

THE GUIP – EXTRACTS FROM THE WASTE REMOVAL BY – LAW

6 No. 1722 PROVINCIAL GAZETTE, EXTRAORDINARY, 25 AUGUST 2016

Read with

NUISANCES AND BEHAVIOUR IN PUBLIC PLACES BY-LAW, 2015

DOMESTIC AND BUSINESS WASTE REMOVAL SERVICE

5.(1) The Municipality must itself, or through an authorised waste removal contractor, provide a service for the collection and removal of domestic waste and business waste from premises within its area of jurisdiction.

5.(6) The Municipality may give written notice to any waste generator calling on him or her to comply with the provisions of this section within a period specified in the notice.

***** Litter/Waste prohibition**

9.

(1) No person may within a public place, deposit, dump or discard any waste or litter—

in a manner that detracts from the cleanliness of such public place or which causes a nuisance; and (b) anywhere other than in a receptacle provided by the Municipality for that purpose.

(2) No person may permit any waste or litter from any land or premises to be discarded, dumped, stored, kept or disposed of in such a manner that such waste or litter causes a nuisance.

***** 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*.

***** Public Place** means—

(a) a public road;

(b) any parking area, square, park, recreation ground, sports ground, swimming pool, sanitary lane, open space, beach, shopping centre on municipal land, unused or vacant municipal land or cemetery which has—

(i) in connection with any subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;

(ii) at any time been dedicated to the public;

(iii) been used without interruption by the public for a period of at least thirty years expiring after 31 December 1959; or

(iv) at any time been declared or rendered as such by the Municipality or other competent authority;

(c) a public transportation motor-vehicle; or

(d) a municipal property, premises or facility which the public has access to,

but will not include public land that has been leased or otherwise alienated by the Municipality;

*** **domestic waste** means waste typically generated on residential premises, including the manure or dung of any animal or bird kept as a domestic pet, but **excluding:**

(a) sand;

(b) earth;

(c) liquid matter;

(d) garden refuse;

(e) the carcass of any animal

*** **business waste** means waste generated on premises used for non-residential purposes and includes waste generated by informal traders and waste generated on residential premises from which business activities are undertaken, regardless of whether or not these activities are lawful, but **excludes:**

(a) bulky waste;

(b) building waste;

(c) garden refuse;

(d) hazardous waste;

(e) industrial waste;

(f) health care waste;

(g) recyclable waste;

*** **occupier** includes—

(a) any person, including the owner, in actual occupation of premises regardless of the title under which he or she occupies those premises, if any.

*** **owner** means—

(a) the person who is the registered owner of the premises in the relevant Deeds Office;

(b) where the registered owner of the premises is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration

and control of his or her property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
(c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of the premises or a building or buildings on the premises;
(d) in a case where such premises have been leased for a period of 30 years or longer, the lessee of the premises; or
(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) as common property, the developer or the body corporate in respect of the common property; or
(ii) a section as defined in the Sectional Titles Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person.

***** Waste collection day**

9.

(1) The Municipality must indicate the days on which it will collect domestic waste and business waste from the different areas under its jurisdiction.

(2) A waste generator must, before 07:00 on waste collection day for the area within which his or her premises fall, ensure that all waste containers and disposable plastic refuse bags containing domestic waste or business waste are placed—

- (a) immediately outside the boundary of the premises;
- (b) on the nearest street boundary; or
- (c) in such other place as may be determined by the Municipality.

(3) The waste generator must ensure that the waste containers are properly closed and that they do not cause any obstruction to pedestrian or vehicular traffic.

***** Waste Bags Disposable plastic bags and waste containers for domestic waste**

13.

(1) The Municipality must provide each domestic waste generator with a—

- (a) number of refuse bags as determined by the Municipality; or
- (b) waste container if, in the Municipality's discretion, the waste generated by the waste generator is more appropriately stored in a waste container.

(2) The Municipality may, in its discretion, distribute the disposable plastic refuse bags at

intervals which are convenient given its operations in each of the areas under its jurisdiction.

(3) Every waste generator must, if he or she has been provided with disposable plastic refuse bags by the Municipality, ensure that waste generated from his or her premises is placed only in waste bins lined with those bags and is not placed directly into a waste bin.

***** Garden refuse, special domestic waste and bulky waste**

16. The Municipality is not obliged to collect and remove garden refuse, special domestic waste or bulky waste.

17.

(1) Each waste generator of garden refuse, special domestic waste or bulky waste must–

(a) remove the waste and dispose of it at a waste disposal site against payment of the

tariff charge; or

(b) make arrangements with an authorised waste removal contractor for the removal and the disposal of the waste at a waste disposal site at the waste generator's cost.

***** Building Waste**

32. The Municipality is not obliged to collect and remove building waste.

33.

(1) Each waste generator who generates building waste must–

(a) remove, or cause to be removed, such waste and dispose of it at a waste disposal

site against payment of the tariff charge; or

(b) make arrangements with an authorised waste removal contractor for the removal of

the waste and the disposal of the waste at a waste disposal site against payment of the tariff charge.

35.

(1) It is an offence for any person to deposit building waste at any place other than a waste disposal site.

***** Dumping: whistle blowing**

51.

(1) The Municipality may establish mechanisms to assist members of the public to report

instances of dumping in contravention of this By-law.

(2) Any whistle blowing mechanism established in terms of subsection (1) may, at the

discretion of the Municipality, provide for the reporting of dumping on an anonymous

or other

basis.

***** Dumping: naming and shaming**

52.

(1) The Municipality may publish the name of any person convicted of dumping in contravention of this By-law, along with details of that person's offence.

(2) The names and details of dumping in contravention of this By-law, as contemplated in

subsection (1), may be published–

(a) on the Municipality's website;

(b) by posting these details on the Municipality's notice boards;

(c) in the media; or

(d) in any other manner deemed appropriate by the Municipality.

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