Swartland, South Africa

Waste Management By-law, 2011

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Swartland
South Africa

Waste Management By-law, 2011

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To regulate the provision of solid waste services in the area of jurisdiction of the Council and to provide for matters connected therewith.

Be it enacted by the Municipal Council of the Swartland Local Municipality. in terms of Section 156(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) read with Section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as follows:-

Chapter 1
General Provisions

1. Definitions and interpretation

In this By-law and the Schedule thereto, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates -

"**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;

"**applicable charge**" means the rate, charge, tariff, flat rate, subsidy or any other cost prescribed by the Council from time to time;

"**approved**" in the context of bins, bin liners, refuse bags, containers, receptacles and wrappers, means approved by the Councilor a licensed service provider for the collection and storage of waste;

"**approved business waste container**" means a refuse bag, a receptacle with a storage capacity of 85/90 litre, a receptacle with a storage capacity of 240 litre or any other approved container prescribed by the Council;

"**approved domestic waste container**" means a refuse bag, a receptacle with a storage capacity of 240 litres or any other approved container prescribed by the Council;

"**authorised official**" means a waste management officer or other person in the employ of the Council, authorised by the Council for the purposes of this By-law, or if the Council has appointed a 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 service provider by the Council in terms of section 81 (2) of the Systems Act or another applicable law;

"**bulky waste**" means domestic waste or business waste which, by virtue of its mass, shape, size or quantity, cannot easily be accumulated in or removed from its approved container;

"**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 compostable garden waste;

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

"**collection**" means the act of collecting domestic or business waste at the place of generation or storage by the Councilor a licensed service provider and removal has a similar meaning;

"**commercial services**" means any waste management service, relating or connected to accumulating, collecting, managing, recycling, sorting, storing, treating, transporting, disposing, buying or selling of waste or any other manner of handling waste excluding municipal services rendered by the Council;

"**compostable garden waste**" means organic waste which emanates from normal domestic gardening activities, including grass cuttings, leaves, plants, flowers and other similar small and light biodegradable material that could easily be accumulated in a refuse bag, but excluding non-compostable garden waste or waste generated as a result of garden services activities;

"**Council**" means the Swartland Local Municipality established by Provincial Notice No. P.N. 485/2000 or its successors in title;

"**dailies**" means putrescible business waste generated by hotels, restaurants, food shops, hospitals and canteens that must be collected on a more frequent basis, normally 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;

"**DEA**" means the national Department of Environmental Affairs;

"**DEA&DP**" means the provincial Department of Environmental Affairs and Development Planning;

"**disposal coupon**" means a coupon approved by and obtainable from the Council and entitling the holder thereof to use it to dispose waste of a prescribed volume and type at a waste disposal facility or a waste handling facility;

"**domestic hazardous waste**" means hazardous waste generated in a household in minimum quantities consistent with the home use of materials such as paints and solvents, automotive wastes, pesticides, electronics, aerosols, cleaning agents, batteries,

fluorescent lamps and refrigerant containing appliances;

"**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, or old age home;

(b) educational, sport or recreational purposes;

(c) purposes of public worship, including a hall or other building used for religious purposes and includes compostable garden waste, domestic health care waste and domestic hazardous waste but excludes hazardous waste, business waste, building waste, non-compostable garden waste, bulky waste, special waste, liquid matter or night soil;

"**dump**" means placing waste anywhere other than in an approved receptacle or a place designated as a waste handling facility or waste disposal facility by the Council;

"**DWA**" means the National Department of Water Affairs;

"**ECA**" means the Environment Conservation Act, 1989 (Act No. 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 56;

"**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; .

"**environmental restoration cost**" means the full cost of all measures necessary to restore the environment to its condition prior to an incident which caused damage to it, and in the event of this not being possible the value of the cost benefit that has been lost through the damage to or destruction of the environment;

"**event waste**" means waste that originates from the activities related to an event that is held in the municipality;

"**e-waste**" means electric and electronic equipment waste such as lighting equipment, circuit boards, mobile phones, computers, television sets and audio visual equipment that are still mainly treated as domestic or business waste but with a high need and potential for recycling;

"**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 or industrial premises;

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

"**hazardous 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;

"**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;

"**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;

"**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;

"**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 sorters of waste such as recycling or waste minimisation groups, scrap dealers and buy-back centres;

"**industrial waste**" means waste generated as a result of manufacturing, industrial, fabricating, processing, dismantling or maintenance activities and may include waste generated by 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 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 Council 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 Credit Control and Debt Collection By-law of the Council;

"**level of service**" means the frequency of municipal service and the type of service point;

"**licensed service provider**" means a person or entity approved by and registered with the Council and having obtained a licence to collect and transport specified types of waste in the municipal area;

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

"**material recovery**" means any process where material is removed from the waste stream with the purpose to re-use, recycle or treat the material so removed;

"**minimisation**" means the steps are taken by the Council, 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 Environmental Affairs;

"**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 Councilor a service provider on behalf of the Council, in accordance with this By-law;

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

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

"**non-compostable garden waste**" means branches and tree stumps more than 40mm in diameter that need to be shredded in order to become compostable;

"**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;

"**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 Council 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 No. 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 Council, in terms of a scheme that allows for the purchase price to be paid in instalments and who has not received transfer from the Council;

"**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) radioactive or other waves; or 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 ert 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 Council from time to time;

"**prescribed fee**" means a fee including a tariff or charge determined by the Council by resolution;

"**prescribed tariff**" means a schedule of prescribed fees as entailed in the Council's Tariff By-laws;

"**priority waste**" means waste declared to be such by the Councilor in terms of national or provincial legislation and may call for emergency measures to be taken by the Council;

"**public notice**" means notice to the public in a manner determined by the Council;

"**public place**" includes any public building, public road, overhead bridge, subway, foot pavement, footpath, sidewalk, lane square, open space, garden, park, enclosed space vested in a Council, 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;

"**recovery**" means a process where waste is reclaimed, which process could involve the separation of waste from a waste stream for further use;

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

"**receptacle**" means an approved container for the purpose of temporary storage of domestic waste or business waste until removal thereof by the Council or a licensed service provider;

"**recyclable waste**" means waste that could be separated from the waste stream and set aside for purposes of re-use or recycling;

"**refuse**" means domestic waste and business waste which is of such a size and form that it could be deposited in an approved domestic waste container or an approved business waste container or any other matter which in the opinion of the Council constitutes refuse;

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

"**SAWIS**" means the national waste information system established by the national government in accordance with NEMWA;

"**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 Council;

"**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 No. 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 No. 32 of 2000);

"**tariff**" means the annually revised user charge for the provision of the municipal service, determined and promulgated by the Council through its Tariff By-laws in terms of the Systems Act;

"**transport**" means the movement of waste from one place to another;

"**waste**" means any substance, whether or not that substance can be reduced, re-used, recycled and recovered-

(a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;

(b) which the generator has no further use of for the purposes of production

(c) that must be treated or disposed of; or

(d) that is identified as a waste by the Minister by notice in the Gazette, and includes waste generated by the mining, medical or other sectors, but-

(i) a by-product is not considered waste; and

(ii) any portion of waste, once re-used, recycled and recovered ceases to be waste;

"**waste disposal facility**" means any site or premise which receives waste for treatment or disposal thereof, and w!1ich is operated in terms of a license obtained from a statutory license 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 accordance with NEMA;

"**waste Information system**" means SAWIS;

"**waste management activity**" means anyone or more of the activities, as listed in and from time to time amended by NEMA, that a holder of waste may be involved in;

"**waste management officer**" means a person designated by the Council to be responsible for co-ordinating matters pertaining to waste management for the Council;

"**waste management plan**" means a waste management plan required by the Council in terms of this By-law and NEMWA;

"**waste management services**" means services that relate to anyone or more of the waste management activities;

"**waste removal system**" means a system by means of which refuse is removed and disposed of by the Council;

"**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 and the storage, stockpiling and disposal;

"**working day**" means a day other than a Saturday, Sunday or public holiday but in the context of the Council's waste disposal facilities it includes all calendar days except Sundays, Christmas Day and New Year's Day.

2. Principles

(1) The Council has the responsibility to ensure that all waste generated within the municipal area is-

(a) 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 of a waste management hierarchy in the following order of priority-

(a) avoidance, minimisation arid reduction of waste;

(b) re-use of waste;

(e) recycling, re-claiming, 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.

3. Main objects

(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 regulate the pursuance of an integrated waste management approach;

(c) to regulate the provision of municipal services by a service provider and commercial services by licensees; and

(d) to enhance sustainable development.

(2) In pursuing the main objects of this By-law, the Council shall-

(a) endeavour to ensure local community involvement in local waste planning;

(b) endeavour to minimise the consumption of natural resources;

(c) promote the recycling and re-use of waste;

(d) encourage waste separation to facilitate re-use and recycling;

(e) promote the effective resourcing, planning and delivery of municipal services and commercial services;

(f) endeavour to achieve integrated waste management, planning and services in a local context;

(g) promote and ensure environmentally responsible municipal services and commercial services; and

(h) endeavour to ensure compliance with the provisions of this By-law.

4. Duties and obligations

(1) A holder of waste must take all reasonable measures to:

(a) reduce or avoid waste generation and minimise the toxicity of waste generated;

(b) re-use, recycle and recover waste;

(c) dispose waste in an environmentally sound manner;

(d) manage waste in a manner not endangering health or the environment and cause no nuisance related to sight, noise or odour;

(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 sells a product which may be used by the public and is likely to result in the generation of hazardous waste must 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 Councilor 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 of 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

5. Waste management plans

(1) Council shall-

(a) establish, review and revise its integrated waste management plan in accordance with the prescriptions of national 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) Council may request any holder of waste to submit to it a copy of its industry waste management plan as required in terms of national legislation.

(3) All events organised and hosted in the municipal area must at least one month prior to the event taking place submit to the Council a waste management plan that includes the waste management services to be provided and such other information as required by the Council.

(4) The Council may grant conditional exemption in terms of subsection (3) depending on the size, nature and duration of the event;

(5) An owner or occupier or any other person responsible for a new development must submit a waste management plan including such information as the Council requires prior to the start of the development to the Council.

6. Waste information system

(1) The Council 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 when required.

(2) The Council may require from a holder of waste or any person to furnish the Council 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 Council to discharge its responsibilities in terms of subsection (1).

(3) The Council may request a person or holder of waste that it reasonably believe should be registered on the SAWIS to effect such registration and submit proof thereof to the Councilor to submit proof of not conducting a waste management activity obligating such registration within a time that the Council regards as reasonable.

7. Waste minimisation and recycling

(1) The Council shall in accordance with its responsibilities and its resources progressively implement measures to reduce waste and promote the recovery, re-use and recycling of waste including waste separation at source in respect of appropriate levels of services.

Chapter 3
Collection of Refuse

8. Levels of service

(1) The levels of refuse 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 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.

9. Agreement of service

(1) Council shall render a service for the collection of business and domestic refuse from built upon premises at such charges as it may determine by resolution and the owner or occupier of such premises shall make use of the refuse collection service provided by the Council.

(2) The occupier of premises or, in the case of premises being occupied by more than one occupier, the owner of such premises on which business or domestic waste is generated, shall where a collection service is available, within seven days of such occupation or changes in such occupation notify the Council in writing-

(a) that the premises is being occupied by one or more occupier; and

(b) whether the collection service is for business or domestic purposes.

(3) An owner or occupier of a business or residential premise is liable to pay the Council the prescribed fee for the provision of refuse collection services on the due date for payment stipulated in the account, failing which the Council will deal with the matter in accordance with its Credit Control and Debt Collection By-laws.

(4) A business may elect to contract with a licensed service provider to collect its refuse but the owner or occupier of the business premises shall not be entitled to exemption from or a reduction in a charge determined by the Council merely on the grounds that no or limited use is made of the service rendered by the Council.

(5) Availability tariffs may be charged on vacant plots, as determined by Council from time to time.

(6) The Council will determine which waste items are unsuitable for collection because they do not constitute domestic waste or business waste, and if waste is determined to be unsuitable for collection, a process for removal and disposal of such waste shall be recommended to the owner of the waste or occupier of the premises.

(7) If the Council's scheduled collection services are interrupted for whatever reason, the Council will resume the service as soon as reasonably possible and address backlogs as a matter of priority.

(8) Complaints about the refuse collection service will be dealt with in accordance with the Client Services Charter of the Council.

10. Frequency

(1) The Council 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 collection arrangements reasonably in advance by one or more appropriate methods.

(2) The Council will determine which business premises generate waste that can be regarded as dailies and the frequency of the collection of refuse from such premises.

(3) If the Council is of the opinion that a business creates a nuisance, health risk, odour or danger to public health due to the fact that refuse is not removed during weekends, Council may instruct the owner or occupier to make use of the additional refuse collection services rendered during weekends at an extra cost or to contract a licensed service provider to collect the refuse during weekends at own cost.

11. Volume

(1) Council shall determine-

(a) the number of refuse bags or receptacles to be collected from each residential premise per collection;

(b) 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.

12. Receptacles

(1) The Council 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 in this By-law or any notice in terms of this By-law. Waste placed in a location or a container not meeting the prescriptions of the Council will not be collected.

(2) Receptacles for the temporary storage of waste at business and residential premises must be intact, not corroded or worn out and fit for the safe storage of waste; such that damage to the environment and harm to health are prevented.

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

(4) The owner or occupier of business or residential premises must ensure that-

(a) a receptacle contains no hot ash, unwrapped glass or other domestio waste, business waste including dailies which may cause injury to Council's employees while carrying out their duties in terms of this By-law or damage to the receptacle;

(b) no material, including any liquid, which by reason of its mass or other characteristics is likely to render a receptacle unreasonably difficult for Council employees to handle or carry, is place in such receptacle;

(c) receptacles are kept closed to avoid animal and insect interference and wind-blown litter and in a clean and hygienic condition;

(d) receptacles are placed outside the entrance to the premises before a time and on a day of the week specified by the Council by written notice to the owner or occupier of the premises, except where, in response to a written application to the Council, the Council has made an exception in case of an elderly or disabled person;

(e) in accordance with Council specifications, whether contained in Council approved building plans or a Council notice, space and any other facility deemed necessary by the Council are provided on the premises for the storage of receptacles without these been visible from a public road or public place and the space so allowed permitting convenient access to and egress for Council's waste collection vehicles;

(f) the pavement in front of or abutting the premises is kept clean and free of refuse.

(5) If dailies are generated, the owner or occupier must ensure that-

(a) the dailies are not placed in a receptacle where they could contaminate another waste stream;

(b) the receptacles are placed not more than 20 metres from the entrance to the premises from where the waste is collected by the Council.

(6) Notwithstanding anything to the contrary contained in this By-law, the Council 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 receptacles must be placed for the collection and removal of waste and such receptacles must then be placed in that position at such times and for such period as the Council may require.

(7) No owner or occupier of premises is allowed to place any refuse bags or other receptacles containing waste other than domestic or business waste outside the premises unless approved by the Council for a specific purpose and subject to conditions as the Council may impose.

(8) Approved bins used as receptacles for domestic and business waste are at cost obtainable from the Council.

13. Communal collection

(1) The Council shall place appropriate bulk receptacles at central communal collection points determined by the Council as suitable for communal collection.

(2) Communal collection points will be clearly demarcated areas.

(3) The bulk receptacles will be in accordance with Council 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 Council's waste collection vehicles.

(4) The waste will as far as reasonably possible be collected once per week or within 24 hours of a bulk receptacle being reported full to the Council.

(5) Waste separation at source will be encouraged in respect of communal collection by providing separate bulk receptacles for non-recyclable and recyclable waste at the communal collection points should the Council determine it to be viable.

14. Collection in rural areas

(1) It is not economically viable for the Council to provide bulk waste containers or any other form of collection of waste throughout its rural areas therefore communities and farmers are encouraged to make use of the Council's coupon system to dispose of waste at designated Council waste handling or waste disposal facilities.

(2) Notwithstanding the above, Council will in co-operation with rural communities work to find cost-effective ways to expand waste collection practices to the rural areas.

(3) The Council is in accordance with national legislation not in favour of on-site disposal of waste but may allow on-site waste disposal in rural areas if no other feasible alternatives could be made available; in which case, the Council will monitor such practices and exercise control over it in so far as it is reasonably possible.

15. Recycling

(1) Any owner or occupier of a business or residential premise or any other holders of waste as determined by Council and in areas as determined by Council may be required to-

(a) separate their compostable garden waste from the remainder of their domestic or business waste using the receptacles prescribed in this By-law;

(b) divide their waste in recyclable, e.g. e-waste and non-recyclable waste in accordance with directives of the Council;

(e) use different receptacles for waste so separated;

(d) drop these recyclable waste receptacles off at places as directed by Council; and

(e) follow any other reasonable prescribed procedures.

(2) The Council will locate drop-off centres for recyclables in all the towns at places ensuring easy and safe access for the public.

16. Accumulation of waste

(1) The owner or occupier of a business or residential premise 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 Councilor regularly removed by a licensed service provider, the owner or occupier of the premises and/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 Council 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 Council 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 Waste

17. Composting

The owner or occupier of premises on which garden waste is generated may compost garden waste on the property, provided that such composting does not cause a nuisance nor has a detrimental impact on human and environmental health.

18. Disposal of non-compostable garden waste

The owner or occupier of premises on which non-compostable garden waste is generated must remove and dispose of it within a reasonable time after generation of the waste at the nearest waste handling or waste disposal facility unless otherwise determined by the Council.

Part 2 – Bulky Waste

19. Removal and disposal

(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 days after generation thereof at the nearest waste handling or waste disposal facility unless otherwise determined by the Council.

(2) At the request of the owner or occupier of any premises the Council may remove bulky waste from premises, provided that the Council is able to do so with its refuse removal equipment and at a charge as determined by the Council.

Part 3 – Building Waste

20. Plans and inspection

(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 manner in which building waste will be handled.

(2) An authorised official of the Council must inspect and verify that the waste arrangements contemplated in subsection (1) were followed and all building waste disposed of as part of the final Council sign-off of the building activities.

21. Generation and storage

(1) Notwithstanding the waste arrangements contemplated in section 20, 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 Council may approved the use of a bulk receptacle placed on a verge for a specified duration.

(3) Council 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 may determine a tariff for the use of such containers should these be provided by the Council.

22. Removal and disposal

(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 not later than one month after it was generated.

(2) Building waste must be disposed of at the closest waste handling or waste disposal facility unless otherwise determined by the Council.

Part 4 – Special Industrial, Health Care and Hazardous Waste

23. Notification and verification

(1) Any person that will engage in activities which will generate special industrial, hazardous or health care waste must prior to the generation of such waste, notify the Council in writing of the composition of such waste, the quantity to be generated, how and where it will be stored, how it will be collected and disposed of and the identity of the licensed 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 Council as contemplated in subsection (1) within ninety days of the commencement of this By-law.

(3) If so required by the Council a notification referred to in subsection (1) or (2) must be substantiated by-

(a) an analysis of the waste composition certified by an appropriately qualified industrial chemist; and

(b) a written confirmation of how the waste is collected. transported and disposed of by the licensed service provider.

(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 Council a written report containing the information stipulated in subsection(1), if so required by the Council, the substantiating documents referred to in subsection (3) and any other information which the Council 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.

24. Storage

(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.

(2) If waste referred in subsection (1) is not stored in accordance with these stipulations, the Council 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 Council may proceed to do so at the cost of the owner or occupier of the premises where the waste is stored.

25. Collection and disposal

(1) Only a licensed 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 site licensed and designated by the Council to receive such waste.

(2) A licensed 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 or SANS codes.

Part 5 – Industrial Waste and Special Waste

26. Storage

(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 a licensed service provider from the premises on which it was generated-

(a) the waste is stored in approved containers which are not kept in a public place;

(b) no nuisance, health risk or environmental damage is caused by the waste in the course of generation or storage.

27. Collection and disposal

(1) Only a licensed service provider may collect industrial or special waste from premises where it is stored and transport and dispose of it at a waste disposal site licensed and designated by the Council to receive such waste.

(2) A licensed 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 or SANS codes.

(3) The Council may determine specific times for acceptance of special waste at the site referred to in subsection (1).

Part 6 – Tyres, Disused Vehicles or Machinery and Scrap Metal

28. Storage and disposal

(1) No owner or occupier of premises may temporary accumulate, store or stockpile waste tyres, disused vehicles or machinery or scrap metal unless licensed to do in terms of national legislation.

(2) Waste tyres, disused vehicles or machinery and scrap metal are not accepted at any of the Council's own waste handling or waste disposal facilities. Any person having to dispose of any of these materials must dispose thereof at a waste disposal site as directed by the Council and in terms of conditions determined for such waste disposal site.

(3) The Council may enter the premises of any person involved in the storage or stockpiling of waste tyres, disused vehicles or machinery or scrap metal and request proof of any plans, licenses or other applicable documents to verify compliance with applicable legislation.

Part 7 – Recyclable Waste

29. Storage, collection and disposal

(1) No owner or occupier of premises or any other person may 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, obtain a waste management licence in terms of national legislation, and if applicable, provincial legislation, for such activity and provide the Council with a copy of the waste management plan submitted as part of the licence and such other information as the Council may require.

(3) Only a licensed service provider may collect recyclable waste from premises where it is generated and/or separated from other waste and transport· and dispose of it at a waste handling facility or a waste disposal facility licensed and deSignated by the Council to receive such waste.

Part 8 – Agricultural and Farm Waste

30. Disposal

(1) An owner or occupier of farm land may use on-site disposal of waste but burning of waste is strictly prohibited without written approval of the Council.

(2) An owner or occupier of farm land may not dispose any quantity of hazardous waste, which may be present in agricultural waste, to the land unless in possession of a waste management license in terms of national legislation, and if applicable, provincial legislation.

(3) The general waste, which may include agricultural and farm waste, disposed by an owner or occupier of farm land may not exceed the quantity of such waste allowed for disposal in terms of national and/or provincial legislation unless authorised thereto by a valid waste management license as required by the said legislation.

(4) An authorised official of the Council may request an owner or occupier of farm land to provide proof of the licences referred to in subsections (2) and (3).

(5) An owner or occupier of farm land may apply in writing to make use of the Council's waste handling and waste disposal facilities, the approval of which will provide the applicant access to the Council's coupon system and disposal of waste excluding hazardous and health care waste at waste handling or a waste disposal facilities as directed by the Council in its approval.

Chapter 5
Transportation and Disposal

Part 1 – Transportation of Waste

31. Safe transportation

(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.

32. No wastage or spillage

(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.

33. Legal compliance

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

Part 2 – Waste Disposal

34. Permitted use

(1) The Council prescribes 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.

(2) Different tariffs for the disposal of different waste types and volumes are applicable as from time to time determined by the Council.

35. Liabilities

(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 Council as contemplated in section 34(1) will be liable for all reasonable costs incurred by the Council in removing or otherwise dealing with the waste improperly disposed.

(2) Council 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.

36. Conduct at Facilities

(1) No person shall 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 Council may from time to time determine.

(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 Council;

(c) follow all instructions with regard to access to the actual disposal, transfer or recycling point and the place where and the manner in which the waste should be deposited; and

(d) where applicable, purchase and/or show the required disposal coupon in accordance with the weight of the waste disposed.

(3) No person shall bring any intoxicating liquor or narcotic substances into any waste handling or waste disposal facility.

(4) The Council may prescribe the maximum size of a vehicle allowed to enter a waste handling or waste disposal facility.

37. Accepting waste from others

(1) Council 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 Council's authority and ownership of the said waste disposal facility.

(2) Council may allow a person to dispose waste generated outside the Council's municipal area at a designated waste disposal facility of the Council provided such person first becomes a licensed service provider as provided for in this By-law.

(3) The tariffs applicable to licensed service providers referred to in subsection (2) may differ from the waste disposal tariffs stipulated in the Council's Tariff By-laws, as determined from time to time by the Council.

Chapter 6
Littering and Dumping

38. Provision of facilities for litter

(1) The Council must take reasonable steps to ensure that a sufficient number of receptacles 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.

39. Littering and dumping

(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) An authorised official will act against any of the contraventions listed in subsection (1) 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 Council considers necessary to clean up or remove the waste and rehabilitate the affected environment within a specified time.

(3) 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.

(4) Should the Council 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 Council for the removal operation.

(5) In the case of hazardous waste, the Council will immediately remove such waste and thereafter issue notices to the person liable for the cost of removal and rehabilitation of the environment.

40. Burning of waste

Burning of waste is strictly prohibited unless the written approval of Council has been obtained.

41. Abandoned objects

A person who abandons any article 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 – Licensed Service Providers for Commercial Services

42. Licence applications

(1) No person may provide commercial services for the collection and transport of waste excluding garden waste in the municipal area unless such person has registered with the Council and obtained a licence authorising these waste management activities within the municipal area.

(2) An application for a license must be submitted in writing in a format or on a form prescribed by the Council including such information as the Council requires and the prescribed fee and, unless subsection (3) applies, Council 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 days of such commencement date submit an application for a licence 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 Council will consider and grant or reject the application submitted in terms of subsection (3) within thirty 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.

43. Terms and conditions of licences

(1) A licence will-

(a) clearly identify the license holder;

(b) specify the licence period;

(e) specify the categories of waste which the licensed service provider may collect, transport and dispose;

(d) outline the information recording and submission requirements of the Council for its own integrated waste management plan and SAWIS; and

(e) deal with other procedural matters.

(2) A licence for the collection and transport of wasle-

(a) may not be ceded or assigned without the prior written consent of the Council;

(b) is valid for one year from the date of issue; and

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

(3) A licence authorisation will include a display sticker for each of the vehicles identified in the 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 Council will not receive waste at its waste handling facilities or waste disposal facilities from contractors who are not able to provide proof of the licence authorisation should it be requested and without a licence sticker on the vehicle.

(5) A licensed service provider may not fail or refuse to provide the Council with any information reasonably requested with regards to the terms and conditions of the licence or give false or misleading information.

(6) A licensed service provider is fully liable for any act or omission by any of his or her employees that could be seen as a transgression of the licence conditions and/or have a detrimental impact on human health or the environment.

44. Renewal of licences

(1) A licence renewal application must be submitted at least sixty days prior to the expiry date of a current licence and will be considered and either granted or rejected by the Council within thirty days of receipt of the renewal application. The Council must provide reasons for the rejection of a licence renewal.

(2) Notwithstanding anything to the contrary in this By-law, the Council will temporary extend a licence for a specific duration not exceeding thirty days if a licensed service provider followed the correct procedure as contemplated in subsection (1) and due to Council processes, the renewal application has not been considered and a new licence granted or rejected.

45. Suspension and revocation of licences

(1) The Council may suspend or revoke a licence if a licensed 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 Council as substantive reason to revoke or suspend a licence.

(2) The Council shall give a licensed service provider written notice of the intended suspensior:l or revocation of his or her licence and thirty days from the date of issuing the notification to submit reasons for such action not to be taken by the Council.

(3) The Council will make a final decision within fourteen days of the expiry of the period stated in subsection (2) irrespective of a representation was received from the licensed service provider and notify the licensed service provider in writing within seven days of taking a final decision.

46. Licence exemptions

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

47. Consumer responsibilities

(1) The owner or occupier of premises or the holder of waste that contracts with a licensed service provider must ensure that-

(a) the service provider is licensed to collect and transport the categories of waste for which he or she is contracted;

(b) until such time as the licensed 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 licence.

Part 2 – Municipal Service Providers

48. Outsourcing of services

Council may enter into agreements with external service providers, whether public or private, for the rendering of municipal waste services and activities but shall do so in accordance with municipal, provincial and national legislation.

49. Consumer charter

If a service provider as contemplated in section 48 is appointed by the CounCil, 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

50. Ownership

(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 Council who then becomes the owner thereof.

51. Access to premises

Should the Council be impeded from collecting or handling refuse due to the layout of the premises and/or such layout is likely to result in damage to private property or Council property or injury to Council employees, the Council may require the owner or occupier to do such alterations as necessary at own cost to remove any impediments, failing or refusing which, the Council will suspend the service and require the owner or occupier to indemnify the Council in writing in respect of such damage or injury or any claims arising of either before resuming the service.

Chapter 9
Enforcement and Legal Services

52. Compliance with this By-law and other laws

(1) The owner or occupier of premises is responsible for ensuring compliance with this By-law in respect of all or any of its stipulations.

(2) Any person who, or an entity which, requires a waste related license or authorisation in terms of national, provincial or municipal legislation will have to prove on request, to an authorised official that such person or entity has obtained the appropriate license by submission thereof to the Council within 30 days or such other period as specified by the authorised official.

53. Authorisation of an authorised official

(1) The Councilor a service provider as contemplated in section 48 of this By-law, may authorise any person in its employ to be an authorised official.

(2) The waste management officer of the Council is an authorised official.

54. Functions and powers of an authorised official

(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.

(2) Subject to the provision of any other applicable law, an authorised official must carry out the functions contemplated in this section and the powers set out herein.

55. Service of notices and documents

(1) A notice or document issued by the Council 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.

56. Compliance notices

(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) will-

(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 and state his or her case in writing to the Council within a specified period, unless the owner, occupier or other person was given such an opportunity before the notice was served;

(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 Council 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, within the specified period, comply with a written notice served on him or her by the Council in terms of this By-law, the Council 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, as the case may be; or

(b) Instituting legal proceedings against the owner, occupier, or other person, as the case may be in terms of section 112 of the Systems Act; and/or

(c) The imposition of a fine.

(4) In. the event of an emergency, notwithstanding any other provisions of this By-law, the Council may without prior notIce undertake the work contemplated in subsection (3) and recover such costs from the owner, occupier or other person. as the case may be.

(5) The actual costs recoverable by the Council 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 penod 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.

57. Power of entry and inspection

(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.

58. Using force to enter

Force may not be used to affect entry to execute work or conduct an inspection on any premises in terms of section 112 of the Systems Act, unless an emergency arises.

59. Liabilities and compensation

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

60. False statement or information

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.

61. Appeals

An appeal to a decision of the Council taken in terms of this By-law must be made in terms of section 62 of the Systems Act by giving written notice of the appeal and the reasons therefor within twenty one days of the date of notification of the decision to the municipal manager.

62. Offences

(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) falsely alter an authorisation to an authorised official or written authorisation, comphance notice or compliance certificate issued in terms of this Chapter;

(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 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.

63. Penalties

(1) Any person who contravenes any of the provisions of section 62 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 Council as a result of such contravention or failure.

(2) In addition to any penalty imposed in terms of subsection (1) the Council may terminate the rendering of waste services to such a person.

(3) The Council may without compensation. confiscate the property or other equipment or instruments through which unauthorised services were obtained.

64. Application of this By-law

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

65. Repeal of By-laws

The By-laws listed in Schedule "A" are hereby repealed.

66. Interpretation

In the event of a conflict between the English and Afrikaans versions of this By-law, the English version shall be decisive.

67. Short title and Commencement

This By-law is called the Waste Management By-law, No. ..... of 2011 and commences on the date of publication in the Provincial Gazette.

Schedule A

By-laws repealed

The following By-laws are hereby repealed in terms of section 65 of this By-law:

NUMBER AND YEAR OF NOTICE	TITLE OR SUBJECT	EXTENT OF REPEAL
P. N. 26/1998	Malmesbury Transitional Local Council: By-law relating to refuse removal and disposal	In full

P.N.5859/2002	Swartland Local Municipality: By-law relating to Control of disposal sites	In full
P.N. 5859/2002	Swartland Local Municipality: By-law relating to Dumping of disused vehicles and rubbish	In full
P.N.0688/1998	Moorreesburg Transitional Local Council: By-law relating to Refuse removal and disposal	In full
P.N. 1309/1966 as amended by P.N.012611969; P.N.0066/1975; P.N.0104/1977; P.N.0477/1978	Darling Municipality: By-law relating to Removal of refuse	In full
P.N.0201/1991	Koringberg Municipality: By-law relating to Removal and disposal of refuse	In full