos van hulle werk en die wyse waarop hulle hul take moet uitvoer in te lig en op te lei, ten einde die gevolge van wesenlike besoedeling of degradering van die omgewing te vermy;
- (c) enige handeling, aktiwiteit of proses wat besoedeling of degradering van die omgewing kan veroorsaak, te beëindig, te verander of te beheer;
- (d) die beweging van besoedelende stowwe of oorsake van degradering van die omgewing, inperk of voorkom;
- (e) enige bronre van besoedeling of degradering van die omgewing te elimineer; of
- (f) die effekte van besoedeling of degradering van die omgewing regstel.

HOOFTUK 2 GEÏNTEGREERDE AFVALBESTUUR

5. AFVALBESTUURSPLANNE

- (1) Die Munisipaliteit sal –
 - (a) 'n geïntegreerde afvalbestuursplan ingevolge die voorskrifte van wetgewende bepalinge vir die Munisipaliteit opstel, en sodanige plan deurlopend nagaan en hersien;
 - (b) jaarliks verslag oor die implementering van die geïntegreerde afvalbestuursplan van die Munisipaliteit doen; en
 - (c) die voorgeskrewe statutêre gemeenskapskonsultasie prosesse soos voorgeskryf in wetgewende bepalinge navolg.
- (2) Die Munisipaliteit mag enige houer van industriële afval versoek, om 'n afskrif van die afvalbestuursplan van die betrokke industriële sektor, soos voorgeskryf deur wetgewende bepalinge, by die Munisipaliteit in te handig.
- (3) Vir alle geleenthede georganiseer en aangebied in die gebied van jurisdiksie van die Munisipaliteit van Theewaterskloof, moet die geleentheidsorganiseerder ten minste een (1) maand voor die geleentheid by die Munisipaliteit 'n afvalbestuursplan indien, wat sal insluit die besonderhede oor afvalbestuursdienste wat voorsien sal word en enige ander inligting wat deur die Munisipaliteit verlang word.
- (4) Die Munisipaliteit mag afhangende van die grootte, aard en duur van 'n byeenkoms, voorwaardelike vrystelling toestaan van bepalinge van hierdie verordening.
- (5) Die eienaar of enige ander persoon verantwoordelik vir 'n nuwe ontwikkeling, moet voor die aanvang van sodanige ontwikkeling, 'n afvalbestuursplan wat sal insluit sodanige inligting as wat die Munisipaliteit mag benodig, by die Munisipaliteit indien.

6. AFVALBESTUURINLIGTINGSTELSEL

- (1) Die Munisipaliteit sal 'n afvalinligtingstelsel daarstel en onderhou, insluitende inligting betreffende die vlakke en omvang van afvalbestuursdienste deur die Munisipaliteit verskaf, en wanneer benodig moet die Munisipaliteit sodanige inligting op die SAAIS plaas.
- (2) Ten einde die Munisipaliteit in staat te stel om die statutêre verantwoordelikhede in terme van subartikel 6(1) van hierdie verordening na te kom, mag die Munisipaliteit van 'n houer van afval of enige ander persoon verlang, om binne 'n redelike tyd of op 'n gereelde basis, die Munisipaliteit van sodanige data, dokumente, inligting, monsters van materiale benodig, en die verifikasie van inligting, soos benodig te voorsien.
- (3) Die Munisipaliteit mag 'n persoon of 'n houer van afval wat in die Munisipaliteit se opinie op die SAAIS geregistreer behoort te wees, versoek om sodanige registrasie te doen en bewys daarvan by die Munisipaliteit in te dien, of alternatiewelik binne 'n redelike tydperk bewys te lever dat die persoon of die houer van afval, nie 'n afvalbestuuraktiwiteit uitvoer wat sodanige registrasie verpligtend maak nie.

7. MINIMALISERING EN HERSIRKULERING VAN AFVAL

Die Munisipaliteit sal ooreenkomsdig verantwoordelikhede en beskikbare hulpbronne, progressief maatreëls implementeer om afval te verminder, en die herwinning, hergebruik en hersirkulasie van afval, insluitende die skeiding van afval by die bron, vir bepaalde diensvlakke te bevorder.

HOOFSTUK 3 AFVALVERWYDERING

8. DIENSVLAKKE

Die diensvlakke vir afvalverwydering mag tussen areas verskil, gebaseer op praktiese en kosteoorwegings vir dienslewering in 'n gebied, en die volgende diensvlakke kan in 'n area aangebied word -

- (i) gereeld gemoniteerde verwydering en wegdoening;
- (ii) 'n sentrale verwyderingspunt;
- (iii) georganiseerde oordrag na 'n sentrale verwyderingspunt en sypaadjieverwydering; en
- (iv) 'n kombinasie van voorgemelde diensvlakke.

9. DIENSOOREENKOMS

- (1) Die Munisipaliteit sal afvalverwyderingdienste lewer aan alle beboude besigheid en huishoudelike persele, teen diensgelde soos wat jaarliks bepaal word, en die eienaars of okkuperders van sodanige persele moet van die beskikbare afvalverwyderingdiens van die Munisipaliteit gebruik maak.

- (2) Die okkuperder van 'n perseel, of in die geval waar 'n perseel meer as een okkuperder het, die eienaar van die perseel waarop besigheid of huishoudelike afval gegenereer word, sal waar 'n afvalverwyderingdiens van die Munisipaliteit beskikbaar is, die Munisipaliteit binne sewe (7) dae van okkupasie of veranderinge in sodanige okkupasie, skriftelik in kennis stel -
- (a) dat 'n perseel een of meer okkuperders het, of 'n nuwe okkuperder het; en
- (b) of die verlangde afvalverwyderingdiens vir besigheid of huishoudelike doeleindes is.
- (3) 'n Eienaar of okkuperder van 'n besigheid of residensiële perseel sal aanspreeklik wees om aan die Munisipaliteit die voorgeskrewe gelde vir die voorsiening van afvalverwyderingdienste, op die datum soos aangedui in 'n rekening ontvang van die Munisipaliteit te betaal, en by versuim sal uitstaande en verskuldigde gelde ingevolge die bepalings van die Verordening insake Kredietbeheer en Skuldinvordering van die Munisipaliteit van Theewaterskloof ingevorder word.
- (4) 'n Besigheid mag verkies om met 'n gemagtigde diensverskaffer te kontrakteer om afval te verwijder, maar die eienaar of okkuperder van die betrokke besigheidperseel sal nie geregtig wees op vrystelling van of 'n vermindering in die diensgelde deur die Munisipaliteit vasgestel, bloot uit hoofde van die feit dat geen of beperkte gebruik van die Munisipaliteit se afvalverwyderingdiens gemaak word nie.
- (5) Beskikbaarheidtariewe, soos van tyd tot tyd deur die Munisipaliteit vasgestel, mag op vakante persele gehef word.
- (6) Die Munisipaliteit sal bepaal watter afval nie geskik is vir verwijdering deur middel van die normale afvalverwyderingdiens van die Munisipaliteit nie, indien sodanige afval nie as huishoudelike of besigheid afval beskou kan word nie, en nadat sodanige bepaling gemaak was, sal die Munisipaliteit vir die houer van die afval of okkuperder van die perseel 'n proses vir verwijdering en wegdoening van sodanige afval aanbeveel.
- (7) Indien die Munisipaliteit se geskeduleerde verwijderingdienste vir watter rede ookal onderbreek word, sal die Munisipaliteit die diens so gou as redelik moontlik hervat en agterstande as 'n prioriteit hanteer.
- (8) Klagtes oor 'n afvalverwyderingdiens sal ingevolge die kliëntedienshandves van die Munisipaliteit hanteer word.

10. FREKWENSIE VAN VERWYDERING

- (1) Die Munisipaliteit sal huishoudelike afval en besigheid afval ten minste een keer per week, op geskeduleerde datums vir die verskillende gebiede verwijder, en indien verwijderingreeëlings hersien moet word, sal okkuperders of eienaars vooraf kennismaking van veranderde skedules ontvang, deur middel van een of meer toepaslike metodes van kommunikasie.
- (2) Die Munisipaliteit sal vasstel watter besigheidpersele genereer afval wat as daaglikse volumes beskou moet word, asook die frekwensie van afvalverwydering wat ten opsigte van sodanige persele benodig word.

(3) Indien die Munisipaliteit van mening is dat 'n besigheid 'n oorlas, 'n reuke oorlas, 'n gesondheidsrisiko of gevaar vir openbare gesondheid veroorsaak, omdat afval nie oor naweke verwyder word nie, mag die Munisipaliteit opdrag gee dat die eienaar of okkuperer van sodanige perseel gebruik maak van die Munisipaliteit se addisionele afvalverwyderingdiens, wat teen 'n ekstra koste gedurende naweke voorsien word of om op eie koste 'n gemagtigde diensverskaffer aan te stel om die afval gedurende naweke te verwyder.

11. VOLUME VAN AFVAL

Die Munisipaliteit moet vir doeleindes van die bestuur van afvalvolumes, vasstel wat -

- (i) die aantal vullissakke of goedgekeurde houers is wat per verwydering vanaf elke residensiële perseel verwyder moet word; en
- (ii) die maksimum hoeveelheid besigheidsafval is wat vir verwydering uitgeplaas mag word, sonder gebruikmaking van 'n addisionele verwyderingsdiens of die betaling van addisionele fooie.

12. GOEDGEKEURDE AFVALHOUERS

(1) Die Munisipaliteit sal huishoudelike afval geplaas in goedgekeurde huishoudelike afvalhouers, en besigheidafval geplaas in goedgekeurde besigheidafvalhouers, en gelaat op sodanig toeganklike plekke op persele in ooreenstemming met bedryfsreëlings vir afvalverwydering, laat verwyder.

(2) Afval wat nie in 'n korrekte afvalhouer of op 'n plek geplaas word wat nie voldoen aan die Munisipaliteit se bedryfsreëlings vir afvalverwydering nie, sal nie verwyder word nie.

(3) Goedgekeurde afvalhouers vir die tydelike bering van afval by besigheids of residensiële persele, moet onbeskadig en nie geroes of verinneweer wees nie, maar moet geskik wees vir die veilige bering van afval tot en met verwydering, om die voorkoms van 'n oorlas te beperk of te verhinder, en om die negatiewe impak van afvalmateriaal op die omgewing en publieke gesondheid te beperk.

(4) Geen persoon mag toelaat dat 'n dier in sy of haar beheer, met 'n afvalhouer wat vir verwydering uitgeplaas is, lol of dit omgooi of beskadig nie.

(5) Die eienaar of okkuperer van 'n besigheid of residensiële perseel moet verseker dat -

(a) 'n goedgekeurde afvalhouer nie warm as, gebreekte glas of ander gevaelike huishoudelike of besigheidafval bevat, wat die Munisipaliteit se werknemers in die uitvoering van hul pligte kan beseer of sodanige afvalhouers kan beskadig nie;

(b) geen stowwe of materiale of enige vloeistof in 'n goedgekeurde afvalhouer geplaas word nie, wat as gevolg van die massa of ander eienskappe van sodanige stowwe of materiaal of vloeistowwe, die hantering van sodanige afvalhouer onredelik moeilik sal maak of te swaar sal maak om te dra;

(c) goedgekeurde afvalhouers toegehou word om diere- en inseksteurnisse, en windgewaaide rommel te vermy;

- (d) goedgekeurde afvalhouers op die geskeduleerde dae en voor die gespesifiseerde tye buite die ingange tot persele geplaas word vir verwydering, welke dae en tye deur die Munisipaliteit bepaal sal word en per geskrewe kennisgewing aan die eienaars of die okkuperders van persele bekend gemaak sal word, behalwe in individuele spesiale gevalle waar die Munisipaliteit 'n uitsondering vir 'n bejaarde of 'n gestremde persoon maak;
- (e) in ooreenstemming met spesifikasies, hetsy soos in bouplanne vervat of soos andersins bepaal, voorsiening gemaak word vir ruimtes en enige ander fasilitete wat die Munisipaliteit nodig mag ag vir die bering van afval in goedgekeurde afvalhouers op 'n perseel, totdat dit verwyder kan word; en
- (f) die sypaadjie voor en aangrensend tot die perseel skoon en vry van afval gehou word.
- (6) Indien groot hoeveelhede afval daagliks genereer word, moet die eienaar of okkuperder van 'n perseel verseker dat –
- (a) die betrokke afval nie geplaas word in afvalhouers wat normaalgeleë gebruik word, waar dit die normale afvalstroom kan affekteer nie; en
- (b) die spesiale afvalhouers verskaf vir die oormaat afval, nie meer as twintig (20) meter vanaf die ingang tot die betrokke perseel, vir verwydering geplaas word nie.
- (7) Nieteenstaande enige iets tot die teendeel in hierdie verordening vervat, mag die Munisipaliteit, met inagneming van die voorkoming van oorlaste en die vereistes vir effektiewe afvalverwydering, spesifieke posisies binne of buite persele aandui, waar goedgekeurde afvalhouers op voorafbepaalde dae en op sekere tye gelaat moet word vir verwydering.
- (8) Geen eienaar of okkuperder van 'n perseel mag enige vullissakkie of goedgekeurde afvalhouers wat ander tipes afval as huishoudelike of besigheidafval bevat, buite 'n perseel plaas, behalwe vir spesiale verwydering ingevolge die voorwaardes en bedryfsreeëlings van die Munisipaliteit se afvalverwyderingdienste.
- (9) Afvalhouers goedgekeur vir huishoudelike en besigheid afval vir gebruik as vergaderbakke, kan vanaf die Munisipaliteit teen betaling van 'n tarief verkry word.

13. GEMEENSKAPSVERWYDERINGFASILITEITE

- (1) Die Munisipaliteit sal gepaste grootmaat vergaderbakke plaas by sentrale gemeenskapsverwyderingspunte vir afval, wat as gesik geag word vir sodanige vullisverwyderingsdoeleindes.
- (2) Gemeenskapsverwyderingspunte vir afval sal duidelik afgebakende areas wees.
- (3) Die grootmaat vergaderbakke sal volgens spesifikasies soos deur die Munisipaliteit bepaal, vervaardig word en die plasing daarvan sal sovér as redelik moontlik –
- (a) aan die gemeenskap veilige en maklike toegang daartoe bied; en

(b) maklike toegang aan afvalverwyderingvoertuie bied.

- (4) Die afval by sodanige gemeenskapsversamelpunte sal sover as redelik moontlik een keer per week verwijder word, of binne vier-en-twintig (24) uur nadat 'n vergaderbak as vol by die Munisipaliteit aangemeld word, om rommelstrooing en besoedeling te voorkom.
- (5) Afvalskeiding by die bron, sal ten opsigte van gemeenskapsverwyderingsfasiliteite aangemoedig word en indien lewensvatbaar, sal afsonderlike grootmaat vergaderbakke vir nie-hersirkuleerbare en hersirkuleerbare afval by die gemeenskapsverwyderingspunte voorsien word.

14. HERSIKULERING VAN AFVAL

- (1) Enige eienaar of okkuperer van 'n besigheid of residensiële perseel of enige houer van afval, kan afval vir nie-kommersiële doeleindes by die bron skei in nie-hersirkuleerbare en sirkuleerbare afval, soos deur die Munisipaliteit vasgestel.
- (2) Die Munisipaliteit mag ooreenkomsdig verantwoordelikhede en beskikbare hulpbronnes, progressief maatreëls en bedryfsreëlings implementeer om die hersirkulerings van afval te bevorder, en die Munisipaliteit mag –
 - (a) gebiede bepaal om komposteerbare tuinafval van huishoudelike en / of besigheid afval te skei, deur gebruik te maak van goedgekeurde afvalhouers vir elke tipe afval;
 - (b) gebiede bepaal om afval te verdeel in hersirkuleerbare afval en nie-hersirkuleerbare afval;
 - (c) verskillende goedgekeurde houers vir die afval wat geskei is gebruik en die goedgekeurde houers vir afvalskeiding by plekke soos deur die Munisipaliteit aangedui verskaf en plaas;
 - (d) beleide vir die skeiding van nie-hersirkuleerbare en sirkuleerbare afval uit alle tipes afvalbronnes ontwikkel en implementeer, en die tipes afval wat as nie-hersirkuleerbare en sirkuleerbare afval beskou moet word, identifiseer; en
 - (e) enige ander redelike voorgeskrewe procedures ter bevordering van die hersirkulerings van afval volg.
- (3) Die Munisipaliteit mag vir hersirkuleerbare afval aflaaistasies skep op plekke, wat maklik toeganklik en veilig vir die publiek is.

15. OPGAAR VAN AFVAL

- (1) Die eienaar of okkuperer van 'n besigheid of residensiële perseel, moet seker maak dat alle huishoudelike of besigheid afval op die perseel gegenereer, uitgeplaas word vir verwijdering en nie onnodig opgehoop word nie.

- (2) In die geval waar 'n tipe afval, nie op 'n gereelde basis deur die Munisipaliteit verwyder word nie of deur 'n gemagtigde diensverskaffer verwyder moet word, moet die eienaar of okkuperer van die betrokke perseel en / of die houer van die afval, so dikwels as nodig reëlings tref vir die verwydering, vervoer en wegdoening van die afval by 'n afvalhantering- of afvalstortingfasiliteit, om die ongevraagde opgaar van die afval en die ontstaan van 'n oorlas te beperk, en om die negatiewe impak van afvalmateriaal op die omgewing en publieke gesondheid te voorkom.
- (4) Die Munisipaliteit mag enige perseel betree, indien 'n redelike vermoede bestaan dat afval aldaar, ongeag die tipe, opgehoop word, en die Munisipaliteit kan die persoon wat die afval genereer of die eienaar of die okkuperer van die tersaaklike perseel beveel om die afval onmiddellik te verwyder, en by versuim mag die Munisipaliteit voortgaan om die opgegaarde afval op die koste van die eienaar of die okkuperer van die perseel waar die afval opgehoop word, te verwyder

HOOFSTUK 4 **HANTERING VAN VERSKILLEND TIPES AFVAL**

Deel 1 – Tuinafval

16. KOMPOSTERING

Die eienaar of okkuperer van 'n perseel waarop tuinafval gegenereer word, mag die tuinafval op sodanige perseel komposteer, met dien verstande dat sodanige kompostering nie 'n oorlas veroorsaak en behoorlik afgeskerm word van die straat of 'n nadelige uitwerking op menslike gesondheid en die omgewing het nie.

17. WEGDOENING VAN NIE-KOMPOSTEERBARE TUINAFVAL

Die eienaar of okkuperer van 'n perseel waarop nie-komposteerbare tuinafval gegenereer word, moet binne 'n redelike tyd nadat sodanige afval gegenereer is, die afval verwyder of laat verwyder, en daarmee wegdoen by die naaste afvalhantering- of afvalstortingfasiliteit, tensy die Munisipaliteit anders bepaal.

Deel 2 - Groot Afval

18. VERWYDERING EN WEGDOENING

- (1) Die eienaar of okkuperer van 'n perseel waarop groot afval gegenereer word, moet verseker dat sodanige afval binne veertien (14) dae na generering daarvan verwyder en mee weggedoen word by die naaste afvalhantering- of afvalstortingfasiliteit, tensy die Munisipaliteit anders bepaal.
- (2) Op die versoek van die eienaar of die okkuperer van enige perseel, mag die Munisipaliteit groot afval vanaf sodanige perseel verwyder, met dien verstande dat die Munisipaliteit oor die geskikte afvalverwyderingtoerusting beskik en dat die koste verbonde aan die spesiale verwydering deur die eienaar of okkuperer van die perseel betaal word.

Deel 3 – Bou afval

19. BOUPLANGOEDKEURINGS EN INSPEKSIES

- (1) Die eienaar of okkupereder of enige persoon verantwoordelik vir die indiening van bouplanne vir 'n nuwe gebou of 'n verandering aan 'n bestaande gebou, moet in die bouplanaansoek die manier aandui waarvolgens daar tydens die konstruksiefase oor boumateriaal beskik sal word.
- (2) 'n Gemagtigde beampte van die Munisipaliteit moet tydens die konstruksieperiodes van 'n gebou en / of 'n projek, gereelde inspeksies uitvoer op 'n konstruksieterrein, om te bepaal en te verifieer dat die vereiste reëlings vir die beskikking van bou afval deurlopend nagekom word, soos in subartikel 19(1) van hierdie verordening beoog.

20. BERGING VAN BOU AFVAL

- (1) Neteenstaande die vereistes wat deur die Munisipaliteit gestel word vir bou afval met die goedkeuring van bouplanaansoek, moet die eienaar of okkupereder van 'n perseel waarop bou afval gegenereer word en / of die persoon verantwoordelik vir die bouaktiwiteite waar sodanige afval genereer word, verseker dat –
 - (a) alle bou afval en die houers vir die berging daarvan, gehou word op die perseel waar die bou afval gegenereer word;
 - (b) die perseel waarop die bou afval gegenereer word, nie onooglik of 'n oorlas word as gevolg van die opgaar van bou afval nie; en
 - (c) enige materiaal of bou afval wat deur die wind van 'n bouterseel gewaai word, onmiddellik opgeruim word.
- (2) Op skriftelike versoek en onderhewig aan voorwaardes soos wat deur die Munisipaliteit vasgestel mag word, kan die Munisipaliteit die gebruik van goedgekeurde grootmaathouers vir bou afval goedkeur, en sodanige afvalhouers mag dan vir 'n gespesifiseerde tydperk op die grens van die perseel waarop bou afval gegenereer word, geplaas word.
- (3) Die Munisipaliteit mag 'n eienaar of okkupereder van 'n perseel waarop bou afval gegenereer word en / of die persoon verantwoordelik vir die bouaktiwiteite wat sodanige afval genereer, opdrag gee om spesiale houers vir die berging van bou afval te gebruik.

21. VERWYDERING EN WEGDOENING VAN BOU AFVAL

- (1) Die eienaar of okkupereder van 'n perseel waarop bou afval gegenereer word, en / of die verantwoordelike persoon vir toesig oor die bouaktiwiteite wat sodanige afval genereer, moet altyd verseker dat alle bou afval verwyder en mee weggedoen word binne een (1) maand nadat dit gegenereer is.
- (2) Bou afval gegenereer op 'n bouterseel moet mee weggedoen word by die naaste afvalhantering- of afvalstortingfasiliteit, tensy die Munisipaliteit anders bepaal.

Deel 4 – Spesiale Afval, Spesiale Industriële Afval, Gesondheidsorg Afval en Gevaarlike Afval

22. KENNISGEWING EN VERIFIëRING

- (1) Enige persoon of instelling betrokke by aktiwiteite wat spesiale afval, spesiale industriële afval, gesondheidsorg afval of gevaarlike afval genereer, moet voor die generering van sodanige afval die Munisipaliteit skriftelik in kennis stel van die samestelling van die betrokke afval, die hoeveelheid afval wat gegenereer gaan word, hoe en waar die afval geberg gaan word, hoe die afval verwyder en mee weggedoen gaan word en die besonderhede van die gemagtigde diensverskafer wat verantwoordelik sal wees vir die verwydering, vervoer en wegdoening van die betrokke afval.
- (2) Enige persoon of instelling wat voor die inwerkingtreding van hierdie verordening reeds in bedryf was en reeds sodanige tipes afval, waarna verwys word in subartikel 22(1) van hierdie verordening, gegenereer het, moet binne negentig (90) dae vanaf die datum van inwerkingtreding van hierdie verordening, skriftelik kennis gee aan die Munisipaliteit van die aard en omvang van die betrokke tipe afval wat genereer word, soos voorsien in subartikel 22(1) van hierdie verordening.
- (3) Indien so vereis deur die Munisipaliteit, moet 'n kennisgewing van aktiwiteite vir die generering van die betrokke tipes afval, soos na verwys in subartikels 22(1) en 22(2) van hierdie verordening, geboekstaaf word deur –
 - (a) 'n analyse van die afval se chemiese samestelling, gesertifiseer deur 'n toepaslik gekwalifiseerde industriële chemikus; en
 - (b) 'n geskrewe bevestiging van die wyse waarop die afval verwyder, vervoer en mee weggedoen word deur 'n gemagtigde diensverskaffer.
- (4) Die persoon of entiteit waarna verwys word in subartikels 22(1) en 22(2) van hierdie verordening, moet in die geval van enige bedryfsveranderinge, of voor of op die dertigste dag van Junie van elke jaar, 'n geskrewe verslag indien by die Munisipaliteit wat al die inligting insluit soos in subartikel 22(1) van hierdie verordening gestipuleer, en indien die Munisipaliteit dit so verlang, die stawende dokumente soos verwys na in subartikel 22(3) van hierdie verordening, en enige ander inligting wat redelikerwys deur die Munisipaliteit benodig mag word, verskaf.
- (5) 'n Gemagtigde beampte mag op enige redelike tydstip, 'n perseel betree om seker te maak of die afval waarna subartikel 22(1) van hierdie verordening verwys word, op die perseel gegenereer of geberg word, en die gemagtigde beampte mag monsters neem en enige afval wat op die perseel gevind word toets om die samestelling daarvan te bepaal.

23. BERGING VAN SPESIALE AFVAL, SPESIALE INDUSTRIËLE AFVAL, GESONDHEIDSORG AFVAL EN GEVAARLIKE AFVAL

- (1) Spesiale afval, spesiale industriële afval, gesondheidsorg afval of gevaarlike afval wat op 'n perseel gegenereer word, moet op die dieselfde perseel geberg word in goedgekeurde afvalhouers totdat dit verwyder word, behalwe in gevalle waar onmiddelike verwydering vereis word, en bering moet op so wyse geskied dat die ontstaan van 'n oorlas verhinder sal word en die negatiewe impak van afvalmateriaal op die omgewing en publieke gesondheid voorkom sal word.
- (2) Indien die afval waarna in subartikel 23(1) van hierdie verordening verwys word nie in ooreenstemming met voorskrifte soos verwys na in subartikel 23(1) van hierdie verordening geberg word nie, mag die Munisipaliteit die persoon wat die afval genereer of die eienaar of die okkuperer van die perseel waarop sodanige afval geberg word, opdrag gee om onmiddellik die afval te verwijder, of die Munisipaliteit mag voortgaan om dit self op koste van die eienaar of okkuperer van die perseel waarop die afval geberg word, te doen.

24. VERWYDERING EN WEGDOENING VAN SPESIALE AFVAL, SPESIALE INDUSTRIËLE AFVAL, GESONDHEIDSORG AFVAL EN GEVAARLIKE AFVAL

- (1) Slegs die Munisipaliteit of 'n gemagtigde diensverskaffer mag spesiale afval, spesiale industriële afval, gesondheidsorg afval of gevaarlike afval, vanaf die perseel waar dit geberg word verwijder en dit vervoer na en wegdoen daarmee by 'n afvalstortingsterrein wat dienooreenkomsdig gemagtig is vir sodanige wegdoening.
- (2) 'n Gemagtigde diensverskaffer wat die afval waarna in subartikel 24(1) van hierdie verordening verwys word, verwijder, vervoer en mee wegdoen, moet dit in ooreenstemming met die terme en voorwaardes van die betrokke magtiging, en onderhewig aan die vereistes van enige wetgewende bepalings en SANS-kodes van praktyke, spesifikasies of standarde doen.
- (3) Die Munisipaliteit mag 'n faciliteit vir die wegdoening van diere karkasse as spesiale afval voorsien, onderhewig aan die vereistes van enige wetgewende bepalings en toepaslike SANS-kodes van praktyke, spesifikasies of standarde.

Deel 5 - Industriële Afval

25. GENERERING EN BERGING VAN INDUSTRIËLE AFVAL

Die eienaar of okkuperer van 'n perseel waarop industriële afval gegenereer word, moet verseker dat tot tyd en wyl die afval deur 'n gemagtigde diensverskaffer van sodanige perseel verwijder word –

- (a) die afval geberg word in goedgekeurde houers, wat in 'n spesifieke voorbereide area wat afgesluit is van die algemene publiek, gehou word; en
- (b) die afval geen oorlas, gesondheidsrisiko of omgewingskade in die verloop van die bering veroorsaak nie.

26. VERWYDERING EN WEGDOENING VAN INDUSTRIËLE AFVAL

- (1) Slegs 'n gemagtigde diensverskaffer mag industriële afval vanaf die perseel waar dit geberg word verwyder, en moet sodanige industriële afval vervoer na en wegdoen by 'n afvalstortingsterrein wat dienooreenkomsdig daarvoor gemagtig is.
- (2) 'n Gemagtigde diensverskaffer moet die industriële afval waarna in subartikel 26(1) van hierdie verordening verwys word, verwyder, vervoer en mee wegdoen in ooreenstemming met die terme en voorwaardes van die betrokke magtiging, en onderhewig aan die vereistes van enige wetgewende bepalings en SANS-kodes van praktyke, spesifikasies of standaarde.
- (3) Die Munisipaliteit mag spesifieke tye bepaal vir die ontvangs van industriële afval by 'n gemagtigde terrein.

Deel 6 - Afvalbande, Afvalmetaal, Motorwrakke en Weggegooide Masjinerie

27. BERGING EN VERWYDERING

- (1) Geen eienaar of okkuperdeerder van 'n perseel mag afvalbande, afvalmetaal, motorwrakke en weggegooide masjinerie tydelik berg of opgaar, tensy ingevolge wetgewende bepalings daartoe gemagtig nie.
- (2) Afvalbande, afvalmetaal, motorwrakke en weggegooide masjinerie word nie by enige van die Munisipaliteit se afvalhantering- of afvalstortingsfasiliteite aanvaar nie, en enige persoon wat met enige van sodanige afval items wil wegdoen, moet daarmee wegdoen in terme van die voorwaardes soos vir die betrokke tipies afval bepaal word, by 'n afvalstortingsterrein wat gemagtig is om sodanige afval te ontvang.
- (3) Die Munisipaliteit mag die perseel van enige persoon betrokke in die bering of opgaring van afvalbande, afvalmetaal, motorwrakke en weggegooide masjinerie betree en bewyse van enige magtiging of ander tersaaklike dokumente versoek, om die nakoming van wetlike bepalinge te verifieer.

Deel 7 - Hersirkuleerbare Afval

28. BERGING, VERWYDERING EN WEGDOENING

- (1) Geen eienaar of okkuperdeerder van 'n perseel of enige ander persoon, mag hersirkuleerbare afval tydelik opgaar, sorteer of berg op enige perseel binne die gebied van jurisdiksie van die Munisipaliteit vir kommersiële doeleindes, tensy dit gedoen word in ooreenstemming met subartikels 28(2) en 28(3) van hierdie verordening.
- (2) Enige eienaar of okkuperdeerder van sodanige herwinningsperseel vir hersirkuleerbare afval, moet voor die aanvang van 'n aktiwiteit wat die hergebruik, herwinning of hersirkulasie van afval vir kommersiële doeleindes insluit, ingevolge wetlike bepalinge 'n afvalbestuurmagtiging vir sodanige aktiwiteit bekom.

- (3) Die houer van 'n afvalbestuurmagtiging vir hersirkuleerbare afval, moet die Munisipaliteit voorsien van 'n afskrif van die toepaslike afvalbestuursplan ingedien as deel van die aansoek vir magtiging, en enige sodanige ander inligting as wat die Munisipaliteit mag verlang.
- (4) Slegs 'n gemagtigde diensverskaffer mag hersirkuleerbare afval vanaf die perseel waar dit van ander afval geskei word verwys, en dit afvoer en mee wegdoen by 'n afvalhantering- of afvalstortingfasiliteit, dienooreenkomsdig gemagtig om sodanige afval te ontvang.

Deel 8 – Landbou- en Plaasafval

29. WEGDOENING

- (1) 'n Eienaar of okkuperer van landbougrond, mag op 'n gesikte plek op sodanige grond met landbou- en plaasafval wegdoen, met dien verstande dat die brand van afval sonder die vooraf skriftelike goedkeuring van die Munisipaliteit verbode sal wees.
- (2) 'n Eienaar of okkuperer van landbougrond, mag nie op sodanige grond van enige hoeveelheid geværlike afval, wat in normale landbou en plaasafval aanwesig mag wees, wegdoen nie, tensy in besit van 'n afvalbestuurmagtiging wat sodanige wegdoening ingevolge wetlike bepalings magtig.
- (3) Die algemene landbou en plaasafval gegenereer op 'n landbou eenheid, waarmee 'n eienaar of okkuperer van plaasgrond wegdoen, mag nie die volume sodanige afval wat ingevolge wetlike bepalings vir wegdoening toegelaat word oorskry nie, tensy die eienaar of okkuperer van die landbougrond deur 'n geldige afvalbestuursmagtiging daartoe gemagtig word.
- (4) 'n Gemagtigde beampte van die Munisipaliteit mag 'n eienaar of okkuperer van landbougrond versoek om bewys te lewer van die magtiging, waarna in subartikels 29(2) en 29(3) van hierdie verordening verwys word.
- (5) 'n Eienaar of okkuperer van landbougrond mag skriftelik aansoek doen om van die Munisipaliteit se afvalhantering- en afvalstortingfasiliteite gebruik te maak, welke goedkeuring aan die applikant teen betaling van die voorgeskrewe fooie en tariewe, toegang sal bied tot die Munisipaliteit se fasiliteite vir die wegdoening van afval, met uitgesluiting van die wegdoening van geværlike afval en gesondheidsorgafval, en afval wat by spesiaal gemagtigde afvalterreine gestort moet word.

HOOFSTUK 5 VERVOER EN WEGDOENING VAN AFVAL

Deel 1 - Vervoer van Afval

30. VEILIGHEIDDOORWEGINGS VIR DIE TRANSPORT VAN AFVAL

Geen persoon mag -

- (a) 'n voertuig vir die vervoer van afval op 'n openbare pad gebruik, tensy die bakwerk van die voertuig wat gebruik word, in terme van grootte en ontwerp voldoende is vir die tipe afval wat vervoer moet word; en
- (b) versuim om 'n voertuig wat vir die vervoer van afval gebruik word, sodanig in stand te hou, dat dit ten alle tye in 'n skoon, higiëniese en padwaardige toestand is.

31. MORS EN STORTING DEUR VOERTUIE

'n Persoon wat afval deur die gebied van jurisdiksie van die Munisipaliteit vervoer, moet verseker dat –

- (a) alle afval op 'n oop voertuig bedek is met 'n seil of gesikte net; en
- (b) geen afval gemors of gestort word, of lek of afval van 'n voertuig, wat dit op 'n openbare pad vervoer nie.

32. NAKOMING VAN WETLIKE BEPALINGS

'n Persoon wat afval vervoer of spesifiek gevaaarlike afval vervoer, moet verseker dat alle relevante wetlike bepalings vir die vervoer van afval en gevaaarlike afval nagekom word.

Deel 2 - Wegdoening met Afval

33. TOEGELATE GEBRUIK

Die Munisipaliteit mag voorskryf watter tipes afval by 'n spesifieke afvalhantering- of afvalstortingfasilitet mee weggedoen mag word, soos ooreenkomsdig die voorskrifte van die magtiging van elke fasilitet toegelaat word.

34. VOLDOENING AAN DIE VOORWAARDES VIR MAGTIGINGS

- (1) Geen persoon mag afval wegdoen by 'n afvalstortingfasilitet, wat nie vir die ontvangs van sodanige afval in terme van 'n magtiging gemagtig word nie.
- (2) Enige persoon wat enige magtigingvoorraarde van 'n afvalstortingsterrein oortree, sal aanspreeklik gehou word vir alle redelike koste deur die Munisipaliteit aangegaan om die afval waarmee onregmatig weggedoen is, te verwyder.

35. VERBODE GEDRAG BY FASILITEITE

- (1) Geen persoon mag 'n afvalhantering- of afvalstortingfasilitet betree, vir enige ander rede as die wegdoening van afval, en slegs op tye soos van tyd tot tyd deur die Munisipaliteit bepaal.

(2) Enige persoon wat 'n afvalhantering- of afvalstortingfasiliteit vir die wegdoening van afval betree, moet –

- (a) die fasilitet ingaan en uitgaan by die aangewese in- en uitgange;
- (b) alle besonderhede aangaande die bron en samestelling van die afval waarmee weggedoen word aan die Munisipaliteit verskaf, met dien verstande dat die Munisipaliteit die reg sal hê om sodanige afval voor die wegdoening daarvan te inspekteer;
- (c) alle instruksies van gemagtigde beampes aangaande die gebruik van afvalhantering- of afvalstortingfasiliteite gehoorsaam;
- (d) slegs afval op die plekke daarvoor geïdentifiseer of deur 'n gemagtigde beampete uitgewys, stort, en
- (e) soos van toepassing, die voorgeskrewe gebruikertariewe vir afvalhantering- of afvalstortingfasiliteite betaal.

(3) Geen persoon mag enige alkoholiese drank of narkotiese substansies in enige afvalhantering- of afvalstortingfasiliteite van die Munisipaliteit inbring nie.

(4) Geen persoon mag met afval wegdoen of afval buite 'n afvalhantering- of afvalstortingfasiliteite stort nie.

36. AANVAARDING VAN DIE AFVAL VAN ANDER

- (1) Die Munisipaliteit kan 'n aansoek van 'n ander munisipaliteit om afval weg te doen by 'n spesifieke afvalstortingfasiliteit van die Munisipaliteit oorweeg, met dien verstande dat die aanvaarding van afval vanaf 'n ander munisipaliteit geen uitwerking sal hê op die Munisipaliteit se ousoriteit en eienaarskap van sodanige afvalstortingfasiliteit nie, en dat wegdoening teen betaling van die toepaslike fooie en tariewe sal geskied.
- (2) Die Munisipaliteit mag 'n persoon toelaat om afval by 'n afvalstortingfasiliteit te stort, wat buite die gebied van jurisdiksie van die Munisipaliteit gegenereer word, met dien verstande dat sodanige persoon aan alle wetlike bepalings moet voldoen en dat wegdoening teen betaling van die toepaslike fooie en tariewe sal geskied.

HOOFTUK 6 ROMMELSTROOING EN -STORTING

37. VOORSIENING VAN AFVALHOUERS

- (1) Die Munisipaliteit moet redelike stappe neem om te verseker, dat 'n genoegsame aantal goedgekeurde afvalhouers vir die weggooi van rommel voorsien en instand gehou word op of by munisipale persele, openbare paaie en openbare plekke, waartoe die publiek toegang het.

- (2) Die eienaar of okkuperer van private eiendomme waartoe die publiek toegang het, moet verseker dat genoegsame goedgekeurde afvalhouers op die betrokke persele voorsien en instand gehou word vir die weggooi van rommel deur die publiek.

38. ROMMELSTROOIING EN –STORTING

- (1) Geen persoon mag enige rommel of afval in of op enige openbare plek, openbare pad, in munisipale rioolstelsels, stormwaterstelsels, onbebuide persele, waterlope, waterstrome, of enige ander plekke nie gemagtig vir die wegdoening van afval nie, laat val, gooi, plaas, mors, stort of op enige ander manier daarvan ontslae raak, of enige persoon onder sy of haar beheer toelaat om dit te doen nie
- (2) ‘n Gemagtigde beampte mag teen enige persoon optree, wat hom of haar skuldig maak aan rommelstrooiing en –storting, of die oortreding van die bepalings van subartikel 38(1) van hierdie verordening, deur ‘n geskrewe kennisgewing uit te reik, wat sodanige persoon beveel om –
- (a) die oortreding binne ‘n bepaalde tyd te stop;
 - (b) om hom of haar te weerhou van ‘n herhaling van die oortreding of ‘n verdere oortreding te voorkom; en
 - (c) enige maatreëls te implementeer om die afval te verwijder of skoon te maak en die geaffekteerde omgewing binne ‘n bepaalde tyd te rehabiliteer.
- (3) Indien die Munisipaliteit dit nodig ag om afval of rommel vanaf enige perseel te verwijder, sal die eienaar, okkuperer of persoon wat beheer uitoefen oor die perseel aanspreeklik gehou word vir die koste van die Munisipaliteit se verwijdering van die afval of rommel.
- (4) In die geval van rommelstorting van gevaaarlike afval, sal sodanige afval onmiddellik deur die Munisipaliteit verwijder word, en die nodige kennisgewings sal aan die persoon aanspreeklik uitgereik word vir die verwijderingskoste en die rehabilitasie van die omgewing.

39. BRAND VAN AFVAL

Die verbranding van enige afval is verbode, tensy die skriftelike goedkeuring van die Munisipaliteit daarvoor verkry word.

40. VERLATE VOORWERPE EN GOEDERE

‘n Persoon wat enige artikel of goedere agterlaat, is aanspreeklik vir enige skade wat sodanige artikel of goedere mag veroorsaak of veroorsaak het, sowel as die koste vir die verwijdering van sodanige artikel of goedere, nitemstaande die feit dat sodanige persoon moontlik nie meer die eienaar daarvan mag wees nie.

HOOFSTUK 7 **EKSTERNE DIENSVERSKAFFERS**

Deel 1 – Gemagtigde Diensverskaffers van Kommersiële Afvalbestuursdienste

41. AANSOEKE VIR MAGTIGINGS

- (1) Geen persoon mag kommersiële afvalbestuursdienste vir die verwydering, vervoer en wegdoening van enige soort afval, uitgesluit tuinafval, in die gebied van jurisdiksie van die Munisipaliteit voorsien, tensy sodanige persoon by die Munisipaliteit geregistreer het en 'n magtiging vir die lewering van sodanige afvalbestuuraktiwiteite binne die munisipale gebied bekom het nie.
- (2) 'n Aansoek vir 'n magtiging moet skriftelik ingedien word in 'n formaat soos deur die Munisipaliteit voorgeskryf, en met insluiting van die voorgeskrewe gelde en sodanige addisionele inligting as wat die Munisipaliteit mag benodig, met dien verstande dat die goedkeuring vir die verwydering, vervoer en wegdoening van afval eers vanaf die Munisipaliteit verkry moet word, alvorens die betrokke dienste 'n aanvang kan neem.
- (3) Enige persoon wat reeds sodanige kommersiële afvalbestuursdienste lever soos voorsien in subartikel 41(1) van hierdie verordening, ten tyde van die inwerkingtreding van hierdie verordening, moet binne negentig (90) dae vanaf die datum van inwerkingtreding van hierdie verordening, 'n aansoek vir 'n magtiging soos beoog in subartikel 41(1) van hierdie verordening indien, en by versuim sal sodanige persoon nie meer afvalverwydering en afvalvervoerdienste in die gebied van jurisdiksie van die Munisipaliteit mag lever nie.
- (4) Die Munisipaliteit sal die aansoek ingedien in gevolge subartikel 41(3) van hierdie verordening oorweeg, en of toestaan of afkeur, en skriftelike redes verskaf indien die aansoek afgekeur word.

42. TERME EN VOORWAARDES VAN MAGTIGINGS

- (1) 'n Magtiging sal –
 - (a) die magtiginghouer duidelik identifiseer;
 - (b) die geldigheidsperiode van die magtiging spesifiseer;
 - (c) die kategorieë van afval wat die diensverskaffer mag verwijder, mag vervoer en mee mag wegdoen, bepaal;
 - (d) die inligting wat bygehou moet word en die indieningsvereistes daarvan deur die Munisipaliteit vir sy eie geïntegreerde afvalbestuursplan en SAAIS, aandui; en
 - (e) met ander procedurele aangeleenthede handel.
- (2) 'n Magtiging vir die verwydering, vervoer en wegdoening van afval –
 - (a) mag nie gesedeer of oorgedra word, sonder die vooraf skriftelike instemming van die Munisipaliteit nie;

(b) is geldig vir een (1) jaar vanaf die datum van uitreiking; en

(c) is slegs geldig vir die kategorieë afval daarin gespesifiseer.

(3) 'n Gemagtigde diensverskaffer moet -

(a) die voertuie wat deur die diensverskaffer gebruik gaan word vir die verwydering, vervoer en wegdoening van afval, duidelik identifiseer deur identifikasiemerke daarop aan te bring en identifikasieskyfies op die voorste windskerm van voertuie te vertoon;

(b) deurlopend bewys kan lewer van die aard en omvang van die magtiging toegestaan vir die verwydering, vervoer en wegdoening van afval;

(c) volledige inligting en data oor die diens waarvoor magtiging toegestaan is verskaf, indien die inligting versoek word deur 'n gemagtigde beampie; en

(d) volle verantwoordelikheid neem vir enige en alle optredes en versuime van sy of haar werknemers, indien sodanige optredes en versuim 'n oortreding van die magtigingsvoorwaardes behels of 'n nadelige uitwerking op menslike gesondheid of die omgewing tot gevolg mag hê.

43. HERNUWING VAN MAGTIGINGS

- (1) 'n Hernuwingsaansoek vir 'n magtiging, moet minstens sesig (60) dae voor die datum van verstrekking van 'n huidige magtiging ingedien word en sal deur die Munisipaliteit oorweeg, en of toegestaan of afgewys word, en indien 'n aansoek afgewys word moet skriftelike redes vir die afwysing van die aansoek vir hernuwing deur die Munisipaliteit verskaf word.
- (2) Niteenstaande enige iets tot die teendeel in hierdie verordeninge, mag 'n magtiging tydelik vir 'n spesifieke tydperk verleng word deur die Munisipaliteit, indien grondige redes daarvoor bestaan.

44. OPSKORTING EN HERROEPING VAN MAGTIGINGS

- (1) Die Munisipaliteit mag 'n magtiging opskort of herroep, indien 'n diensverskaffer versuim om aan enige magtigingsvoorwaardes of enige ander bepaling van hierdie verordening of enige wetlike bepaling te voldoen, wat die verwydering, vervoer en wegdoening van afval reguleer of enige ander gronde wat as genoegsame rede geag word.
- (2) Die Munisipaliteit moet 'n diensverskaffer skriftelik kennis met redes gee, van die beoogde opskorting of herroeping van 'n magtiging.

45. VRYSTELLINGS

Die Munisipaliteit mag 'n diensverskaffer van 'n kommersiële afvalbestuursdiens van enige of al die bepalings van hierdie verordening vrystel.

46. VERANTWOORDELIKHEDE VAN EINDVERBRUIKER

Die eienaar of okkuperdeer van 'n perseel of die houer van afval, wat met 'n gemagtigde diensverskaffer kontrakteer, moet verseker dat –

- (a) die diensverskaffer oor die nodige magtiging beskik om die kategorieë van afval waarvoor hy of sy gekontrakteer word, te verwys, te vervoer en mee weg te doen; en
- (b) totdat die diensverskaffer die afval vanaf die perseel waarop dit gegenereer word verwys, dat die betrokke afval in 'n goedgekeurde afvalhouer geberg word en geen oorlas, insluitende maar nie beperk tot, stof en reuke in die proses van generering, bering of verwysing veroorsaak nie.

Deel 2 - Munisipale Diensverskaffers

47. KONTRAKTERING VAN DIENSTE

Die Munisipaliteit mag publieke of private eksterne diensverskaffers vir die lewering van munisipale afvaldienste en aktiwiteite kontrakteer, mits dit in ooreenstemming met statutêre bepalings gedoen word.

48. VERBRUIKERSHANDVES

Indien 'n diensverskaffer soos beoog in artikel 47 van die verordening, deur die Munisipaliteit aangestel word om 'n diens te lewer aan 'n groot geografiese gebied of 'n aansienlike gedeelte van die bevolking van die gebied van jurisdiksie van die Munisipaliteit, sal daar van die diensverskaffer verlang word om in konsultasie met die gemeenskap, 'n verbruikershandves saam te stel en te aanvaar.

HOOFTUK 8 EIENAARSKAP EN DIE REG VAN TOEGANG

49. EIENAARSKAP VAN AFVAL

- (1) Die persoon wat die magtiging het om 'n afvalhantering- of afvalstortingfasiliteit te bedryf word die eienaar van alle afval, sodra daarvan weggedoen word by die betrokke fasiliteit.
- (2) 'n Persoon wat huishoudelike of besigheid afval genereer, is die eienaar en houer van sodanige afval, totdat dit deur die Munisipaliteit of 'n diensverskaffer verwys word, waarna die Munisipaliteit of die diensverskaffer die eienaar daarvan word.

50. TOEGANG TOT PERSELE

- (1) Indien die uitleg van 'n perseel die Munisipaliteit verhinder om vullis te verwijder of te hanteer, of moontlik kan lei tot die beskadiging van private of munisipale eiendom of die besering van werknemers, mag die Munisipaliteit van die eienaar of okkuperer van die betrokke perseel verlang, om op eie koste sodanige veranderinge as nodig aan te bring en om enige hindernisse te verwijder, om sodoende vrye toegang tot die perseel te verseker.
- (2) Indien die eienaar of die okkuperer van 'n perseel soos na verwys in subartikel 50(1) van hierdie verordening, versuim of weier om aan die Munisipaliteit se versoek gehoor te gee, sal die Munisipaliteit die afvalverwyderingsdiens aan die perseel opskort en van die eienaar of okkuperer verlang om die Munisipaliteit skriftelike vrywaring te gee van enige eise wat mag voortspruit uit skade of beserings wat uit die omstandighede mag ontstaan, alvorens die Munisipaliteit die diens hervat.

HOOFSTUK 9 ALGEMENE BEPALINGS

51. NAKOMING VAN VERORDENING EN ANDER WETTE

- (1) Die eienaar of okkuperer van 'n perseel is verantwoordelik om nakoming van hierdie verordening te verseker, ten opsigte van alle en elkeen van die verordening se bepalings.
- (2) Enige persoon of entiteit wat 'n magtiging wat met afval verband hou, in terme van statutêre bepalinge moet bekom, sal op versoek van 'n gemagtigde beampte om bewys te lever dat sodanige magtiging wel verkry is, die verlangde bewys binne dertig (30) dae by die Munisipaliteit indien, of sodanige langer tydperk as wat 'n gemagtigde beampte bepaal.

52. MAGTIGING VAN BEAMPTES

Die Munisipaliteit of 'n gemagtigde diensverskaffer, soos beoog ingevolge artikel 47 van hierdie verordening, mag enige persoon in hul diens aanwys om as 'n gemagtigde beampte op te tree.

53. FUNKSIES EN MAGTE VAN 'N GEMAGTIGDE BEAMPTE

'n Gemagtigde beampte het die funksies en magte, soos deur die Munisipaliteit of 'n gemagtigde diensverskaffer, soos beoog ingevolge artikel 47 van hierdie verordening, aan die persoon toegeken.

54. BEDIENING VAN KENNISGEWINGS EN ANDER DOKUMENTE

- (1) 'n Kennisgewing, bevel, aanskrywing, of ander dokument wat ingevolge hierdie verordening deur die Munisipaliteit uitgereik word, word geag behoorlik uitgereik te wees indien 'n beampte wat deur die Munisipaliteit gemagtig is, dit onderteken het.

(2) Wanneer dit nodig is om enige gemagtigde kennisgewing, bevel, aanskrywing of ander dokument te bedien op 'n persoon ingevolge hierdie verordening, word dit geag effektief en na behore aan sodanige persoon beteken te wees –

- (a) wanneer dit persoonlik aan die persoon afgelewer is;
- (b) wanneer dit by die persoon se plek van inwoning of besigheid in die Republiek van Suid-Afrika gelaat is, by 'n persoon wat duidelik ouer as sestien jaar is;
- (c) wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan die persoon se laaste bekende woon- of besigheidsadres in die Republiek van Suid-Afrika, en 'n erkenning van die versending verskaf word;
- (d) indien die persoon se adres in die Republiek van Suid-Afrika onbekend is, wanneer dit aan die persoon se agent of verteenwoordiger in die Republiek van Suid-Afrika bedien is op so 'n manier, soos in subartikels 54(1)(a), 54(1)(b) of 54(1)(c) van hierdie verordening bepaal;
- (e) indien die persoon se adres en agent in die Republiek van Suid-Afrika onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom of perseel, indien enige, waarop dit betrekking het; of
- (f) in die geval van 'n bestuursliggaam, wanneer dit by die geregistreerde kantoor of die sakeperseel van sodanige bestuursliggaam afgelewer word.

(3) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument aan 'n persoon ingevolge hierdie verordening bedien moet word, is dit nie nodig om dit by name te noem nie, maar sal dit voldoende wees as die persoon daarin beskryf word as die eienaar, bewoner of houer van sodanige vaste eiendom of ander reg, wat ook al die geval mag wees.

(4) 'n Bevel, kennisgewing of ander dokument wat waarmerking vereis moet behoorlik deur die Munisipaliteit onderteken wees.

55. APPÈLLE

'n Persoon wie verontreg voel oor 'n besluit geneem deur die Munisipaliteit, ingevolge enige gedelegeerde magte, mag in terme van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No 32 van 2000), soos gewysig, teen sodanige besluit appèller deur binne een-en-twintig (21) dae vanaf datum van kennisgewing van die besluit, skriftelike kennis aan die Municipale Bestuurder te gee van die appèl, en redes vir die appèl te verstrek.

56. STRAFBEPALINGS

'n Persoon wat –

- (a) in gebreke bly om te voldoen aan 'n gemagtigde beampete se instruksies uitgereik ingevolge hierdie verordening;

- (b) in gebreke bly om te voldoen aan enige kennisgewing uitgereik ingevolge hierdie verordening;
- (c) enige bepaling van hierdie verordening oortree;
- (d) enige instruksie aangebring op 'n kennisgewingbord verontagsaam, of
- (e) opsetlik 'n gemagtigde beampte in die uitvoering van sy of haar pligte ingevolge hierdie verordening verhinder,

is skuldig aan 'n oortreding en mag by skuldigbevinding -

- (i) 'n boete of gevangenisstraf, of gevangenisstraf sonder die keuse van 'n boete, of beide sodanige boete en sodanige gevangenisstraf, opgelê word;
- (ii) in geval van 'n voortdurende oortreding, 'n bykomende boete of bykomende termyn gevangenisstraf of tot sodanige bykomende gevangenisstraf sonder die keuse van 'n boete, of tot beide sodanige boete en gevangenisstraf, vir elke dag wat sodanige oortreding voortduur, opgelê word; en
- (iii) 'n verdere bedrag as kostbevel opgelê word, gelykstaande aan enige koste en / of uitgawes wat die Hof bevind deur die Munisipaliteit aangegaan was, as gevolg van sodanige oortreding.

57. TOEPASSING VAN VERORDENING

Hierdie verordening is van toepassing op alle persone of instellings, insluitende staatsinstellings, geleë binne die gebied van jurisdiksie van die Munisipaliteit van Theewaterskloof.

58. HERROEPING VAN VERORDENINGE

- (1) Die bepalings van enige ander verordeninge voorheen uitgevaardig deur die Munisipaliteit of deur enige van die afgeskafte munisipaliteite wat nou in die Munisipaliteit geïnkorporeer is, word hierby herroep in soverre dit betrekking het op aangeleenthede waarvoor in hierdie verordening voorsiening gemaak word.
- (2) Die volgende verordeninge van die Munisipaliteit van Theewaterskloof word hiermee spesifiek herroep -

Naam van Verordening	Datum gepubliseer	In die geheel of gedeeltelik
Verordening insake die beheer oor Stortingssterreine.	PK 6234 gedateer 8 Maart 2005.	In die geheel.
Verordening insake vullisverwydering.	PK 6234 gedateer 8 Maart 2005.	In die geheel.

59. KORT TITEL

Hierdie verordening staan bekend as die Verordening insake Afvalbestuur van die Munisipaliteit van Theewaterskloof.

60. JURISDIKSIE VAN LANDDROSHOF

Ondanks enige ander bepaling wat in enige wet met betrekking tot 'n landdroshof vervat is, het 'n landdros jurisdiksie om by aansoek deur die Munisipaliteit, 'n bevel vir die toepassing van enige van die bepalings van hierdie verordening, of oor enige goedkeuring, weiering of voorwaardelike goedkeuring wat ingevolge hierdie verordening verleen of van toepassing is, uit te reik.

61. INWERKINGTREDING

Hierdie verordening tree op datum van publikasie daarvan in werking.