

**BUFFALO CITY METROPOLITAN  
MUNICIPALITY INTERGRATED WASTE  
MANAGEMENT BY-LAW**

**DEPARTMENT OF SOLID WASTE  
MANAGEMENT SERVICES**

**MARCH 2022**



**BUFFALO CITY  
METROPOLITAN MUNICIPALITY**

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## **REPEAL OF BY-LAWS AND TRANSITIONAL ARRANGEMENTS**

The Buffalo City Metropolitan Municipality hereby publishes the Integrated Waste Management By-laws set out below, promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and section 9(3)(a) - (d) of the National Environmental Management: Waste Act, 2008.

### **Purpose of the Integrated Waste Management Bylaw**

- To make provision for the collection and removal of domestic waste and business waste.
- To require waste generators to collect and remove bulky waste, building waste, garden refuse, hazardous waste, industrial waste, health care waste, special domestic waste and special industrial waste;
- To provide for the temporary storage of waste pending collection, to provide for the operation of garden refuse sites, to impose obligations regarding special industrial waste, hazardous waste and health care waste,
- To provide for proof of disposal of building waste, to impose obligations regarding event waste;
- To provide for waste management plans to encourage the recycling of waste;
- To provide for the conduct at municipal waste disposal sites;
- To regulate private waste removal contractors, to impose penalties for dumping and other offences and to provide for matters incidental thereto;
- To provide for integrated waste management and matters incidental there to, to give effect to the environmental right in section 24 of the Constitution, by regulating collection, storage, disposal and other waste management activities within the jurisdiction of Buffalo City Metro Municipality;
- To provide in conjunction with any other applicable law, an effective legal and administrative framework within which the Municipality can manage and regulate waste management activities to ensure that waste is avoided, otherwise minimized, reused, recycled, recovered, treated and remainder thereof is disposed of in an environmentally sound manner, to promote and to ensure an effective delivery of waste services.

### **Preamble**

**WHEREAS** the “Buffalo City Metropolitan Municipality” has the Constitutional obligation to provide services including refuse removal, collection and disposal;

**AND WHEREAS** poor waste management practices can have adverse impact on the environment in and beyond Municipal boundaries;

**AND WHEREAS** the “Buffalo City Metropolitan Municipality” is committed to ensure that all residents, organisations, institutions, businesses, visitors or tourist and public bodies are able to access services from a legitimate waste service provider;

**AND WHEREAS** the “Municipality” wishes to regulate waste collection, separation, storage, processing, treatment, recycling, reuse and disposal of waste including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimising the generation and impact of waste;

**AND WHEREAS** the “Municipality” promotes the waste hierarchy and waste diversion approach as outlined in the National Waste Management Strategy.

## **CHAPTER 1:**

**BE IT THEREFORE ENACTED BY THE COUNCIL OF BUFFALO CITY METRO MUNICIPALITY AS FOLLOWS:**

**DEFINITIONS, OBJECTIVES AND PRINCIPLES**

**1. Definitions**

In this by-law, any word or expression to which a meaning has been assigned in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and associated regulations shall have the meaning so assigned and, unless the context indicates otherwise.

**“Building waste”** includes all waste produced during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rock displaced during such construction, alteration, repair or demolition;

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

**“by-law”** means legislation passed by the municipality’s council which is binding on persons who resides within, visiting the area of authority of the municipality or using municipal services;

**“Garden waste”** means organic waste which emanates from gardening or landscaping activities at residential, business or industrial premises including but not limited to grass cuttings, leaves, branches, and includes any biodegradable material and excludes waste products of animal origin and bulky waste;

**“Health care risk waste”** means waste capable of producing any disease and includes, but is not limited to the following:

- (a) laboratory waste;
- (b) pathological waste;
- (c) isolation waste;
- (d) genotoxic waste;
- (e) infectious liquids and infectious waste;
- (f) sharps waste;
- (g) chemical waste; and
- (h) pharmaceutical waste;

**industrial waste**” means waste generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include building waste, business waste, special industrial waste, hazardous waste or domestic waste;

**“litter”** means waste, excluding hazardous waste, arising from activities in public areas that has not been deposited of in a public litter container;

**“municipality”** means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

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

**“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(s)”** in relation to any premises, means any person who is in actual occupation of such premises and if no person is in actual occupation thereof, any person who, whether as owner, lessee, licensee or otherwise has, for the time being, control of such premises and shall include a street trader who occupies a site for the purposes of such street trader's business;

**"owner"** means the registered owner, lessee or occupier of premises, or the person in charge or control of any premises or part thereof, who is over 18 years of age, and any person who obtains a benefit from the premises or is entitled thereto;

**"receptacle"** means an approved container having a capacity for temporary storage of waste in terms of these by-laws;

**"service provider/contractor"** means the person, firm or company whose tender/quotation has been accepted by or on behalf of the Municipality and includes the contractor's heirs, executors, administrators, trustees, judicial managers or liquidators, as the case may be, but not, except with the written consent of the Municipality, any assignee of the contractor;

**"tariff"** means the prescribed charge determined by the Municipality in terms of any applicable legislation for any service rendered by the Municipality in terms of these by-laws.

## **2. Objectives of the by-laws**

(1) The objectives of these by-laws are to –

- a) Promote the Waste Management Hierarchy and Waste Diversion in terms of the National Waste Management Strategy,
- b) Regulate the collection and removal of the household and business waste by the Municipality to ensure effective and efficient waste management services provision.
- c) Provide for collection and removal of other types of waste.
- d) Ensure proper waste management of events.
- e) Prohibit dumping of waste and impose appropriate penalties for such action.
- f) Prohibit burning of waste and impose appropriate penalties for such actions and other offences.
- g) Manage and promote waste diversion e.g., recycling of waste and provide for the regulation of waste pickers.
- h) Provide for the registration of waste transporters and generators.

## **3. Scope of application**



- (1) These by-laws must be read with any applicable provisions of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).
- (2) In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction of the municipality shall prevail to the extent of the inconsistency.
- (3) The by-laws do not override any other national and provincial waste related legislation.

#### **4. ENVIRONMENTAL MANAGEMENT PRINCIPLES**

In implementing these By-Laws, the Municipality may require any generator or holder of waste to take reasonable measures to ensure that the objectives are given effect to.

These include, but not limited to:

- i. Providing information to the Municipality for purposes of waste management within the Municipality.
- ii. Presenting to the Municipality that any activity required to be authorized in terms of any National Provision or this By-Law is so authorized.
- iii. Investigating, accessing, and evaluating the impact that any activity or process within the Municipality has on the environment.
- iv. Any person exercising a power in accordance with these by-laws must; at all times; seek to promote the waste management hierarchy approach as outlined in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the National Waste Management Strategy, which is promoting waste avoidance and minimisation, waste reuse, recycling and recovery, waste treatment and disposal.
- v. The by-laws seek to promote sustainable development and environmental justice through fair and reasonable waste management, measures within the jurisdiction of the Municipality.
- vi. The by-laws promote participation of all municipal residents in the promotion of responsible citizenship by ensuring sound waste management practices within residential and industrial environments.

- vii. The environmental management principles shall serve as the general framework within which environmental management plans must be developed or implemented.
- viii. The environmental management principles shall provide guidelines by reference to which any decisions in terms of this By-Law or any statutory environmental management provisions is taken.
- ix. The environmental management principles will provide guidance in terms of the interpretation, administration, and implementation of this By-Law in relation to the protection of the environment.

## **5. Duty of care**

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

- (a) waste generation is avoided and where such waste cannot be avoided, minimise the toxicity and amounts of waste;
- (b) waste is reduced, reused, recycled or recovered;
- (c) where waste must be disposed of the waste is treated and disposed in an environmentally sound manner;
- d) the waste is managed in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts.

(2) Any person subject to the duty imposed in subsection (1) may be required by the Municipality or an authorised official to take measures to ensure compliance with the duty.

(3) The measures referred to in subsection (2), that a person may be required to undertake include –

- (a) investigation, assessment and evaluation of the impact that their activities, the process or a situation have on the environment;

- (b) informing and educating employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing damage to the environment;
- (c) ceasing, modifying or controlling any act, process, situation or activity which causes damage to the environment;
- (d) containing or preventing the movement of pollutants or other causes of damage to the environment;
- (e) eliminating or mitigating any source of damage to the environment; or
- (f) rehabilitating the effects of the damage to the environment.

(4) Any person conducting an activity listed in Annexure1 of the National Waste Information Regulations of 2012 shall conform with the National Waste Information Regulation available on [www.environmental.gov.za](http://www.environmental.gov.za) under documents.

(5) Any person responsible for the disposal of waste must comply with the Waste Classification and Management regulation of 2013 available on [www.gov.za](http://www.gov.za) under GCIS documents.

## **6. Responsibility for event waste**

An event organiser and venue owner, as defined in section 1, is responsible for storing, collecting, recycling, and disposing of waste generated before, during and after an event. An event organiser and venue owner must ensure that an authorised waste removal contractor is contracted to collect and dispose of waste generated before, during and after an event in terms of this Bylaw.

## **7. Conduct at waste disposal facility**

No person may enter a waste disposal facility controlled by the Municipality for any purpose other than the disposal of waste in terms of this By-law and then only at such times and between such hours as the Municipality may from time to time determine .Every person who, for the purpose of disposing of waste, enters a waste disposal facility controlled by the Municipality must-enter the waste disposal facility only at an authorised access point as indicated by the Municipality ; present the waste weighing in the manner required by the authorised official; give to the authorised official all the

particulars required in regard to the composition of the waste; follow all instructions given to him or her with regard to access to the actual disposal point, the place where and the manner in which the waste should be deposited; provide the authorised official with full information as to the person who is liable to pay the tariff charge for the waste deposited to enable an account to be rendered to him or her, and provide the authorised official with a cash payment on his or her own behalf or on behalf of any person who is liable to pay the tariff charge for the waste deposited.

No person may bring any intoxicating liquor or any drug onto a waste disposal facility controlled by the Municipality. No person may cause or allow a vehicle in his or her charge to remain at a disposal facility for longer than is necessary for the discharge of waste. If for any reason a vehicle becomes incapable of leaving the site under its own power the person in charge of the vehicle must take immediate steps to prevent any obstruction on the site by the vehicle and to remove it from the site.

In failing to comply with subsection (5) , an authorised official may take steps to remove the vehicle from the site, or cause these steps to be taken, at the cost of the owner of the vehicle .Neither the Municipality nor any employee of the Municipality incurs liability to the owner for any loss or damage which may be suffered by him or her as a result of any action taken in terms of subsection (6). No person may deliver to or discharge at a waste disposal facility any liquid waste or cause the same to be done, except with the prior written permission of the Municipality and in accordance with such conditions as may be imposed by it.

## **8. Access to premises**

An authorised official is entitled to access any premises on which waste is generated for the purpose of ensuring compliance with this By-law; and delivery of any notice required under this By-law. An authorised official is entitled to take samples of waste and to test any waste found on the premises in order to ascertain its composition.

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

### **9. Duty to provide waste management services**

1. The Municipality has a duty to the residents and community to ensure provision of efficient, effective, and sustainable waste management services.
2. The duty referred to in (i) the above is subject to
  - a) Obligations of the members of the community, other than those declared indigent by the Municipality, to pay the prescribed fees for provision of the waste management services. The fee shall be in accordance with the nationally prescribed norms and standards for rates and tariffs, and
  - b) The right of the Municipality to categorize users and geographical arears when setting services standards & levels of service for the provision of the waste management services.

## **10. Provision of the Waste Management Service**

1. The Municipality shall provide for the collection of domestic or households waste and business waste on a regular basis at a cost to end-users according to the tariff policy.
2. The Municipality shall provide the waste management services that include collection, transportation, and disposal of waste within its jurisdiction, but may appoint one or more service providers to conduct this function on its behalf.
3. The Municipality may enter into a service delivery agreement with a service provider in terms of the Municipal Systems Act 2000.
- (4) Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the Municipality and which must-
  - (a) be in accordance with the provisions of these by-laws;
  - (b) be accessible to the public;
  - (c) establish the conditions of the service including collection times; and
  - (d) provide for the circumstances in which Municipal services may be limited.
5. In providing the waste management service the Municipality may determine:
  - a) Collection schedule
  - b) Quantities of waste to be collected

- c) Requirements for provision of water storage, access to storage areas in terms of premises.
- d) Placement of the approved receptacles for collection
- e) Waste suitable and unsuitable for collection & informing of owner

#### **11. Provision of approved Waste Receptacles**

1. A receptacle provided by the Municipality remains the Municipality's property and may not be removed except on days of waste collection and for purposes of waste collection only.
2. The owner of premises for which the Municipality provides approved waste receptacles shall be liable for its replacement should such receptacle be lost or damaged except in cases where damage or loss is caused by the Municipal employee or Municipal service providers while conducting their duties.
3. No person may place a receptacle for waste collection by the Municipality other than the one provided by the Municipality.

### **CHAPTER 3:**

#### **12. Obligations of Generators & Handlers of Domestic on Household Waste and Business Waste**

(1) Any person or owner of premises where general waste is generated must ensure that such waste is stored in a receptacle provided or approved by the Municipality.

(2) Any person or owner of premises contemplated in subsection (1) must ensure that-

- (a) the receptacle is stored inside the yard where applicable, away from the public area when still waiting for collection;
- (b) on agreed collection date, it should be placed outside the premises in an area accessible to the municipal officials or service providers;
- (c) pollution and harm to the environment is prevented;
- (d) waste cannot be blown away and that the receptacle is covered or closed;
- (e) measures are in place to prevent tampering by animals;
- (f) nuisance such as odour, visual impacts and breeding of vectors do not arise;
- (g) suitable measures are in place to prevent accidental spillage or leakage;
- (h) the receptacle is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of the waste;
- (i) that a receptacle(s) provided by the Municipality is not used for any other purpose other than storage of waste;
- (j) in cases where a receptacle (s) is damaged or corroded, the owner or occupier must notify the Municipality and arrange for replacement as soon as it comes to their attention;
- (k) waste is only collected by the Municipality or authorised service provider; and
- (l) in cases where an owner or occupier is not available on the day of collection, make necessary arrangements to ensure that waste is accessible for removal or collection.

3. The owner or occupier of premises must ensure that:

- a) No unwrapped broken glass ..... or household or business waste that may cause injury to the Municipal employees or damage to municipal waste-receptacle is placed in a waste, without taking the necessary steps to prevent injury or damage.
- b) No waste or material that is likely to make the waste receptacle unreasonably heavy to be carried or handled by the Municipal employee should be placed in an approved receptacle.

### **13. Collection and transportation**

(1) The Municipality may -

- (a) only collect waste stored in approved receptacles;
  - (b) set collection schedules for both commercial and residential properties for reasons of health, safety or environmental protection.
  - (c) collect waste outside the set schedule on request by any person and at a fixed tariff agreed to by both parties prior to collection.
  - (d) set the maximum amount of quantities of waste that will be collected;
  - (e) identify waste streams which may not be collected by the Municipality or which are unsuitable for collection; and where such a case exist, advice the owner of alternatives
- (2) Any person transporting waste within the jurisdiction of the Municipality must –

#### Model By-Law on Waste Management

- (a) ensure that the receptacle or vehicle or conveyance is adequate in size and design for the type of waste transported;
- (b) remove or transport the waste in a manner that would prevent any nuisance or escape of material;
- (c) maintain the receptacle or vehicle or conveyance in a clean, sanitary condition at all times;
- (d) not permit waste transported to become detached, leak or fall from the receptacle or vehicle or conveyance transporting it;
- (e) ensure that waste is transported or deposited at a waste transfer station, recycling facility and/or disposal facility licensed to accept such waste;
- (f) ensure that the vehicle is not used for other purposes whilst transporting waste;
- (g) apply to the Municipality to register as a transporter of waste in accordance with the requirements set out by the Municipality and adhere to all the conditions attached to the registration.

#### **Liability to pay for the Municipal Service**

- ❖ The prescribed fee is payable on the date stipulated in the account.
- ❖ The owner of the premises is liable to pay the Municipality the prescribed fee for the provision of the Solid Waste Management Service in terms of the Municipality's



approved tariff policy, and is not exempted from or not entitled to reduction of the amount of such fee as a result of not writing or partially using the said premises

#### **14. Waste transfer facility**

(1) Any holder of waste must –

- (a) utilise appropriate waste transfer stations as directed by the Municipality or service provider; and
- (b) adhere to the operational procedures of a transfer station as set out by the Municipality.

#### **15. Waste disposal**

(1) Waste generated in the municipal area must be disposed of at a waste disposal facility as directed by the Municipality.

(2) In disposing of waste, the operator of the site must comply with the provisions of any other legislation regulating the disposal of waste.

(3) Any person disposing waste at a Municipal owned disposal site must adhere to the site operational procedures approved by the Municipality.

(4) All private waste disposal sites within the jurisdiction of the Municipality, must comply to a local norms and standards and any other relevant legislation.

### **CHAPTER 4: WASTE MINIMIZATION, DIVERSION OF WASTE & PARTNERSHIPS FOR WASTE SERVICES.**

#### **16. The Municipality shall establish appropriate facilities to ensure waste minimisation diversion and recycling of waste.**

(1) The Municipality can partner with various stake holders to enhance waste services & community livelihoods e.g. Adopt a spot, adopt a street, and process to do this is attached hereto.

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

## **CHAPTER 5: INFORMAL RECYCLERS**

- (1) Informal recyclers may not scatter the contents of the waste receptacles from which they retrieve items.
- (2) Informal recyclers shall leave the space they sort and repack their items clean at all times.

### **17. Registration and provision of waste information**

- (1) Any person who conducts an activity, which has been identified in terms of provincial and/or national waste information system must, upon request, present to the Municipality proof that such an activity is registered and reporting the required information.
- (2) The Municipality may, at its own discretion and as reasonably possible, require any facility, person of activity to register and report to the Municipality any other

information for the purpose of facilitating effective waste management within its jurisdiction.

## **CHAPTER 6: LISTED WASTE MANAGEMENT ACTIVITIES**

### **19. Commencement, conducting or undertaking of listed waste management activities**

(1) Any person conducting a listed waste management activity listed in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), must upon request by an official of the Municipality, provide proof of compliance with the requirements of a licence issued by the competent authority

(1) Any person conducting or intending to conduct any activity contemplated in subsection 6 (1) must, at least sixty (60) days before commencement, conducting or undertaking such activity, inform the Municipal waste management officer in writing of the intention.

## **CHAPTER 7: PROVISION FOR REGISTRATION OF WASTE TRANSPORTERS**

### **18. Requirements for registration**

(2) Any person who transports waste for gain must adhere to the requirements as set out in section 25 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

(2) The Municipality may, by notice in the provincial gazette, require any person or category of transporters to register and report to the Municipality information as set out in that notice. The notice may include but not limited to-

- (a) the application forms;
- (b) condition for renewal of driving licence or disk
- (c) list of transporters, types and thresholds of waste transported;
- (d) minimum standards or requirements to be complied with.

(3) Registration for the Transportation of Hazardous Waste Transportation must ensure that the provision of the Dangerous Goods Act are met and confirmation of the BCMM Chief Fire Officer must be attached as part of the application for registration.

## **CHAPTER 8: GENERAL PROVISIONS**

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

(1) The Municipality, or owner of premises in the case of privately-owned land, must take reasonable steps to ensure that sufficient and appropriate receptacles are provided for the discarding of litter by the public, in any place to which the public has access.

(2) The Municipality, or owner of privately-owned land, must ensure that all receptacles installed on the premises for the collection of litter are –

- (a) maintained in good condition;
- (b) suitably weighted and anchored so that they cannot be inadvertently overturned;
- (c) constructed in such a manner as to ensure that they are weatherproof and animal proof;
- (d) of suitable size to contain all litter likely to be generated on the premises and by the users thereof;
- (e) placed in locations convenient for the use by users or occupants of the premises to discourage littering or the unhealthy accumulation of waste; and
- (f) emptied and cleansed periodically or when full. The emptying and cleansing of receptacles must be done frequently to ensure that no receptacle or its contents may become a nuisance or provide reasonable grounds for complaint.

(3) In any public place where a receptacle has been placed for the depositing of litter, the Municipality may put up notices about littering

## **21. Prohibition of littering**

(1) No person may –

- (a) cause litter;
- (b) sweep any waste into a gutter, onto a road reserve or onto any other public place;
- (c) disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause the contents of the receptacle to spill or fall onto the ground around it; and
- (d) allow any person under his control to do any of the acts contemplated in paragraphs (a), (b) or (c) above.

(2) Notwithstanding the provisions of subsection 8 (1), the Municipality, or owner in the case of privately-owned land to which the public has access, must within a reasonable time after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed.

(3) The owners of any private land or building shall take measures to prevent the land from being used for dumping and to clean up all waste dumped on the land immediately upon becoming aware or being notified.

The reasonable measures required may include:

- a) Fencing of the land or building
- b) Creating a “No dumping signage”
- c) Security measures to monitor or enforce anti-dumping measures on the land or building

(4) Should the owner fail to comply with the above the Municipality may take measures to prevent the dumping on the property and the cost incurred in that regard may be recovered from the owners.

## **22. Prohibition of nuisance**

(1) Any person handling waste within the Municipality, either through storage,

collection, transportation, recycling or disposal must-

- (a) take reasonable measures to prevent nuisance, injury, harm, damage, annoyance or inconvenience to any person and the environment;
- (b) take measures to remedy any spillages, harm, damage or nuisance referred to in section (a) above;
- (c) at their own cost, clean any waste causing nuisance to any person or the environment;
- (d) ensure compliance to the notice contemplated in sub section (1) (c); the Municipality may clean or remedy waste causing nuisance to any person or the environment, at the Municipality's cost and claim such cost from the offender.

### **23. Burning of waste**

(1) No person may-

- (a) dispose of waste by burning it, either in a public or private place;
- (b) incinerate waste either in a public or private place except in an incinerator licensed by the relevant national or provincial authorities to do so, or at a place designated by the Municipality for such purpose.

### **24. Unauthorised disposal/dumping**

(1) No person may except with the permission of the occupier, owner or of the person or authority having control thereof, dump, accumulate, place, deposit, leave or cause or allow to be dumped, accumulated, placed, deposited or left any waste whatsoever, whether for gain or otherwise, on or in a public place; any drain, watercourse, flood prone areas, tidal or other water in or in the vicinity of any road, highway, street, lane, public footway or pavement, roadside or other open space to which the public have access; or private or municipal land.

(2) The local authority may at the expense of an owner of land, person in control of land or a person who occupies the land rehabilitate any damage caused to the environment as a result of the activity or failure of the person referred to in

subsection (1) to take reasonable measures to prevent unauthorised disposal or dumping.

**Private Land & illegal dumping: Issuing of Notice attached hereto as an Annexure**

**25. Abandoned articles**

(1) Any article, other than a motor vehicle deemed to have been abandoned in terms of the Road

Traffic Act, which, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition of such article, is reasonably regarded by the Municipality as having been abandoned, may be removed and disposed of by the Municipality as it may deem fit

(3) The Municipality may remove and dispose of any article which is chained or fastened to any pole, parking meter or any other property belonging to the council, without authorisation as it may deem fit.

**26. Liability to pay applicable tariffs**

(1) The owner of premises where the Municipality is rendering waste services contemplated in this by-law is liable for the payment of prescribed tariffs for such services and is not exempted from or reduction of such tariffs due to non-usage, partial or limited use of such services.

(2) The Municipality reserves the right to review such tariffs contemplated in subsection (1) on an annual basis.

(3) The Municipality may exempt any person or category of persons deemed to be falling in in the indigent category from paying prescribed tariffs for waste management services as outlined in the Municipal Indigent Policy.

**27. On-site disposal**

- (1) The Municipality may, as it deem fit in an area where a municipal waste management service is not already provided, after consultation with the concerned community, declare an area(s) as demarcated for on-site disposal of general waste.
- (2) A declaration contemplated in subsection (1) must be published in a provincial gazette and may include but not limited to—
  - (a) time frames for such a declaration;
  - (b) minimum standards to be adhered to for on-site disposal; and
  - (c) quantity of waste that may be disposed.
- (3) The Municipality has a right to inspect the areas contemplated in subsection (1) on a regular basis.

## **28. Storage, collection, composting and disposal of garden waste**

- (1) The owner or occupier of the premises on which garden waste is generated, may compost garden waste on the property, provided that such composting does not cause a nuisance or health risk.
- (2) The owner or occupier of the premises on which garden waste is generated and not composted, must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.
- (3) The Municipality may, as far it is reasonably possible, direct any transporter of garden waste or any person providing garden maintenance services, to transport their garden waste to a designated transfer station or facility provided by the Municipality.
- (4) At the written request of the owner or occupier of premises the Municipality or service provider may, in its sole discretion, deliver an appropriate receptacle for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste; at a prescribed additional tariff.

## **29. Collection and disposal bulky waste**



(1) Any person generating bulky waste must ensure that such waste is collected and recycled or disposed of at a designated facility and may not put such waste as part of the municipal routine collection.

(2) At a request of the owner or occupier of any premises, the Municipality may remove bulky waste from premises at a prescribed tariff, provided that the Municipality is able to do so with its refuse removal equipment.

(3) In case a Municipality has been called to remove illegally dumped waste on vacant land, the Municipality may remove that waste subject to subsection (2) and charge the owner of that vacant land.

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

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

(a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;

(b) the premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;

(c) any building waste which is blown off the premises is promptly retrieved; and

(d) pursuant to any instructions from the Municipality, any structure necessary to contain the building waste is constructed.

(2) Any person may operate a building waste removal service subject to adherence to relevant legislation.

(3) Should the Municipality provide such a service, it shall be done at a prescribed tariff.

(4) The owner or occupier of premises may apply to the Municipality for written consent to place an appropriate receptacle for the storage and collection of building waste in the road reserve for the period of such consent.

#### **Model By-Law on Waste Management**

(5) Every receptacle, authorised in terms of subsection (4) and used for the removal of building

waste, must –

(a) have a clear approved receptacle;

(b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and

(c) be covered at all times other than when actually receiving or being emptied of such waste so that no displacement of its contents can occur.

(6) The owner or occupier of premises on which building waste is generated must ensure that the waste is disposed of at a facility designated for that purpose by the Municipality.

(7) For the purpose of reclamation of land, reuse or recycling, building waste may with written consent of the Municipality, be deposited at a place other than the Municipality's waste disposal sites.

(8) A consent given in terms of subsection (7) shall be subject to the conditions, as the Municipality may deem necessary.

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

(1) Any waste generator who generates special industrial, hazardous or health care risk waste or an owner of premises where such waste is generated must contract with an accredited service provider to collect and dispose of such waste at a licensed hazardous waste disposal facility.

(2) Subsection (1) does not apply to generators of waste who have the capacity to conduct the service.

(3) Any person transporting industrial, hazardous or health care risk waste must ensure that the facility or place to which such waste is transported is authorised to accept such waste prior to offloading the waste from the vehicle.

## **CHAPTER 9: ADMINISTRATIVE MATTERS COMPLIANCE AND ENFORCEMENT**

### **32. Exemptions**

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

(2) The Municipality may –

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

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

(c) refuse to grant an exemption.

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

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

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

### **33. Appeals**

(1) A person whose rights are affected by a decision taken by the Municipality in terms of these by-laws, may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000) to the municipal manager or delegated official within 21 days of the date of the notification of the decision.

### **34. Offences**

Any person, who—

(a) contravenes or fails to comply with any provisions of these By-laws;

(b) fails to comply with any notice, directive or order issued or condition imposed in terms of or for the purposes of these By-laws;

(c) fails to comply with any lawful instruction given in terms or for the purposes of these By-laws; or

(d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws, is guilty of an

offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months and in the case of a continuing offence, to a further fine or in default of payment, to imprisonment not exceeding one day for every day that the offence continues after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

### **35. Penalties**

- (1) Any person who contravenes or fails to comply with a provision of these by-laws is guilty of an offence and liable on conviction to imprisonment for a period not exceeding fifteen years or to a fine or to both such fine and imprisonment.
- (2) The court may in addition to any penalty imposed in terms of subsection (1), order a person to repair the damage, make good the loss, rehabilitate the environment, or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.

### **36. Dumping: Naming and shaming**

Council may publish the name of any person convicted of dumping in contravention of this By-law together with that person's offence. This information may be published on Council's website, Council's notice boards, in the media or any other manner deemed appropriate by the Council.

### **37. Short title and commencement**

- (1) These by-laws are called Waste Management By-laws of the Buffalo City Metropolitan Municipality and take effect on the date determined by the Municipality in the provincial gazette.
- (3) Different dates may be so determined for different provisions of these by laws.

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

- (1) Any by-law relating to waste management or refuse removal or disposal within the

Municipality or any of its predecessors or areas formerly existing under separate Municipalities or other organs of State is repealed from the date of promulgations of these by-laws.

### **39. Transitional Arrangement**

A person who conducts a waste management activity listed in this By-Law on the date of coming into effect of the By-Law, and who immediately before that date; lawfully conducted that waste management activity under any law; notice or By-Law ; may continue with the activity until such time that the Municipal manager by notice in the Provincial Gazette directs that person/s to comply with the provisions of this By Law.

### **40. Review of by laws**

(1) This by-law will be reviewed after a period of three (3) years from the date of its promulgation in the Provincial Government Gazette.