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CONTENTS

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LOCAL AUTHORITY

Theewaterskloof Municipality: Integrated Waste Management By-law,
2024 2

THEEWATERSKLOOF MUNICIPALITY

INTEGRATED WASTE MANAGEMENT BY-LAW, 2024

To regulate the provision of solid waste services in the jurisdictional area of the Theewaterskloof Municipality and to provide for matters connected therewith.

Under the provisions of Section 156(2) of the Constitution, 1996 read with Section 11(3)(m) of the Local Government: Municipal Systems Act, 2000, the Municipal Council of Theewaterskloof Local Municipality hereby enacts as follows: —

CHAPTER 1 GENERAL PROVISIONS

1. Definitions and interpretation
2. Principles
3. Main objects
4. Duties and obligations

CHAPTER 2 INTEGRATED WASTE MANAGEMENT

5. Waste management plans
6. Waste information system
7. Waste minimisation and recycling
8. Waste management activities

CHAPTER 3 COLLECTION OF WASTE

9. Service levels
10. Service agreement
11. Frequency of waste collection
12. Volume of waste collected
13. Receptacles
14. Communal collection
15. Collection in rural areas
16. Recycling of waste
17. Accumulation of waste

CHAPTER 4 HANDLING DIFFERENT TYPES OF WASTE

Part 1 Garden and Organic Waste

18. Household composting
19. Removal and disposal of organic compostable waste
20. Collection and disposal of non-compostable organic waste

Part 2
Domestic and Business Hazardous Waste

21. Storage, collection, and disposal

Part 3
Bulky Waste

22. Removal and disposal

Part 4
Building Waste

23. Plans and inspection
24. Generation and storage
25. Removal and disposal

Part 5
Special Industrial, Health Care and Hazardous Waste

26. Notification and verification
27. Storage
28. Collection and disposal

Part 6
Industrial Waste and Special Waste including e-Waste

29. Storage
30. Collection and disposal

Part 7
Tyres, Disused Vehicles or Machinery, Scrap Metal and WEEE

31. Storage and disposal

Part 8
Recyclable Waste

32. Storage, collection, and disposal

Part 9
Agriculture and Farm Waste

33. Disposal

CHAPTER 5 TRANSPORTATION AND DISPOSAL

Part 1 Transportation of Waste

- 34. Safe transportation
- 35. No wastage or spillage
- 36. Legal Compliance

Part 2 Waste Disposal

- 37. Diversion
- 38. Permitted use
- 39. Liability
- 40. Conduct at facilities
- 41. Accepting waste from others
- 42. Enabling Private Party Initiatives

CHAPTER 6 LITTERING AND DUMPING

- 43. Provision of facilities for litter
- 44. Littering and dumping
- 45. Burning of waste
- 46. Abandoned objects

CHAPTER 7 EXTERNAL SERVICE PROVIDERS

Part 1 Accredited Service Providers for Commercial Services

- 47. Accreditation applications
- 48. Terms and conditions of accreditation
- 49. Renewal of accreditation
- 50. Suspension and revocation of accreditation
- 51. Accreditation exemptions
- 52. Consumer responsibilities

Part 2
Municipal Service Providers

- 53. Outsourcing of waste services and support activities
- 54. Consumer charter

CHAPTER 8
GENERAL

- 55. Ownership
- 56. Access to premises

CHAPTER 9
COMPLIANCE AND ENFORCEMENT

- 57. Compliance with this By-law and other laws
- 58. Authorisation of an official
- 59. Functions and powers of an authorised official
- 60. Servicing of notices and documents
- 61. Compliance notices
- 62. Power of entry and inspection
- 63. Using force to enter
- 64. Liabilities and compensation
- 65. False statement or information
- 66. Appeals
- 67. Offences
- 68. Penalties
- 69. Application of this By-law
- 70. Jurisdiction of Magistrates Court
- 71. Repeal of By-laws
- 72. Short title and commencement

SCHEDULE:

By-laws repealed (*Schedule "A"*)

CHAPTER 1 GENERAL PROVISIONS

Definitions and interpretation

1. In this By-law words used in the masculine gender include the feminine, the singular includes the plural and vice versa; a natural person includes a juristic person and vice versa and unless the context otherwise indicates—

“accredited service provider” means a person or entity accredited by and registered with the Municipality and having obtained an authorisation to collect and transport specified types of waste in the municipal area;

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

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

“animal proof container” means an approved waste container which protects the contents from problem animals, as required by the Municipality in specific areas;

“applicable charge” means the rate, charge, tariff, flat rate, subsidy or any other cost prescribed by the Municipality from time to time;

“approved” in the context of bins, bin liners, waste bags, containers, receptacles and wrappers, means approved by the Municipality or an accredited service provider;

“approved container” means a container approved for the temporary storage of domestic or business waste until removed by the municipality or an accredited service provider;

“approved business waste container” means a refuse bag, a container with a storage capacity of 85-90 litres or 240 litres or 770 litres or any other approved container prescribed by the Municipality for business use;

“approved domestic waste container” means a refuse bag, a container with a storage capacity of 240 litres or any other approved container prescribed by the Municipality for domestic use;

“authorised official” means a waste management officer or other person in the employ of the Municipality, authorised by the Municipality for the purposes of this By-law, or if the Municipality has appointed a municipal service provider to perform municipal services, an employee of such service provider, authorised by it as an authorised official in terms of this By-law and acting within the scope of the powers, functions and duties assigned to that municipal service provider by the Municipality in terms of section 81(2) of the Local Government Municipal Systems Act, Act 32 of 2000 or another applicable law;

“best practicable environmental option” means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

“building waste” means waste produced during the construction, alteration, repair or demolition of any structure both manmade or natural, and includes rubble, earth, vegetation, wood and rock displaced during such construction, alteration, repair or demolition but excludes hazardous waste and garden waste;

“bulky waste” means waste which can be classified as domestic or business waste but which, by virtue of its mass, shape, size or quantity, cannot easily be accumulated in or removed from an approved container;

“business waste” means waste, other than domestic and business hazardous waste, hazardous and infectious organic waste, health care waste, health care risk waste, building waste, industrial waste, garden waste, bulky waste, special waste, e-Waste and special industrial waste; generated on premises that are used wholly or mainly for commercial, retail, wholesale, entertainment or government administration purposes;

“collection” means the act of collecting domestic or business waste at the place of generation or storage by the Municipality or an accredited service provider and removal has a similar meaning;

“commercial value” means the retail value a thing would have if it was offered for sale;

“commercial services” means any waste management service, relating or connected to accumulating, collecting, managing, recycling, sorting, storing, treating, transporting, disposing or trading in of waste or any other manner of handling waste excluding municipal services rendered by the Municipality;

“compost” is a product of controlled aerobic biological decomposition of biodegradable materials. The organic waste undergoes mesophilic and thermophilic temperatures, which significantly reduces the viability of pathogens and weed seeds, and stabilises the carbon such that it is beneficial to plant growth;

“compostable organic waste” means carbon-based materials of animal or plant origin such as garden waste that naturally enhances fertility of soil but excludes human made organic chemicals and naturally occurring organic chemicals which have been refined or concentrated by human activity, and health-care risk waste;

“composting” means a controlled biological process in which organic materials are broken down by micro-organisms by means of aerobic processes;

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

“dailies” means putrescible business waste generated by hotels, restaurants, food shops, hospitals and canteens that must be collected on a more frequent basis, often a daily basis, to prevent the waste from decomposing and presenting a nuisance, environmental or health risk;

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

“DFFE” means the national Department of Forestry, Fisheries and the Environment;

“DEADP” refers to the provincial Department of Environmental Affairs and Development Planning;

“domestic and business hazardous waste” means hazardous waste generated in a household or a business in small quantities such as paints and solvents, automotive wastes, pesticides, herbicides, rodenticides, electronics, aerosols, cleaning agents, batteries, fluorescent lamps, refrigerant containing appliances and all types of e-waste which contain hazardous parts or components since these products exhibit many of the same dangerous characteristics as fully regulated hazardous waste due to their potential for reactivity, ignitability, corrosivity, toxicity, or persistence;

“domestic health care waste” means health care waste generated in a household in minimum quantities consistent with the home use of materials for medical purposes and includes waste such as syringes, unused medicines and pills, used bandages, that could cause a health hazard when not appropriately disposed of;

“domestic waste” means waste that emanates from premises used wholly or mainly for-

- (a) residential purposes, such as a dwelling house, flat, boarding house, old age home or group development;
- (b) educational, sport or recreational purposes;
- (c) purposes of public worship, including a hall or other building used for religious purposes, and includes domestic health care waste but excludes business waste, domestic and business hazardous waste, hazardous and infectious organic waste, building waste, garden waste, bulky waste, special waste, e-Waste, liquid matter or night soil;

“dump” means placing waste anywhere other than in an approved container or a place designated as a waste handling facility or waste disposal facility by the Municipality;

“DWS” means the National Department of Water and Sanitation;

“ECA” means the Environment Conservation Act, 1989 (Act 73 of 1989) and any regulations made in terms thereof, or any superseding legislation;

“EIA” means an environmental impact assessment as contemplated in NEMA, and/or the ECA and the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time;

“enforcement notice” means any notice issued by an authorised official under this By-law which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 61;

“environment” means the individual parts and total sum of all elements, properties, conditions and the like making up the surroundings within which living organisms exist and any part or combination of the interrelationships among and between them;

“environmental emergency” means any situation that has caused or may cause serious harm to human health or damage to the environment, irrespective of whether the potential for harm or damage is immediate or delayed;

“EPR” means extended producer responsibility;

“event” means an activity of a sporting, entertainment, recreational, religious, cultural, organisational or similar nature hosted at a venue or along a route or in a specific area at which more than 2000 people are expected to attend or participate;

“event waste” means waste that originates from the activities related to an event that is held in the municipal area;

“e-Waste” means all types of WEEE and its parts that have been discarded by the owner or a person as waste without the intention of re-use and which could be due to any of its parts or components be hazardous to human health or the environment;

“garden services activities” means the provision of gardening services including the cutting of grass, pruning of trees or any other horticultural activity including landscaping, to any domestic, business, commercial, education and training, recreational, institutional or industrial premises;

“garden waste” means organic waste which emanates from domestic gardening activities, including grass cuttings, leaves, plants, flowers, branches, tree stumps and other similar waste;

“general waste” means waste that does not pose an immediate hazard or threat to health or to the environment, and includes—

- (a) domestic waste;
- (b) business waste;
- (c) building waste;
- (d) inert waste,
- (e) garden waste; or
- (f) any waste classified as non-hazardous waste in terms of the Waste Act and its regulations;

“group development” means a high-density residential development with common property or facilities and which is managed by a homeowners’ association, body corporate or other managing body;

“hazardous chemical substance” means any toxic, harmful, corrosive, irritant or asphyxiant 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 organic waste” means any waste that contains organic elements or compounds that may, owing to their inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on human health and the environment, and has been classified in terms of the Waste Classification and Management Regulations in accordance with SANS 10234;

“hazardous waste” means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics thereof, have a detrimental impact on health and the environment;

“health care risk waste” means all hazardous waste generated at any health care facility such as a frail care centre, hospital, clinic, laboratory, medical research institution, dental or medical practitioner or veterinarian including but not limited to infectious waste, pathological waste, sharp waste, pharmaceutical waste, genotoxic waste, chemical waste, pressurized container waste, waste with heavy metals, radio-active waste, or any waste that has been in contact with blood, bodily fluids or tissues from humans or infected animals from veterinary practices and also includes any and all waste that may be generated due to pandemic situations;

“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, sharp waste, pharmaceutical waste, genotoxic waste, chemical waste, pressurized container waste, waste with heavy metals, radio-active 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 that imports, generates, collects, handles, accumulates, stores, transports, transfers, processes, treats, trades, exports, recovers, recycles, re-uses or disposes of waste including waste pickers such as recycling or waste minimisation persons or groups, scrap dealers and other similar buy-back centres or initiatives;

“industrial waste” means waste generated as a result of manufacturing, industrial, fabricating, processing, dismantling or maintenance activities and may include waste generated by commercial agricultural, mining or power plant activities but does not include any other category of waste;

“inert waste” means waste that—

- (a) does not undergo any significant physical, chemical or biological transformation after disposal;
- (b) does not burn, react physically or chemically biodegrade or otherwise adversely affect any other matter or environment with which it may come into contact; and
- (c) does not impact negatively on the environment, because of its pollutant content and because the toxicity of its leachate is insignificant;

“infectious organic waste” means organic waste which contains or may be reasonably presumed to contain pathogens which normally cause or significantly contribute to the cause of morbidity or mortality in human beings;

“infectious waste” means waste which is generated during diagnosis, treatment or immunization of humans or animals, in the research pertaining to this, in the manufacturing or testing of biological agents including blood products, cultures, pathological waste, sharp objects, human and animal anatomical waste and isolation waste that contain or may contain infectious substances;

“integrated waste management plan” means an integrated waste management plan required by the Municipality in terms of this By-law or that is required in terms of any other applicable legislation;

“interest” means a levy with the same legal property as service fees and calculated in terms of this By-law on all amounts in arrears in respect of prescribed fees for waste management services at a standard rate equal to an interest rate as determined by the Customer Care, Credit Control and Debt Collection By-law of the Municipality;

“IPWIS” means the Integrated Pollutant and Waste Information System of the Western Cape Government as established in accordance with the national and provincial legislative and policy framework including the Waste Act;

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

“minimisation” means the steps are taken by the Municipality, residents, businesses and industries to avoid and reduce the amount and toxicity of waste generated and disposed of;

“Minister” means the Minister of the Department of Forestry, Fisheries, and the Environment;

“mixed recyclables” mean a mixture of commonly recycled materials (e.g. wood, metal, corrugated cardboard, plastics, cans or paper) where ideally less than 30% by weight of the total load consists of non-recyclable materials;

“municipality” means –

- (a) the Theewaterskloof Local Municipality established in terms of section 12 of the Structures Act by Provincial Notice No. P.N. 488/2000 or its successors in title, and includes a structure or person exercising a delegated power or carrying out an instruction in terms of this By-law and legislation applicable to local government; or
- (b) a municipal service provider fulfilling a responsibility under this By-law, assigned to it in terms of section 81(2) of the Systems Act or any other law, as the case may be;

“municipal council” means a municipal council referred to in section 157(1) of the Constitution;

“municipal service” means the municipal service relating to the collection of waste, including domestic waste, business waste and dailies and related waste activities provided by the Municipality or a municipal service provider on behalf of the Municipality, in accordance with this By-law;

“municipal service provider” means a person or entity which provides a municipal service on behalf of the Municipality and in accordance with this By-law;

“NEMA” means the National Environmental Management Act, 1998 (Act 107 of 1998), its amendments and regulations;

“Waste Act” means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008), its amendments and regulations;

“non-conforming waste” means, in respect of an organic waste composting facility, organic or inorganic waste that is not permitted to be processed in terms of the facility’s approved environmental management programme or waste that has been determined by the composting facility operator not to be accepted; or waste that is otherwise not suitable as per applicable norms and standards and, in respect of an organic waste separation and / or treatment facility, organic or inorganic waste that does not adhere to the category and maximum quantities of waste to be processed at that facility; or waste that is otherwise not suitable as per applicable environmental legislation, norms and standards;

“nuisance” means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste or by littering;

“occupier” means a person who occupies any premises or part thereof, without regard to the title under which he or she so occupies, and includes –

- (a) any person in actual occupation of those premises;
- (b) any person legally entitled to occupy those premises;
- (c) in the case of those premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants whether on the person’s own account or as agent for any person entitled thereto or interested therein;
- (d) any person having the charge of or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; or
- (e) the owner of those premises;

“organics” means both processed and unprocessed biodegradable organic material;

“organic waste” means waste of biological origin such as garden waste which can be broken down, in a reasonable amount of time, into its base compounds by micro-organisms and other living things;

“organic waste compost facility” means any site or premises that receives organic waste for composting, and which is operated in terms of national norms and standards to ensure implementation of the best practicable environmental option in the composting of organic waste;

“organic waste separation and / or treatment facility” means any site or premises that receives organic waste for separation and / or treatment for beneficial use and which is operated in terms of environmental legislation, norms and standards to avoid, prevent, and minimise potential negative impacts on the biophysical environment;

“organ of state” has the meaning assigned to it in section 239 of the Constitution;

“owner” includes—

- (a) the person in whom is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;
- (b) where the person in whom the legal title to the premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon; and
- (d) in the case of premises for which a lease agreement of ten years or longer has been entered into and registered in the Deeds Office, the lessee thereof;
- (e) in relation to
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in the Sectional Titles Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;
- (f) the person who has purchased immovable property from the Municipality, in terms of a scheme that allows for the purchase price to be paid in instalments and who has not received transfer from the Municipality;

“person” means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

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

- (a) substances; or
- (b) radio-active or other waves; or
- (c) noise, odours, dust or heat, emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future;

“premises” means an erf or any other portion of land, including any building thereon or any other structure utilised for business, industrial or residential purposes;

“prescribed” means, determined by resolution of the Municipal Council from time to time;

“prescribed fee” means a fee including a tariff or charge determined by Municipal Council resolution;

“prescribed tariff” means a schedule of prescribed fees as entailed in the Municipality’s Tariff By-laws;

“problem animal areas” means areas identified from time to time by the Municipality where animals behave in a way that creates problems;

“public notice” means notice to the public in a manner determined by the Municipality;

“public place” includes any public building, public road, overhead bridge, subway, foot pavement, footpath, sidewalk, lane square, open space, garden, park, sports ground, enclosed space vested in a Municipality, and any road, place or thoroughfare however created which is in the undisturbed use of the public or which the public has the right to use or the right to access;

“public road” means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes—

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

“receptacle” means an approved container for the purpose of temporary storage of domestic waste or business waste until removal thereof by the Municipality or an accredited service provider;

“recovery” means the controlled extraction or retrieval of energy, or material from waste;

“recyclable waste” means waste that could be separated from the waste stream and set aside for purposes of re-use or recycling and include mixed recyclables;

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

“refuse bag” means a plastic bag at least 22 micron thick with dimensions of 750mm x 950mm or as otherwise prescribed by the Municipality and the same applies to a bin liner;

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

“route” means the way or course taken in getting from a starting point to a destination during an event which takes the form of a race or procession;

“safety data sheet” means the information sheet to be completed by all generators of hazardous waste in accordance with relevant regulations and the latest edition of SANS 10234 and to be in the possession of all holders of waste that handles such hazardous waste;

“SANS” means South African National Standard;

“SANS 10234” means the latest edition of the South African Standard Globally Harmonized System of

Classification and Labelling of Chemicals (GHS);

“SAWIS” means the national waste information system established by the national government in accordance with the Waste Act;

“separation at source” refers to the practice of separating recyclable and organic waste at the point of generation from the household waste stream to enable the recovery of mixed recyclables and the diversion of organic waste from landfill;

“service levels” means the frequency of the municipal service and the type of service point;

“special industrial waste” means waste consisting of a liquid, sludge or solid substance, resulting from a manufacturing process, industrial treatment or the pre-treatment for disposal purposes of any industrial or mining liquid waste;

“special waste” means a non-hazardous industrial waste that may include a number of waste types which has physical or chemical characteristics, or both, that requires special handling at a waste disposal facility such as contaminated soil, raw animal manure, dead animals and any other material determined to be special waste by the Municipality;

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

“Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

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

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“tariff” means the annually revised user charge for the provision of the municipal service, determined and promulgated by the Municipality through its Tariff By-laws;

“traded in” means buying, selling, or bartering and “trading in” has a similar meaning;

“transport” means the movement of waste from one place to another;

“venue” means a stadium, or any area or place where an event is hosted; that has a seating or standing spectator capacity of at least 2000 persons as certified by the Municipality, within which other permanent or temporary structures may be erected and which may be demarcated by an enclosed or semi-enclosed permanent or temporary structure;

“venue owner” means a person who owns, manages or is entitled to exercise the rights of an owner or occupier of a venue used for events;

“verge” means a verge as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), as amended;

“waste” means—

- (a) any substance, material, or object—
 - (i) that the generator of that substance, material or object has no further use for within its own processes, whether or not it has any commercial value for the generator, but which can be re-used, recycled, recovered or traded in by any person; or
 - (ii) that is rejected, abandoned, discarded, or disposed of, either temporary or permanently, or is intended to be discarded or disposed of by the generator of that substance, material or object, regardless of whether or not that substance, material or object has any commercial value for the generator or can be re-used, recycled, recovered or traded in by any person; or
 - (b) any other substance, material or object that may be defined as a waste by the Minister by notice in the *Gazette*;
- but any waste or portion of waste, referred in subsections (a) or (b), ceases to be a waste—
- (aa) once it is re-used, recycled or recovered or traded in by the holder of that waste or portion of waste in accordance with a condition stipulated in a valid waste management license, where applicable, or in accordance with an applicable norm or standard made in terms of the Waste Act; or
 - (bb) where the Minister has, in the prescribed manner, excluded the holder of any waste stream or a portion of a waste stream from the definition of waste, enabling the holder thereof to trade in the excluded waste stream or portion of the excluded waste stream, provided that the holder has satisfied the requirements of proving the environmentally safe use of the waste stream or portion of waste stream by it or any other person and committed to provide the Minister with annual reports of the use thereof;

“waste bag” means a plastic bag at least 40 microns thick with dimensions of 750mm x 950mm or as otherwise prescribed by the Municipality and the same applies to a bin liner;

“waste disposal facility” means any site or premise which receives waste for treatment or disposal thereof, and which is operated in terms of a license obtained from a statutory licence authority or otherwise in accordance with NEMA;

“waste handling facility” means any site or premise that receives, accumulates, handles, recycles, sorts and temporarily stores or treats waste prior to its transfer for final disposal and is operated in terms of a license obtained from a statutory licence authority or otherwise in accordance with NEMA;

“waste pickers” means people who collect, sort and sell reusable and recyclable materials, which recyclables predominantly include metal, paper, cardboard, plastic and glass;

“waste information system” means SAWIS and / or IPWIS, as the circumstances dictate;

“waste management activity” means any one or more of the activities that a holder of waste may be involved in as listed in and from time to time amended by the Waste Act and has the same meaning as assigned to it in section 1 of the Waste Act;

“waste management licence” has the same meaning as assigned to it in section 1 of the Waste Act;

“waste management officer” means a person designated by the Municipality to be responsible for co-ordinating matters pertaining to waste management for the Municipality in accordance with the Waste Act;

“waste management plan” means a waste management plan required by the Municipality in terms of this By-law and the Waste Act;

“waste management services” means services that relate to any one or more of the waste management activities;

“waste manifest documents” means the control documents containing information as legally prescribed and maintained by the holders of waste involved; which documents must accompany each load of hazardous waste from point of generation to final management of it;

“waste minimisation programme” means a programme that is intended to promote the reduced generation and disposal of waste;

“waste removal system” means a system by means of which waste is removed and disposed of by the Municipality;

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

“WEEE” means electrical and electronic equipment waste, e.g. computers, phones, TVs, radios, refrigerators, washing machines, lighting equipment, home entertainment and stereo systems, toys, toasters, kettles and other such similar objects, etc. which if discarded and no longer re-useable, needs to be recycled for material recovery;

“working day” means a day other than a Saturday, Sunday or public holiday but in the context of the Municipality’s waste handling and waste disposal facilities it includes all calendar days except Christmas Day and New Year’s Day.

The interpretation and application of this By-law must be guided by the Waste Act and NEMA.

In the event of any conflict between a section of this By-law and national legislation, the national legislation will prevail. In the event of any conflict between any section of this By-law and provincial legislation, the provincial legislation will prevail.

Principles

2. (1) The Municipality has the responsibility to ensure that—
 - (a) all domestic and business waste generated within the municipal area is collected, disposed of, or recovered in accordance with this By-law; and
 - (b) such collection, disposal or recovery takes account of the waste management hierarchy outlined in subsection (2).
- (2) The principle underpinning this By-law is the establishment and enablement of a waste management hierarchy in the following order of priority—
 - (a) avoidance, minimisation and reduction of waste;
 - (b) re-use of waste;
 - (c) recycling, re-claiming, recovery, reprocessing and treatment of waste; and
 - (d) disposal of waste.
- (3) An official authorised in terms of this By-law must as is reasonably possible, take the hierarchy specified in subsection (2) into account.

Main objects

3. (1) The main objects of this By-law are—
 - (a) to regulate the collection, handling, storage, transport, recycling, treatment and disposal of waste;

- (b) to create an enabling environment for the private sector to fulfil their EPR obligations of materials recovery that is linked to priority wastes and for which they are required to follow a DFFE approved industrial waste management plan and / or establish and implement an EPR scheme;
 - (c) to optimise the existing and future municipal waste collection scheme, handling practices, and public drop off facilities so that they allow for the most efficient recovery of materials;
 - (d) to regulate the pursuance of an integrated waste management approach;
 - (e) to promote the diversion of organic waste from landfill;
 - (f) to regulate the provision of municipal services by municipal service provider/s, as may be applicable and commercial services by accredited service providers; and
 - (g) to enhance sustainable development.
- (2) In pursuing the main objects of this By-law, the Municipality shall, within its financial and administrative capacity—
- (a) endeavour to ensure local community involvement in local waste planning;
 - (b) endeavour to effect and unlock the recovery of materials by private sector parties as part of their EPR obligations;
 - (c) endeavour to minimise the consumption of natural resources;
 - (d) promote the recycling and re-use of waste within government, within the public domain and within the private sector;
 - (e) encourage waste separation at source (both at household and private sector level) to facilitate and optimise re-use and recycling opportunities and the composting of suitable organic waste;
 - (f) promote the effective resourcing, planning and delivery of municipal services and commercial services;
 - (g) endeavour to achieve integrated waste management, planning and services in a local context;
 - (h) promote and ensure environmentally responsible municipal services and commercial services; and
 - (i) endeavour to ensure compliance with the provisions of this By-law.

Duties and obligations

4. (1) A holder of waste must take all reasonable measures to:
- (a) reduce or avoid waste generation and minimise the amount and toxicity of waste generated;
 - (b) re-use, recycle and recover waste (e.g. for repair and refurbishment);
 - (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;
 - (e) prevent waste from being used for an unauthorised purpose including the prevention of persons under his supervision from contravening this By-law;
- (2) A person who imports, manufactures and/or sells a product which may be used by the public and is likely to result in the generation of hazardous waste must as part of its EPR obligations take all reasonable steps to inform the public of the impact of that waste on health and the environment.
- (3) Any person subject to the duties and obligations imposed in subsections (1) and (2) may be required by the Municipality or an authorised official to take measures to ensure compliance with these duties and obligations, which measures may be 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 must be performed in order to avoid causing significant pollution or degradation of the environment;

- (c) cease, modify or control any act, activity or process causing the pollution or degradation;
- (d) contain or prevent the movement of pollutants or the cause of degradation;
- (e) eliminate any source of the pollution or degradation;
- (f) remedy the effects of the pollution or degradation.

CHAPTER 2

INTEGRATED WASTE MANAGEMENT

Waste management plans

5. (1) The Municipality shall—
- (a) establish, review and revise its integrated waste management plan in accordance with the prescriptions of national and provincial legislation and municipal planning and development legislation;
 - (b) annually report on the implementation of its integrated waste management plan; and
 - (c) follow prescribed processes of community consultation in terms of subsections (1)(a) and (b).
- (2) All events organised and hosted in the municipal area 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, outline the strategy how to prevent and reduce waste from the planning outset and such other information as may be required by the Municipality.
- (3) An owner or occupier or any other person responsible for a new development must submit to the Municipality an integrated waste management plan including such information as the Municipality may require prior to the start of the development and also during the development, if so, requested by the Municipality.
- (4) The Municipality may grant conditional exemption in terms of subsections (2) and (3) depending on the size, nature, route and duration of the event or the size of the development;
- (5) The Municipality shall require a holder of waste involved in a listed waste management activity that has or is likely to have, a detrimental effect on the environment in terms of the Waste Act to submit its integrated waste management plan to the Municipality within a specified time and thereafter at intervals coinciding with the requirements of national and provincial legislation or standards.
- (6) The Municipality may require from any other holder of waste excluding domestic waste to submit within a reasonable time and thereafter, at intervals determined by the Municipality, an integrated waste management plan containing such information as the Municipality deems necessary or, if applicable, a copy of its industry waste management plan as required by national legislation.
- (7) If an integrated waste management plan as referred to in subsections (3), (5) or (6) is in any way changed or amended, the holder of waste must submit such changed or amended plan to the Municipality within thirty (30) days of it been amended or changed.

Waste information system

6. (1) The Municipality shall establish and maintain a waste information system including information on the levels and extent of waste management services provided by it and enter such information on the SAWIS and / or IPWIS as and 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 reasonably required by the Municipality to discharge its responsibilities in terms of subsection (1).
- (3) The Municipality may request a person or holder of waste that it reasonably believes should be registered on the SAWIS and / or IPWIS to affect such registration and submit proof thereof to the Municipality or to submit proof of not conducting a waste management activity obligating such registration within a time that the Municipality regards as reasonable.

Waste minimisation and recycling

- 7. (1) The Municipality shall in accordance with its responsibilities and its resources progressively implement a waste minimisation programme and other measures in partnership with EPR obligated private sector parties to reduce the generation and disposal of waste and promote the recovery, re-use and recycling of waste including through waste separation at source and the diversion of organic waste from landfill.
- (2) The Municipality may on a regular basis and in a manner, it deems suitable acknowledge outstanding achievements in respect of waste avoidance, waste minimisation, recycling or other waste management practices advancing environmentally responsible integrated waste management.

Waste management activities

- 8. (1) The Municipality may require a holder of waste in possession of or responsible for waste that must be classified, recorded, labelled or in any way assessed or re-assessed, to submit proof of compliance with the relevant prescriptions of national and provincial legislation, norms and standards as applicable thereto and the Municipality will strictly adhere to any such legislation, norms and standards in respect of its own waste management activities.
- (2) The Municipality's approval, inspection and monitoring of waste storage facilities, scrap metal yards, private buy-back centres, vehicle scrapping or recovery facilities including any facilities where materials suitable for re-use or recycling are recovered (for and without financial gain) and organic waste composting and organic waste treatment facilities shall be in accordance with national and provincial legislation, norms and standards and the Municipality's by-laws and will require the owners or occupiers of these premises to submit such information, plans and records as the Municipality deems necessary to fulfil its duties as a waste management authority.

CHAPTER 3

COLLECTION OF WASTE

Service levels

- 9. (1) The levels of waste collection may differ between areas based on the practicality and cost-efficiency of delivering the service. Service levels in areas may vary between:
 - (a) on-site appropriate and regularly supervised or monitored disposal;

- (b) community transfer to a central collection point;
- (c) organised transfer to a central collection point and kerbside collection; and
- (d) a combination of these levels.

Service agreement

- 10.** (1) The Municipality shall render a service for the collection of business and domestic waste from built upon premises at such charges as it may determine, and the owner or occupier of such premises shall make use of the waste collection service provided by the Municipality.
- (2) The waste collection service rendered by the Municipality in terms of subsection (1) shall be in accordance with the agreement for services concluded with the Municipality; which agreement may be amended in writing to make provision for an increase in the frequency or volume of the waste removal service rendered should it be required by the Municipality or in response to a request by the owner or occupier of residential or business premises.
- (3) An owner or occupier of premises where business or domestic waste is generated shall, where a waste 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 waste collection service is for business or domestic purposes.
- (4) If the applicant for services in terms of subsection (3) is not the owner, the Municipality shall require any owner to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed fees payable to the Municipality in terms of this By-law.
- (5) An owner or occupier of premises may contract with an accredited service provider to collect its business or domestic waste but shall not be entitled to exemption from or a reduction in the prescribed fee determined by the Municipality merely on the grounds that no or limited use is made of the waste collection services rendered by the Municipality.
- (6) An owner or occupier of premises is liable to pay the Municipality the prescribed fee for the provision of waste collection services on the due date for payment stipulated in the municipal account, failing which the Municipality will deal with the matter in accordance with its Customer Care, Credit Control and Debt Collection By-laws.
- (7) Availability tariffs may be charged on vacant premises, as determined by the Municipality from time to time.
- (8) The Municipality will determine which waste items are unsuitable for collection because these do not constitute domestic waste or business waste or could be classified as bulky waste, domestic and business hazardous waste or e-Waste and, if waste is determined to be unsuitable for collection, a process for removal and disposal of such waste shall be recommended by the Municipality to the owner of the waste or occupier of the premises.
- (9) If the Municipality's scheduled waste collection services are interrupted for whatever reason, the Municipality will resume the service as soon as reasonably possible and address backlogs as a matter of priority.

- (10) Complaints about the Municipality's waste collection service will be dealt with in accordance with the Municipality's customer care policy.
- (11) The owner or occupier of premises must notify the Municipality in writing when the collection of waste is no longer required in which case the prescribed fees shall be payable until the end of the calendar month following the month in which the notice is received unless section 10(5) applies.

Frequency of waste collection

- 11.**
- (1) The Municipality shall collect domestic waste and business waste at least once per week on scheduled dates for different areas. Occupiers or owners of premises will be informed of revised waste collection arrangements reasonably in advance, through one or more of the methods prescribed by the Systems Act.
 - (2) The Municipality will determine which business premises generate waste that can be regarded as dailies and may instruct an increase in the frequency of waste collection from such premises as provided for in section 10(2).
 - (3) If the Municipality is of the opinion that a business creates a nuisance, health risk, bad odour or danger to public health due to the fact that waste is not removed during weekends from its premises, the Municipality may instruct the owner or occupier of the premises to make use of an additional waste collection service rendered by the Municipality at a prescribed fee or to use an accredited service provider to collect the waste during weekends.
 - (4) An owner or occupier of a business premise who receives a waste removal service once per week may apply to the Municipality in writing to increase the number of waste removals to multiple times per week if so available and as provided for in section 10(2).

Volume of waste collected

- 12.**
- (1) The Municipality shall determine—
 - (a) the number of receptacles to be collected from each residential premise per collection;
 - (b) the number of receptacles to be collected from each business premise per collection based on an inspection of the waste volumes with the owner or occupier; and
 - (c) the maximum amount of business waste that may be placed for collection without the provision of an additional service or the payment of an additional prescribed fee.
 - (2) Should the Municipality require the provision of an additional service to a residential or business premise or the owner or occupier of a residential or business premise apply to the Municipality in writing to increase the number of containers to be collected per collection from its premises, these changes will be affected as provided for in section 10(2).

Receptacles

- 13.**
- (1) The Municipality will collect domestic waste placed in approved domestic waste containers and business waste placed in approved business waste containers from a location and in a condition as determined. Waste placed in a location or a container not meeting the prescriptions of the Municipality will not be collected and the Municipality will not accept liability for lost or damaged containers.
 - (2) The owner or occupier of residential or business premises shall be responsible for marking his/her container/s with the stand number or business signage to ensure easy identification thereof and to assist the municipal employees to return it to the correct stand or business location.

- (3) Containers for the temporary storage of waste at business and residential premises must be kept in good condition and fit for the safe storage of waste to prevent damage to the environment and harm to health.
- (4) In case of damage caused through the negligence of the owner or occupier of the premises a container may be replaced by the Municipality after receiving a written request for such replacement and full payment of the cost involved.
- (5) No person may allow an animal in his or her control to interfere with, overturn or otherwise damage a container which has been placed for collection.
- (6) The owner or occupier of business or residential premises must ensure that—
 - (a) a container contains no hot ash, unwrapped glass or other domestic waste, business waste including dailies which may cause injury to the municipal employees while carrying out their duties in terms of this By-law or damage to the container;
 - (b) no material, including any liquid, which by reason of its mass or other characteristics is likely to render a container unreasonably difficult for the municipal employees to handle or carry, is placed in such container;
 - (c) a container contains no material which is of a hazardous nature or contains hazardous components, e.g. domestic and business hazardous waste and e-Waste;
 - (d) containers are kept closed to avoid animal and insect interference and wind-blown litter and in a clean and hygienic condition;
 - (e) containers are placed outside the entrance to the premises on a date and time specified by the Municipality by written notice to the owner or occupier of the premises, except where the Municipality has indicated, in writing, that it is satisfied that a person is physically infirm or otherwise incapable of complying with this provision;
 - (f) in accordance with the Municipality's specifications, whether contained in approved building plans or a Municipal Council notice, a designated space and any other facility deemed necessary by the Municipality are provided on the premises for the storage of containers without these been visible from a public road or public place and the designated space so allowed permitting convenient access to and egress for the Municipality's waste collection vehicles;
 - (g) the pavement in front of or abutting the premises is kept clean and free of waste.
- (7) If dailies are generated, the owner or occupier must ensure that—
 - (a) the dailies are not placed in a container where they could contaminate another waste stream;
 - (b) the containers are placed in a designated area easily accessible from the entrance of the premises from where the waste is collected by the Municipality.
- (8) Notwithstanding anything to the contrary contained in this By-law, the Municipality may, having regard to the avoidance of a nuisance and the convenience of collection of waste, indicate a specific position within or outside the premises concerned where approved containers must be placed for the collection and removal of waste and such containers must then be placed in that position at such times and for such period as the Municipality may require.
- (9) No owner or occupier of premises is allowed to place any waste bags or other containers containing waste other than domestic or business waste outside the premises unless approved by the Municipality for a specific purpose and subject to conditions as the Municipality may impose.
- (10) Only animal proof containers may be used by residents in areas which the Municipality has declared as problem animal areas and these containers are at cost obtainable from the Municipality.

- (11) If an owner or occupier of premises in a problem animal area is using a container that does not comply with the requirements of the Municipality, he/she will be instructed to obtain an animal proof container from the Municipality and, in cases where the Municipality is of the opinion that more than one animal proof container is needed due to the volume of waste, the owner or occupier will be compelled to purchase such from the Municipality.
- (12) Nothing that may cause damage to the refuse compactor of the Municipality may be deposited in approved domestic and business waste containers or animal proof containers and where such care is not taken and damage of municipal equipment takes place, the Municipality will hold the owner or occupier liable for the full cost of such damages.

Communal collection

- 14. (1) The Municipality shall in high-density residential areas where a sustainable, formalised domestic waste collection service can be rendered, collect the waste of individual households on a weekly basis.
- (2) The Municipality shall, as its resources allow, place appropriate bulk containers at central communal collection points determined by the Municipality as suitable for communal collection.
- (3) Communal collection points will be clearly demarcated areas.
- (4) The bulk containers referred to in subsection (2) will be in accordance with the Municipality's specifications and its location will as far as reasonably possible—
 - (a) allow secure and easy access to the community;
 - (b) prevent windblown litter;
 - (c) enable easy access for the Municipality's waste collection vehicles.
- (5) The waste will as far as reasonably possible be collected once per week or within 24 hours of a bulk container being reported full to the Municipality.
- (6) Waste separation at source will be encouraged in respect of communal collection by providing separate bulk containers for mixed recyclables and non-recyclable waste at the communal collection points should the Municipality determine it to be viable and as its resources allows.

Collection in rural areas

- 15. (1) Where it is not economically viable for the Municipality to provide bulk waste containers or any other form of collection of waste in its rural areas, communities and farmers are encouraged to dispose of waste at designated municipal waste handling or waste disposal facilities.
- (2) Notwithstanding the above, the Municipality will in co-operation with rural communities work to find cost-effective ways to expand waste collection practices to the rural areas.
- (3) The Municipality is in accordance with national legislation generally not permitting on-site disposal of waste but may as an exception (and only with the relevant authorisation in place) allow on-site waste disposal in rural areas if no other feasible alternatives could be made available; in which case, the Municipality will supervise or monitor such practices and exercise control over it in so far as it is reasonably possible.

Recycling of waste

16. (1) Any owner or occupier of a business or residential premise or any other holders of waste as determined by the Municipality and in areas as determined by the Municipality may be required to—
- (a) separate their waste in mixed recyclables (e.g. metal, paper, glass and plastic) and non-recyclables in accordance with the directives of the Municipality;
 - (b) use different containers for waste so separated as directed and / or provided by the Municipality or an accredited service provider;
 - (c) place containers containing the mixed recyclables and non-recyclable waste outside the entrance to the premises at a time and day specified by the Municipality or an accredited service provider or, if so requested, drop the mixed recyclables off at places as directed by the Municipality; and
 - (d) follow any other reasonable prescribed procedures.
- (2) The Municipality may locate drop-off centres for mixed recyclables and non-recyclable waste in all the towns at places ensuring easy and safe access for the public.

Accumulation of waste

17. (1) The owner or occupier of business or residential premises must ensure that all domestic or business waste generated on the premises be placed for collection and not be accumulated.
- (2) Where a type or quantity of waste is not collected by the Municipality or regularly removed by an accredited service provider, the owner or occupier of the premises or holder of the waste must 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 undue accumulation and any nuisance or detrimental impact on human health or the environment arising from the waste.
- (3) The Municipality may enter any premises where it suspects waste of any type is accumulated and may instruct the person generating the waste or the owner or the occupier of the premises where it is so accumulated to remove the waste immediately or the Municipality may proceed to do so at the cost of the owner or occupier of the premises where the waste is accumulated.

CHAPTER 4**Handling Different Waste Types****Part 1****Garden and Organic Waste****Household composting**

18. The owner or occupier of premises on which garden waste is generated in small quantities may and is encouraged to compost such garden waste and other compostable organic waste on the premises, provided that aerobic processes acceptable to the Municipality are used and the composting does not cause a nuisance nor has a detrimental impact on human and environmental health and adheres to any relevant legal requirements including obtaining any authorisations from a competent authority should such be required.

Removal and disposal of organic compostable waste

19. (1) The owner or occupier of premises on which garden and other compostable organic waste is generated in small quantities but not composted as contemplated in section 18 or otherwise dealt with as part of domestic waste, must within a reasonable time after generation of the waste remove and dispose of it at an organic waste composting, waste handling or waste disposal facility determined by the Municipality.
- (2) Organic compostable waste generated on premises because of garden services activities must be removed and disposed of by an accredited service provider at an organic waste composting, waste handling or waste disposal facility determined by the Municipality.

Collection and disposal of non-compostable organic waste

20. Only the Municipality or an accredited service provider may collect non-compostable organic waste from premises where it is generated in substantive quantities and transport and dispose of it at an organic waste treatment, waste handling or a waste disposal facility determined by the Municipality.

Part 2**Domestic and business hazardous waste****Storage, collection, and disposal**

21. (1) An owner or occupier of residential or business premises generating small quantities of domestic and business hazardous waste, may temporarily store such waste including WEEE in a manner not creating a nuisance or causing harm to human health or polluting the environment.
- (2) The materials stored in terms of subsection (1) must be either be collected by an accredited service provider or dropped off by the owner or occupier of the residential or business premises to a waste handling or disposal facility determined by the Municipality or a legally compliant special industry body, buy-back centre or recycler as directed by the Municipality.

Part 3**Bulky Waste****Removal and disposal**

22. (1) The owner or occupier of premises on which bulky waste is generated, shall ensure that such waste is removed and disposed of in terms of this By-law within fourteen (14) days after generation thereof at a waste handling or waste disposal facility determined by the Municipality.
- (2) At the request of the owner or occupier of any premises the Municipality may remove bulky waste from premises, provided that the Municipality is able to do so with its waste removal equipment and subject to the payment of the prescribed charges.

Part 4

Building Waste

Plans and inspection

- 23.** (1) An owner or occupier or any person responsible for the submission of building plans for a new building or an alteration to an existing building must include therein the way building waste will be handled as well as the anticipated volumes of building waste to be generated.
- (2) An authorised official of the Municipality must inspect and verify that the waste arrangements contemplated in subsection (1) were followed and all building waste appropriately disposed of as part of the final municipal sign-off of the building activities.

Generation and storage

- 24.** (1) Notwithstanding the waste arrangements contemplated in section 23, the owner or occupier of premises on which building waste is generated and/or the person engaged in any activity which causes such waste to be generated, must ensure that—
- (a) all building waste and the containers used for the storage thereof is kept on the premises on which the building waste is generated;
 - (b) the premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;
 - (c) any building waste which is blown off the premises, is promptly retrieved.
- (2) Upon written request and subject to conditions as it may determine the Municipality may approve the use of a bulk container placed on a verge for a specified duration.
- (3) The Municipality may instruct an owner or occupier of premises on which building waste is generated and/or the person engaged in any activity which causes such waste to be generated to make use of special containers to dispose of it and will determine a tariff for the use of such containers should these be provided by the Municipality.

Removal and disposal

- 25.** (1) The owner or occupier of premises on which building waste is generated and/or the person engaged in any activity which causes such waste to be generated, must ensure that all building waste is removed and disposed of continuously so as to prevent unnecessary accumulation of such waste.
- (2) Building waste must be disposed of at a waste handling and/or waste disposal facility determined by the Municipality.

Part 5

Special Industrial, Health Care and Hazardous Waste

Notification and verification

- 26.** (1) Any person that will engage in activities which will generate special industrial, health care and hazardous waste must prior to the generation of such waste, notify the Municipality in writing of—
- (a) the expected or known composition of such waste;
 - (b) the quantity to be generated;
 - (c) how and where it will be stored;

- (d) how it will be collected and disposed of; and
 - (e) the identity of the accredited service provider who will be responsible for its removal, transportation and disposal.
- (2) Any person engaged in waste activities as referred to in subsection (1) which were established and in operation prior to the commencement of this By-law, must notify the Municipality as contemplated in subsection (1) within ninety (90) days of the commencement of this By-law of such activities and provide the information required in terms of subsection (1).
- (3) If so, required by the Municipality, a notification referred to in subsection (1) or (2) must be substantiated by—
 - (a) an assessment and analysis of the waste composition certified by an appropriately qualified industrial chemist;
 - (b) safety data sheets or completed waste manifest document/s; and
 - (c) such other records required to verify compliance with applicable legislation, national standards and SANS Codes.
- (4) The person referred to in subsection (1) or (2) must when changes occur and annually before or on the 30th of June submit to the Municipality a written report containing:
 - (a) the information stipulated in subsection (1);
 - (b) the substantiating documents referred to in subsection (3); and
 - (c) any other information which the Municipality may reasonably require.
- (5) An authorised official may enter premises at any reasonable time to ascertain whether waste referred to in subsection (1) is generated or stored on such premises and may take samples and test any waste found on such premises to ascertain its composition.

Storage

- 27.** (1) Special industrial, health care and hazardous waste generated on premises must be stored thereon in an approved container until it is collected from the premises, and it must be stored in a manner not creating a nuisance or causing harm to human health or polluting the environment and in accordance with applicable legislation, national norms and standards, and SANS Codes.
- (2) If the waste referred to in subsection (1) is not stored as stipulated, the Municipality may require a full record of the waste content, date of containment and quantity and if such a record is not available the Municipality may instruct the person generating the waste or the owner or the occupier of the premises where it is stored to remove the waste immediately or the Municipality may proceed to do so at the cost of the owner or occupier of the premises where the waste is stored.

Collection and disposal

- 28.** (1) Only an accredited service provider may collect special industrial, health care and hazardous waste from premises where it is stored and transport it to and dispose of it at a waste disposal facility designated by the Municipality to receive such waste.
- (2) An accredited service provider must collect, transport, and dispose of the waste referred to in subsection (1) in accordance with its accreditation terms and conditions and in compliance with applicable legislation, national norms and standards, and SANS Codes.

Part 6
Industrial Waste and Special Waste including e-Waste

Storage

29. (1) The owner or occupier of premises on which industrial waste or special waste is generated must ensure that until such time as the waste is collected by an accredited service provider from the premises on which it was generated—
- (a) the waste is stored in accordance with applicable legislation, national standards and SANS Codes in approved containers which are not kept in a public place; and
 - (b) no nuisance, health risk or environmental damage is caused by the waste during generation or storage.

Collection and disposal

30. (1) Only an accredited service provider may collect industrial or special waste from premises where it is stored and transport and dispose of it at a waste disposal facility designated by the Municipality to receive such waste.
- (2) An accredited service provider must collect, transport, and dispose of the waste referred to in subsection (1) in accordance with its licence terms and conditions and subject to the requirements of any applicable legislation, national standards, and SANS Codes.
- (3) The Municipality may determine specific times for acceptance of special waste at the site referred to in subsection (1).

Part 7
Tyres, Disused Vehicles or Machinery, Scrap Metal and WEEE

Storage and disposal

31. (1) No owner or occupier of premises with an operational area in excess of the statutory determined limit may temporary accumulate, store or stockpile waste tyres, disused, scrapped, dismantled or recovered vehicles or machinery, scrap metal or WEEE unless the waste management activity is managed in accordance with national standards or licensed in terms of national legislation, whichever is applicable.
- (2) Waste tyres, disused, scrapped, or dismantled vehicles or machinery, scrap metal and WEEE are not accepted at municipal owned waste handling or waste disposal facilities. Any person having to dispose of any of these materials must dispose thereof at the premises of a legally compliant special industry body, local waste processor, buy-back centre or recycler as directed by the Municipality.
- (3) The Municipality may enter the premises of any person involved in the storage or stockpiling of waste tyres, disused vehicles or machinery, scrap metal or WEEE and request proof of any plans including its waste tyre storage plan, integrated waste management plan, licenses, or other applicable documents to verify compliance with applicable legislation.

Part 8 Recyclable Waste

Storage, collection, and disposal

- 32.** (1) An owner or occupier of premises or any other person may not temporary accumulate, sort, store or stockpile recyclable waste on any premises within the municipal area unless acting in accordance with subsection (2).
- (2) An owner or occupier of premises or any other person must prior to commencing an activity involving the re-use, reclamation, or recycling of waste (including the wastes referred to in Part 6), comply with national and provincial legislation and standards and applicable SANS Codes for such activity and provide the Municipality with a copy of his integrated waste management plan and such other information as the Municipality may require.
- (3) Only an accredited service provider may collect recyclable waste from premises where it is generated or separated from other waste and transport and dispose of it at a material recovery facility or a waste disposal facility designated by the Municipality to receive such waste.

Part 9 Agricultural and Farm Waste

Disposal

- 33.** (1) An owner or occupier of farmland may subject to subsections (2) and (3) use on-site disposal of waste but burning of waste is strictly prohibited unless authorised by the Chief Fire Officer in terms of the Fire Safety By-law of the Municipality.
- (2) An owner or occupier of farmland may not dispose any quantity of hazardous waste including hazardous and infectious organic waste, which may be present in agricultural waste, to the land unless in possession of the applicable waste management license in terms of national legislation, and if applicable, provincial legislation.
- (3) An owner or occupier of farmland may dispose of general waste, which may include agricultural and farm waste, to the land provided this is done in accordance with applicable legislation, national standards, and SANS Codes and, if the quantity of waste requires it, authorisation thereof by a valid waste management license.
- (4) An authorised official of the Municipality may request an owner or occupier of farm land who he suspects is disposing hazardous waste and/or general waste exceeding the quantity allowed for disposal to provide proof of the licences referred to in subsections (2) or (3) and, irrespective of the composition or quantity of the waste disposed of to land by the owner or occupier, the Municipality may request the owner or occupier to submit an integrated waste management plan to the Municipality within a determined time frame.
- (5) An owner or occupier of farmland may apply in writing to make use of the Municipality's waste handling and waste disposal facilities, the approval of which will provide the applicant access to the Municipality's coupon system and disposal of waste excluding hazardous and health care waste at waste handling or waste disposal facilities as directed by the Municipality in its approval.

Transportation and Disposal

Part 1 Transportation of Waste

Safe transportation

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

No wastage or spillage

35. (1) A person transporting waste through the municipal area must ensure that—
- (a) loose 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.

Legal compliance

36. (1) A transporter of waste, specifically hazardous waste, must ensure he or she operates in compliance with all relevant national and provincial legislation, national standards, and SANS Codes.

Part 2 Waste Disposal

Diversion

37. (1) The Municipality may determine that compostable and non-compostable organic waste be diverted to respectively organic waste composting and organic waste separation and / or treatment facilities as directed by the Municipality and at a prescribed fee. No organic waste composting and organic waste separation and / or treatment facility shall be allowed to receive non-conforming waste.
- (2) The Municipality may determine that building waste be diverted to waste handling and / or waste disposal facilities as directed by the Municipality and at a prescribed fee.
- (3) The Municipality may determine that recyclables be diverted to waste handling and / or waste disposal facilities as directed by the Municipality and at a prescribed fee.
- (4) The conditions set out in sections 38, 39, 40, 41 and 42 of this By-law shall, as practical, also apply to the waste composting and waste separation and / or treatment facilities referred to in subsection (1).

Permitted use

38. (1) The Municipality may prescribe which types of waste may be disposed of at a particular waste handling or waste disposal facility as permitted in terms of the license stipulations of each facility and further in compliance with national legislation and standards.

- (2) Different tariffs for the disposal of different waste types and volumes are applicable but residents are allowed free disposal of a certain volume of general waste as determined by the Municipality.

Liability

- 39. (1) No person may dispose of waste at a waste disposal facility which is not licensed for such use. Any person who acts in contravention of any prescriptions of the Municipality as contemplated in section 38(1) will be liable for all reasonable costs incurred by the Municipality in removing or otherwise dealing with the waste improperly disposed.
- (2) The Municipality shall not be liable for any claim resulting from access to any waste handling or waste disposal facility and any person who enters any of the sites of these facilities does so at own risk.

Conduct at facilities

- 40. (1) No person may enter a waste handling or a waste disposal facility for any purpose other than the disposal of waste in terms of this By-law and only at such times and between such hours as the Municipality may determine and display on a clearly visible notice board at the entrance of the waste handling or waste disposal facility.
- (2) Every person who, for the purpose of disposing waste enters a waste handling or a waste disposal facility must—
 - (a) enter and leave the facility at the designated entrance and exit points;
 - (b) supply all the particulars required regarding the source and composition of the waste, which waste may be inspected by the Municipality;
 - (c) follow all instructions regarding access to the actual disposal, transfer or recycling point and the place where and the manner in which the waste should be deposited.
- (3) No person may bring any intoxicating liquor or narcotic substances into any waste handling or waste disposal facility.
- (4) The Municipality may prescribe the maximum size of a vehicle allowed to enter a waste handling or waste disposal facility.

Accepting waste from others

- 41. (1) The Municipality may consider an application from another municipality to dispose waste at a designated waste disposal facility provided that the acceptance of waste from another municipality will not impact on the Municipality's authority and ownership of the said waste disposal facility.
- (2) The Municipality may allow a person to dispose waste generated outside the Municipality's municipal area at a designated waste disposal facility of the Municipality provided such person first becomes an accredited service provider as provided for in this By-law.
- (3) The tariffs applicable to accredited service providers referred to in subsection (2) may differ from the waste disposal tariffs stipulated in the Municipality's Tariff By-laws.

Enabling Private Party Initiatives

- 42. (1) The Municipality may allow for the provision of private drop-off, organic waste composting, organic waste treatment and other value-add treatment facilities at municipal waste handling and waste disposal facilities to enable the execution of EPR obligations, the diversion and reduction of waste disposed to landfill and the generation of renewable energy through public-private partnership arrangements to reach national targets in this regard.

CHAPTER 6

Littering and Dumping

Provision of facilities for litter

43. (1) The Municipality must take reasonable steps to ensure that enough containers are provided for the discarding of litter by the public on any premises to which the public has access.
- (2) The owner or occupier of private land to which the public has access must ensure that sufficient containers are provided to contain litter which is discarded by the public.
- (3) The Municipality or the owner or occupier of private land must ensure that a container provided in terms of subsections (1) or (2) is suitably located, sized, weighted, constructed, and anchored to fulfil its intended purpose, regularly emptied and kept in a good and hygienic condition.

Littering and dumping

44. (1) No person may drop, throw, deposit, spill, dump or in any other way discard, any litter or waste into or onto any public place, public road, road, municipal drain, land, vacant erf, stream, or any other places not allowed for in this By-law or allow any person under their control to do so.
- (2) No person may use a container provided for litter to dispose of domestic, business or garden waste or disturb or remove litter from such a container in a way that the litter is spilled.
- (3) An authorised official may act against any of the contraventions listed in subsections (1) or (2) through a written notice directing such person to—
- (a) cease the contravention within a specified time;
 - (b) prevent a repeat of the contravention or a further contravention;
 - (c) take whatever measures that the Municipality considers necessary to clean up or remove the waste and rehabilitate the affected environment within a specified time; and
 - (d) to pay a fine or appear in court in terms of the Criminal Procedure Act, 1977 (Act 51 of 1977).
- (4) An owner or occupier of land or premises or any other person in control of land or premises, may not use or permit the land or premises to be used for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for that purpose.
- (5) Should the Municipality regard it necessary to remove waste or litter from land or premises, the owner, occupier, or person having control over the land or premises will be held liable for the costs incurred by the Municipality for the removal operation.
- (6) In the case of hazardous waste, the Municipality will immediately remove such waste and thereafter issue notices to the person liable for the cost of removal and rehabilitation of the environment.

Burning of waste

45. Burning of waste is strictly prohibited unless authorised by the Chief Fire Officer in terms of the Fire Safety By-law of the Municipality.

Abandoned objects

46. A person who abandons any article which may be classified as waste in terms of this By-law, is liable for any damage which that article has caused or may cause as well as for the cost of removing that article notwithstanding the fact that such person may no longer be the owner thereof.

CHAPTER 7**External Service Providers****Part 1****Accredited Service Providers for Commercial Services****Accreditation applications**

47. (1) No person may provide commercial services for the collection and transport of waste in the municipal area unless such person has registered with the Municipality and obtained an accreditation authorising these waste management activities in the municipal area.
- (2) An application for accreditation must be submitted in writing in a format or on a form prescribed by the Municipality including such information as the Municipality requires and the prescribed fee and, unless subsection (3) applies, the Municipality's approval for the collection and transportation of waste must first be obtained before such waste services may commence.
- (3) Any person already providing these commercial services at the commencement of this By-law, must within ninety (90) days of such commencement date apply for accreditation in terms of subsection (1), failing which the person will as from the date that the said ninety days' period expired no longer be able to render such services in the municipal area.
- (4) The Municipality will consider and grant or reject the application submitted in terms of subsection (3) within thirty (30) days of its receipt having regard to the health, safety and environmental record of the applicant and the nature of the commercial service to be provided and will furnish written reasons if such application is rejected.

Terms and conditions of accreditation

48. (1) An accreditation must-
- (a) clearly identify the accredited person or entity;
 - (b) specify the accreditation period;
 - (c) specify the categories of waste which the accredited service provider may collect, transport and dispose;
 - (d) outline the information recording and submission requirements of the Municipality for its own integrated waste management plan and IPWIS; and
 - (e) specify other procedural matters that may be necessary.

- (2) An accreditation authorisation—
 - (a) may not be ceded or assigned without the prior written consent of the Municipality;
 - (b) is valid for one year from the date of issue; and
 - (c) is valid only for the categories of waste specified therein.
- (3) An accreditation authorisation will include a display sticker for each of the vehicles identified in the accreditation application indicating the validity period and the category of waste for which the licence is granted, which sticker must be clearly displayed on the front window of the identified vehicles.
- (4) The Municipality will not receive waste at its waste handling facilities or waste disposal facilities from service providers or contractors who are not able to provide proof of accreditation by the Municipality should it be requested and without an accreditation sticker on the vehicle.
- (5) An accredited service provider may not fail or refuse to provide the Municipality with any information reasonably requested with regards to the terms and conditions of the accreditation or give false or misleading information.
- (6) An accredited service provider is fully liable for any act or omission by any of his or her employees if such act or omission could be seen as a transgression of the accreditation conditions and/or have a detrimental impact on human health or the environment.

Renewal of accreditation

- 49. (1) An accreditation renewal application must be submitted at least sixty (60) days prior to the expiry date thereof and will be considered and either granted or rejected by the Municipality within thirty (30) days of receipt of the renewal application. The Municipality must provide substantive reasons for the rejection of an accreditation renewal.
- (2) Notwithstanding anything to the contrary in this By-law, the Municipality must temporary extend an accreditation for a specific duration not exceeding thirty (30) days if an accredited service provider followed the correct procedure as contemplated in subsection (1) and due to the Municipality's processes, the renewal application has not been considered and a new accreditation granted or rejected.

Suspension and revocation of accreditation

- 50. (1) The Municipality may suspend or revoke an accreditation if a service provider failed to comply with any of the terms and conditions of the licence or any other provision of this By-law, or any national or provincial legislation regulating the collection, transportation or disposal of waste or any other grounds considered by the Municipality as substantive reason to revoke or suspend an accreditation.
- (2) The Municipality must give an accredited service provider written notice of the intended suspension or revocation of his or her accreditation and thirty (30) days from the date of issuing the notification to submit reasons for such action not to be taken by the Municipality.
- (3) The Municipality must make a final decision within fourteen (14) days of the expiry of the period stated in subsection (2) irrespective if a representation was received from the service provider and notify the service provider in writing within seven (7) days of taking a final decision.

Accreditation exemptions

- 51. The Municipality may exempt an external service provider or a commercial service from any or all the provisions in Part 1 of Chapter 7 and such other sections as may be deemed necessary by the Municipality.

Consumer responsibilities

52. (1) The owner or occupier of premises or the holder of waste that contracts with an accredited service provider must ensure that—
- (a) the service provider is accredited to collect and transport the categories of waste for which he or she is contracted;
 - (b) until such time as the accredited service provider collects such waste from the premises on which it was generated, the waste is stored in an approved container and no nuisance, including but not limited to dust and smells, is caused by the handling of the waste in the course of its generation, storage or collection; and
 - (c) the service rendered is only in respect of the categories of waste authorised in the accreditation.

Part 2**Municipal Service Providers****Outsourcing of waste services and support activities**

53. The Municipality may enter into agreements with external service providers, whether public or private, for the rendering of municipal waste services and support activities and must do so in accordance with municipal, provincial, and national legislation.

Consumer charter

54. If a service provider as contemplated in section 51 is appointed by the Municipality, to render a service to a large geographical area or part of its population, the service provider will be required to compile and adopt a consumer charter in consultation with the community.

CHAPTER 8**General****Ownership**

55. (1) The person holding the licence to operate a waste handling, or a waste disposal facility becomes the owner of all waste upon disposal thereof at that facility.
- (2) A person who generates domestic or business waste is the owner thereof until it is collected by the Municipality who then becomes the owner thereof.
- (3) An owner or occupier of premises or the holder of waste who contracts with an accredited service provider to collect and transport certain categories of waste, remains the owner of these categories of waste until such waste is collected from the premises by the accredited service provider who then becomes the owner thereof.

Access to premises

56. (1) Should the Municipality be impeded from collecting or handling waste due to the layout of the premises and/or such layout is likely to result in damage to private property or municipal property or injury to the Municipality's employees, the Municipality may require the owner or occupier to do such alterations as necessary at own cost to remove any impediments.
- (2) Should the owner or occupier fail or refuse to comply with the Municipality's request, the Municipality may suspend the service and require the owner or occupier to indemnify the Municipality in writing in respect of such damage or injury or any claims arising from it before resuming the service.

CHAPTER 9**Compliance and Enforcement****Compliance with this By-law and other laws**

57. (1) The owner or occupier of premises is responsible for ensuring compliance with this By-law.
- (2) Any person or entity who requires a waste related license or authorisation in terms of national, provincial or municipal legislation must submit proof of such licence or authority to an authorised official upon request or within such other period specified by the authorised official.

Authorisation of an official

58. (1) The Municipality or a municipal service provider as contemplated in section 51 of this By-law, may authorise any person in its employ to give effect to the provisions of this By-law.
- (2) The waste management officer of the Municipality is an authorised official.

Functions and powers of an authorised official

59. (1) An authorised official may execute work, conduct an inspection and monitor and enforce compliance with this By-law and, as applicable, national and provincial legislation relating to waste management.

Servicing of notices and documents

60. (1) A notice or document issued by the Municipality in terms of this By-law must be deemed to be duly authorised if an authorised official signed it.
- (2) If a notice or document is to be served on an owner, occupier or any other person in terms of this By-law it shall be deemed to be effectively and sufficiently served on such a person—
- (a) when it has been delivered to him or her personally or to his or her duly authorised agent;
 - (b) when it has been left at his or her residence or place of business or employment to a person apparently not less than sixteen years of age and residing or employed there;
 - (c) if he or she has nominated an address for legal purposes, having been delivered to such an address;
 - (d) if he or she has not nominated an address for legal purposes, having delivered it to the address given by him or her in his or her application for the provision of waste services, for the reception of an account for the provision of waste services;

- (e) when it has been sent by pre-paid registered or certified post addressed to his or her last known address for which an acknowledgement of the posting thereof will be obtained from the postal service;
- (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
- (g) if service cannot be effected in terms of subsections (a) to (f), by affixing it to a conspicuous place on the premises concerned.

Compliance notices

- 61.** (1) An authorised official may issue a written notice to any person contravening the provisions of this By-law.
- (2) A notice in terms of subsection (1) must
- (a) provide details of the provision of the By-law that has not been complied with;
 - (b) provide the owner, occupier, or other party a reasonable opportunity to make representations within a specified period;
 - (c) specify the steps that the owner, occupier or other person must take to rectify or remedy the failure;
 - (d) specify the period within which the owner, occupier or other person must take these steps to rectify the failure; and
 - (e) indicate that the Municipality may—
 - (i) if the notice is not complied with, undertake or allow the work that is necessary to rectify the failure to be undertaken and recover from the owner, occupier or other person the actual cost of such work; and
 - (ii) take any other action it deems necessary to ensure compliance.
- (3) If an owner or occupier or any other person fails to comply with a written notice served on him or her by the Municipality in terms of this By-law, the Municipality may take such action as in its opinion is necessary to ensure compliance, including—
- (a) Undertaking the actions and/or work necessary and recovering the cost of such actions and/or work from the owner, occupier, or other person; or
 - (b) Instituting legal proceedings against the owner, occupier, or other person in terms of the Criminal Procedure Act, 1977 (Act 51 of 1977).
- (4) In the event of an emergency, notwithstanding any other provisions of this By-law, the Municipality may without prior notice undertake the work contemplated in subsection (3) and recover such costs from the owner, occupier or other person.
- (5) The actual costs recoverable by the Municipality in terms of subsections (3) and (4) shall be the full costs associated with such work.
- (6) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of issue of such notice.
- (7) A notice or document issued in terms of subsection (2) is valid until one of the following events occurs:
- (a) it is carried out;
 - (b) it is cancelled by the authorised official who issued it or, in that person's absence, by a person with similar authority;
 - (c) the purpose for which it was issued, has lapsed.

- (8) An authorised official who is satisfied that the owner or occupier or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.

Power of entry and inspection

62. (1) An owner or occupier must, on request, allow an authorised official access to premises to carry out such inspection and examination as he or she may deem necessary to investigate any contravention of this By-law and ensure compliance therewith.
- (2) When accessing the premises, the authorised official must, if requested, identify him or herself through written proof of authorisation.

Using force to enter

63. (1) Force may not be used to affect entry to execute work or conduct an inspection on any premises in terms of section 62 unless an environmental emergency arises.
- (2) An authorised official carrying out a written authorisation in terms of section 62 which is regarded as an environmental emergency situation, may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, door or window of the premises to be entered.
- (3) Before resorting to force to gain entrance to the premises, the authorised official carrying out the written authorisation must audibly demand admission and must announce his or her purpose, unless he or she reasonably believes that doing so may induce a person to destroy, dispose of, or tamper with, the article or document or object that is the focus of the inspection.

Liabilities and compensation

64. The Municipality will not be liable for damages or compensation arising from anything done by it in terms of this By-law.

False statement or information

65. No person may make a false statement or furnish false information to the Municipality, an authorised official or an employee of the Municipality, or falsify a document issued in terms of this By-law.

Appeals

66. A person whose rights are affected by a decision of the Municipality in terms of delegated authority may appeal against that decision by giving written notice of the appeal and the reasons therefor in terms of section 62 of the Local Government Municipal Systems Act, Act 32 of 2000 to the municipal manager within twenty-one (21) days of the date of notification of the decision.

Offences

67. (1) It is an offence for any person to—
- (a) refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access;
- (b) obstruct, interfere or hinder an authorised official who is exercising a power or carrying out a duty under this By-law;

- (c) fail or refuse to provide an authorised official with a document or information that the person is required to provide under this By-law;
 - (d) give false or misleading information to an authorised official;
 - (e) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of this By-law;
 - (f) pretend to be an authorised official;
 - (g) alter an authorisation to an authorised official or written authorisation, compliance notice or compliance certificate issued in terms of this By-law;
 - (h) enter any premises without a written notification in circumstances requiring such notification;
 - (i) act contrary to a written notice or document issued in terms of this Chapter;
 - (j) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of this By-law, except –
 - (i) to a person who requires that information in order to perform a function or exercise a power in terms of this By-law;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) if the disclosure is in compliance of the provisions of any law.
 - (k) contravene or fail to comply with any of the provisions of this By-law;
 - (l) fail to comply with any notice issued in terms of this By-law;
 - (m) fail to comply with any lawful instruction given in terms of this By-law;
 - (n) Contravene or fail to comply with any conditions imposed upon the granting of any licence, consent approval, concession, exemption or authority in terms of this By-law.
- (2) A person who causes or incites another person to commit an offence referred to in subsection (1), or who, being in a position of authority over another person, permits or allows him or her to commit an offence, will be guilty of that offence.

Penalties

68. (1) Any person who contravenes any of the provisions of section 67 shall be guilty of an offence and liable on conviction to—
- (a) a fine or imprisonment or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.
- (2) In addition to any penalty imposed in terms of subsection (1) the Municipality may terminate the rendering of waste services to such a person.
- (3) The Municipality may without compensation, confiscate the property or other equipment or instruments through which unauthorised services were obtained.

Application of this By-Law

69. This by-law applies to all persons or bodies, including organs of State, situated within the area of jurisdiction of the Theewaterskloof Local Municipality.

Jurisdiction of Magistrates Court

- 70.** Notwithstanding any other provision referred to in any legislation regarding 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.

Repeal of By-laws

- 71.** The by-law listed in Schedule "A" is hereby repealed.

Short title and commencement

- 72.** This By-law is called the Integrated Waste Management By-law, Noof 2024 and commences on the date of publication in the Western Cape Provincial Gazette.

SCHEDULE A**BY-LAWS REPEALED**

The following By-law is hereby repealed in terms of section 71 of this By-law:

NUMBER AND YEAR OF NOTICE	TITLE OR SUBJECT	EXTENT OF REPEAL
Provincial Gazette 7430 dated 21 July 2015	Theewaterskloof Municipality: Waste Management By-law	In full

