



DRAFT INTEGRATED WASTE MANAGEMENT BYLAWS

FOR

MOGALE CITY LOCAL MUNICIPALITY

Compiled by

Department: Integrated Environmental Management

Integrated Waste Management Division

Mogale City Local Municipality

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TABLE OF CONTENTS

CHAPTER 1: DEFINITIONS, PRINCIPLES AND OBJECTS

1. Definitions
2. Principles

CHAPTER 2: MUNICIPAL SERVICE

3. Duty to provide access to municipal service
4. The provision of the municipal service
5. Obligations of generators of domestic waste, business waste and dailies
6. Liability to pay for municipal service
7. Payment of the applicable tariffs jointly or individually
8. Collection and Removal of Business and Domestic Refuse: Access to premises

CHAPTER 3: TEMPORARY WASTE STORAGE

9. Skip or Bulk containers
10. Business temporary waste storage
11. Business Waste Management Plan (BWMP)
12. Temporary storage of Garden and Bulky Refuse
13. Temporary storage of building rubble
14. Provision of Refuse Containers
15. Use and Care of Bin Liners and 240L Bins

CHAPTER 4: WASTE TRANSPORTERS

16. Transportation of waste

CHAPTER 5: WASTE HANDLING FACILITIES

17. Matters related to waste handling facilities

18. Recycling, re-use, sorting and recovery of waste
19. Public Gathering

CHAPTER 6: DISPOSAL OF WASTE

20. Matters related to the disposal of waste
21. Procedure of disposing of waste at the landfill site
22. Waste Quantity Disposal Limits and Applicable Tariffs
23. Damage to municipal property
24. Disposal of dead animals and bulky food waste
25. Rules and indemnity for reclaimers and buyers
26. Offences and penalties

CHAPTER 7: LITTERING, DUMPING AND ANCILLARY MATTERS.

27. Accumulating waste
28. Duty to provide facilities for litter
29. Prohibition of littering
30. Prohibition of Dumping and Abandoning Articles
31. Abandoned Articles
32. Liability of responsible People

CHAPTER 8: AUTHORISED OFFICIALS

33. Identification documents
34. Powers of authorised officials

CHAPTER 9: WASTE INFORMATION SYSTEMS

35. Establishment of an information system
36. Provision of Information

CHAPTER 10: LICENSING

37. Matters related to Licensing

38. Notices
39. License applications
40. Consideration of the Applications
41. License terms and conditions
42. Renewal of licences
43. Suspension and revocation of licences
44. Condition for license cancellation at complexes and alike premises
45. Display of licenses
46. Applicable Fees
47. Service Charges and Fees
48. Waste collection from certain categories of premises
49. Prohibited conduct
50. Exemptions

CHAPTER 11: GENERAL PROVISIONS

51. Ownership
52. Access to Premises
53. Serving of documents
54. Charges
55. Storage and Collection of Waste (contractors, transporter/collectors, recyclers)
56. Collection and disposal of building waste

CHAPTER 12: OFFENCES AND PENALTIES

57. Compliance notices
58. LANDFILL SITE: Offences and penalties
59. Failure to Submit BWMP / Non Compliance

60. Offence and Penalties

61. Schedule of Fines

CHAPTER 1
DEFINITIONS, PRINCIPLES AND OBJECTS

1. Definitions

(1) In these By-laws, unless the context otherwise indicates-

“Authorised Official”	means any of the following persons, , Waste Management officer, Environmental health Practitioners, Municipal public safety officers, Peace Officers, Environmental management Inspectors, municipal waste management practitioner and any other official so appointed by the municipality
Agricultural Waste	
“Bin”	means an approved receptacle for the storage of waste which may be supplied by the Municipality to premises in terms of these By-laws.
“Building Waste”	means 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 municipal service provided by the Municipality.
“Business Waste”	means waste that emanates from premises that are used wholly or mainly for commercial, retail, wholesale, entertainment or government administration purposes;

"container"	means a disposable or re-usable vessel in which waste is placed for the purposes of storing, accumulating, handling, transporting, treating or disposing of that waste, and includes bins, bin-liners and skips;
"Disposal"	means the burial, deposit, discharge, abandoning, dumping, placing or release of any waste into, or onto, any land
"Damage to the Environment"	means any pollution, degradation or harm to the environment whether visible or not.
"Dailies"	means putrescible waste generated by hotels, restaurants, food shops, hospitals, and canteens that must be collected on a daily basis, to prevent the waste from decomposing and presenting a nuisance or an environmental or health risk.
"Domestic Waste"	means waste generated on premises used solely for residential purposes and purposes of public worship, including halls or other buildings used for religious purposes, but does not include business waste, building waste, garden waste or bulky waste.
"Dumping"	means placing waste anywhere other than an approved receptacle or a place designated as a waste handling facility or waste disposal facility by the Municipality.
"Environment"	means the surroundings within which humans exist made up of– (a) the land, water and atmosphere of the earth; (b) micro-organisms, plant and animal life;

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	<p>(c) any part or combination of (a) and (b) and the interrelationships among and between them; and</p> <p>(d) the physical, chemical aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;</p> <p>(e) has the meaning assigned to it in section 1 of the National Environmental Management Act No. 107 of 1998.</p>
“Garden Service”	means the provision of gardening services by a licensee including the cutting of grass, pruning of trees or any other horticultural activity including landscaping, in respect of any domestic, business, commercial or industrial premises.
“Garden Waste”	means waste generated as a result of normal domestic gardening activities, including grass cuttings, leaves, plants, flowers and other similar small and light organic matter, but does not include tree branches with a diameter thicker than 40 mm at any point of its length, bulky waste, building waste or any waste generated as a result of garden service activities.
“General waste”	means waste that does not pose an immediate hazard or threat to health or to the environment, and includes— <p>(a) domestic waste;</p> <p>(b) building and demolition waste;</p>

	<p>(c) business waste: and</p> <p>(d) inert waste</p>
“Health Care Risk Waste”	means all hazardous waste generated at any health care facility such as a hospital, clinic, laboratory, medical research institution, dental or medical practitioner or veterinarian.
“Informal Reclaimer”	means a person who salvages, reusable or recyclable materials thrown away by others to sell or for personal consumption.
“Industrial Waste”	means waste generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include building waste, business waste, dailies, special industrial waste, hazardous waste, health care risk waste or domestic waste.
“Level Of Service”	means the frequency of the municipal service and the type of service point.
“Licensee”	means any person who has obtained a licence in terms of Chapter 10.
“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 handling facility or waste disposal facility.

<p>“Local Community”</p>	<p>in relation to the Municipality means that body of persons comprising-</p> <ul style="list-style-type: none"> (a) the residents in the municipal area; (b) the ratepayers of the Municipality; (c) any civic organisation and non-governmental, private sector or labour organisation or body which is involved in local affairs within the municipal area; and (d) visitors and other people residing outside of the municipal area who, because of their presence in that area, make use of services or facilities provided by the Municipality.
<p>"Municipality"</p>	<p>means Mogale City Local Municipality as established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998):</p>
<p>“Municipal Manager”</p>	<p>means the Municipal Manager appointed in terms of section 82(1)(a) of the Municipal Structures Act No.117 of 1998</p>
<p>“Municipal Service”</p>	<p>means the municipal service relating to the collection of waste, including domestic waste, business waste and dailies, provided exclusively by the Municipality in accordance with Chapter 3 of these By-laws, and which in the case of business waste extends only to waste deposited in bin liners, bins and 240 litre wheeled bins.</p>

"Minimization"	means the avoidance of the amount and toxicity of waste that is generated and. in the event where waste is generated, the reduction of the amount and toxicity of waste that is disposed of
"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"	includes any person in actual occupation of land or premises without regard to the title under which he or she occupies, and, in the case of premises let, includes the person receiving the rent payable by the lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein.
"Owner"	includes any person who has the title to land or premises or any person receiving the rent or profits of land or premises, or who would receive such rent or profits if such land or premises were let, whether for his own account or as an agent for any person entitled thereto or interested therein and in relation to premises on a sectional title register opened in terms of section 12 of the Sectional Titles Act,

	1986 (Act No. 95 of 1986), means the body corporate as defined in that Act.
“Pollution”	means any change in the environment caused by – <ul style="list-style-type: none"> (a) any substance; or (b) noise, odour, dust or heat, emitted from any activity, including the storage or treatment of any waste or substance, construction and the provision of any service, whether engaged in by any person or an organ of state; (c) if that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of a natural or managed ecosystem, or on material useful to people, or will have such an effect in the future.
“Premises”	means an ERF or any other portion of land, including any building thereon or any other structure utilised for business, industrial, agricultural or residential purposes.
“Prescribed Fee”	means a fee determined by the Municipality by resolution in terms any applicable legislation.
“Public Place”	includes any public building, public road, overhead bridge, subway, pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space, vested in the Municipality, and any road, place or thoroughfare however

	created which is in the undisturbed use of the public or which the public has the right to use or the right to access.
“Public Road”	means any road, street or thoroughfare or any other place, whether a thoroughfare or not, which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes – <ul style="list-style-type: none"> (a) the verge of any such road, street or thoroughfare; (b) any bridge 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;
"Recycling"	means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material.
“Recyclable Waste”	means waste which has been separated from the waste stream, and set aside for purposes of recycling.
"Resident",	in relation to the municipal area, means a person who is ordinarily resident within that area.
“Storage”	means the storage of waste for a period of less than 7 days.
"Treatment"	means any method, technique or process that is designed to-

	<ul style="list-style-type: none"> (a) change the physical, biological or chemical character or composition of a waste; or (b) remove, separate, concentrate or recover a hazardous or toxic component of a waste; or (c) destroy or reduce the toxicity of a waste, in order to minimise the impact of the waste on the environment prior to further use or disposal
"Waste"	<p>means any substance, whether or not that substance can be reduced, re-used, recycled and recovered—</p> <ul style="list-style-type: none"> (a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of (b) which the generator has no further use of for (he 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 sector, but— <ul style="list-style-type: none"> (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"	<p>means any site or premise used for the accumulation of waste with the purpose of disposing of that waste at that site or on that premise;</p>

"Waste transfer facility"	means a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment or waste disposal facility;
"Waste transporter"	means anyone who collects and transport waste within the area of Mogale City Local Municipality
"Waste Hierarchy"	means acceptable guideline for prioritizing waste management practices with the objective of achieving optimal environmental outcome by setting out preferred order of waste management practices through the following order, avoidance, reduce, reuse, recycle, recover, treat and dispose.
"Waste Generator"	means any person who generates or produces waste.
"Waste Handling Facility"	means any facility on or in which waste is accepted, accumulated, handled, recycled, sorted, stored or treated prior to its transfer for treatment by way of incineration or for final disposal. The facilities shall include the following- garden / compost centre, Transfer stations, drop off centre, recycling centre, buy back centre, business waste storage areas.
"Waste Stream"	means a type of waste, including building waste; business waste; bulky waste; dailies; domestic waste; garden waste; hazardous waste; health care risk waste; industrial waste; recyclable waste and special industrial waste.

2. Principles

- (1) The Municipality has the responsibility to ensure that all waste generated within the municipal area is—
 - (a) collected, disposed of or recycled in accordance with these By-laws; and
 - (b) that such collection, disposal or recycling takes account of the waste management hierarchy set out in subsection (2).
- (2) The underlying principle of these By-laws is to establish a waste management hierarchy in the following order of priority:
 - (a) Avoidance, waste minimisation and waste reduction;
 - (b) re-use;
 - (c) recycling, reprocessing and treatment; and
 - (d) disposal.
- (3) Any authorised official must, as far as reasonably possible, take into account the hierarchy specified in subsection (2).

3. Main objects

- (1) The main objects of these By-laws are—
 - (a) the regulation, management, and control of waste storage, ~~the~~ collection, disposal, treatment and recycling of waste;
 - (b) the regulation of the provision of the municipal service by a service providers and commercial services by permits ~~licensees~~; and
 - (c) enhancing sustainable environmental management development.

- (2) In pursuing the main objects of these By-laws, and in particular the object set out in subsection (1)(c), the Municipality must-
- (a) endeavour to minimise the consumption of natural resources;
 - (b) promote the re-use and recycling of waste;
 - (c) encourage waste separation to facilitate re-use and recycling;
 - (d) promote the effective resourcing, planning and delivery of the municipal service and commercial services;
 - (e) endeavour to achieve integrated waste planning and services on a local basis;
 - (f) promote and ensure an environmentally responsible municipal service and commercial service; and
 - (g) endeavour to ensure compliance with the provisions of these By-laws.

4. Duty of care

- (1) Every person has a duty to manage any waste generated by his activities or the activities of those persons working under his direction in such a manner that the waste does not cause harm to human health or damage to the environment. In particular –
- (a) no person may engage in municipal services or commercial services or initiatives approved individually by the municipality in a manner that results in, or creates a risk of harm to human health or damage to the environment, except insofar as such risk of harm or damage is an unavoidable aspect of the municipal services or waste management service and has been authorised by the municipality and;

- (b) every person who generates waste or engages in municipal council services or municipal service provider or commercial services must take all reasonable measures to prevent any other person from contravening subsection (1) (a) above in relation to that waste.
- (2) Without limiting its generality, subsection (1) applies to an owner of land, premises or equipment, a person in control of land, premises or equipment or a person who has a right to use the land, premises or equipment on which or in which –
 - (a) any activity or process is or was performed or undertaken; or
 - (b) any other situation exists, which causes, or is likely to cause, harm to human health or damage to the environment.
- (3) Any person subject to the duty imposed in subsection (1) may be required by the council or an authorised person/s to take measures to ensure compliance with the duty.
- (4) The measures referred to in subsection 3 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.

CHAPTER 2

MUNICIPAL SERVICE

5. DUTY TO PROVIDE ACCESS TO MUNICIPAL SERVICE

- (1) The Municipality has a duty to the local community progressively to ensure efficient, affordable, economical and sustainable access to the municipal service
 - (a) The Municipality must render a service for the collection and removal of business, domestic, garden, builders, dry industrial refuse, bulky, mass special refuse from any premises on payment of the prescribed tariff and if the municipality can afford.
- (2) The duty referred to in subsection (1) is subject to –
 - (a) the obligation of the members of the local community to pay the prescribed fee, for the provision of the municipal service, which must be in accordance with any nationally prescribed norms and standards for rates and tariffs; and
 - (b) the right of the Municipality to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of the municipal service.
- (3) The Municipality must take the following factors into account in ensuring access to the municipal service:
 - (a) The waste management hierarchy as defined in chapter 1
 - (b) the need to use resources efficiently;
 - (c) the need for affordability;

- (d) the requirements of operational efficiency;
- (e) the requirements of equity; and
- (f) the need to protect human health and the environment.

6. THE PROVISION OF THE MUNICIPAL SERVICE

- (1) The Municipality must as far as reasonably possible and subject to the provisions of these By-laws, provide for the storage, and collection of domestic waste, business waste and dailies on a regular basis and at a cost to end users determined in accordance with the prescribed tariffs.
 - (a) The municipality requires that every household and business premises must have at least one 240 litres bin or bin liner or approved receptacle or at least one refuse removal service per week.
- (2) In relation to the municipal service, the Municipality may determine-
 - (a) the quantities of waste that will be collected;
 - (b) which residential or commercial premises require an increased frequency of the municipal service for reasons of health, safety or environmental protection;
 - (c) the minimum amount of waste that may be placed for collection without the provision of an additional service or payment of an additional prescribed fee;
 - (d) requirements for the provision of waste storage areas and access to such areas in respect of premises which are constructed or reconstructed after the commencement of these By-laws.;
 - (e) the collection schedules;

- (f) the location within any property for placing approved receptacles for collection;
 - (g) the type of waste generated by the occupier of any premises which is separable for the purposes of recycling and the conditions for its separation, storage or collection; and
 - (h) the waste which is unsuitable for collection as it does not constitute domestic waste, and if waste is determined to be unsuitable for collection, a process for collection of such waste should be recommended to the owner of the waste; subject to the municipality's approval.
- (3) The Municipality may provide, or instruct a generator of waste to provide, an approved receptacle for the storage of domestic waste, business waste and dailies pending collection or the Municipality may provide such receptacle which remains the property of the Municipality.
- (4) Any approved receptacle used may be collected, emptied and returned to the premises by the Municipality at such intervals as it may consider necessary.
- (5) The Municipality may at any time review any decision taken by it in terms of subsection (2).
- (6) The Municipality must in writing notify every generator of domestic waste, business waste and dailies of any decision taken in terms of subsection (2) or (3) relating to his or her premises.

7. OBLIGATIONS OF GENERATORS OF DOMESTIC WASTE, BUSINESS WASTE AND DAILIES

- (1) Any person generating domestic waste, business waste and dailies, other than waste which has been designated by the Municipality as recyclable as contemplated in section must place such waste, in an approved receptacle.
- (2) 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.
- (3) The owner or occupier of premises must provide space and any other facility considered necessary by the Municipality on the premises for the storage of approved receptacles.
- (4) The space provided in terms of subsection (3), must –
 - (a) be in a position on the premises which will allow the storage of any approved receptacle without it being visible from a public road or public place;
 - (b) if dailies are generated on premises –
 - (i) be in a position which will allow the collection and removal of that waste by the Municipality's employees without hindrance; and
 - (ii) not be more than 20 metres from the entrance to the premises used for the collection of waste by the Municipality;
 - (c) be so located as to permit convenient access to and egress from such space for the Municipality's waste collection vehicles;
 - (d) comply with any further requirements imposed by the Municipality by written notice to the owner or occupier of the premises; and

- (e) be constructed in accordance with the requirements of any applicable legislation relating to buildings.
- (f) be at an approved place on the premises of the occupier or owner where there is sufficient space for the placing of the refuse containers.
- (g) be utilized only for the purposes of storage of business, domestic or garden refuse and no fire shall be lit in any refuse container.
- (h) be within a sufficient area provided to keep a special container for the storage of refuse apart from the space necessary for the storage of refuse not kept in a special container.
- (i) be subject to the Municipality's discretion of indicating the position from where the refuse may be removed more conveniently.
- (j) be in compliance with the National Building Regulations (SABS 0400 – 1990) on the premises for the storage of the bins or containers determined by the Council in terms of section 4 or for the equipment and containers. This space shall;
 - (i) be in such a position on the premises as to allow the storage of bins or containers without being visible from a street, a public place, or any other premises except if determined otherwise by Council;
 - (ii) be where business refuse is generated on the premises be in such a position that will allow the collection and removal of such refuse by the Mogale City Local Municipality's employees without hindrance;

- (iii) be where domestic refuse is generated on a premises, the refuse containers or plastic lining with refuse therein must be properly tied and be placed outside the fence or boundary or any such other place (not stands or baskets) as determined by Mogale City Local Municipality but only on the days of removal;
 - (iv) be so located as to permit convenient access to and egress from such space for the Mogale City Local Municipality's refuse collection vehicles; and
 - (v) be sufficient to house all refuse, including the materials and any containers used in the sorting and storage of the refuse contemplated in section 7 (1) (a) and 8 (6): Provided that this requirement shall not apply in the case of building erected, or buildings the building plans whereof have been approved, prior to the coming into operation of these Bylaws.
- (5) The occupier(s) and/or owner(s) of premises on which business, industrial or domestic refuse is generated shall use the Mogale City Local Municipality's service except in cases where special written exemption is granted by Mogale City Local Municipality to occupier(s) and/or owner(s) of premises to make use of private companies for refuse removal services. This is also applicable to the premises making use of the services of private waste contractors who are duly registered in terms of these bylaws.

- (6) The occupier of premises must ensure that the approved receptacles to be placed in the space provided in terms of subsection (4) and must at all times kept there.
- (7) Notwithstanding the provisions of subsection (6)-
 - (a) in the case of a building erected, the building plans of which have been approved, prior to the commencement of these By-laws; or
 - (b) in the event of the Municipality being unable to collect and remove waste from the space provided in terms of subsection (4),
- (8) No person may store waste for more than seven (7) consecutive days, unless the person has a permit in respect of the premises concerned for waste storage.
- (9) The owner of the premises on which the mass, domestic or business refuse is generated shall be liable to the Municipality for all tariff charges in respect of the collection and removal of such refuse from such premises.
- (10) The occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises, on which business refuse or domestic refuse is generated shall within seven (7) days after the commencement of the generation of such refuse notify the Municipality-
 - (a) That the premises are being occupied;
 - (b) Whether business refuse or domestic refuse is being generated on the premises.

8. LIABILITY TO PAY FOR MUNICIPAL SERVICE

- (1) The owner of premises is liable to pay to the Municipality the prescribed fee for the provision of the municipal service, and is not entitled to exemption from, or reduction of the amount of such fee by reason of not making use, or of making a partial or limited use, of the municipal service.
- (2) A prescribed fee becomes due and payable on the due date for payment stipulated in the account.
- (3) Non-receipt of an account does not relieve the person concerned of the liability to pay a prescribed fee before or on the due date as it is the duty owner of a premises to enquire from the municipality details pertaining to his/her account.
- (4) The owner of the premises remains liable for any loss or damage of the container, unless there is reasonable proof that the municipal employees have damaged such container.
- (5) The owner(s) and/or occupier(s) of the premises on which the business or domestic refuse is generated shall be liable individually or jointly to Mogale City Local Municipality charge in respect of the collection, removal and disposal of business and domestic refuse from such premises and all moneys payable to Council must be paid with the understanding that where the Mogale City Local Municipality renders a service whether the service is used or not the owner(s) and/or occupier(s) still be responsible

9. PAYMENT OF THE APPLICABLE TARIFFS JOINTLY OR INDIVIDUALLY

- (1) The owner(s) and/or occupier(s) of premises on which business and domestic refuse is generated shall be responsible for payment of the applicable

domestic tariff as well as a minimum of one business service or the number of business services as determined by Council from time to time.

- (2) The owner(s) and/or occupier(s) in respect of individual premises on premises held on the Sectional Title Register opened in terms of section 5 of the Sectional Titles Act, 1986, on which business or domestic refuse is generated shall be liable individually to Mogale City Local Municipality for the tariff charge in respect of the collection, removal and disposal of business or domestic refuse from such premises and all moneys payable to Mogale City Local Municipality must be paid with the understanding that where Mogale City Local Municipality renders a service whether the service is used or not the owner(s) and/or occupier(s) still be responsible for payment of the applicable tariffs jointly or individually.

**10. COLLECTION AND REMOVAL OF BUSINESS AND DOMESTIC REFUSE:
ACCESS TO PREMISES**

- (1) Where the Municipality provides a waste collection service in respect of premises, the occupier of the premises must grant any employee of the Municipality access to the premises for the purpose of collecting and removing waste and must ensure that nothing obstructs or hinders such employee in the rendering of the service.
 - (a) The provisions of subsection (1) apply mutatis mutandis to any employee of the Municipality for purposes of inspections, verifications and audit or investigation.

- (b) Where, in the opinion of the Municipality, the delivery, collection or removal of waste from any premises may result in damage to the premises or the Municipality's property, or injury to the Municipality's employees or any other person, the Municipality may, as a condition for rendering the waste collection service in respect of the premises, the municipality will be indemnified from any liability of such damage,
- (2) Where a waste removal service cannot be rendered in respect of premises because of the action of the owner and/or the occupier of the premises, the owner and/or the occupier remains liable for the payment of the costs of the service.
- (3) The owner and/or the occupier of premises is liable for any nuisance or threat to the safety and security of the general public if such a nuisance or threat relates to the cleanliness of the premises, including the prevention or removal of illegal dumping on the premises. Should the owner and/or the occupier of the premises fail to take the necessary preventative or rectifying steps in respect of such a nuisance or threat, the Municipality may itself take whatever steps are necessary to prevent or rectify the nuisance or threat and may recover the costs of the steps from the owner and/or the occupier of the premises.
- (4) The owner of the premises must ensure that the street numbers of premises must be clear and visible from the street in order to facilitate delivery of waste containers and handling of queries.

- (5) The owner must, allow an authorized person of the Municipality access to their property for the purpose of inspecting the property and investigating any contravention of this By-law and to ensure compliance therewith.
- (6) When accessing the property the authorized person must, on request, identify themselves by producing written proof of such authority.
- (7) Such employee may be accompanied by a person reasonably required to assist in inspecting or conducting an investigation who must be identified as such by the authorized person.
- (8) Should the Mogale City Local Municipality be impeded from handling or collecting refuse due to the layout of a person's premises, and if this impediment imposes a danger to employees of the Mogale City Local Municipality, the Municipality may require the owner to do such alterations or additions to the premises as are necessary to remove such impediment at that person's cost.
- (9) Should the municipality be unable to render waste collection as scheduled for reasons beyond their control such as community uprising, trade unrest, go-slows, weather conditions and operational unique circumstances, the collection of waste will be scheduled for the subsequent day or week when the situation is under control and there will be no refunds payable for the areas affected

CHAPTER 3

TEMPORARY WASTE STORAGE

11. SKIP OR BULK CONTAINERS

- (1) A person leasing a skip bulk container from Mogale City Local Municipality shall be responsible for safe keeping of the skips whilst such skip is in their premises;
- (2) Should the skip or bulk be damaged or burned the damage shall be assessed and quotation shall be sourced and the amount required to repair the damage
- (3) or replace the skip shall be recovered from the person and shall also be included in their municipal account.
- (4) Skip or bulk container may not be used in shopping centres as the only means of waste storage facility;
- (5) Skip or bulk may not be used as a means of storage facility for residential areas unless it a first level of service where there is no road access and shall be provided and approved by Mogale City Local Municipality;
- (6) Should the skip or bulk container be inaccessible due to obstruction or any restriction the owner shall be responsible to pay trip as if the service was rendered;
- (7) The owner shall be responsible to ensure that no damage is caused to the container, no burning of refuse, no nuisance is allowed to emanate from the container;
- (8) The skip or bulk container shall not be used for any other purpose other than placing waste;

- (9) No business or business owner shall use a communal skip or bulk container for disposal or storage of their waste when they have household or kerb waste collection in their area;
- (10) Nobody shall use the skip or bulk container to dispose of the dead animal or garden waste or building rubble;
- (11) Any person or company rendering refuse skip collection for private or commercial gains shall register with Mogale City Local Municipality;
- (12) The skips shall at all the time comply with the conditions issued by the municipality;
- (13) The skips shall not cause any nuisance at the premises where they are kept or during transportation should nuisance arise at any stage of storage, transportation the municipality may issue a compliance notice;
- (14) Open top skips shall only be used for builders' rubble and inert material otherwise skips with closed tops and doors for access must be used for storage of the organic waste;

12. BUSINESS TEMPORARY WASTE STORAGE

- (1) The following applies to business temporary waste storage:
 - (a) Shopping centres and malls must inform the municipality 14 days before they open for public;
 - (b) All shopping centres and malls must have a dedicated waste storage area to sort and separate waste;
 - (c) Such waste storage area shall not be used or converted into any other use other than waste area;

- (d) All shopping centres and malls shall ensure that the waste area is kept clean and no nuisance arises from it;
- (e) The waste area shall be covered to ensure that waste may not be exposed to wet weather;
- (f) The shopping centres and malls shall apply for waste management handling permit and must submit to the municipality business waste management plan;
- (g) The municipality must render waste collection from the centre unless the owner applies to municipality to utilise the services of registered waste transporter;
- (h) Such waste transporter shall declare in the application form, the waste to be collected and the number of customers or service units or clients it services;
- (i) Shopping centres shall provide sufficient bins on the parking and public places within their premises to the satisfaction of the municipality;
- (j) Shopping centres and malls shall prepare and submit a business waste management plan whose principles shall be based on waste hierarchy;
- (k) The municipality shall scrutinise the business plan submitted and give conditions that must be complied with;
- (l) Should the shopping mall or any premises instructed to compile the business fail to implement the conditions, the municipality must give notice of what must be done to comply and should such a notice not be complied with the municipality shall include in the municipal account on

such premises and or owner an amount of R10 000-00 monthly until such condition is complied with;

- (m) The basic tariff shall be determined annually by the municipal council of Mogale City Local Municipality;

13. BUSINESS WASTE MANAGEMENT PLAN (BWMP)

- (1) The Authorised Official may in respect of any activity within Mogale City Local Municipality that results in the generation of business waste, by written notice require a person, or the business premises or the category of persons or an industry, business that generating business waste to prepare and submit a Business Waste Management Plan (BWMP) to the Authorised official for approval in compliance with MCLM by-law.
- (2) Business waste management plan shall outline progressive measures to be taken to address and implement waste hierarchy at such premises;
- (3) The municipality shall scrutinise the business waste management plan and if certain aspects of the plan are not satisfactory or any other issue is not addressed the municipality shall give notice for the premises to comply with;
- (4) Failure to comply with such a notice, the municipality shall include the R10 000-00 into the monthly municipal account of such premises until the notice is fully complied with;

14. TEMPORARY STORAGE OF GARDEN AND BULKY REFUSE

- (1) the owner or the occupier of premises on which garden or bulky refuse is generated shall ensure that such refuse is stored in such a manner that it doesn't cause nuisance provided that garden refuse may be retained on the

premises for making of compost, if prior permission was obtained from the relevant Directorate of the Municipality.

- (2) Any person or licensee may remove and dispose of garden or bulky refuse.
- (3) Garden or bulky refuse shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the Municipality as a disposal site for such refuse against payment of the prescribed tariff charge.
- (4) At the request of the owner or any occupier of any premises and after payment of the prescribed tariff charge, the Municipality shall remove garden and bulk refuse from premises, provided that the Municipality is able to do so with its refuse removal equipment.
- (5) Transportation of such waste should be done in accordance with chapter 4, by ensuring no nuisance is created during transportation of such waste.

15. TEMPORARY STORAGE OF BUILDING RUBBLE

- (1) Any person storing building waste/rubble for any other purpose on any premises for more than 30 days should apply to the municipality for permission to store such waste
- (2) Any person demolishing, constructing and / or extending any premises should notify the municipality 30 days prior to such demolition, construction and / or extension.
- (3) Before an extension or construction the owner/contractor must pay a kerbside fee

- (4) Such a person shall apply for waste management construction certificate and must make appropriate arrangement to have sufficient bulk containers to store and transport the rubble
- (5) No kerbside fee will be released by the municipality without the owner producing a disposal certificate, which indicates safe disposal of such rubble.
- (6) Any indiscriminate dumping of building waste is an offense.
- (7) Should any vehicle found dumping building waste it shall be identified using registration number plates and an amount of R10 000 shall be included in the owner's municipal account.

16. PROVISION OF REFUSE CONTAINERS, ACCESS AND MUNICIPAL ACCOUNTS

- (1) After investigation, the Municipality shall determine the number and type of containers required at any premises.
- (2) The owner or occupier of any premises shall personally be responsible for providing the predetermined type and number of containers required by the Municipality from time to time.
- (3) Mass refuse containers will be supplied and placed by the Municipality.
- (4) If required to do so, it shall be the duty of the generator of waste to provide the Municipality with measures that are taken to prevent or minimize waste such as through waste avoidance, reuse, recycling and/or in any other manner.
- (5) MCLM must provide the community of Mogale City with 240l bins where it is feasible and accessible;

- (6) The municipality has the authority to determine the waste storage type to be used for waste and the number as well as the size of such storage facility;
- (7) Nobody shall deny the municipality waste management official to access their premises to determine the waste storage, size and number of storage facility to ensure that they are adequate and hygienic;
- (8) Should the official of the municipality be denied access to the premises for any waste investigation including but not limited to determine the number of storage facilities or the official shall inform the owner or the occupier of the premises of the intention to increase the number of storage facilities or bins and must charge extra new number of bins on the municipal account holder even without accessing the premises;
- (9) The owner or the occupier of the premises shall make sure that the waste management officials are allowed access to the premises if the access is denied the official shall proceed to determine the number of bins without necessarily entering the premises and incorporate the extra charge of the bins on the municipal account of the owner or occupier;
- (10) The 240l bins remain the property of the municipality, thus if a person migrate to other areas outside MCLM's area of jurisdiction must return the bin to MCLM;
- (11) MCLM shall provide weekly waste collection in an area where 240l bins have been distributed to the community;
- (12) Should the municipality be unable to render waste collection as scheduled for reasons beyond their control such as community uprising, trade unrest and go-

slow; weather conditions; operational unique circumstances, the collection of waste will be scheduled for the subsequent week when the situation is under control and there will be no refunds payable for the areas affected;

- (13) For residents or businesses with more than one bin has responsibility to ensure that the correct number of bins reflect on their municipal accounts and over charged account on the basis of this shall not be entertained if it is more than six months old;
- (14) Any municipal account with over charge which is supported by documents shall only be entertained if the period does not exceed 6 months;
- (15) Municipality will replace waste bin without charge if the 240l bin is damaged by municipal employee and reported within 24hours unless the damage occurred on Friday will be replaced free, provided such a bin has exceeded the lifespan of 5 years;
- (16) Should the bin be damaged through the negligence of the owner the applicable tariff shall apply;
- (17) Should the bin need to be replaced the fee payable shall be on publicized with rest of the municipal tariffs;
- (18) Waste transporter is responsible to register as waste transporter and to ensure that the registration conditions are complied with;
- (19) The owner of the premises or body corporate whose waste collection is rendered by registered waste transporter shall be responsible for payment of monthly service point as publicized by the municipality annually;

- (20) The owner of the premises or body corporate has a responsibility to disclose the number of units or service points in their premises to the municipality for the municipality to determine the payable service point tariff and are responsible to ensure that their waste transporters are dully registered with the municipality;
- (21) Body corporates are responsible for payable service point tariff as determined by the municipality;
- (22) Should the service point payable tariff be unpaid for any month the municipality must charge the payable amount and add it into the municipal account of the body corporate;
- (23) All premises, owners of vacant sites or unoccupied sites must pay applicable waste collection tariff or waste levy as determined by the municipality;
- (24) All business premises including those generating dailies in Krugersdorp Central Business District must register for daily collection and removal of their waste by the municipality;
- (25) All business and commercial premises in Krugersdorp Central Business District shall have sorting facility and shall not use plastic bags for storage but must use adequate number of 240l bins for their waste and further more shall:
- (a) Ensure that no waste is placed in front of their premises
 - (b) Shall keep the pavement in front of their premises clean
 - (c) Should the pavement be found littered, the business premises shall be notified to keep the premises clean;

(d) If the pavement continue to be littered and unclean the municipality shall include on the municipal account an amount of R5 000 every month the premises are not kept clean;

(26) Failure to do so the municipality must still charge them the daily waste collection and removal service as determined by the municipality;

17. Use and Care of Bin Liners and 240L Bins

(1) Every owner or occupier of premises shall ensure that-

(a) All the domestic or business refuse generated on the premises is placed and kept in such bin liners or 240Lbins, as the case may be, for removal by the Municipality: Provided that the provisions of this subsection shall not prevent any occupier, or owner, as the case may be-

(i) who has obtained the Municipality's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business, or in the case remains on the premises;

(ii) who has obtained the Municipality's prior written consent, from utilising such domestic refuse as may be suitable for making compost, provided that the refuse remains on the premises;

(b) no hot ash, unwrapped glass or other business or domestic refuse which may cause damage to bin liners and 240L bins or which may cause injury to the Municipality's employees while carrying out their duties in terms of these by-laws, is placed in bin liners or 240L bins;

- (c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render such bin liners or 240L bins unreasonably difficult for the Municipality's employees to handle or carry, is placed in such bin liners or 240L.
- (2) Bin liners or 240L bins refuse, properly closed, shall be placed outside the fence of the premises on the street boundary near the entrance or driveway entrance on the day of removal as determined by the Municipality.
- (3) If the premises are not fenced, such bin liners or 240L bins shall be placed on the boundary of the premises.
- (4) The bin liners shall be removed and 240L bins serviced by the Municipality, at such intervals, as the Municipality may deem necessary, only if such bin liners or 240L bins have been placed at the prescribed place.
- (5) No bin liner will be collected by the municipality unless prior arrangement was made for such bin liner to be used as a temporary refuse storage.
- (6) The Municipality shall not be liable for the loss of or damage to a 240L bin: However, should a 240L bin be damaged or stolen having been placed at the prescribed place on the day prescribed by Municipality for their service thereof, the Municipality shall replace the 240L bin free or charge provided that In the event of the Municipality, in its opinion, being unable to collect and remove refuse from the space provided in terms of subsection (1),
- (7) For residents or businesses with more than one 240l bin, it is their responsibility to ensure that the correct number of bins are reflected on their municipal accounts and over charged accounts;

- (8) Any municipal account with an over charge which is supported by documents shall only be credited for not more than 6 months;
- (9) The Municipality will replace without charge a 240l bin which has not exceeded a lifespan of 5 years provided it has been damaged by a municipal employee and reported within 24 hours. If the damage occurred on a Friday the bin should be reported damaged on the following Monday before 9am.
- (10) Should the bin be damaged through the negligence of the owner the applicable tariff shall apply;
- (11) Should the bin need the replacement of wheels after five years or older life span the wheel shall be replaced free of charge and the replacement of a wheel within the 5 years lifespan shall be charged.
- (12) Any call backs by community members will be regarded as an additional service and prescribed tariffs will apply for such call backs.
- (13) Any call backs by community or unserviced bin whose street has been serviced will be regarded as additional service and prescribed tariffs will apply.

CHAPTER 4
WASTE TRANSPORTERS

18. TRANSPORTATION OF WASTE

- (1) Anyone who collects and transports waste within the area of Mogale City Local Municipality must register with the Authorised official of Mogale City Local Municipality or before he or she can commence with collection and transportation of waste to Mogale City Local Municipality or from Mogale City Local Municipality or transporting waste within the boundaries of Mogale City Local Municipality. This section excludes community members who transport their waste to the landfill.
- (2) Subject to the provisions of this section, no person or company may collect, or transport any of the following waste streams listed chapter 10 without having obtained from the authorised official and being in possession of a licence authorising such collection and transportation:
- (3) 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;
 - (b) fail to maintain a vehicle used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times;
 - (c) Fail to cover loose waste on an open vehicle with a tarpaulin or suitable net; and

- (d) Cause or permit any waste being transported in or through the municipal area to become detached, leak or fall from a vehicle transporting it, except at a waste disposal facility.
- (4) Subject to the provisions of subsection (1), all transportation of waste must comply with the National Road Traffic Act, 1996 (Act No. 93 of 1996).
- (5) For the purpose of registration the municipality shall annually prescribe a categories and tariffs of waste transporter, based on the quantities and frequency of disposal

CHAPTER 5

WASTE HANDLING FACILITIES

19. MATTERS RELATED TO WASTE HANDLING FACILITIES

- (1) For the purpose of these by-laws waste handling facilities shall include;
 - (a) Garden / compost centres;
 - (b) Transfer stations;
 - (c) Drop off centres;
 - (d) Recycling centres;
 - (e) Buy back centres;
 - (f) Business waste storage areas; and
 - (g) General waste storage areas.
- (2) Anyone who stores waste for any period longer than 7 days shall apply to Mogale City Local Municipality for a permit to store the waste and shall comply with these by-laws or any other relevant legislation.
- (3) Nobody shall store waste in any form within Mogale City Local Municipality without written consent from authorised official.
- (4) No person shall operate any of the facilities mention in subsection (1) above without first obtaining a permit or a written concerned from authorised official.
- (5) The permit shall be renewable annually on the date on which the permit was obtained or approved by the municipality.
- (6) The operator shall at all times comply with permit conditions or any conditions or notices issued to him or her by authorised official or any of the authorized person

- (7) The authorized official in charge of the area may at any time enter the premises and may not be obstructed in any way and may give instructions on site, request for any information or to see any operation;
- (8) Any unsatisfactory conditions shall be rectified within 14 days unless a longer period is requested in writing by the operator to authorised official, authorized person or any of the facilities mentioned above.
- (9) Failing which the operator will be ordered to cease operation if in the opinion of authorised official of the area the facility's operator is not doing enough to abate any unhealthy conditions or the prevailing conditions are such that the health of the community will best be safe guarded by closure of the facility.
- (10) Upon authorised official being aware that there is a facility operating without permit, the authorised official shall give such a facility 7 days' notice to apply for the permit.
- (11) Failure to apply within 7 days shall be an offense for which every day that the facility operates without a permit shall a be liable to pay a fine daily up until the facility has applied for a permit
- (12) Registered waste handlers and transporters shall report volumes of waste handled as prescribed;
- (13) Such reports shall be submitted to the municipality monthly;

20. RECYCLING, RE-USE, SORTING AND RECOVERY OF WASTE

- (14) Any person who undertakes any recycling, re-use or recovery activity or who sorts waste, including scrap dealers, buy back facility and formalised recycling groups, must, before undertaking that activity register with the municipality and must ensure that the recycling, re-use or recovery of the waste is less harmful to the environment than its disposal and must comply with all municipality guidelines and conditions.
- (15) The person referred to in subsection (1) must also submit a waste management plan, and the municipal waste management officer must, when deciding to grant registration, consider such waste management plan
- (16) Persons and entities that handle, transport, process, treat and dispose of waste for recycling purposes shall provide the waste management officer with a written report on or before the 7th of each month in a format to be determined by the Mogale City Local Municipality.
- (17) The municipal waste management officer may exempt certain waste generators, handlers, transporters or agents of waste from such requirements.
- (18) Recyclable material for the purpose of recycling must not be stored at any premises resulting in risks or nuisance;
- (19) A person involved in any way in recycling, must comply with all applicable statutory requirements;
- (20) Separation of waste or sorting of recyclables shall be performed on the premises of the point of generation of the recyclable waste stream;

- (21) All facilities where separation and classification of recyclable material is performed, must comply with the applicable statutory requirements.
- (22) Registered waste handlers and transporters shall report volumes of waste handled as prescribed the municipality every month;
- (23) Anybody collecting or sorting waste shall register with Mogale City Local Municipality as informal reclaimer;
- (24) The municipality shall have basic requirements for reclaimers which shall include keeping the sorting area clean and ensuring that on completion of sorting no litter shall remain in such a place and that no litter shall be caused during transportation of reclaimed material;

21. PUBLIC GATHERING

- (1) Prior arrangement should be made with the municipality so as to ensure that proper waste management plan is submitted
- (2) A refundable deposit will be payable by anybody organising a public gathering before the commencement of the event, and the deposit will be paid back only when the place is free from litter and stored waste is safely disposed of with a disposal certificate.
- (3) Anybody organising a public gathering shall make adequate waste storage and collection service available for waste generated during such event;
- (4) Anybody organising a public gathering or match shall take full responsibility for any waste generated and shall clean all waste after the event;

- (5) After the event the organisers are still responsible for cleaning the area to the satisfaction of the municipality's department responsible for waste management;
- (6) All costs for cleaning the area shall be the responsibility of the organisers and failure to clean the area by the organisers will result in forfeiting refundable deposit and if cost of cleaning is higher than refundable deposit the difference should be the responsibility of the organiser.

CHAPTER 6
DISPOSAL OF WASTE

22. MATTERS RELATED TO THE DISPOSAL OF WASTE

- (1) Waste generated in the municipal area must be disposed of at a waste disposal facility where such disposal is permitted by the Municipality.
- (2) In disposing of waste, a licensee must comply with the provisions of any other law regulating the disposal of waste.
- (3) No person may burn waste either in a public or private place, for the purpose of disposing of that waste.
- (4) No person may incinerate waste either in a public or private place, except in an incinerator at a place where the relevant national or Gauteng provincial authorities permit such incineration, or at a place designated by the Municipality for that purpose.
- (5) Notwithstanding the provisions of subsection (1), a person may dispose of those forms of recyclable waste specified by the Municipality at a designated garden waste handling facility.
- (6) The disposal of waste at any waste disposal facility is subject to such conditions as the Municipality may impose, including the hours of opening and closing, the nature of the waste which may be disposed of, the position in any such waste disposal facility in which the waste may be placed and any other matter which the Municipality considers necessary to ensure the environmentally sound management of waste.
- (7) Every person who enters a waste disposal facility must –

- (a) enter a waste disposal facility at an access point determined by the person in charge of the waste disposal facility;
 - (b) at the request of the person in charge of a waste disposal facility, provide the Municipality or that person with any information regarding the composition of the waste disposed of or to be disposed of; and
 - (c) comply with any instruction by the person in charge of a waste disposal facility in regard to access to, the actual place where, and the manner in which, waste must be deposited.
- (8) No person may-
- (a) bring any liquor or intoxicating or narcotic substance onto a waste disposal facility or enter such facility under the influence of liquor or such substance;
 - (b) enter a waste disposal facility for any purpose other than the disposal of waste in terms of these By-laws, unless authorised to do so by the person in charge of the waste disposal facility or the Municipality and then only at such times and subject to such conditions as the Municipality or such person may impose;
 - (c) dispose of waste at a waste disposal facility where the disposal of the waste concerned is not permitted; or
 - (d) light a fire on a waste disposal facility without the prior written consent of the person in charge of that facility.
 - (e) reclaim/buy any material disposed of unless he/she is registered as such
 - (f) enter the landfill site with vehicle while the waste is not covered

- (g) bring any health risk or hazardous waste to the landfill site
 - (h) obstruct traffic or disobey traffic laws
 - (i) sell or prepare any foodstuff in the landfill site
 - (j) bring pets and children to the work face and any passenger not involved in the offloading waste shall remain in the vehicle
 - (k) may smoke tobacco products while at the work face
- (9) Any person who contravenes subsection (7)(c) is liable for all costs reasonably incurred by the Municipality in removing or otherwise dealing with the waste concerned.
- (10) The person in charge of a waste disposal facility/landfill may at any time require a vehicle or a container on a vehicle brought into the waste disposal facility for the purposes of disposing of waste, to be weighed at a weighbridge.
- (11) The person in charge of a waste disposal facility/landfill or an authorised official may, at a waste disposal facility, inspect the content and nature of waste to be disposed of or processed and may take samples and test any waste found on any vehicle to ascertain its composition.
- (12) Any person contravening any preceding provision of this section, may be refused entry or instructed by the person in charge to leave a waste disposal facility and if such person fails or refuses to comply with such instruction, he or she may be removed from such facility by a member of the Local Municipality.

23. PROCEDURE OF DISPOSING OF WASTE AT THE LANDFILL SITE

- (1) Every person who enters the landfill site must -

- (a) enter at an access point determined by the person in charge of the landfill site;
 - (b) have an account to bring in waste to the site and inform the person in charge of the landfill site in writing if there are any changes to the furnished information;
 - (c) give municipality all the particulars and information required in regard to the composition of waste;
 - (d) pay prescribed waste disposal fees as determined annually the by the Municipality;
 - (e) must adhere to the site operational procedures as approved by the Municipality; and
 - (f) comply with any instruction by the person in charge of a landfill site in regard to access to, the actual place where, and the manner in which, waste must be deposited.
- (2) A disposal certificate maybe requested at a prescribed fee.
 - (3) All the site users enter the site at their own risk and the municipality shall not be held responsible for any losses or damages
 - (4) Any person requesting vehicle towing is required to fill indemnity form and the Municipality shall not be held responsible for any damages caused to user vehicle during towing

24. Waste Quantity Disposal Limits and Applicable Tariffs

- (1) Any resident of Mogale City Local Municipality bringing domestic waste to the landfill not exceeding 500kg in mass, once in seven days shall not pay but

otherwise the applicable tariff shall have to be paid if residents bring waste more than once within a seven day period;

- (2) The above free 500kg is not applicable to business and waste removal contractors/ companies;
- (3) Mogale City Local Municipality residents not registered or paying for the refuse removal service shall not qualify for the above free 500kg as stipulated
- (4) Any resident of Mogale City Local Municipality bringing domestic waste to the landfill to the amount not exceeding 500kg in mass within the space of a week shall not pay but otherwise the applicable tariff shall have to be paid if residents bring waste of even less than 500kg within the space of a week;
- (5) The above free 500kg is not applicable to business and waste removal contractors/ companies;
- (6) Anybody from outside Mogale City Local Municipality shall always pay applicable tariffs when they bring their waste to Mogale City Local Municipality's landfill;
- (7) It is the responsibility of every site user to inform Mogale City Local Municipality in writing if there are any changes in their account information; and
- (8) Registered waste transporters paying the prescribed service point fee shall be exempted from paying the full amount of the disposal fee by 80%, this is applicable to those paying service points only;

25. DAMAGE TO MUNICIPAL PROPERTY

- (1) Any site user who causes damage to municipal property

- (a) Shall remain liable for any damage caused while on site and the person in charge of the landfill is responsible for evaluating the extent of the damage
 - (b) May be allowed to carry out the repairs otherwise the Municipality will repair the damage and recover the costs from the site user
- (2) The site users who are in arrears with the dumping charges may be refused entry to the site until their account is settled or payment arrangement made with the Municipality.
- (3) The waste transporters who are not in possession of a valid waste transporters permit may be denied access to the landfill site.

26. DISPOSAL OF DEAD ANIMALS AND BULKY FOOD WASTE

- (1) Any person wishing to dispose of dead animals or food waste must notify the person in charge of the landfill site at least twenty fourhours (24hours) prior to the disposal and must provide information relating to the type of waste and the quantity of waste.
- (a) The dead animals or food waste is accepted everyday between 09h00 and 15h00;
 - (b) The dead animals or food waste shall be disposed of in a dug trench and immediately covered with soil.

27. RULES AND INDEMNITY FOR RECLAIMERS AND BUYERS

- (1) Every reclaimer and buyer must adhere to the following site rules:
- (a) Reclaiming/Buying may take place only during landfill operating hours.

- (b) All the recyclable material taken out of the landfill site must go through the weighbridge
- (c) All the reclaimers/buyers and their assistants must enter the site through the main entrance and the daily register must be kept.
- (d) Only persons registered as reclaimers/buyers by landfill management may be allowed to reclaim/buy and their activities must not disturb the operations.
- (e) All reclaimers/buyers must obey safety rules and any other instructions given to them by landfill management or security officers.
- (f) No fires may be made on site or 100 metres away from the boundary fence.
- (g) The reclaimers must wear protective clothing (safety shoes, masks, gloves & overalls) while on duty otherwise no reclaiming will be allowed.
- (h) Reclaimers must also wear the reflector vest and not work near or in between earth moving equipments or any vehicles.
- (i) Reclaimers must wait until waste has been offloaded before they reclaim.
- (j) Reclaiming of foodstuff is not allowed on site.
- (k) Reclaimers/buyers stand and surrounding must be kept clean at all times.
- (l) The safety of reclaimed material is the responsibility of the reclaimers/buyers and can be only be stored at areas designated for such purpose.
- (m) Stock-piling of large quantities of reclaimed material is prohibited.
- (n) Reclaimers are expected to assist in the litter picking when required.

- (o) The reclaimers must not leave their bags at the work face after working hours.
- (p) Reclaimers/buyers may use site ablution facilities during operating hours only.
- (q) The reclaimers/buyers are not allowed on site while under the influence of liquor or drugs. Selling of liquor, drugs and food is also prohibited.
- (r) No weapons are allowed on site. Example: guns, knives, etc
- (s) The commitment of the following acts on site will lead to immediate suspension/ dismissal or any punishment as may be determined by landfill management or reclaimers committee: stealing, using vulgar words, fighting, reclaiming near earth moving equipment and not obeying site rules, instructions and procedures.
- (t) No meeting will be allowed on site without permission of landfill management.

28. OFFENCES AND PENALTIES

- (1) Any person contravening any preceding provision of this section, may be refused entry or instructed by the person in charge to leave the landfill site and if such person fails or refuses to comply with such instruction, he or she may be removed from such facility.
- (2) Any person who contravenes any of the above subsection is liable for all costs reasonably incurred by the municipality in removing or otherwise dealing with the waste concerned and may be charged double amount for the waste due for disposal.

CHAPTER 7

LITTERING, DUMPING AND ANCILLARY MATTERS.

29. ACCUMULATING WASTE

- (1) The accumulation of waste can only be allowed in the premises only for the purpose of recycling if prior approval is given to the owner and or occupier by the municipality. Every owner and occupier of premises must keep those premises clean and free from any waste which is likely to cause a nuisance, harm to human health or damage to the environment.
- (2) When any category of refuse accumulates on premises so as to constitute a nuisance or rendering it likely that a nuisance will be created thereby, the Municipality may make a special removal of such refuse and the owner or occupier of the premises shall be liable in respect of such special removal to pay the tariff charge thereof.

30. DUTY TO PROVIDE FACILITIES FOR LITTER

- (1) In case of privately owned land, the owner must take reasonable steps to ensure that a sufficient number of approved receptacles are provided for the discarding of litter by the public, on any premises to which the public has access.
- (2) The owner of privately owned land, must ensure that every receptacle provided in terms of subsection (1), is –
 - (a) maintained in good condition;
 - (b) suitably weighted or anchored so that it cannot be inadvertently overturned;

- (c) constructed in such a manner as to ensure that it is weatherproof and animal proof;
- (d) of a suitable size so that the receptacles on the premises are capable of containing all litter likely to be generated on the premises;
- (e) placed in a location convenient for the use by users and occupants of the premises to discourage littering or the accumulation of waste; and
- (f) emptied and cleansed periodically to ensure that no receptacle or its contents become a nuisance.

31. PROHIBITION OF LITTERING

- (1) No person shall-
 - (a) Throw, let fall, deposit or spill any refuse into or onto any public space, vacant stand, vacant erf, stream or water course;
 - (b) Sweep any refuse into a gutter on a public place;
 - (c) Allow any person under his control to do any of the acts referred to in subsections (a) and (b).
- (2) For the purpose of this section a person shall be deemed to have allowed the acts referred to in subsection (1) of the persons under his control, unless the contrary is proven.
- (3) The municipality shall include an amount of R10 000 in the municipal account of the person vacant stand, site dilapidated building or any premises is found have accumulated waste and has not removed after a notice of seven days from the municipality;

- (4) No person shall who has generated medical health risk waste or agricultural waste including waste oil-
- (a) Throw, let fall, deposit or spill any onto any public space, vacant stand, vacant erf, stream or water course;
 - (b) Sweep any refuse into a gutter on a public place;
 - (c) Allow any person under his control to do any of the acts referred to in subsections (a) and (b).
 - (d) The municipality shall include an amount of R10 000 in the municipal account of the person vacant stand, site dilapidated building or any premises is found have accumulated waste and has not removed after a notice of seven days from the municipality;
 - (e) Should the municipality decide to remove such waste, medical healthcare waste or agricultural waste and cause any kind of damage during the action of removal of such the municipality shal include the amount to repair the damage in the municipal account of the author of nuisance;

32. PROHIBITION OF DUMPING AND ABANDONING ARTICLES

- (1) No person may deposit or permit the depositing of any waste, whether for gain or otherwise, upon any land or in any building of which he is the owner or occupier except if such deposit is made in accordance with the provisions of these By-laws.

- (2) Subject to any provision to the contrary contained in these By-laws, no person may leave any article or allow any article under his or her control to be left at a place with the intention of abandoning it.
- (3) Subject to any provisions to the contrary of what is contained in these by-laws, no person shall abandon anything or allow anything under his control to be abandoned at a place to which such thing has been brought with the intention of abandoning it there.
- (4) No person by his act or omission, default or sufferance may cause or permit a nuisance to exist on any premises, and every owner and every occupier of any premises shall at all times maintain such premises clean and free from any nuisance
- (5) Whenever a nuisance exists, or has existed and is likely to recur on any premises, the municipality may serve a notice either upon the author of the nuisance, or upon the owner or occupier of the premises on which the nuisance exists, or has existed and is likely to recur, requiring him to remove or abate the nuisance and to do such work (with or without specifying the nature thereof) within reasonable time to be specified in the notice, -
- (6) Where a person upon whom such a notice has been served fails to comply with the terms thereof;
 - (a) an authorized person of the municipality thereto may enter and inspect, or make inquiries on, any premises with a view to ascertaining the existence or cause of any nuisance thereon or in connection therewith;

- (b) the municipality may do such work as may be necessary for ascertaining the existence of such nuisance and for remedying the same, and may recover from the owner or occupier of the premises or from the author of the nuisance the amount of such expenses incurred by it in respect thereof, and such owner or occupier or author shall, on demand, refund such amount to the municipality (as the per penalty schedule below).
- (7) Anyone who has caused or allowed to have caused illegal dumping and if that person can be identified through vehicle registration number or any other legal means, as an account holder of MCLM, he or she shall be charged R10 000-00 on their municipal account and must at their own cost clear the pollution to the satisfaction of the municipality;
- (8) Should the said account holder continue or allow illegal dumping to continue, every time that the illegal dumping is confirmed to be linked to that account holder, such account holder shall pay an amount of R10 000-00, which shall form part of monthly municipal account payable, and must at their own cost clear the pollution to the satisfaction of the municipality;
- (9) Any owner or user of a vehicle found dumping waste shall be identified using the registration number plates or any other legal means and its owner shall be made to pay R10 000-00 for the pollution caused by including the amount of R10 000-00 in the owners' municipal account;
- (10) Any owner or user of a vehicle found dumping waste shall be identified using the registration number plates or any other legal means and its owner shall be

made to pay R10 000-00 for the pollution caused by including the amount of R10 000-00 which shall be payable through municipal court;

33. UNDEVELOPED VACANT STAND

- (1) The owner of the undeveloped vacant stand shall be responsible for the clearing of the illegal dumping on his or her property and failure to do so the municipality shall clear the illegal dumping and include the minimum charge of R10 000 on the municipal account of such owner of the undeveloped and or vacant stand.

34. TEMPORARY STORAGE OF BUILDING RUBBLE

- (1) Any person storing building waste/rubble for any other purpose on any premises for more than 30 days should apply to the municipality for permission to store such waste
- (2) Any person demolishing, constructing and / or extending any premises should notify the municipality 30 days prior to such demolition, construction and / or extension.
- (3) Before an extension or construction the owner/contractor must pay a kerbside fee
- (4) No kerbside fee will be released by the municipality without the owner producing a disposal certificate, which indicates safe disposal of such rubble.
- (5)

35. ABANDONED ARTICLES

- (1) Anything, other than a vehicle deemed to have been abandoned which is, in light of such factors as the place where has been found, the period it has been lying at such place and the nature and conditions of such thing, reasonably regarded by the Municipality having been abandoned, may be removed and disposed of by the Municipality as it may deem fit.
- (2) If the municipality collects an article deemed abandoned and somebody claims ownership, they must lodge a claim in writing addressed to the Directorate in control of waste management in the form of a sworn statement. In the statement, the nature of such a thing must be accurately described and the Municipality indemnified against all claims by other persons in respect of such a thin.

36. LIABILITY OF RESPONSIBLE PEOPLE

- (1) Where anything has been removed and disposed of by the Municipality in terms of section 35(1), the person responsible shall be liable to pay to the Municipality the tariff charge in respect of such removal and disposal.
- (2) For the purpose of subsection (1) the person responsible shall be-
 - (a) The owner of the article, and shall include any person who is entitled to be in possession of the article by virtue of a hire purchase agreement or an agreement or an agreement of lease at the time when it was abandoned or put in the place from which it was so removed unless he can prove that he was not concerned and did not know of its being abandoned or put in such place; or

- (b) Any person by whom it was put in the aforementioned place; or
- (c) Any person who knowingly permitted the placing of the article in the aforementioned place.

CHAPTER 8
AUTHORISED OFFICIALS

37. IDENTIFICATION DOCUMENTS

- (1) An authorised official must, upon appointment, be issued with an identification document by the Municipality which must state the name and powers and function of that official, and include a photograph of the official.
- (2) An authorised official, exercising his powers or performing his functions and duties for the purposes of these By-laws, must present an identification document issued in terms of subsection (1) on demand by a member of the local community.

38. POWERS OF AUTHORISED OFFICIALS

- (1) In addition to the powers, functions and duties an authorised official or designated officer who for the purposes of these by laws is a Waste Management Officer and or a Waste Management Practitioners who is an officer designated in terms of Waste Management Act 2008 section 10 responsible for co-ordinating matters pertaining to waste management has by virtue of his appointment as such, an authorised official, may with the consent of the owner or person in charge of a vehicle or other mode of conveyance, inspect that vehicle or other mode of conveyance found in any place other than on premises not belonging to the Municipality.

CHAPTER 9

WASTE INFORMATION SYSTEMS

39. ESTABLISHMENT OF AN INFORMATION SYSTEM

- (1) The municipality must establish and maintain a waste management information system which records how waste is managed within the municipal area.
- (2) The information system may include any information relating to or connected with the management of waste within the municipal area.

40. PURPOSE OF THE INFORMATION SYSTEM

- (1) The purpose of the waste information system is for the Municipality to-
 - (a) Record data relating to the implementation of the integrated waste management plan and the management of waste in the municipal area;
 - (b) Record information held by the Municipality in relation to any of the matters;
 - (c) Furnish information upon request by law to the Gauteng Provincial or National Government;
 - (d) Gather information and undertake strategic planning regarding potential and actual waste generators, service providers, and the local community in order to-
 - (i) Facilitate monitoring of the performance of the Municipality, service providers and where applicable, waste generators;
 - (ii) Stimulate research;

- (iii) Assist the municipality in endeavouring integrated waste management planning.

41. PROVISION OF INFORMATION

- (1) The Municipality may, subject to the provisions of any other law including the common law, require a waste generator, service provider or person involved in or associated with the provision of the municipal service or any commercial service within the municipal area to furnish the information to the Municipality which may reasonably be required for the information system, which may concern-
 - (a) significant sources of waste generation and the identification of the generators of waste;
 - (b) quantities and classes of waste generated;
 - (c) management of waste by waste generators;
 - (d) waste handling, waste treatment and waste disposal facilities;
 - (e) population and development profiles;
 - (f) reports on progress in achieving waste management targets;
 - (g) the management of radioactive waste;
 - (h) markets for waste by class of waste or category;
 - (i) any other information required by legislation, regulations or guidelines
- (2) The Municipality may determine when and how often the information must be furnished. The abovementioned service provider and or generator must provide information of their waste to the Municipality quarterly as part of the condition in the registration of waste handlers and transporters policy

CHAPTER 10

PERMITTING

42. MATTERS RELATED TO PERMITTING

- (1) No person shall, collect, transport, handle or recycle any of the following waste streams without having obtained from the Municipality a licence for each waste stream, and being in possession of a permit, authorising such collection and transportation:
 - (a) general waste;
 - (b) bulk waste;
 - (c) industrial waste;
 - (d) special refuse
 - (e) hazardous waste;
 - (f) recyclable waste;
 - (g) health care risk waste; and
 - (h) builders waste.
- (2) A licence issued under this Chapter -
 - (a) is incapable of cession or assignment without the prior written consent of the Municipality;
 - (b) is valid only for the category of waste specified therein; and
 - (c) expires one year after the date of issue.
- (3) The Authorised official must provide the applicant with requirements for registration and permit to collect, recycle or transport waste within the Mogale City Local Municipality.

- (a) The permit to transport OR recycling waste must only be issued if the applicant fully meets all the requirements as prescribed by the municipality;

43. MUNICIPAL WASTE NOTICES

- (1) The municipality will notify the waste transporters or recyclers through municipal waste notices and in writing to the affected persons or company of the need for them to apply for a permit;
- (2) The period of registration will be within 60 days from the day of the notice;
- (3) After the submission of the application, the municipality will respond within 30 days of receipt of the application informing the applicants whether their applications are successful or if there is more information required;

44. PERMITTING

- (1) An application for a permit to carry out collection, sorting, separation, temporary storage, transportation and recycling of waste must;
 - (a) ensure that they register with the municipality;
 - (b) contractors transporting waste within Mogale City Local Municipality boundaries on ad hoc basis shall, in writing apply for a temporary waste licence for transporting waste;
 - (c) The application form is to be prescribed by the municipality and accompanied by the documentation specified in the notice and must be accompanied by the prescribed application fee.

45. CONSIDERATION OF THE APPLICATIONS

- (1) The following is applicable;
 - (a) Upon receipt of application and all supporting documents the municipality must within 30 days inform the applicant of any other additional information required or must issue the applicant with a licence; and
 - (b) Should the application not be successful for whatever reason the municipality must inform the applicant in writing

46. PERMIT TERMS AND CONDITIONS

- (1) When issuing a permit under these by-laws, the municipality may impose any reasonably necessary conditions in furthering national, Gauteng provincial or Council, waste management policy.
- (2) Any permit issued under these by-laws must:
 - (a) Be valid for a period of 12 months from the date of issue and the temporary licence will be valid for the duration of the contract.
 - (b) Specify the licence period and the procedure for renewal of the licence;
 - (c) Specify every category of waste which the permit holder may collect and transport; and
 - (d) specify the category or categories of waste the permit holder may provide its services to;
- (3) permit holders must submit information that includes quantity of waste collection, sorting, separation, temporary storage, transportation or recycled on a monthly basis containing:

- (a) the quantity of waste collected or recycled on a monthly basis; and
 - (b) that the permit holder must comply with, and ensure compliance by his or her employees, agents and sub-contractors, with these By-laws and applicable national and Gauteng provincial legislation;
- (4) permit conditions are as follows;
- (a) the permit holder is required to keep monthly written records on a form prescribed by the municipality of the quantities of each category of waste collected and transported during the licence period.
 - (b) the permit holder is required to produce proof that the waste is collected and transported to a licensed was disposal facility
 - (c) the permit holder is required to pay monthly fees or tariffs for the number of services charged per unit as determined by the municipality;
 - (d) the permit holder is required to comply with occupational health requirements which shall include ensuring that the general health of the waste collection workers is taken into consideration i.e they receive annual medical check-ups to ensure their health and well-being and that the employees are provided with appropriate personal protective equipment e.g. gloves, masks, overalls and raincoats, gumboots and are also given ongoing training on health and safety issues;
 - (e) the permit holder is required to take reasonable steps to prevent his/her employees from committing any act or omissions in the course of their employment that may cause harm to humans or damage to the environment;

- (5) Recycling centres/facilities must ensure that they -
- (a) Apply for a permit to operate with conditions to ensure that register (data base) of recyclers, should keep the recycling facility clean at all times;
 - (b) The recycling container in which the waste is stored is not kept in a public place except when so required for collection; and recyclable containers must be watertight and with a thickness sufficient to prevent breakage, tearing or splitting upon collection and shall be securely tied;
 - (c) Recycled waste material is collected by a permit holder within a reasonable time after the generation thereof;
 - (d) The service rendered by the permit holder is only in respect of that portion of the business, industrial or recyclable waste authorised in the licence concerned;
 - (e) No offensive smell, flies, rats and litter is produced and that the place is kept clean and orderly;
 - (f) All reclaimers are registered (informal recyclers); and
 - (g) All recycling facilities should comply with other municipal by-laws

47. RENEWAL OF PERMITS

- (1) A permit holder who intends to renew his or her license must apply to renew the permit concerned at least 90 days prior to the expiry of the existing license.
- (2) The municipality must consider and grant or reject a permit renewal application within 60 days of the receipt of the application
- (3) If the municipality fails to consider and grant or reject a permit renewal application within 60 days, it must inform the applicant in writing that the period

for consideration is extended and must inform the applicant of the date by which a decision will be made.

- (4) A permit in respect of which application for renewal has been made remains valid until a final decision has been made in respect of that application

48. SUSPENSION AND REVOCATION OF PERMITS

- (1) A permit issued under these by-laws may be suspended or revoked by the municipality on the grounds that the permit holder—
- (a) has failed to comply with any provision of these by-laws;
 - (b) has failed to comply with any provision of any National or Gauteng provincial legislation which regulates the collection, transportation or disposal of waste;
 - (c) has failed to comply with any licence conditions;
 - (d) has failed to pay the applicable fee;
 - (e) has failed to comply with other municipal by-laws; and
 - (f) On any other ground which the authorised official considers relevant, which is fair and reasonable in the circumstances.
- (2) A permit may only be suspended or revoked after -
- (a) the permit holder has been given written notice that the authorised official is considering the suspension or revocation of the licence; and
 - (b) the permit holder has been given a period of 30 days after service of the notice to make representations to the authorised official as to why the permit should not be suspended or revoked.

- (3) Any business or person found to operate the business of collection, recycling and transportation of waste without a licence issued under these by-laws shall pay a fixed penalty and thereafter an applicable service fee on a monthly basis until the licence is approved.
- (4) Where health and environment are at risk as results of the activities of the recycler, transporter and collector the authorised official shall immediately stop such operation.
- (5) Condition for Permit Cancellation at Complexes and Similar Premises
- (6) Where the permit is cancelled the municipality must inform the management of complexes or premises that the municipality shall not render refuse collection to said premises unless a licensed service provider with valid license takes over the refuse collection.
- (7) Arrangements for the municipality or permitted service provider to take over must be made with 30 days to ensure that the residents will not be stranded.
- (8) In case of a bulk container system the authorised official shall, as soon as possible, require the management of complexes or premises to indicate whether they have a new licensed service provider or shall be expected to apply for a municipal bulk container system.
- (9) Any new arrangements for refuse collection must first be approved by the authorised official.
- (10) If the authorised official refuses to approve the preferred service by the management of complexes or premises, then refuse collection must be carried out by the municipality until there is an agreement between the two parties,

during which such period the management of the complexes or premises shall be responsible to pay in full the applicable refuse collection fees charged by the municipality for refuse collection from such complexes or premises.

- (11) The management of complexes or premises must comply with all the requirements of the municipality regarding the refuse collection including but not limited to new applicable payment rates for refuse collection by the municipality, until the authorised official approves and alternative service as preferred by the management of complexes or premises

49. DISPLAY OF PERMIT

- (1) Upon issuing a license under Chapter 10 herein, the Municipality must issue to the permit holder a numbered sticker for each vehicle to be used for the purpose concerned confirming that the license holder is authorized to collect and transport the category of waste specified on the sticker.
- (2) the stickers must vary in color for each category of waste.
- (3) the permit holder must affix such sticker to each vehicle to be utilized to provide the service and display the sticker at all times.
- (4) Waste for processing or disposal at a waste disposal facility will only be received at such facility from a contractor who is licensed and on whose vehicle a sticker required in terms of subsection (3), is displayed.

50. APPLICABLE FEES

- (1) The following fees shall be applicable:
 - (a) Administration fees;
 - (b) Annual permit renewal fees;

- (c) Service charges per service point for each month that refuse is collected or transported;
- (d) Recycling facilities, temporary waste permit;
- (e) Late annual renewal penalties;
- (f) Permit reinstatement fees; and
- (g) Collection, recycling and transportation of waste without permit penalties

51. SERVICE CHARGES AND FEES

- (1) The applicant must pay a service charge for refuse collection for each household or business within the premises serviced by the applicant on monthly basis to the municipality.
- (2) For bulk and skip containers the authorised official must determine the number of service charge or points for the purpose of monthly payable charge which shall be based on the information supplied by the applicant or revealed by an inspection in loco of the premises by the authorised official.
- (3) Such service charge per service point shall be payable monthly and shall be subjected to monthly annual tariffs increase.

52. WASTE COLLECTION FROM CERTAIN CATEGORIES OF PREMISES

- (1) Any person, company or service provider collecting or transporting waste from the following premises must apply for a waste permit (be it for private or commercial gains);
 - (a) Domestic dwelling (for private purposes);
 - (b) Commercial premises;
 - (c) Industrial or manufacturing establishment;

- (d) Hotels, lodges bed and breakfast and any other accommodation establishments;
- (e) Restaurants;
- (f) Multi-dwelling complexes;
- (g) Fruits and vegetable markets and stores; and
- (h) Office complexes or blocks.

53. PROHIBITED CONDUCT

- (1) No permit holder, person, company, service provider or business requested by the authorised official to submit application for waste license may refuse such a request or may;
 - (a) Intentionally or negligently operate in contravention of any condition of the licence concerned;
 - (b) Intentionally or negligently fail or refuse to give information, when required to do so in terms of these By-laws, or give false or misleading information;
 - (c) Intentionally or negligently fail to take all reasonable steps to prevent a contravention of these By-laws, by any act or omission of its employee acting in the course and scope of their duties, or
 - (d) Collect or transport any waste except in a properly constructed, watertight vehicle or in a suitable container that prevents spillage of waste, the suitability of the vehicle to be dependent on the waste stream contemplated in section 24(1), to be collected or transported, as specified in the National Road Traffic Act, 1996.

54. EXEMPTIONS

- (1) The municipality may, having regarded to the main objects of these By-laws exempt any type of commercial service from any provision of these by-laws to the extent and subject to the terms specified in such notice.

CHAPTER 11
GENERAL PROVISIONS

55. OWNERSHIP

- (1) The person holding a permit to operate a waste disposal facility becomes the owner of all waste upon disposal thereof at that facility.
- (2) A person who generates domestic waste is the owner thereof until it is collected by the Municipality which then becomes the owner thereof.
- (3) A person who abandons any article is liable for any damage or harm to the environment which that article may cause as well as for the cost of removing that article, and rehabilitating the environment, notwithstanding the fact that such person may no longer be the owner thereof.
- (4) A person abandoning any article remains the owner of such article until is safely disposed of.

56. ACCESS TO PREMISES

- (1) Where the Municipality provides a refuse collection service, the occupier of premises shall grant the Municipality access to the premises for the purpose of collection and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Municipality in the carrying out of its services.
- (2) where in the opinion of the Municipality the collection or removal of refuse from any premises is likely to result in damage to premises or the Municipality's property, or injury to the refuse collectors or any other person, it may, as a condition or rendering a refuse collection service in respect of the premises,

require the owner or occupier to indemnify it in writing in respect of any such damage or injury or any claims arising out of either.

57. SERVING OF DOCUMENTS

(1) A notice, instruction, order or other document which has to be served for the purposes of these By-laws, is regarded to have been properly served or delivered if -

- (a) it has been served on or delivered to the person concerned personally;
- (b) it has been sent by registered post or speed post to the person concerned at his or her last known address;
- (c) it has been served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address.

58. CHARGES

- (1) Save where otherwise provided for in these by-laws, the person to whom any service mentioned in these by-laws has been rendered by the Municipality shall be liable to the Municipality for the tariff charge in respect thereof.
- (2) Services rendered by the Municipality in respect of which a tariff charge is prescribed, shall only be discontinued by the Municipality after receipt of a written notification from the owner or occupier of the premises to which the services are rendered, that the generation of domestic or business refuse on the premises has ceased, or when it has become obvious to the Municipality that the generation of such refuse on the premises has ceased.

- (3) Tariff charges shall be payable until receipt by the Municipality of the notice mentioned in subsection (2), or when it has become obvious to the Municipality that the generation of such refuse on the premises has ceased.
- (4) Charges in terms of the tariff shall become due and payable in advance.
- (5) Any person who fails to pay the tariff charge in respect of service rendered by the Municipality shall be guilty of an offence.
- (6) All the tariff charges mentioned in the schedule in terms of these By-laws shall be applicable up until such time the General Tariff By-laws have been promulgated by the Municipality.

CHAPTER 12
OFFENCES AND PENALTIES

59. MUNICIPAL WASTE NOTICES

- (1) An Authorised official may issue notices to any person contravening the provisions of these By-Laws –
 - (a) setting out the provisions or conditions contravened;
 - (b) directing such person to comply with such provisions or conditions; and
 - (c) setting out the measures which must be taken to rectify the contravention, and the period in which he or she must do so.
- (2) If a person fails to comply with directions given in a notice issued by the municipal waste management officer, the waste management officer may -
 - (a) take whatever steps it considers necessary to clean up or remove waste, to rehabilitate the premises, place or the affected environment at which the waste has been illegally dumped or stored and to ensure that the waste, and any contaminated material which cannot be removed, cleaned or rehabilitated, is disposed of lawfully;
 - (b) recover the costs of cleaning, removing, rehabilitating or disposing waste, premises or environment, or contaminated material, respectively, from the persons obliged to take such steps in terms of these By-Laws, who shall be jointly and severally liable therefore.
- (3) Mogale City Local Municipality may, in the case of hazardous or priority waste, require the persons generating such waste to close down until such time as

steps are taken to dispose of the waste in terms of subsection (2) if there is a real threat of damage or injury to any person or property.

- (4) The following persons may be served with such notice:
- (a) any person who committed, or who directly or indirectly permitted, the contravention;
 - (b) the generator of the waste;
 - (c) the owner of the land or premises where the contravention took place;
 - (d) the person in control of, or any person who has or had, at that stage of the contravention, a right to use the land or premises where contravention took place.

60. LANDFILL SITE: OFFENCES AND PENALTIES

- (1) Any person contravening any preceding provision of this section, may be refused entry or instructed by the person in charge to leave the landfill site and if such person fails or refuses to comply with such instruction, he or she may be removed from such facility.
- (2) Any person who contravenes these by-laws is liable for all costs reasonably incurred by the municipality in removing or otherwise dealing with the waste concerned, they may also be charged double amount for waste due for disposal thereof

61. FAILURE TO SUBMIT BWMP / NON COMPLIANCE

- (1) Failure to submit BWMP or failure to submit additional required information, or failure to implement after being properly informed will result in contravention of this policy and penalty shall be R10 000-00 which shall be payable to Mogale

City Local Municipality within a period of 30 days after being informed that the business premises has failed to submit the BWMP or additional required information

- (2) Failure to submit the BWMP Mogale City Local Municipality must include the penalty fee of R10 000.00 in the rates and taxes account of such business premises
- (3) Failure to pay the penalty fee, Mogale City Local Municipality must apply the credit control measures to recoup the penalty fee from the relevant business premises

62. OFFENCE AND PENALTIES

- (1) Any person who contravenes or fails to comply with any other provision of these by-law shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R10 000.00 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

63. SCHEDULE OF FINES

OFFENCE	PENALTY
Failure to keep premises/private stands clean and free of any nuisance or waste material	A punitive charge which amounts to 100% of cleaning costs including administrative costs associated with the notice/s, inspections and billing
The dumping and or disposal of any general waste material in public places or any premises	Up to R10 000 or imprisonment for a period not exceeding 6 months or to both such fine and imprisonment
The dumping and or disposal of any building rubble in public places or any premises	R5 000 or imprisonment for a period not exceeding 6 months or to both such fine and imprisonment.
The dumping and or disposal of any hazardous or health care risk waste in public places or any premises	R10 000 or imprisonment for a period not exceeding 6 months or to both such fine and imprisonment
Fouling or littering in public places or any premises in terms of Section 15 of these By-laws	R1 000 or imprisonment for a period not exceeding 3 months or to both such fine and imprisonment
Charge for the removal/or disposal or abandoned things	R5 000 or imprisonment for a period not exceeding 3 months or to both such fine and imprisonment

Generation of special refuse without notifying/requesting permission from the municipality	R10 000 or imprisonment for a period not exceeding 6 months or to both such fine and imprisonment
Any person who hinders or obstructs an official in the execution of his/her duties or in any way prevents proper execution of these By-laws	To be determined by the Court R2 000