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**BERGRIVIER MUNICIPALITY  
INTEGRATED WASTE MANAGEMENT BY-LAW: 2021**

In terms of Section 156(2) of the Constitution, 1996, Bergrivier Municipality hereby enacts as follows:—

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## CHAPTER 1 GENERAL PROVISIONS

### 1. Definitions and interpretation

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa; in the event of a conflict between the English and Afrikaans versions of this by-law, the English version shall be decisive and unless the context otherwise indicates —

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

**"applicable charge"** means the rate, charge, tariff, flat rate, subsidy or any other cost prescribed by the municipality+;

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

**"approved container"** means a container, including but not limited to bins, bin liners, waste bags or wrappers, approved for the temporary storage of domestic or business waste until removed by the municipality or an approved service provider;

**"approved business waste container"** means a container with a storage capacity of 240 litre, a container with a storage capacity of 770 litre or any other approved container prescribed by the municipality;

**"approved domestic waste container"** means a container with a storage capacity of 240 litres or any other approved container prescribed by the municipality;

**"authorised official"** means a waste management officer or other person in the employ of the municipality, authorised by the municipality for the purposes of this by-law, or if the municipality has appointed a service provider to perform municipal services, an employee of such service provider, authorised by it in terms of this by-law and acting within the scope of the powers, functions and duties assigned to that service provider by the municipality;

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

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

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

**"by-product"** means a substance that is produced as part of a process that is primarily intended to produce another substance or product and that has the characteristics of an equivalent virgin product or material;

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

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

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

**"damage to the environment"** means any pollution, degradation or harm to the environment whether visible or not;

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

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

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

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

**"domestic waste"** means waste that emanates from premises used wholly or mainly for--

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

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

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

**"EIA"** means an environmental impact assessment as contemplated in NEMA, or the ECA and the EIA Regulations as published in Government Notice R 982 on 4 December 2014, as amended ;

**"enforcement notice"** means any notice issued by an authorised official under this by-law which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 57;

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

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

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

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

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

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

**"general waste"** means waste that does not pose an immediate hazard or threat to health or to the environment;

**"development"** means a high-density residential development with common property or facilities and which is managed by a home owners' association, body corporate or other managing body;

**"hazardous chemical substance"** means any toxic, harmful, corrosive, irritant or asphyxiant substance, or a mixture of such substances for which—

- (a) an occupational exposure limit is prescribed;
- (b) an occupational exposure limit is not prescribed but which creates a hazard to health and the environment;

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

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

**"health care waste"** means all waste generated by or derived from medical care or medical research including but not limited to infectious waste, pathological waste, sharp waste, pharmaceutical waste, genotoxic waste, chemical waste, pressurized container waste, waste with heavy metals, radio-active waste, or any waste that has been in contact with blood, bodily fluids or tissues from humans or infected animals from veterinary practices;

**"holder of waste"** means any person or entity that imports, generates, collects, handles, accumulates, stores, transports, transfers, processes, treats, trades, exports, recovers, recycles, re-uses or disposes of waste including sorters of waste such as recycling or waste minimisation groups, scrap dealers and buy-back centres;

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

**"inert waste"** means waste that—

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

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

**"integrated waste management plan"** means an integrated waste management plan required by the municipality in terms of this by-law or that is required in terms of any other applicable legislation;

**"interest"** means a levy with the same legal property as service fees and calculated in terms of this by-law on all amounts in arrears in respect of prescribed fees for waste management services at a standard rate equal to an interest rate as determined by the municipality;

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

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

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

**"minimisation"** means the steps taken by the municipality, residents, businesses and industries to avoid and reduce the amount and toxicity of waste generated and disposed of;

**"Minister"** means the Minister of the Department of Environmental Affairs;

**"municipality"** means the municipality of Bergvliet established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee;

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

**"NEMA"** means the National Environmental Management Act, 1998 (Act 107 of 1998);

**"NEM:WA"** means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008);

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

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

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

**"organic waste"** is any material that is biodegradable and comes from either a plant or an animal, including but not limited to green waste, food waste, food-soiled paper, non-hazardous wood waste, and landscape and pruning waste;

**"owner"** includes –

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

**'peace officer'** means—

- (a) any member of the South African Police as defined in section 1 of the South African Police Service Act, 68 of 1995; and
- (b) any person appointed as such by the municipality in terms of section 334(1) of the Criminal Procedure Act, 51 of 1977;

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

**"pollution"** means any change in the environment caused by –

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

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

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

**"prescribed tariff"** means a schedule of prescribed fees as entailed in the municipality's budget;

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

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

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

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

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

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

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

**“SANS”** means South African National Standard;

**“SAWIS”** means the national waste information system established by the national government in accordance with NEM:WA;

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

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

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

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

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

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

**“tariff”** means the annually revised user charge for the provision of the municipal service, determined by the municipality;

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

**“waste”** means all kinds of waste described herein, and any substance whether or not that substance can be reduced, re-used, recycled and recovered—

- (a) that is surplus, unwanted, rejected, discarded, abandoned or disposed of;
- (b) that must be treated or disposed of; or
- (c) that is identified as a waste by the Minister by notice in the Gazette, and includes waste generated by the mining, medical or other sectors, but any portion of waste, once re-used, recycled or recovered, ceases to be waste;

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

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

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

**“waste information system”** means SAWIS;

**“waste management activity”** means any one or more of the activities, as listed in NEM:WA, that a holder of waste may be involved in;

**“waste management officer”** means a person designated by the municipality to administer and implement the provisions of this by-law including the co-ordination of matters pertaining to waste management.

**“waste management plan”** means a waste management plan required by the municipality in terms of this by-law and NEM:WA;

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

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

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

**“working day”** means a day other than a Saturday, Sunday or public holiday but in the context of the municipality’s waste handling and waste disposal facilities it includes all calendar days except Sundays, and religious public holidays.

## 2. Principles

- (1) The municipality has the responsibility to ensure that all waste generated within the municipal area is—
  - (a) collected, disposed of or recovered in accordance with this by-law; and
  - (b) such collection, disposal or recovery takes account of the waste management hierarchy outlined in sub-section (2).
- (2) The principle underpinning this by-law is the establishment of a waste management hierarchy in the following order of priority—
  - (a) avoidance, minimisation and reduction of waste;
  - (b) re-use of waste;
  - (c) recycling, re-claiming, reprocessing and treatment of waste; and
  - (d) disposal of waste.

- (3) An authorised official must as is reasonably possible, take the hierarchy specified in subsection (2) into account.

**3. Main objectives**

(1) The main objectives of this by-law are—

- (a) to regulate the collection, handling, storage, transport, recycling, treatment and disposal of waste;
- (b) to promote the pursuance of an integrated waste management approach;
- (c) to regulate the provision of municipal services by a service provider and commercial services by licensees; and
- (d) to enhance sustainable development.

(2) In pursuing the main objects of this by-law, the municipality shall, within its financial and administrative capacity—

- (a) endeavour to ensure local community involvement in waste planning;
- (b) endeavour to minimise the consumption of natural resources;
- (c) promote the recycling and re-use of waste;
- (d) encourage waste separation to facilitate re-use and recycling;
- (e) promote the effective resourcing, planning and delivery of municipal services and commercial services;
- (f) endeavour to achieve integrated waste management, planning and services in a local context;
- (g) promote and ensure environmentally responsible municipal services and commercial services; and
- (h) endeavour to ensure compliance with the provisions of this by-law.

**4. Duties and obligations**

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

- (a) reduce or avoid waste generation and minimise the toxicity of waste generated;
- (b) re-use, recycle and recover waste;
- (c) dispose waste in an environmentally sound manner;
- (d) manage waste in a manner not endangering health or the environment and cause no nuisance related to sight, noise or odour;
- (e) prevent waste from being used for an unauthorised purpose including the prevention of persons under his supervision from contravening this by-law;

(2) A person who sells a product which for use by the public and which is likely to result in the generation of hazardous waste must take all reasonable steps to inform the public of the impact of such waste on health and the environment.

(3) Any person subject to the duties and obligations imposed in subsections (1) and (2) may be required by the municipality or an authorised official to take measures to ensure compliance with these duties and obligations, which measures may be to—

- (a) investigate and evaluate the impact on the environment;
- (b) inform and educate employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing significant pollution or degradation of the environment;
- (c) cease, modify or control any act, activity or process causing the pollution or degradation;
- (d) contain or prevent the movement of pollutants or the cause of degradation;
- (e) eliminate any source of the pollution or degradation;
- (f) remedy the effects of the pollution or degradation.

## **CHAPTER 2** **INTEGRATED WASTE MANAGEMENT**

**5. Waste management plans**

(1) The municipality must—

- (a) establish, review and revise its integrated waste management plan in accordance with the prescriptions of national legislation;
- (b) annually report on the implementation of its integrated waste management plan; and
- (c) follow prescribed processes of community consultation regarding subsections (1)(a) and (b).

(2) A person who wishes to organise or host an event in the municipal area must at least one month prior to the event taking place submit to the municipality a waste management plan that includes the waste management services to be provided and such other information as required by the municipality.

(3) The municipality may grant conditional exemption in terms of subsection (2) depending on the size, nature and duration of the event;

(4) A Person responsible for a new development must submit to the municipality an integrated waste management plan including such information as the municipality requires prior to the start of the development and also during the development, if so requested by the municipality.

(5) The municipality may require a holder of waste involved in a waste management activity listed in terms of section 19 of NEM:WA to submit an integrated waste management plan within a specified time and thereafter at intervals coinciding with the requirements of national and provincial legislation or standards.

- (6) The municipality may require from any other holder of waste, excluding domestic waste, to submit within a reasonable time and thereafter at intervals determined by the municipality an integrated waste management plan containing such information as the municipality deems necessary or, if applicable, a copy of its industry waste management plan as required by national legislation.
- (7) If an integrated waste management plan as referred to in subsections (4), (5) or (6) is in any way changed or amended, the holder of waste must submit such changed or amended plan to the municipality.

**6. Waste information system**

- (1) The municipality must establish and maintain a waste information system including information on the levels and extent of waste management services provided by it and enter such information on the SAWIS and the provincial waste information system as and when required.
- (2) The municipality may require from a holder of waste to submit within a reasonable time or on a regular basis such data, documents, information, samples or materials;
- (3) The municipality may request a person or holder of waste that should be registered on the SAWIS or a provincial waste information system, to effect such registration and submit proof thereof or to submit proof of not conducting a waste management activity obligating such registration within a reasonable time.

**7. Waste minimisation and recycling**

- (1) The municipality must, in accordance with its responsibilities and its resources, implement measures to reduce waste and promote the recovery, re-use and recycling of waste including waste separation at source.
- (2) The municipality may in a manner it deems suitable, acknowledge outstanding achievements in respect of waste avoidance, waste minimisation, recycling or other waste management practices advancing environmentally responsible integrated waste management.

**8. Waste management activities**

- (1) The municipality may require a holder of waste in possession of or responsible for waste that must be classified, recorded, labelled or in any way be assessed or re-assessed, to submit proof of compliance with the relevant prescriptions of national and provincial legislation and standards as applicable thereto, and the municipality must comply with any such legislation or standards in respect of its own waste management activities.
- (2) The municipality's approval, inspection and monitoring of waste storage facilities, vehicle scrapping or recovery facilities and any other facilities where materials suitable for re-use or recycling are recovered, must be in accordance with national and provincial legislation and standards and the municipality's by-laws and may require the owners or occupiers of such premises to submit such information, plans and records as the municipality deems necessary to fulfil its duties as a waste management authority.

**CHAPTER 3**  
**COLLECTION OF WASTE**

**9. Levels of service**

The levels of waste collection may differ between areas based on the practicality and cost-efficiency of delivering the service. Service levels in areas may vary between:

- (a) on-site and regularly supervised or monitored disposal;
- (b) community transfer to a central collection point;
- (c) organised transfer to a central collection point and kerbside collection; or
- (d) a combination of these levels.

**10. Compulsory use of service**

- (1) No one except the municipality, or a person authorised by the municipality may remove waste from any premises or dispose thereof and each owner or occupier of premises must make use of the service provided by the municipality for the removal or disposal of waste.
- (2) The tariff for waste removal as fixed by the municipality shall be payable to the municipality by the owner, irrespective whether the service is being used, or not, except where exemption is granted in terms of section 66.
- (3) The waste collection service rendered in terms of subsection (1) must be in accordance with the agreement for services concluded with the municipality, which agreement may be amended to provide for an increase in the frequency or volume of the waste removal service rendered should it be required by the municipality or in response to a request by the owner or occupier of residential or business premises.
- (4) Availability charges may be charged on vacant premises.
- (5) The municipality may determine which waste items are unsuitable for collection if it does not constitute domestic waste or business waste or could be classified as bulky waste, and if waste is determined to be unsuitable for collection, a process for removal and disposal of such waste may be recommended by the municipality to the owner of the waste or occupier of the premises.
- (6) If the municipality's scheduled waste collection services are interrupted for whatever reason, the municipality must resume the service as soon as reasonably possible and address backlogs as a matter of priority.

**11. Frequency**

- (1) The municipality must collect domestic waste and business waste at least once per week on scheduled dates for different areas. Occupiers or owners of premises must be informed of revised collection arrangements in advance.
- (2) The municipality may determine which business premises generate waste that can be regarded as dailies and may instruct an increase in the frequency of waste collection therefrom as provided for in section 10(3).
- (3) If the municipality is of the opinion that a business creates a nuisance, health risk, odour or danger to public health due to the fact that waste is not removed during weekends, it may instruct the owner or occupier to—
- take the necessary steps to remove or abate the nuisance or health risk; or
  - to remove the waste at own cost to a municipal facility which may be available at the time.
- (4) An owner or occupier of a business premise that receives a waste removal service once per week may apply to the municipality in writing to increase the number of removals to multiple times per week if so available and as provided for in section 10(3).

**12. Volume**

- (1) The municipality may determine—
- the number of containers to be collected from each residential premises per collection;
  - the volume of waste to be collected from each business premises per collection based on an inspection of the waste volumes; and
  - the maximum amount of business waste that may be placed for collection without the provision of an additional service or the payment of an additional prescribed fee.
- (2) Should the municipality require the provision of an additional service to a residential or business premise, or where the owner or occupier applies to the municipality to increase the number of containers to be collected, these changes must be effected as provided for in section 10(3).

**13. Containers**

- (1) The municipality shall only collect domestic and business waste placed in approved containers from a location and in a condition as determined.
- (2) The municipality shall in accordance with the collection service rendered in an area, supply premises where waste is generated with containers for domestic waste, organic waste and recyclable waste.
- (3) Should the owner or occupier of a business premise or a residential premise including a group development require additional containers, either by written request or as required by the municipality, the municipality may supply such additional containers as agreed and may do so at an extra cost including a repayable deposit that the owner or occupier must pay before delivery thereof to the premises.
- (4) Where bins are supplied by the municipality in terms of subsections (2) and (3) it must—
- have serial numbers linked to the service agreement of the owner or occupier of the premises with the municipality;
  - remain the property of the municipality;
  - be returned to the municipality upon termination of the service agreement by the owner or occupier of the premises and if a refundable deposit was paid for it such deposit will be refunded to the owner or occupier of the premises provided the receptacle is in the opinion of the municipality still in a usable condition;
  - be replaced by the municipality free of cost if such replacement is in the opinion of the municipality warranted due to normal wear and tear;
  - in case of theft—
    - if it is a first occurrence, be replaced free of cost by the municipality;
    - if it is a second occurrence, be replaced at fifty percent of the cost thereof by the municipality; or
    - if it occurs for a third or more times, be replaced at hundred percent of the cost thereof by the municipality; provided the municipality receives a written request for such replacement including documentary proof of the case being reported to a police station;
- (5) Where the municipality notices the absence of a container and no request for replacement has been lodged, it may replace it and recover the cost from the owner or occupier.
- (6) In case of damage caused through the negligence of the owner or occupier of the premises, the container may be replaced by the municipality after receiving a written request for such replacement and full payment of the cost involved.
- (7) The owner or occupier of a residential or business premise shall be responsible for marking his or her container with the stand number to ensure easy identification thereof and to assist the municipal employees to return it to the correct stand.
- (8) Containers for the temporary storage of waste at business and residential premises must be kept in good condition and fit for the safe storage of waste to prevent damage to the environment and harm to health.
- (9) No person may allow an animal in his or her control to interfere with, overturn or damage a container which has been placed for collection.
- (10) The owner or occupier of business or residential premises must ensure that—
- a container contains no hot ash, unwrapped broken glass or other domestic waste, business waste including dailies which may cause injury to the municipal employees while carrying out their duties or damage to the container;

- (b) no material, including any liquid, is placed in such container which by reason of its mass or other characteristics is likely to render a container unreasonably difficult for the municipal employees to handle or carry;
  - (c) containers are kept closed and in a clean and hygienic condition to avoid animal and insect interference and wind-blown litter;
  - (d) containers are placed outside the entrance to the premises on a date and time specified by the municipality by written notice to the owner or occupier of the premises;
  - (e) space and any other facility deemed necessary by the municipality be provided on the premises for the storage of containers and the space so allowed permitting convenient access to and egress for the municipality's waste collection vehicles;
  - (f) the pavement in front of or abutting the premises is kept clean and free of waste.
- (11) If dailies are generated, the owner or occupier must ensure that—
- (a) it is not placed in a container where it could contaminate another waste stream;
  - (b) the containers are placed not more than 20 metres from the entrance to the premises from where the waste is collected by the municipality.
- (12) Notwithstanding anything to the contrary contained in this by-law, the municipality may, having regard to the avoidance of a nuisance and the convenience of collection of waste, indicate a specific position within or outside the premises concerned where containers must be placed for the collection and removal of waste.
- (13) No person may place any waste bags or other containers containing waste other than domestic or business waste outside the premises unless approved by the municipality for a specific purpose.
- (14) No person may use or allow another person to use a bin supplied for waste storage for purposes other than the storage of waste.
- (15) An authorised official may, if he or she is a Peace Officer, confiscate a bin if found in possession of a person who is not the owner or occupier of premises in respect of which such bin was supplied by the municipality.
- (16) A bin confiscated in terms of subsection (15) must be returned to the rightful owner thereof if his or her address or contact detail is known to the authorised official. If the container is confiscated for purposes of criminal prosecution, it must be handed to a police official in terms of section 23(1) of the Criminal Procedure Act, 1977 (Act 51 of 1977).

#### **14. Communal collection**

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

#### **15. Collection and disposal in rural areas**

- (1) Where it is not economically viable for the municipality to provide bulk waste containers or any other form of collection of waste in its rural areas, communities and farmers are encouraged to make use of the municipality's facilities to dispose of waste at designated municipal waste handling or waste disposal facilities.
- (2) Notwithstanding the above, the municipality will in co-operation with rural communities work to find cost-effective ways to expand waste collection practices to the rural areas.

#### **16. Recycling**

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

**17. Accumulation of waste**

- (1) The owner or occupier of a business or residential premise must ensure that all domestic or business waste generated on the premises be placed for collection and not be accumulated.
- (2) An owner or occupier contemplated in subsection (1) may not place waste for collection on any sidewalk or road reserve on days not scheduled for collection by the municipality.
- (3) Where a type or quantity of waste is not collected by the municipality or regularly removed by a licensed service provider, the owner or occupier of the premises or holder of the waste must arrange for the removal, transport and disposal of the waste at a waste handling or waste disposal facility, as often as may be necessary to prevent undue accumulation and any nuisance or detrimental impact on human health or the environment arising from the waste.
- (4) The municipality may enter any premises where waste of any type is accumulated and may instruct the person generating the waste or the owner or the occupier of the premises to remove the waste immediately or the municipality may proceed to do so at the cost of the person responsible for the accumulation.

**CHAPTER 4**  
**HANDLING DIFFERENT WASTE TYPES**

**Part 1**  
**Garden Waste**

**18. Composting**

The owner or occupier of premises on which garden waste is generated may compost garden waste on the property, provided that such composting does not cause a nuisance or a detrimental impact on human and environmental health.

**19. Removal and disposal of garden waste**

- (1) The owner or occupier of premises on which garden waste is generated must remove and dispose of it within a reasonable time after generation of the waste at a waste handling or waste disposal facility determined by the municipality.
- (2) At the request of the owner or occupier of any premises the municipality could remove garden waste from premises subject to the payment of the charge and the conditions determined by the municipality.
- (3) A container provided by the municipality for disposal of garden waste may not be used by any person for the disposal of domestic or other forms of waste.

**Part 2**  
**Bulky Waste**

**20. Removal and disposal**

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

**Part 3**  
**Building Waste**

**21. Plans and inspection**

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

**22. Generation and storage**

- (1) Notwithstanding the waste arrangements contemplated in section 21, the owner or occupier of premises on which building waste is generated or the person engaged in any activity which causes such waste to be generated, must ensure that—
- (a) all building waste and the containers used for the storage thereof is kept on the premises on which the building waste is generated;
  - (b) the premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;
  - (c) any building waste which is blown off the premises, is promptly retrieved.
- (2) Upon written request and subject to conditions as it may determine the municipality may approve the use of a bulk container placed on a verge for a specified duration.

- (3) The municipality may instruct an owner or occupier of premises on which building waste is generated or the person engaged in any activity which causes such waste to be generated to make use of special containers to dispose of it and will determine a tariff for the use of such containers should these be provided by the municipality.

**23. Removal and disposal**

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

**Part 4**  
**Special Industrial, Health Care and Hazardous Waste**

**24. Notification and verification**

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

**25. Storage**

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

**26. Collection and disposal**

- (1) Only a licensed service provider may collect special industrial, health care and hazardous waste from premises where it is stored and dispose of it at a waste disposal site designated by the municipality to receive such waste if such site is situated within the municipality. If no site for that type of waste is situated within the municipality, it must be disposed of at an appropriately licensed site.
- (2) A licensed service provider must collect, transport and dispose of the waste referred to in sub section (1) in accordance with its licence terms and conditions and in compliance with applicable legislation, national standards and SANS Codes.

## **Part 5 Industrial Waste and Special Waste**

**27. Storage**

The owner or occupier of premises on which industrial waste or special waste is generated must ensure that until such time as the waste is collected by a licensed service provider from the premises on which it was generated.

- (a) the waste is stored in accordance with applicable legislation, national standards and SANS Codes in approved containers which are not kept in a public place; and
- (b) no nuisance, health risk or environmental damage is caused by the waste during generation or storage.

**28. Collection and disposal**

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

(2) A licensed service provider must collect, transport and dispose of the waste referred to in subsection (1) in accordance with its licence terms and conditions and subject to the requirements of any applicable legislation, national standards and SANS Codes.

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

## **Part 6 Tyres, Disused Vehicles or Machinery and Scrap Metal**

**29. Storage and disposal**

(1) No owner or occupier of premises with an operational area in excess of the statutory determined limit in terms of GN R921 dated 29 November 2013 (List of waste management activities that are likely to have a detrimental effect on the environment) may temporary accumulate, store or stockpile waste tyres, disused, scrapped, dismantled or recovered vehicles or machinery or scrap metal unless the waste management activity is managed in accordance with national standards or licensed in terms of national legislation, whichever is applicable.

(2) Waste as contemplated in sub section (1) are not accepted at any of the municipality's own waste handling or waste disposal facilities and any person having to dispose of any of these materials must dispose thereof at a waste disposal site as directed by the municipality and in terms of conditions determined for such waste disposal site.

(3) The municipality may enter the premises of any person contemplated in sub section (1) and request proof of any plans including its integrated waste management plan, licenses or other applicable documents to verify compliance with applicable legislation.

## **Part 7 Recyclable Waste**

**30. Storage, collection and disposal**

(1) An owner or occupier of premises or any other person may not temporary accumulate, sort, store or stockpile recyclable waste on any premises within the municipal area unless acting in accordance with subsection (2).

(2) An owner or occupier of premises or any other person must prior to commencing an activity involving the re-use, reclamation or recycling of waste, comply with national and provincial legislation and standards and applicable SANS Codes for such activity and provide the municipality with a copy of his integrated waste management plan and such other information as the municipality may require.

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

## **Part 8 Agricultural and Farm Waste**

**31. Disposal**

(1) An owner or occupier of farmland may dispose of general waste, which may include agricultural and farm waste to the land, provided this is done in accordance with the provisions of the GN R921 dated 23 November 2013 promulgated in terms of NEM:WA as well as the relevant SANS Codes.

(2) The municipality wants to encourage landowners to store waste until enough has been accumulated for transport, and then transport the waste to the nearest landfill for disposal. If the capacity of the waste storage area exceeds 100m<sup>3</sup> for general waste or 80m<sup>3</sup> for hazardous waste, the landowner must register with the Department of Water and Sanitation and adhere to the NEM:WA "National Norms and Standards for the Storage of Waste", published in GN No. 926 of 29 November 2013. However, if waste is stored for a period not exceeding 90 days, the Norms and Standards would not apply.

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

- (4) An authorised official of the municipality may request an owner or occupier of farm land to provide proof of the licences referred to in subsections (2) or (3) if he or she suspects disposing of hazardous waste or general waste exceeding the quantity allowed for disposal, and, irrespective of the composition or quantity of the waste disposed of by an owner or occupier, the municipality may request him or her to submit an integrated waste management plan within a determined time frame.
- (5) An owner or occupier of farmland may apply in writing to make use of the municipality's waste handling and waste disposal facilities, the approval of which will provide the applicant access to the municipality's waste disposal facilities on such conditions as the municipality may impose.

## CHAPTER 5 TRANSPORTATION AND DISPOSAL

### Part 1 Transportation of Waste

#### **32. Safe transportation**

No person may—

- (a) operate a vehicle for the conveyance of waste upon a public road unless the vehicle has a body of adequate size and construction for the type of waste being transported; and
- (b) fail to maintain a vehicle used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times.

#### **33. No wastage or spillage**

A person transporting waste through the municipal area must ensure that—

- (a) loose waste on an open vehicle is covered with a tarpaulin or suitable net; and
- (b) no waste become detached, leak or fall from the vehicle transporting it.

#### **34. Legal compliance**

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

### Part 2 Waste Disposal

#### **35. Permitted use**

- (1) The municipality may prescribe which types of waste may be disposed of at a particular waste handling or waste disposal facility as permitted in terms of the license stipulations of each facility.
- (2) Different tariffs for the disposal of different waste types and volumes are applicable but residents are allowed free disposal of a certain volume of general waste as determined by the municipality.

#### **36. Liability**

- (1) No person may dispose of waste at a waste disposal facility which is not licensed for such use and any person who contravenes any prescriptions of the municipality as contemplated in section 35(1) will be liable for all reasonable costs incurred by the municipality in removing or otherwise dealing with the waste improperly disposed.
- (2) The municipality shall not be liable for any claim resulting from access to any waste handling or waste disposal facility and any person who enters any of the sites of these facilities does so at own risk.

#### **37. Access to facilities**

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

**38. Accepting waste from others**

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

**CHAPTER 6**  
**LITTERING AND DUMPING**

**39. Provision of facilities for waste**

- (1) The municipality must take reasonable steps to ensure that enough containers are provided for the discarding of waste by the public on any premises to which the public has access.
- (2) The owner or occupier of private land to which the public has access must ensure that sufficient containers are provided to contain litter which is discarded by the public.

**40. Littering and dumping**

- (1) No person may drop, throw, deposit, spill, dump or in any other way discard, any waste into or onto any public place, public road, road, municipal drain, land, vacant erf, stream or any other places not allowed for in this by-law or allow any person under their control to do so.
- (2) An owner or occupier of business premises may not allow the accumulation of waste on a sidewalk, road reserve, or any vacant property adjacent to his or her business premises.
- (3) An authorised official may act against a contravention of subsection (1) through a written notice directing such person to—
- (a) cease the contravention within a specified time;
  - (b) prevent a repeat of the contravention or a further contravention;
  - (c) take whatever measures that the municipality considers necessary to clean up or remove the waste and rehabilitate the affected environment within a specified time; or
  - (d) to pay a fine or appear in court in terms of section 56 of the Criminal Procedure Act, 1977 (Act 51 of 1977);
- (4) No person may remove or interfere with waste on any premises where such waste has been placed in approved containers for removal by the municipality.
- (5) An owner or occupier of land or premises or any other person in control of land or premises, may not use or permit the land or premises to be used for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for that purpose.
- (6) Should the municipality regard it necessary to remove waste from land or premises, the owner, occupier or person having control over the land or premises will be held liable for the costs incurred by the municipality for the removal operation.
- (7) In the case of hazardous waste, the municipality will remove such waste or have it removed as soon as possible and thereafter issue notices to the person liable for the cost of removal and rehabilitation of the environment.
- (8) The owner of private land to which the public has access must ensure that sufficient containers are provided to contain litter which is discarded by the public.

**41. Burning of waste**

Burning of waste is strictly prohibited unless authorised by the Chief Fire Officer in terms of the Fire Safety By-law of the authority responsible for the function at the time.

**42. Abandoned objects**

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

**CHAPTER 7**  
**EXTERNAL SERVICE PROVIDERS**

**Part 1**

**Licensed Service Providers for Commercial Services**

**43. Licence applications**

- (1) No person may provide commercial services for the collection and transport of waste in the municipal area unless he or she has registered with the municipality and obtained a licence authorising such waste management activities.

- (2) An application for a license must be submitted in writing in a format or on a form prescribed by the municipality accompanied by the prescribed fee and, unless subsection (3) applies, the municipality's prior approval for the collection and transportation of waste.
- (3) Any person already providing commercial services at the commencement of this by-law, must within ninety days of such commencement date submit an application for a licence in terms of subsection (1), failing which the person will as from the date that the said ninety days' period expired be prohibited to render such services in the municipal area.
- (4) The municipality must consider an application submitted in terms of this section within thirty days of its receipt having regard to the health, safety and environmental record of the applicant and the nature of the commercial service to be provided and will furnish written reasons if such application is rejected.
- (5) Registration as a service provider does not entitle the service provider to render a removal service except where an exemption in terms of section 47 or section 66 is applicable.

#### **44. Terms and conditions of licences**

- (1) A licence must—
  - (a) clearly identify the license holder;
  - (b) specify the licence period;
  - (c) specify the categories of waste which the licensed service provider may collect, transport and dispose of;
  - (d) outline the information recording and submission requirements of the municipality for its own integrated waste management plan and SAWIS; and
  - (e) specify other procedural matters that may be necessary.
- (2) A licence—
  - (a) may not be ceded or assigned without the permission of the municipality;
  - (b) is valid for two years from the date of issue; and
  - (c) is valid only for the categories of waste specified therein.
- (3) A licence authorisation may include a display sticker for each of the vehicles identified in the application indicating the validity period and the category of waste for which the licence is granted, which sticker must be clearly displayed on the front window of the vehicles.
- (4) The municipality will not receive waste at its waste handling facilities or waste disposal facilities from service providers who do not comply with the provisions of subsection (3).
- (5) A licensed service provider may not fail or refuse to provide the municipality with any information reasonably requested with regards to the terms and conditions of the licence or give false or misleading information.
- (6) A licensed service provider is fully liable for any act or omission by any of his or her employees if such an act or omission is a transgression of the licence conditions or have a detrimental impact on human health or the environment.

#### **45. Renewal of licences**

- (1) A licence renewal application must be submitted at least sixty days prior to the expiry date thereof and must be considered and either granted or rejected by the municipality within thirty days of receipt of the renewal application. The municipality must provide reasons for the rejection of a licence renewal.
- (2) Notwithstanding anything to the contrary in this by-law, the municipality must temporary extend a licence for a period not exceeding thirty days if a service provider followed the correct procedure as contemplated in subsection (1) and due to the municipality's processes, the renewal application has not been considered.

#### **46. Suspension and revocation of licences**

- (1) The municipality may suspend or revoke a licence if a service provider failed to comply with any of the terms and conditions of the licence or any other provision of this by-law, or any national or provincial legislation regulating the collection, transportation or disposal of waste or any other grounds considered by the municipality as substantive reason to revoke or suspend a licence.
- (2) The municipality must give a licensed service provider written notice of the intended suspension or revocation of his or her licence to submit reasons within thirty days from the date of issuing the notification why such action should not to be taken by the municipality.
- (3) Irrespective of a representation being made by the licensed service provider, the municipality must notify him or her of its decision within 14 days after expiry of the time given for response.

#### **47. Licence exemptions**

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

#### **48. Consumer responsibilities**

The owner or occupier of premises or the holder of waste that contracts with a licensed service provider must ensure that—

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

- (b) until such time as the licensed service provider collects such waste from the premises on which it was generated, the waste is stored in an approved container and no nuisance regarding dust, odours or health, is caused by the handling of the waste in the course of its generation, storage or collection; and
- (c) the service rendered is only in respect of the categories of waste authorised in the licence.

## Part 2 Municipal Service Providers

### **49. Outsourcing of services**

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

### **50. Consumer charter**

If a service provider as contemplated in section 49 is appointed by the municipality to render a service to a large geographical area or part of its population, the service provider may be required to compile and adopt a consumer charter in consultation with the community.

## CHAPTER 8 OWNERSHIP OF WASTE AND ACCESS TO PREMISES

### **51. Ownership**

- (1) A person who generates waste is the owner of that waste until it is made available by that person for collection by the municipality or a service provider in accordance with this by-law.
- (2) Waste becomes the property of the municipality once it is made available for collection.
- (3) Subsections (1) and (2) do not apply to waste streams identified by the municipality that may not be collected and to waste disposed of unlawfully.
- (4) A person who generates waste contemplated in subsection (3) remains the owner of the waste until the waste is disposed of lawfully.
- (5) Waste on the following premises controlled by the municipality:
  - (a) waste disposal facilities;
  - (b) waste transfer facilities; and
  - (c) facilities where waste is received, stored, recovered or treated,  
is the property of the municipality.
- (6) No person may remove from or interfere with waste on premises contemplated in subsection (5), unless authorised by the municipality.

### **52. Access to premises**

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

## CHAPTER 9 COMPLIANCE AND ENFORCEMENT

### **53. Compliance with this by-law and other laws**

- (1) The owner or occupier of premises is responsible for ensuring compliance with this by-law.
- (2) Any person entity who requires a waste related license or authorisation must submit proof of such license or authority to an authorised official upon request.

### **54. Authorisation of an authorised official**

- (1) The municipality or a service provider as contemplated in section 49 of this by-law, may authorise any person in its employ give effect to the provisions of this by-law.
- (2) The waste management officer of the municipality is an authorised official.

### **55. Functions and powers of an authorised official**

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

**56. Service of notices and documents**

- (1) A notice or document issued by the municipality in terms of this by-law must be deemed to be duly authorised if signed by an authorised official.
- (2) If a notice or document is to be served on an owner, occupier or any other person in terms of this by-law it shall be deemed to be effectively and sufficiently served on such a person—
- (a) when it has been delivered to him or her personally or to his or her duly authorised agent;
  - (b) when it has been left at his or her residence or place of business or employment to a person apparently not less than sixteen years of age and residing or employed there;
  - (c) if he or she has nominated an address for legal purposes, having been delivered to such an address;
  - (d) if he or she has not nominated an address for legal purposes, having delivered it to the address given by him or her in his or her application for the provision of waste services, or the reception of an account for the provision of waste services;
  - (e) when it has been sent by pre-paid registered or certified post addressed to his or her last known address for which an acknowledgement of the posting thereof will be obtained from the postal service;
  - (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
  - (g) if service cannot be effected in terms of subsections (a) to (f), by affixing it to a conspicuous place on the premises concerned.

**57. Compliance notices**

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

**58. Power of entry and inspection**

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

**59. Using force to enter**

Force may not be used to effect entry to execute work or conduct an inspection on any premises unless an emergency arises.

**60. Liabilities and compensation**

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

**61. False statement or information**

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

**62. Seizure of property**

- (1) An authorised official, if he or she is a peace officer, may, on the authority of a warrant issued in terms of subsection (2), search a person for, and seize any article, including a vehicle—
- (a) which is used in, or is on reasonable grounds believed to be used in a contravention or failure to comply with any provision of this by-law;
  - (b) which may afford evidence of such contravention or failure; or
  - (c) which is intended to be used or on reasonable grounds believed to be intended to be used in such contravention or failure.
- (2) A warrant contemplated in subsection (1) may be issued by a judge or a magistrate if it appears to such magistrate or justice from information on oath that there are reasonable grounds for believing that any such article is in the possession or under the control of or upon any person or upon or at any premises within his area of jurisdiction.
- (3) Property seized from a person in terms of subsection (1), must forthwith be handed to an official of the South African Police Services for disposal thereof in terms of Chapter 2 of the Criminal Procedure Act, 51 of 1977.

**62A Seizure of property without warrant**

A peace officer as contemplated in section 62(1) may, without a search warrant, search any person, vehicle, container or premises for the purpose of seizing any article referred to in section 62—

- (a) if the person concerned consents to the search for and the seizure of the article in question, or if the person who may consent to the search, consents to such search and the seizure of the article in question; or
- (b) if he or she on reasonable grounds believes—
  - (i) that a search warrant will be issued to him or her under section 62(2) if he or she applies for such warrant; and
  - (ii) that the delay in obtaining such warrant would defeat the object of the search.

**62B Impoundment of vehicles**

- (1) Notwithstanding the provisions of section 62 and 62A, an authorised official may hold and impound a vehicle in the event of a person continuing or repeating a contravention in terms of this by-law, in respect of which a notice have been issued to such person to comply with the by-law provisions.
- (2) The authorised official, at the time of impoundment of the vehicle, must give the person in control of the vehicle a notice setting out—
- (a) the reason for the impoundment of the vehicle;
  - (b) the description of the vehicle being impounded;
  - (c) the address and contact details of the designated pound;
  - (d) the payment of an impoundment fee as determined by the municipality in terms of its Tariff Policy and costs incurred by the municipality as contemplated in section 57 of this by-law;
  - (e) the possibility of the impounded vehicle being sold, subject to a court order, to recover costs; and
  - (f) the date, time and place where and the person to whom representations may be made for the release of the impounded vehicle.
- (3) A vehicle which has been impounded in terms of subsection (1) must be taken to a designated pound where it must be retained and dealt with in terms of subsection (4).
- (4) The impounded vehicle must be released to the rightful owner—
- (a) upon payment of the impoundment fee and any cost incurred by the municipality to remedy the transgression where applicable; or
  - (b) upon acceptance by the municipality of a representation for the release of the vehicle in terms of subsection 2(f);

**62C Disposal of impounded vehicles**

- (1) If the owner of an impounded vehicle fails to claim such vehicle or pay the prescribed fees and costs as contemplated in section 62B(2)(d) within 60 days of the impoundment thereof, the municipality may—
- (a) apply to a competent court for authority to sell the vehicle; and
  - (b) in the application, provide the court with proof that an account reflecting the fees and costs to be paid was lodged with the owner.
- (2) On the sale of an impounded vehicle, and upon the presentation of proof of payment of the required fees and costs, the municipality must pay to the owner the proceeds of the sale less the impoundment fees and costs.
- (3) In the event of the proceeds of any sale not being sufficient to defray the expenses incurred by the municipality, the owner shall remain liable for the difference.
- (4) If such owner fails to claim the said proceeds within 30 days from the date on which such vehicle was sold, the proceeds shall be forfeited to the municipality.

- (5) A certificate issued under the hand of the Chief Financial Officer of the municipality or any person authorised thereto shall be deemed to be proof of any expenses that the municipality has incurred in connection with the transgression resulting in the impoundment of the vehicle concerned.

**62D Vicarious liability**

If an employee does something or omits to do anything, which, if it were done or omitted by the employer, would be an offence in terms of this by-law, the employer will be held liable for such act or omission.

**63. Appeal**

A person whose rights are affected by a decision of the municipality in terms of delegated authority may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

**64. Offences**

(1) It is an offence for any person to—

- (a) refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access;
- (b) obstruct, interfere or hinder an authorised official who is exercising a power or carrying out a duty under this by-law;
- (c) fail or refuse to provide an authorised official with a document or information that the person is required to provide under this by-law;
- (d) give false or misleading information to an authorised official;
- (e) prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of this by-law;
- (f) pretend to be an authorised official;
- (g) alter an authorisation of an authorised official or written authorisation, compliance notice or compliance certificate issued in terms of this by-law;
- (h) enter any premises without a written notification in circumstances requiring such notification;
- (i) act contrary to a written notice or document issued in terms of this Chapter;
- (j) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of this by-law, except –
  - (i) to a person who requires that information in order to perform a function or exercise a power in terms of this by-law;
  - (ii) if the disclosure is ordered by a court of law; or
  - (iii) if the disclosure is in compliance of the provisions of any law.
- (k) contravene or fail to comply with any of the provisions of this by-law;
- (l) fail to comply with any notice issued in terms of this by-law;
- (m) fail to comply with any lawful instruction given in terms of this by-law;
- (n) contravene or fail to comply with any conditions imposed upon the granting of any licence, consent approval, concession, exemption or authority in terms of this by-law.
- (o) litter or dump any volume of waste except at an authorised site;
- (p) cause spillage or leakage of any volume of waste or hazardous waste without putting in place suitable mitigating measures;
- (q) convey an uncovered or unsecured load of waste or hazardous waste of any volume; or
- (r) convey an uncovered or unsecured load which results in spillage of any volume of waste or hazardous waste.

(2) A person who causes or incites another person to commit an offence referred to in subsection (1), or who, being in a position of authority over another person, permits or allows him or her to commit an offence, will be guilty of that offence.

(3) Failing to comply with a notice issued in terms of this by-law constitutes a continuing offence.

**65. Penalties**

(1) Any person who contravenes any of the provisions of section 63 shall be guilty of an offence and liable on conviction to—

- (a) a fine or imprisonment or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

(2) In addition to any penalty imposed in terms of subsection (1) the municipality may order the person responsible to remove such waste and determine what measures must be taken to remedy the situation and the payment of the expenses incurred in respect thereof or any other costs or damages.

**66. Application of this By-Law**

This by-law applies to all persons or entities, including organs of State, situated within the area of jurisdiction of the Bergvrijer Municipality.

**67. Exemptions**

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

(2) The municipality may:

- (a) grant an exemption in writing in which the conditions and terms, if any, and the period for which such exemption is granted is stipulated;
- (b) alter or cancel any existing exemption or condition in such exemption after due notice to the person concerned; or

(c) refuse to grant an exemption in which case reasons for the refusal must be furnished to the person concerned.

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

(4) If any condition of an exemption is not complied with, the municipality may revoke the exemption after due notice to the person concerned.

**68. Repeal of by-laws**

The Bergvrijer Solid Waste Disposal By-law published in Provincial Gazette 6675 dated 9 November 2009, is hereby repealed.

**69. Transitional arrangements**

Anything done under or in terms of any provision repealed by this by-law shall be deemed to have been done under the corresponding provisions of this by-law and the repeal in section 68 shall not affect the validity of anything done under the by-law so repealed.

**70. Short title and commencement**

This by-law is called the Bergvrijer Municipality: Integrated Waste Management By-law 2021, and commences on the date of publication in the *Provincial Gazette*.

**BERGRIVIER MUNISIPALITEIT  
GEïNTEGREERDE AFVALBESTUURSVERORDENING: 2021**

Ingevolge Artikel 156(2) van die Grondwet, 1996, verorden Bergrivier Municipaliteit, soos volg:—

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## HOOFSTUK 1 ALGEMENE BEPALINGS

### 1. Definisies en interpretasie

In hierdie verordening verwys manlik ook na vroulik; enkelvoud sluit meervoud in en andersom en in geval van 'n teenstrydigheid in die Engelse en Afrikaanse weergawes, sal die Engelse weergawe beslissend wees; en tensy dit uit die samehang anders blyk beteken—

**"afval"** alle soorte afval hierin genoem en enige stof, ongeag of dit verminder, hergebruik, hersirkuleer of herwin kan word of nie—

- (a) wat surplus, ongewens, verwerp, weggegooi, agtergelaat of mee weggedoen is;
- (b) wat behandel of mee weggedoen moet word; of
- (c) wat per proklamasie deur die Minister as 'n afval geïdentifiseer is, insluitende afval gegenereer deur die mynbou, mediese of ander sektore, maar enige gedeelte van afval wat hergebruik, hersirkuleer of herwin word, is nie meer afval nie;

**"afvalband"** 'n nuwe, gebruikte, versoorde, of onpadwaardige band, ongeskik om versool, herstel of verkoop te word as 'n gebruikte band en ook nie geskik vir wat dit oorspronklik bedoel was nie;

**"afvalbestuursaktiwiteit"** enige een of meer van die aktiwiteite gelys in die NOBW, waarin 'n houer van afval betrokke mag wees;

**"afvalbestuursbeampte"** 'n persoon deur die munisipaliteit aangewys vir die administrasie en implementering van die bepalings van hierdie verordening insluitend die koördinering van afvalbestuursaangeleenthede;

**"afvalbestuursdienste"** dienste verwant aan enige een of meer van die afvalbestuursaktiwiteit;

**"afvalbestuursplan"** 'n afvalbestuursplan deur die munisipaliteit benodig ingevolge hierdie verordening en die NOB:AW;

**"afvalhanteringsfasilititeit"** enige terrein of perseel wat afval ontvang, opgaar, hanteer, herwin, sorteer en tydelik berg of behandel voordat dit vir finale wegdoening oorgelaai of oorgeplaas word en wat bedryf word ingevolge 'n lisensie uitgereik deur 'n statutêre lisensie-owerheid of andersins in gevolge van die NOBW;

**"afvalinligtingstelsel"** SAAIS;

**"afvalsak"** 'n plastieksak van 750mm x 950mm en ten minste 22 mikron dik of soos andersins voorgeskryf deur die munisipaliteit en dieselfde is van toepassing op 'n blikuitvoering;

**"afvalverwyderingstelsel"** beteken 'n stelsel waardeur afval verwyder en weggedoen word deur die munisipaliteit;

**"afvalwegdoeningsfasilititeit"** enige terrein of perseel wat afval vir die behandeling of wegdoening daarvan ontvang en wat bedryf word ingevolge 'n lisensie uitgereik deur 'n statutêre lisensie-owerheid of ingevolge die bepalinge van die NOBW en afvalstortingsfasilitet het dieselfde betekenis;

**"algemene afval"** afval wat nie 'n onmiddellike gevare of bedreiging vir gesondheid of die omgewing inhou nie en sluit in huishoudelike afval, besigheidsafval, bouafval, onaktiewe afval en tuinafval;

**"berging"** die opgaar van afval op 'n wyse wat nie neerkom op die behandeling of wegdoening van sodanige afval nie;

**"besigheidsafval"** afval, anders as gevarelike afval, gesondheidsorg afval, bouafval, industriële afval, tuinafval, lywige afval, spesiale afval en spesiale industriële afval gegenereer op persele wat gebruik word vir kommersiële doeleindes en op woonpersele waar kommersiële aktiwiteite plaasvind en sakeondernemingsafval het 'n soortgelyke betekenis;

**"besmetlike afval"** afval wat gegenereer word tydens diagnose, behandeling of immunisering van mense of diere, as deel van die navorsing verwant hieraan, in die vervaardiging of toetsing van biologiese agente insluitende bloedprodukte, kulture, patologiese afval, skerp voorwerpe, mens -en dier liggaamlike afval en geïsoleerde afval wat besmetlike stowwe bevat of kan bevat;

**"besoedeling"** enige verandering in die omgewing wat veroorsaak is deur—

- (a) stowwe; of
- (b) radio-aktiewe of ander golwe; of
- (c) geraas, reuke, stof of hitte wat vrygestel word van enige aktiwiteit, insluitende die berging of behandeling van afval of stowwe, konstruksie en die voorsiening van dienste, ongeag of enige persoon of 'n staatsinstelling daarby betrokke is, waar die verandering ter sprake 'n nadelige uitwerking het op menslike gesondheid of welstand of op die samestelling, herstelvermoë en produktiwiteit van natuurlike of bestuurde ekosisteme, of op materiale wat vir mense gebruikswaarde het of in die toekoms sodanige effek sal hé;

**"bouafval"** afval geproduseer gedurende die konstruksie, verbouing, herstel of sloping van enige struktuur, mensgemaak of natuurlik, en sluit in rommel, grond, plantegroei, hout en rots verplaas gedurende sodanige konstruksie, verbouing, herstel of sloping, maar uitgesluit gevarelike afval en tuinafval;

**"daaglikses"** bederfbare besigheidsafval wat deur hotelle, restaurante, voedselwinkels, hospitale, of kroeë gegenereer word en wat op 'n meer gereelde, dikwels daagliks, basis verwyder moet word om te verhoed dat die afval dekomposteer en 'n oorlas of omgewings -of gesondheidsrisiko word;

**"diensvlakte"** die frekwensie van munisipale diens en die tipe dienspunt;

**"e-afval"** elektriese en elektroniese toerustingsafval soos beligtingstoerusting, stroombaanborde, mobiele fone, rekenaars, televisiestelle, en audio-visuele toerusting wat steeds hoofsaaklik as huishoudelike of besigheidsafval hanteer word maar ten opsigte waarvan daar 'n groot behoefté en potensiaal is vir herwinning;

**"eienaar"** sluit in—

- (a) die persoon by wie die regstiel ten opsigte van die perseel berus, insluitende, maar nie beperk nie, tot die geregistreerde eienaar ooreenkomsdig die titelakte;

- (b) waar die persoon by wie die regstittel van 'n perseel berus insolvent of oorlede is of wat om welke rede ook al regsonbevoeg is, die persoon by wie die administrasie en beheer van sodanige perseel as kurator, trustee, eksekuteur, administrateur, geregtelike bestuurder, likwidateur of ander regsvteenwoordiger berus;
- (c) in die geval waar die munisipaliteit nie die identiteit van so 'n persoon kan vasstel nie, 'n persoon wat geregtig is op die voordeel van die gebruik van sodanige perseel of gebou of gebou daarop;
- (d) in die geval van 'n perseel waarvan die huurooreenkoms vir 'n tydperk van tien jaar of langer aangegaan en in die akteskantoor geregistreer is, die huurder daarvan;
- (e) met betrekking tot—
  - (i) 'n stuk grond afgebaken op 'n deelplan wat ingevolge die Wet op Deeltitels, 1986 (Wet 95 van 1986), geregistreer is, die ontwikkelaar of die regspersoon ten opsigte van die gemeenskaplike eiendom; of
  - (ii) 'n deel soos omskryf in die Wet op Deeltitels, die persoon op wie se naam sodanige deel kragtens 'n deeltitelakte geregistreer is, en ook die wettig aangestelde verteenwoordiger van so 'n persoon;
- (f) die persoon wat onroerende eiendom by die munisipaliteit gekoop het ingevolge 'n skema waarvolgens die koopprys in paaiemente betaal word en nie oordrag van die munisipaliteit ontvang het nie;

**"geïntegreerde afvalbestuursplan"** 'n geïntegreerde afvalbestuursplan benodig deur die munisipaliteit in terme van hierdie verordening of soos vereis in terme van enige ander toepaslike wetgewing;

**"geleenheidsaafval"** afval afkomstig van die aktiwiteite verwant aan 'n geleentheid wat in die munisipale gebied plaasgevind het;

**"gelisensieerde diensverskaffer"** 'n persoon of entiteit goedgekeur deur en geregistreer by die munisipaliteit en in besit van 'n lisensie vir die verwydering en vervoer van spesifieke tipes afval in die munisipale gebied;

**"gemagtigde beamppte"** 'n afvalbestuursbeamppte of 'n ander persoon in diens van die munisipaliteit en gemagtig daartoe deur die munisipaliteit vir die implementering van hierdie verordening, of 'n werknemer van 'n diensverskaffer aangestel deur die munisipaliteit om munisipale dienste te verrig binne die omvang van die magte, funksies en verpligte aan die diensverskaffer toegese;

**"gesondheidsorgafval"** alle afval gegenerer deur of afkomstig van mediese sorg of mediese navorsing met inbegrip van, maar nie beperk tot besmetlike afval, patologiese afval, skerp afval, farmaseutiese afval, genotoksiese afval, chemiese afval, drukhouerafval, afval met swaar metale, radio-aktiewe afval, of enige afval wat met bloed, liggaamsvloeistowwe of menslike weefsel of geïnfekteerde diere van veeartsenykundige praktyke in aanraking was;

**"gesondheidsorg risiko afval"** alle gevaaarlike afval gegenerer by 'n gesondheidsorgfasilitet soos 'n verswakkingsorgaanheid, hospitaal, kliniek, laboratorium, mediese navorsingsinstituut, tandheelkundige of mediese praktisyen of veearts insluitende, maar nie beperk tot besmetlike afval, patologiese afval, skerp afval, farmaseutiese afval, genotoksiese afval, chemiese afval, drukhouerafval, afval met swaar metale, radio-aktiewe afval, of enige afval wat met bloed, liggaamsvloeistowwe of menslike weefsel of geïnfekteerde diere van veeartsenykundige praktyke in aanraking was;

**"gevaarlike afval"** enige afval wat organiese of nie-organiese elemente of samestellings bevat wat as gevolg van die inherente fisiese, chemiese of toksikologiese eienskappe daarvan, 'n wesenlike nadelige uitwerking op gesondheid en die omgewing kan hê;

**"gevaarlike chemiese stof"** enige toksiese, skadelike, korroderende, branderige, bytende of verstikkende stof of mengsels van sodanige stowwe ten opsigte waarvan—

- (a) 'n beroeps blootstellingslimiet voorgeskryf is;
- (b) 'n beroeps blootstellingslimiet nie voorgeskryf is nie maar wat 'n gevaaar vir gesondheid en die omgewing inhou;

**"gevaarlike huishoudelike afval"** gevaarlike afval gegenerer in 'n huishouding in klein hoeveelhede in ooreenstemming met die huisverbruik van materiale soos verwe en oplosmiddels, outomobielafval, insekdodende middels, elektroniese goedere, lugverfrissers of sodanige middels in drukhouers, skoonmaakmiddels, batterye, fluoresseerlampe en toestelle wat koelgas bevat;

**"goedgekeurde"** in die konteks van houers, houervoerings, afvalsakke, afvalhouers en omhulsels goedgekeur deur die munisipaliteit of 'n gelisensieerde diensverskaffer vir die verwydering en berging van afval;

**"goedgekeurde besigheidafvalhouer"** 'n goedgekeurde houer met 'n bergingskapasiteit van 240 liter, 'n goedgekeurde houer met 'n bergingskapasiteit van 770 liter of enige ander goedgekeurde houer vir besighede soos deur die munisipaliteit voorgeskryf;

**"goedgekeurde houer"** 'n houer, insluitend maar nie beperk nie tot 'n houer (bin),

houervoerings, afvalsakke, afvalhouers en omhulsels, goedgekeur om huishoudelike -of besigheidafval tydelik te berg totdat dit deur die munisipaliteit of 'n gelisensieerde diensverskaffer verwys word;

**"goedgekeurde huishoudelike afvalhouer"** 'n goedgekeurde houer met 'n bergingskapasiteit van 240 liter of enige ander goedgekeurde houer vir huishoudings soos deur die munisipaliteit voorgeskryf;

**"groepsontwikkeling"** 'n hoë digtheid residensiële ontwikkeling met gemeenskaplike grond of fasiliteite wat beheer word deur 'n huiseienaarsvereniging, regspersoon of bestuursliggaam;

**"lywige afval"** beteken afval wat as huishoudelike -of besigheidafval geklassifiseer kan word maar wat as gevolg van die massa, vorm, grootte of omvang daarvan nie maklik in 'n goedgekeurde houer opgehoop of daaruit verwys word nie;

**"herwinbare afval"** afval wat van die afvalstroom geskei kan word en opsygesit word vir doeleindes van hergebruik;

**"herwinning"** 'n proses waardeur afval herwin word en kan insluit die skeiding van afval van 'n afvalstroom vir verdere gebruik;

**"herwinning van stowwe"** enige proses waar stowwe uit die afvalstroom verwijder word met die doel om dit weer te gebruik of te hersirkuleer of te behandel;

**"houer van afval"** enige persoon of entiteit wat afval invoer, genereer, kollekteer, versamel, verwijder, hanteer, opgaar, berg, vervoer, verwerk, oorlaai, behandel, verhandel, uitvoer, herwin, hergebruik of daarmee wegdoen insluitende sorteerders en herwinnaars van afval, afvalminimiseringsgroepe, skroothandelaars en terugkoopinisiatiewe;

**"huishoudelike afval"** afval wat op 'n perseel gegenereer word voortspruitend uit die primêre gebruik van die perseel vir—

- (a) residensiële doeinde;
- (b) onderwys, sport -en ontspanningsdoeinde;
- (c) openbare aanbidding, insluitende 'n saal of ander gebou vir godsdienstige doeinde en sluit in huishoudelike gesondheidsorgafval en geværlike huishoudelike afval, maar uitsluitend van geværlike afval, besigheidsafval, bouafval, tuinafval, lywige afval, spesiale afval, vloeistowwe of nagvuil;

**"huishoudelike gesondheidsorgafval"** gesondheidsorgafval gegenereer in 'n huishouding in klein hoeveelhede inooreenstemming met die huisverbruik van materiale vir mediese doeinde en sluit in afval soos sputnaalde, ongebruikte medisyne en pille en gebruikte verbande wat 'n gesondheidsgevaar kan inhoud as die wegdoening daarvan nie op 'n geskikte wyse geskied nie;

**"industriële afval"** afval gegenereer deur middel van vervaardigings-, industriële-, fabrieks-, prosesserings-, aftakelings- of onderhoudsaktiwiteite en sluit in afval gegenereer deur kommersiële landbou of mynbou aktiwiteite of 'n kragstasie, maar sluit nie enige ander kategorie van afval in nie;

**"kommersiële dienste"** enige afvalbestuursdiens, verwant tot of gekoppel aan die opgaar, kollektering, verwijdering, bestuur, herwinning, sortering, bering, behandeling, vervoer, wegdoening, koop of verkoop van afval of enige ander wyse van afvalhantering uitsluitende dienste wat deur die munisipaliteit gelewer word;

**"landbou en plaas afval"** alle afval gegenereer op plaase as deel van landbouprosesse of deur gewone huishoudelike of besigheidsaktiwiteite en mag verskillende tipes afval insluit;

**"minimisering"** die maatreëls wat die munisipaliteit, inwoners, besighede en industrieë implementeer om die generering en wegdoening van afval te verminder en die volume en toksisiteit van afval te verminder;

**"Minister"** die Minister van die Departement van Omgewingsake;

**"munisipaliteit"** die Bergvryer Munisipaliteit, gestig ingevolge Artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), en sluit enige politieke struktuur, politieke ampsdraer, raadslid, behoorlik gemagtigde agent daarvan of enige werknemer daarvan in wat optree in verband met hierdie verordening uit hoofde van 'n mag wat in die munisipaliteit gevestig is en na sodanige politieke struktuur, politieke ampsdraer, raadslid, agent of werknemer gedelegeer of gesubdelegeer is;

**"munisipale diens"** die diens gelewer met betrekking tot die verwijdering van afval insluitende huishoudelike afval, besigheidsafval en daaglikses en die verwante afvalaktiwiteite voorsien deur die munisipaliteit of 'n diensverskaffer namens die munisipaliteit;

**"newe produk"** 'n stof wat geproduseer word as deel van 'n proses wat primêr daarop gerig is om 'n ander substansie of produk te produseer en wat die eienskappe het van 'n ekwivalente nuwe produk of materiaal;

**"NOB:AW"** die Nasionale Omgewingsbestuur: Afvalwet, 2008 (Wet 59 van 2008);

**"NOBW"** die Nasionale Omgewingsbestuurswet, 1998 (Wet 107 van 1998);

**"okkupeerder"** 'n persoon wat enige perseel of 'n gedeelte daarvan okkupeer ongeag die titel waaronder hy of sy so okkupeer en sluit in—

- (a) enige persoon wat werklike okkupasie van die perseel het;
- (b) enige persoon wat regtens aanspraak het om die perseel te okkupeer;
- (c) die persoon wat vir eie reg of as 'n agent vir enige ander persoon, daarin geïnteresseerd of daarop geregtig, die huurgelde betaalbaar ontvang in die geval van die onderverdeling van die perseel en die verhuring daarvan aan loseerders of verskeie huurders;
- (d) enige persoon wat in beheer of bestuur van die perseel is insluitende die agent van enige sodanige persoon terwyl die persoon nie in die Republiek van Suid-Afrika is nie of dit nie bekend is waar die persoon hom of haarselv bevind nie; of
- (e) die eienaar van die perseel;

**"omgewing"** die individuele dele en totale som van al die elemente, eienskappeen toestande wat gesamentlik die omgewing skep waarin lewende organismes bestaan insluitende enige deel of kombinasie van die interverwantskappe onder en tussen hulle;

**"omgewingsnoodtoestand"** enige situasie wat ernstige skade aan menslike gesondheid of beskadiging van die omgewing veroorsaak het of kan veroorsaak, ongeag of die potensiaal vir skade onmiddellik of vertraag is;

**"onaktiewe afval"** afval wat—

- (a) na die wegdoening daarvan nie enige betekenisvolle fisiese, chemiese of biologiese verandering ondergaan nie;
- (b) nie brand, fisies reageer of chemies afbreuk of andersins enige ander stowwe of die omgewing waarmee dit in kontak mag kom, nadelig affekteer nie; en
- (c) as gevolg van die besoedelingsinhoud en die onbeduidende toksisiteit van die loging nie 'n negatiewe uitwerking op die omgewing het nie;

**"oorlas"** enige besering, skade, benadeling, ongerief, of ergernis teenoor 'n persoon veroorsaak op enige wyse deur die onbehoorlike hantering of bestuur van afval, insluitende maar nie berperk tot die bering, plasing, verwijdering, vervoer of wegdoening van afval of deur afvalstrooing;

**"openbare kennisgewing"** 'n kennisgewing aan die publiek op 'n wyse vasgestel deur die munisipaliteit;

**"openbare pad"** enige pad, straat of deurgang of enige ander plek (of dit 'n deurgang is of nie) wat algemeen deur die publiek of enige gedeelte van die publiek gebruik word of waartoe die publiek of enige gedeelte van die publiek die reg van toegang het en sluit in—

- (a) die rand van enige sodanige pad, straat of deurgang;
- (b) enige brug, pont of drif deurkruis deur enige sodanige pad, straat of deurgang; en
- (c) enige ander werk of objek wat of deel vorm van of gekoppel is aan of behoort aan sodanige pad, straat of deurgang;

**"openbare plek"** enige openbare gebou, openbare pad, oorhoofse brug, duikweg, tunnel, geplaveide of natuurlike voetpad, sypaadjie, laning, oop ruimte, sportgronde, tuin, munisipaal-omheinde ruimte en enige pad, plek of deurgang ongeag hoe dit ontstaan het maar wat ongesteund deur die publiek gebruik word of waartoe die publiek die reg van toegang of gebruik het;

**"organiese afval"** enige biodegradeerbare afval afkomstig van of 'n plant of dier, ingesluit, maar nie beperk nie tot groenafval, kosafval, kosbesmeerde papier, nie-gevaarlike houtafval en enige landskappering- en snoei-afval;

**"perseel"** 'n erf of enige ander gedeelte van grond, insluitende die gebou daarop of enige ander struktuur wat vir besigheids, industriële -of residensiële doeleindes gebruik word;

**"persoon"** enige natuurlike persoon, staatsorgaan, of soortgelyke owerheid, 'n firma geïnkorporeer onder enige wet, 'n eenheid van mense het sy geïnkorporeer of nie, 'n statutêre liggaam, 'n publieke utiliteitsliggaam, vrywillige assosiasie of trust;

**"rente"** 'n heffing met dieselfde regseisenskappe as diensgelde en bereken in terme van hierdie verordening op alle agterstallige bedrae gehef as voorgeskrewe fooie vir afvalbestuursdienste teen 'n standaardtarief gelykstaande aan die rentekoers soos deur die munisipaliteit bepaal;

**"rommel"** enige objek, stof of materiaal wat deur 'n persoon weggegooi word in enige plek behalwe 'n goedgekeurde afvalafvalhouer voorsien vir wegdoening van die spesifieke afval of by 'n afvalstorting -of afvalhanteringsfasilitet;

**"SAAIS"** die nasionale afvalinligtingstelsel deur die nasionale regering totstand gebring in ooreenstemming met NOB:AW;

**"SANS"** beteken Suid-Afrikaanse Nasionale Standaard;

**"skade aan die omgewing"** enige sigbare of onsigbare besoedeling, benadeling of skade aan die omgewing;

**"spesiale afval"** nie-gevaarlike industriële afval wat 'n paar verskillende tipes afval kan insluit waarvan die fisiese of chemiese eienskappe of beide, vereis dat die afval by 'n afvalstortingsfasilitet op 'n spesiale wyse hanteer moet word insluitend gekontamineerde grond, rou dieremis, dooie diere en enige ander stof wat spesiale afval is;

**"spesiale industriële afval"** afval bestaande uit vloeistof, slik of soliede stof, wat die resultaat is 'n vervaardigingsproses, industriële behandeling of die behandeling wat die wegdoening van enige industriële of vloeibare mynbou afval voorafgaan;

**"Stelselwet"** die Plaaslike Regering: Munisipale Stelselwet, 2000 (Wet 32 van 2000);

**"stort"** die plasing van of wegdoening met afval op enige plek anders as binne 'n goedgekeurde afvalhouer of 'n plek deur die munisipaliteit aangewys as 'n afvalhanteringsfasilitet of 'n afvalstortingsfasilitet;

**"Strukturewet"** die Plaaslike Regering: Munisipale Strukturewet, 1998 (Wet 117 van 1998);

**"tarief"** die jaarliks hersiene verbruikersgelde vir die voorsiening van die munisipale diens soos deur die munisipaliteit bepaal;

**"toepaslike koste"** die diensgeld, tarief, basiese tarief, subsidie of enige ander koste wat deur die munisipaliteit voorgeskryf word;

**"tuinafval"** organiese afval wat uit huishoudelike tuinaktiwiteite voortspruit insluitende grassnysels, blare, plante, blomme, takke, boomstompe en ander soortgelyke afval;

**"tuindienste-aktiwiteite"** die voorsiening van tuindienste insluitende die sny van gras, snoei van bome of enige ander tuinboukundige aktiwiteit insluitende landskapskepping vir enige huishoudelike, besigheid, kommersiële, institusionele, onderwys en opleiding, ontspanning of industriële persele;

**"vervoer"** die beweging van afval van een plek na 'n ander;

**"verwydering"** die aktiwiteit gerig op die kollektering van afval by die plek waar dit gegenereer of geberg word deur die munisipaliteit of 'n gelisensieerde diensverskaffer en versameling het 'n soortgelyke betekenis;

**"volhoubare ontwikkeling"** die integrasie van sosiale, ekonomiese -en omgewingsfaktore in beplanning, implementering en besluitneming om te verseker dat ontwikkeling die huidige en toekomstige generasies dien;

**"voorgeskrewe geld"** 'n fooi insluitende 'n tarief of ander kostevastelling deur raadsbesluit bepaal;

**"voorgeskrewe tarief"** beteken 'n skedule van voorgeskrewe gelde soos vervat in die munisipaliteit se begroting;

**"voorrangafval"** afval wat as sodanig deur die munisipaliteit of deur nasionale of provinsiale wetgewing verklaar is en mag bepaal dat ten opsigte daarvan noodmaatreëls deur die munisipaliteit geneem word;

**"vredesbeampte"** beteken—

- (a) enige lid van die SA Polisiediens soos omskryf in artikel 1 van die Wet op Suid Afrikaanse Polisiediens, 68 van 1995; en
- (b) enige persoon as sodanig aangestel deur die munisipaliteit ingevolge artikel 334(1) van die Strafproseswet, 51 van 1977.

**"werksdag"** 'n dag anders as 'n Saterdag, Sondag of openbare vakansiedag maar in die konteks van die munisipaliteit se afvalwegdoening -en afvalhanteringsfasilitete sluit dit alle kalenderdae in behalwe Sondae, en geestelike vakansiedae;

**2. Beginsels**

- (1) Dit is die munisipaliteit se verantwoordelikheid om te verseker dat alle afval wat binne die municipale gebied gegenereer word—  
(a) ingevolge hierdie verordening verwyder, mee weggedoen of herwin word; en  
(b) dat sodanige verwydering, wegdoening of herwinning die afvalbestuurshierargie wat in subartikel (2) uiteengesit is, in ag neem.
- (2) Die beginsel wat hierdie verordening onderlê is die vestiging van 'n afvalbestuurshierargie in die volgende prioriteitsorde—  
(a) vermyding, minimisering en vermindering van afval;  
(b) hergebruik van afval;  
(c) herwinning, herverwerking en behandeling van afval; en  
(d) wegdoening met afval.
- (3) 'n Gemagtigde beampte moet waar redelik moontlik, die afvalhiërargie gespesifiseer in subartikel (2) in ag neem.

**3. Hoof doelwitte**

- (1) Die hoof doelwitte van hierdie verordening is—  
(a) om die verwydering, hantering, bering, vervoer, herwinning, behandeling en wegdoening van afval te reguleer;  
(b) om die nastrewing van 'n geïntegreerde afvalbestuursbenadering te bevorder;  
(c) om die voorsiening van munisipale dienste deur 'n diensverskaffer en kommersiële dienste deur gelisensieerde diensverskaffers te reguleer; en  
(d) om volhoubare ontwikkeling te bevorder.
- (2) In nastrewing van die hoof doelwitte van hierdie verordening, sal die munisipaliteit binne sy administratiewe en finansiële vermoë—  
(a) poog om plaaslike gemeenskapsdeelname in afvalbeplanning te verseker;  
(b) poog om die verbruik van natuurlike hulpbronne te minimiseer;  
(c) die herwinning en hergebruik van afval bevorder;  
(d) die skeiding van afval om die hergebruik en herwinning daarvan te bevorder;  
(e) die effektiewe verkryging, beplanning en lewering van munisipale dienste en kommersiële dienste bevorder;  
(f) poog om in plaaslike verband geïntegreerde afvalbestuur, beplanning en dienste te bereik;  
(g) omgewingsverantwoordelike munisipale dienste en kommersiële dienste bevorder en verseker; en  
(h) daarna streef om nakoming van die bepalinge van hierdie verordening te verseker.

**4. Take en verpligtinge**

- (1) 'n Houer van afval moet alle redelike maatreëls tref om:  
(a) afvalgenerering te vermy of te verminder en die toksisiteit van die afval wel gegenereer te minimiseer;  
(b) afval te herwin en te hergebruik;  
(c) op 'n omgewingsverantwoordelike wyse met afval weg te doen;  
(d) afval so te bestuur dat dit nie gesondheid of die omgewing in gevaar stel nie en geen geraas, reuk – of gesigsteurnis veroorsaak nie;  
(e) te voorkom dat afval gebruik word vir 'n ongemagtigde doel insluitende optrede om te voorkom dat persone onder sy of haar beheer hierdie verordening oortree.
- (2) 'n Persoon wat 'n produk verkoop vir gebruik deur die publiek en wat waarskynlik die generering van gevaarlike afval tot gevolg sal hê, moet alle redelike stappe neem om die publiek oor die uitwerking van sodanige afval op gesondheid en die omgewing, in te lig.
- (3) Die munisipaliteit of 'n gemagtigde beampte mag van enige persoon wat onderhewig is aan die take en verpligtinge soos opgelê in subartikels (1) en (2) vereis om maatreëls te tref om nakoming van hierdie take en verpligtinge te verseker; welke maatreëls mag wees om—  
(a) die uitwerking op die omgewing te ondersoek en te evalueer;  
(b) werknemers omtrent die omgewingsrisikos van hulle werk en die wyse waarop hulle hul take moet uitvoer in te lig en op te lei ten einde die veroorsaking van besoedeling of degradering van die omgewing te vermy;  
(c) enige handeling, aktiwiteit of proses wat besoedeling of degradering veroorsaak, te beëindig, verander of te beheer;  
(d) die beweging van besoedelende stowwe of oorsake van degradering inperk of voorkom;  
(e) enige bronne van besoedeling of degradering uitskakel; of  
(f) die effek van besoedeling of degradering reg te stel.

## HOOFSTUK 2

### GEïNTEGREERDE AFVALBESTUUR

#### **5. Afvalbestuursplanne**

(1) Die munisipaliteit moet—

- (a) 'n geïntegreerde afvalbestuursplan ingevolge die voorskrifte van nasionale wetgewing daarstel, nagaan en hersien;
- (b) jaarliks verslag doen oor die implementering van sy geïntegreerde afvalbestuursplan; en
- (c) die voorgeskrewe gemeenskapskonsultasie ten opsigte van subartikels (1)(a) en (b) nakom.

(2) 'n Persoon wat 'n geleentheid in die munisipale gebied wil organiseer of aanbied moet ten minste een maand voor die gebeurtenis by die munisipaliteit 'n afvalbestuursplan indien wat insluit die afvalbestuursdienste wat voorsien sal word en enige ander inligting wat deur die munisipaliteit vereis word.

(3) Die munisipaliteit mag afhangende van die grootte, aard en duur van die geleentheid, voorwaardelike vrystelling van subartikel (2) toestaan;

(4) 'n Persoon wat verantwoordelik is vir 'n nuwe ontwikkeling moet voor die aanvang daarvan en tydens die ontwikkeling 'n geïntegreerde afvalbestuursplan indien insluitende sodanige inligting as wat die munisipaliteit mag benodig.

(5) Die munisipaliteit mag van 'n houer van afval wat betrokke is by 'n afvalbestuursaktiwiteit gelys in terme van artikel 19 van die NOB:WA, vereis om 'n geïntegreerde afvalbestuursplan binne 'n spesifieke tyd in te dien en daarna met tussenposes ooreenkomsdig die vereistes van nasionale en provinsiale wetgewing of standarde.

(6) Die munisipaliteit mag van enige houer van afval, uitsluitend huishoudelike afval, vereis om binne 'n redelike tyd en daarna met tussenposes, 'n geïntegreerde afvalbestuursplan, insluitend inligting soos deur die munisipaliteit bepaal, of, indien van toepassing, 'n kopie van sy industrie se afvalbestuursplan soos deur nasionale wetgewing vereis, in te dien.

(7) Indien 'n geïntegreerde afvalbestuursplan soos na verwys in subartikels (4), (5) of (6) op enige wyse verander of gewysig word, moet die houer van afval die veranderde of gewysigde plan by die munisipaliteit indien.

#### **6. Afvalinligtingstelsel**

(1) Die munisipaliteit moet 'n afvalinligtingstelsel daarstel en onderhou insluitende inligting betreffende die vlakke en omvang van afvalbestuursdienste en wanneer vereis, moet sodanige inligting op die SAAIS en die provinsiale afvalinligtingstelsel geplaas word.

(2) Die munisipaliteit mag van 'n houer van afval vereis om binne 'n redelike tyd of op 'n gereeld basis, van data, dokumente, inligting, monsters of materiale in te dien of te verskaf.

(3) Die munisipaliteit mag 'n persoon of houer van afval wat op die SAAIS of die provinsiale afvalinligtingstelsel geregistreer behoort te wees, versoek om sodanige registrasie te doen en bewys daarvan in te dien of om binne 'n redelike tydperk bewys te lewer dat hy of sy nie 'n afvalbestuursaktiwiteit uitvoer wat sodanige registrasie verplig nie.

#### **7. Minimisering en herwinning van afval**

(1) Die munisipaliteit moet ooreenkomsdig sy verantwoordelikhede en hulpbronne, maatreëls implementeer om afval te verminder en die herwinning, hergebruik en hersirkulasie van afval insluitende die skeiding van afval by die bron daarvan te bevorder.

(2) Die munisipaliteit mag op sodanige wyse wat as toepaslik beskou word erkenning gee aan uitstaande prestasie met betrekking tot afvalvermyding, afvalminimisering, herwinning of ander afvalbestuurspraktyke wat omgewingsverantwoordelike en geïntegreerde afvalbestuur bevorder.

#### **8. Afvalbestuursaktiwiteite**

(1) Die munisipaliteit mag van 'n houer van afval wat geklassifiseer, opgeteken, geëtiketteer of op enige wyse geassesseer of herassesseer moet word, vereis om bewys te lewer dat dit aan die toepaslike voorskrifte van nasionale en provinsiale wetgewing en standarde voldoen en die munisipaliteit moet ten opsigte van sy eie afvalbestuursaktiwiteite voldoen aan sodanige wetgewing en standarde.

(2) Die munisipaliteit moet afvalbergingsfasiliteite, voertuigskroting of herwinningsfasiliteite en enige ander fasiliteite waar materiale geskik vir herbenutting of hersirkulasie herwin word, goedkeur, inspekteer en monitor in ooreenstemming met nasionale en provinsiale wetgewing en standarde asook hierdie verordening en mag van die eienaars of okkuppeerders van sodanige persele vereis om sodanige inligting, planne en rekords as wat die munisipaliteit nodig mag ag, in te dien ten einde die munisipaliteit in staat te stel om sy pligte as afvalbestuursowerheid te vervul.

## HOOFSTUK 3 AFVALVERWYDERING

### **9. Diensvlakke**

Die afvalverwyderingsdienst diensvlakke mag tussen areas verskil gegrond op praktiese en koste-oorweginge vir dienslewering. Dienstvlakke in gebiede mag wissel tussen—

- (a) terplaatse en gereelde gekontroleerde of gemoniteerde wegdoening;
- (b) verwydering deur die gemeenskap na 'n sentrale verwyderingspunt;
- (c) georganiseerde verwydering na 'n sentrale verwyderingspunt en sypaadjie-verwydering; of
- (d) 'n kombinasie van hierdie diensvlakke.

### **10. Verpligte gebruik van diens**

- (1) Niemand, uitgesonderd die munisipaliteit of 'n persoon deur die munisipaliteit daartoe gemagtig, mag afval vanaf enige perseel verwyder of daarvan wegdoen nie en die eienaar of okkuperer van 'n perseel moet van die afvalverwyderingsdienst van die munisipaliteit gebruik maak.
- (2) Die tariewe vir afvalverwydering soos deur die munisipaliteit vasgestel is deur die eienaar betaalbaar aan die munisipaliteit, ongeag of van die diens gebruik gemaak word, al dan nie, uitgesonderd waar vrystelling ingevolge artikel 66 verleen is.
- (3) Die afvalverwyderingsdienst gelewer ingevolge subartikel (1) sal vervat word in die diensooreenkoms gesluit met die munisipaliteit, welke ooreenkoms skriftelik gewysig mag word om voorsiening te maak vir 'n toename in die frekwensie of volume van die afvalverwyderingsdienst indien so vereis deur die munisipaliteit of op versoek van die eienaar of okkuperer van 'n huishoudelike of besigheidsperseel.
- (4) Beskikbaarheidsgelde mag op onbebonde persele gehef word.
- (5) Die munisipaliteit mag bepaal watter afval items nie geskik is vir verwydering nie of as lywige afval geklassifiseer kan word en, indien sodanige bepaling gemaak word, mag die munisipaliteit vir die eienaar van die afval of okkuperer van die perseel 'n proses vir verwydering en wegdoening van sodanige afval aanbeveel.
- (6) Indien die munisipaliteit se geskeduleerde afvalverwyderingsdienste vir watter rede ookal onderbreek word, moet die munisipaliteit die diens so gou as redelik moontlik hervat en agterstande as 'n prioriteit hanteer.

### **11. Frekwensie**

- (1) Die munisipaliteit moet huishoudelike afval en besigheidsafval ten minste een keer per week op geskeduleerde datums vir die verskillende gebiede verwyder. Indien verwyderingsreëlings hersien word, moet okkuperers of eienaars vooraf kennis gegee word.
- (2) Die munisipaliteit mag bepaal watter besigheidspersele afval genereer wat as daaglikses beskou kan word en mag opdrag gee dat die frekwensie van verwydering verhoog word soos voorsien in artikel 10(3).
- (3) Indien die munisipaliteit van mening is dat 'n besigheid 'n oorlas, gesondheidsrisiko, reukergernis of gevær vir openbare gesondheid veroorsaak omdat afval nie oor naweke verwyder word nie, mag dit die eienaar of okkuperer opdrag gee om—
  - (a) die nodige stappe te neem om die oorlas of gesondheidsrisiko te verwyder of uit die weg te ruim; of
  - (b) die afval op eie koste te verwyder na 'n munisipale fasilitet wat op daardie tyd beskikbaar mag wees.
- (4) 'n Eienaar of okkuperer van 'n besigheidsperseel wat 'n weeklikse afvalverwyderingsdienst ontvang mag, soos voorsiening gemaak in artikel 10(3), skriftelik by die munisipaliteit aansoek doen om die verwyderingsdienst meermale per week te ontvang indien beskikbaar.

### **12. Volume**

- (1) Die munisipaliteit mag—
  - (a) die aantal houers bepaal wat per afvalverwydering vanaf elke residensiële perseel verwyder word;
  - (b) die volume afval bepaal wat per afvalverwydering van elke besigheidsperseel verwyder sal word, gebaseer op 'n inspeksie van die afval volumes; en
  - (c) die maksimum hoeveelheid besigheidsafval bepaal wat vir verwydering geplaas mag word sonder die voorsiening van 'n addisionele diens of die betaling van addisionele gelde.
- (2) Indien die munisipaliteit die voorsiening van 'n addisionele diens aan 'n residensiële of besigheidsperseel vereis, of die eienaar of okkuperer versoek skriftelik dat die aantal goedgekeurde houers per afvalverwydering verhoog word, moet dit ooreenkomstig artikel 10(3) geskied.

### **13. Afvalhouers**

- (1) Die munisipaliteit sal slegs huishoudelike afval en besigheidsafval wat in 'n goedgekeurde afvalhouer geplaas is op 'n plek en in 'n toestand soos vasgestel, verwyder.
- (2) Die munisipaliteit sal ooreenkomstig die afvalverwyderingsdienst wat in 'n gebied gelewer word, persele waar afval gegenereer word, voorsien van afvalhouers vir huishoudelike-, organiese- en herwinbare afval.

- (3) Indien die eienaar of okkuperer van 'n besigheid -of residensiële perseel insluitende 'n groepsontwikkeling meer afvalhouers benodig, het sy op skriftelike versoek of soos vereis deur die munisipaliteit, mag die munisipaliteit teen die voorgeskrewe gelde addisionele afvalhouers voorsien en 'n terugbetaalbare deposito vereis wat die eienaar of okkuperer moet betaal voor aflewering daarvan by die perseel.
- (4) Indien afvalhouers (bins) deur die munisipaliteit voorsien word in terme van subartikels (2) en (3) moet dit:
- reeksnummers hê wat gekoppel is aan die diensooreenkoms van 'n eienaar of okkuperer van die perseel;
  - die munisipaliteit se eiendom bly;
  - by beëindiging van die diensooreenkoms met die munisipaliteit deur die eienaar of okkuperer aan die munisipaliteit terugbesorg word en indien 'n terugbetaalbare deposito daarvoor ontvang is, sal die deposito aan die eienaar of okkuperer van die perseel terugbetaal word mits dit nog in 'n bruikbare toestand is;
  - gratis deur die munisipaliteit vervang word indien sodanige vervanging geregtig is deur normale verwering;
  - in die geval van diefstal—
    - indien dit 'n eerste keer gebeur, gratis deur die munisipaliteit vervang word;
    - indien dit 'n tweede keer gebeur, teen vyftig persent van die koste daarvan deur die munisipaliteit vervang word; of
    - indien dit 'n derde of meer kere gebeur, teen honderd persent van die koste daarvan deur die munisipaliteit vervang word; met dien verstaande dat 'n skriftelike versoek vir die vervanging, insluitende dokumentêre bewys dat die saak by 'n polisiekantoor aangemeld is, ingedien word;
- (5) Waar die munisipaliteit self 'n houer as vermis waarnem, en geen versoek om vervanging ingedien is nie, mag die munisipaliteit dit vervang en die koste daarvan van die eienaar of okkuperer verhaal.
- (6) In die geval van beskadiging veroorsaak deur die eienaar of okkuperer se nalatigheid, mag die houer deur die munisipaliteit vervang word na ontvangs van 'n skriftelike versoek en betaling van die vervangingskoste;
- (7) Die eienaar of okkuperer van 'n residensiële -of besigheidsperseel sal verantwoordelik wees om die perseel se nommer op sy of haar houers aan te bring vir maklike identifisering daarvan en om munisipale werknemers te help met terugplasing daarvan by die regte perseel.
- (8) Houers vir die tydelike berging van afval by besigheids -of residensiële persele moet in goeie toestand onderhou word en geskik wees vir die veilige berging van afval sodat beskadiging van die omgewing en skade aan gesondheid voorkom word.
- (9) Geen persoon mag toelaat dat 'n dier in sy of haar beheer met 'n houer wat vir verwydering uitgeplaas is lop of dit omgooi of beskadig nie.
- (10) Die eienaar of okkuperer van 'n residensiële perseel moet verseker dat—
  - 'n houer nie warm as, oop glasstukke of ander huishoudelike afval of besigheidafval insluitende daaglikses bevat wat die munisipale werknemers in die uitvoering van hul pligte kan beseer of skade aan die houer kan veroorsaak nie;
  - geen stowwe of materiale, insluitende enige vloeistof, wat as gevolg van massa of ander eienskappe die hantering van 'n houer deur die munisipale werknemers onredelik moeilik sal maak, daarin geplaas word nie;
  - houers toegehou word vir skoon en higiëniese toestande en om dier -en inseksteurnisse en windgewaaide rommel te voorkom;
  - houers op 'n dag en tyd soos deur die munisipaliteit buite die ingang tot die perseel geplaas word soos per geskrewe kennisgewing aan die eienaar of die okkuperer gespesifieer;
  - voorsiening gemaak word vir spasie en enige ander fasilitet wat die munisipaliteit nodig ag vir die berging van houers op 'n perseel en die toegelate spasie vir die munisipaliteit se afvalverwyderingsvoertuie gerieflike toegang en uitgang bied;
  - die sypaadjie voor en aangrensend tot die perseel skoon en vry van afval gehou word.
- (11) Indien daaglikses genereer word moet die eienaar of okkuperer verseker dat—
  - dit nie in 'n houer geplaas word waar dit 'n ander afvalstroom kan kontamineer nie;
  - die houers nie meer as 20 meter vanaf die ingang tot die perseel waarvandaan die afval deur die munisipaliteit verwyder word, geplaas word nie.
- (12) Neteenstaande enigets tot die teendeel in hierdie verordening vervat, mag die munisipaliteit in aggenome die voorkoming van steurnisse en die gemak van afvalverwydering, 'n spesifieke posisie binne of buite 'n betrokke perseel aandui waar houers vir afvalverwydering geplaas moet word.
- (13) Niemand mag enige vullissakke of goedgekeurde houer wat ander afval as huishoudelike -of besigheidafval bevat, buite 'n perseel plaas tensy die munisipaliteit dit vir spesifieke doeleindes goedgekeur het nie.
- (14) Niemand mag 'n afvalhouer gebruik of iemand toelaat om dit te gebruik vir doeleindes ander dan die berging van afval nie.
- (15) 'n Gemagtigde beamppte mag, indien hy of sy 'n Vredesbamppte is, beslag lê op 'n afvalhouer wat in besit gevind word van 'n persoon wie nie die eienaar of okkuperer is van die perseel ten opsigte waarvan sodanige afvalhouer uitgereik is nie.
- (16) 'n Afvalhouer waarop beslag gelê is ingevolge subartikel (15), moet aan die regmatige eienaar daarvan terugbesorg word waar sy of haar besonderhede aan die gemagtigde beamppte bekend is. Indien daar op die afvalhouer beslag gelê is vir doeleindes van kriminele vervolging, moet dit aan 'n polisiebeamppte oorhandig word ingevolge artikel 23 van die Strafproseswet, 1977.

**14. Gemeenskapsverwydering**

- (1) Die munisipaliteit sal in hoë digtheidsgebiede waar 'n volhoubare huishoudelike afvalverwyderingsdiens gelewer kan word, die afval van individuele huishoudings op 'n weeklikse basis verwijder.
- (2) Die munisipaliteit sal gesikte grootmaathouers plaas by sentrale gemeenskapsverwyderingspunte wat duidelik, afgebakende areas sal wees.
- (3) Die grootmaathouers moet volgens munisipale spesifikasies wees en die plasing daarvan moet sover moontlik—
- (a) aan die gemeenskap veilige en maklike toegang daartoe bied;
  - (b) windgewaaide rommel voorkom;
  - (c) maklike toegang bied aan die munisipaliteit se afvalverwyderingsvoertuie.
- (4) Die afval sal sover as redelik moontlik een keer per week verwijder word of binne 24 uur nadat 'n grootmaathouer as vol by die munisipaliteit aangemeld is.
- (5) Afvalskeiding by bron sal ten opsigte van gemeenskapsverwydering aangemoedig word en indien lewensvatbaar, sal afsonderlike grootmaathouers vir nie-herwinbare en herwinbare afval by die gemeenskapsverwyderingspunte voorsien word.

**15. Verwydering en wegdoening in landelike gebiede**

- (1) Waar dit nie vir die munisipaliteit ekonomies lewensvatbaar is om grootmaatafvalhouers of enige ander vorm van afvalverwydering in die landelike gebiede te voorsien nie, word gemeenskappe en boere aangemoedig om van die munisipaliteit se fasilitete gebruik te maak vir die wegdoening van afval by aangewese afvalhanterings –of afvalstortingsfasilitete.
- (2) Niteenstaande bogenoemde, sal die munisipaliteit met plaaslike gemeenskappe saamwerk om koste-effektiewe maniere te vind waardeur afvalverwyderingspraktyke na die landelike gebiede uitgebrei kan word.

**16. Herwinning**

- (1) Die munisipaliteit mag enige eienaar of okkuperdeer van 'n besigheid -of residensiële perseel of enige houer van afval in gebiede deur die munisipaliteit bepaal, versoek om—
- (a) afval te skei in herwinbare afval, byvoorbeeld e-afval, plastiek, papier en glas en nie-herwinbare afval ingevolge die voorskrifte van die munisipaliteit;
  - (b) afval te skei in organiese afval soos kosafval, tuinafval, of ander afval van organiese aard;
  - (c) verskillende houers vir die afval wat so geskei is, te gebruik inoordeinstemming met die munisipaliteit se aanwysings of soos deur die munisipaliteit voorsien;
  - (d) die houers gevul met herwinbare afval op 'n tyd en dag soos deur die munisipaliteit bepaal buite die ingang tot die perseel te plaas of, indien so versoek, dit aflaai by plekke, soos deur die munisipaliteit aangedui; en
  - (e) enige ander redelike voorgeskrewe procedures te volg.
- (2) Die munisipaliteit mag aflaastasies skep op plekke wat maklik toeganklik en veilig is vir die publiek.

**17. Opgaar van afval**

- (1) Die eienaar of okkuperdeer van 'n besigheid of residensiële perseel moet seker maak dat alle huishoudelike –of besigheidsafval op die perseel gegenereer uitgeplaas word vir verwydering en nie opgehoop word nie.
- (2) 'n Eienaar of okkuperdeer bedoel in subartikel (1) mag nie afval plaas op 'n sypaadjie of padreserwe vir verwydering op dae wat nie geskeduleer is vir afvalverwydering nie.
- (3) Waar 'n tipe of hoeveelheid afval nie deur die munisipaliteit of 'n gelisensieerde diensverskaffer op 'n gereelde basis deur verwyder word nie, moet die eienaar of okkuperdeer van die perseel of die houer van die afval reëlings tref vir die verwydering, vervoer en wegdoening van die afval by 'n afvalhanterings –of afvalstortingsfasilitet so dikwels as nodig om enige oorlas of nadelige uitwerking op menslike gesondheid of die omgewing te voorkom.
- (4) Die munisipaliteit mag enige perseel waar afval, ongeag die tipe, opgehoop word, betree en die persoon wat die afval genereer of die eienaar of die okkuperdeer van die perseel beveel om die afval onmiddellik te verwijder by versuum waarvan die munisipaliteit mag voortgaan om dit self te doen op koste van die persoon verantwoordelik vir die opgaar daarvan.

**HOOFSTUK 4**  
**HANTERING VAN VERSKILLENDIE TIPES AFVAL**

**Deel 1**  
**Tuinafval**

**18. Kompostering**

- Die eienaar of okkuperdeer van 'n perseel waarop tuinafval gegenereer word mag die tuinafval op die perseel komposteer, met dien verstande dat sodanige kompostering nie 'n ergernis veroorsaak of 'n nadelige uitwerking op menslike -en omgewingsgesondheid het nie.

**19. Verwydering en wegdoening met tuinafval**

- (1) Die eienaar of okkuperde van 'n perseel waarop nie-komposteerbare tuinafval gegenereer word moet binne 'n redelike tyd nadat sodanige afval gegenereer is, die afval verwyder en daarmee wegdoen by die naaste afvalhantering -of afvalstortingsfasilitet, tensy die munisipaliteit anders bepaal.
- (2) Op versoek van die eienaar of okkuperde van enige perseel kan die munisipaliteit tuinafval van die perseel verwyder onderhewig aan betaling van die koste en onderworpe aan die voorwaardes deur die munisipaliteit vasgestel.
- (3) 'n Afvalhouer wat deur die munisipaliteit voorsien is vir die wegdoen van tuinafval, mag nie deur enigiemand gebruik word vir die wegdoening van huishoudelike of ander vorme van afval nie.

**Deel 2  
Lywige Afval**

**20. Verwydering en wegdoening**

- (1) Die eienaar of okkuperde van 'n perseel waarop lywige afval gegenereer word, moet verseker dat sodanige afval binne veertien dae na generering daarvan verwyder en mee weggedoen word by 'n afvalhantering -of afvalstortingsfasilitet deur die munisipaliteit bepaal.
- (2) Op die versoek van die eienaar of die okkuperde van enige perseel, mag die munisipaliteit lywige afval vanaf die perseel verwyder teen die voorgeskrewe tarief mits dit moontlik is met die beskikbare toerusting.

**Deel 3  
Bouafval**

**21. Planne en inspeksie**

- (1) Die eienaar of okkuperde of enige persoon verantwoordelik vir die indiening van bouplanne vir 'n nuwe gebou of 'n verandering aan 'n bestaande gebou moet in die planne die wyse aandui waarop bouafval hanteer sal word.
- (2) 'n Gemagtigde beampte van die munisipaliteit moet 'n inspeksie doen en verifieer dat die afvalreëlings soos beoog in subartikel (1), wel nagekom is en alle bouafval mee weggedoen is as deel van die munisipaliteit se finale aftekening van die bou-aktiwiteite.

**22. Generering en berging**

- (1) Neteenstaande die afvalreëlings beoog in artikel 21, moet die eienaar of okkuperde van 'n perseel waarop bouafval gegenereer word of die persoon betrokke by die aktiwiteit wat sodanige afval genereer, verseker dat—
- (a) alle bouafval en die houers vir die berging daarvan gehou word op die perseel waar die bouafval gegenereer word;
  - (b) die perseel waarop die bouafval gegenereer word nie onooglik of 'n ergernis word as gevolg van die opgaar daarvan nie; en
  - (c) enige bouafval wat van die perseel gewaai word, sonder versuim herwin word.
- (2) Op skriftelike versoek en onderhewig aan voorwaardes soos wat deur die munisipaliteit vasgestel mag word, mag die munisipaliteit die gebruik van 'n goedgekeurde grootmaathouer wat vir 'n gespesifiseerde tydperk op die grens van die perseel geplaas word, goedkeur.
- (3) Die munisipaliteit mag 'n eienaar of okkuperde van 'n perseel waarop bouafval gegenereer word of die persoon betrokke by die aktiwiteit wat sodanige afval genereer, opdrag gee om spesiale houers vir die wegdoening van die afval te gebruik en mag 'n tarief vir die gebruik van sodanige houers vasstel, indien dit deur die munisipaliteit verskaf word.

**23. Verwydering en wegdoening**

- (1) Die eienaar of okkuperde van 'n perseel waarop bouafval gegenereer word of die persoon betrokke by die aktiwiteit wat sodanige afval genereer, moet verseker dat alle bouafval deurentyd gedurende konstruksie verwyder en mee weggedoen word om onnodige ophoping te voorkom.
- (2) Bouafval moet weggedoen word by 'n afvalhantering of afvalstortingsfasilitet deur die munisipaliteit bepaal.

**Deel 4  
Spesiale Industriële, Gesondheidsorg en Gevaarlike Afval**

**24. Kennisgewing en verifiëring**

- (1) 'n Persoon wat betrokke is by aktiwiteite wat spesiale industriële, gevaarlike -of gesondheidsorgafval sal genereer, moet voor die generering van sodanige afval die munisipaliteit skriftelik in kennis stel van—
- (a) die verwagte of vasgestelde samestelling van sodanige afval;
  - (b) die hoeveelheid wat gegenereer sal word;
  - (c) hoe en waar dit geberg sal word;
  - (d) hoe dit verwyder en mee weggedoen sal word; en
  - (e) die identiteit van die gelisensieerde diensverskaffer wat verantwoordelik sal wees vir die verwydering, vervoer en wegdoening daarvan.

- (2) 'n Persoon wat betrokke is in die afvalaktiwiteit waarna verwys word in subartikel (1) en wat daargestel is en in bedryf was voor die inwerkingtreding van hierdie verordening, moet die munisipaliteit binne negentig dae vanaf die inwerkingtreding van hierdie verordening skriftelik daarvan in kennis stel en die inligting soos bedoel in subartikel (1) voorsien.
- (3) Indien die munisipaliteit dit vereis moet 'n kennisgewing soos na verwys in subartikel (1) of (2) gestaaf word deur—  
(a) 'n assessering en analyse van die afval se samestelling gesertifiseer deur 'n toepaslik gekwalifiseerde industriële chemikus;  
(b) veiligheids datablaaie of voltooide afvaldokumente; en  
(c) sodanige ander rekords wat vereis word om nakoming van toepaslike wetgewing, nasionale standarde en SANS Kodes te verifieer.
- (4) Die persoon waarna verwys word in subartikel (1) of (2) moet ingeval van enige veranderinge en jaarliks voor of op 30 Junie, by die munisipaliteit 'n skriftelike verslag indien wat—  
(a) al die inligting insluit soos in subartikel (1);  
(b) die stawende dokumente soos aangedui in subartikel (3) bevat; en  
(c) enige ander inligting wat redelikerwys benodig mag word.
- (5) 'n Gemagtigde beampete mag op enige redelike tyd, 'n perseel betree om seker te maak of die afval waarna subartikel (1) verwys op die perseel gegenerere of geberg word en hy of sy mag monsters neem en enige afval wat op die perseel gevind word toets om die samestelling daarvan vas te stel.

#### **25. Berging**

- (1) Spesiale industriële, gesondheidsorg -en gevaaarlike afval wat op 'n perseel gegenerere word moet op die perseel geberg word in 'n goedgekeurde houer totdat dit verwyder word en dit moet dienooreenkomsdig toepaslike wetgewing, nasionale standarde en SANS Kodes en op so wyse geberg word dat dit nie 'n ergernis of skade aan menslike gesondheid of besoedeling van die omgewing kan veroorsaak nie.  
(2) Indien die afval waarna in subartikel (1) verwys word nie in ooreenstemming met hierdie voorskrifte geberg word nie, mag die munisipaliteit inligting van die inhoud, hoeveelheid en aanvangsdatum van bering vereis en indien sodanige inligting nie beskikbaar is nie mag die munisipaliteit die persoon wat die afval genereer of die eienaar of die okkuperer van die perseel waarop sodanige afval geberg word opdrag gee om onmiddellik die afval te verwyder by versuim waarvan die munisipaliteit self mag voortgaan om dit te doen op koste van die eienaar of okkuperer van die perseel waarop die afval geberg word.

#### **26. Verwydering en wegdoening**

- (1) Slegs 'n gelisensieerde diensverskaffer mag spesiale industriële, gesondheidsorg -en gevaaarlike afval vanaf die perseel waar dit geberg word verwyder en daarvan wegdoen by 'n afvalstortingsterrein wat dienooreenkomsdig gelisensieer en deur die munisipaliteit aangewys is om sodanige afval te ontvang indien die stortingsterrein binne die munisipaliteit geleë is. Indien daar geen stortingsterrein vir sodanige afval binne die munisipale gebied is nie, moet dit by 'n toepaslik gelisensiërde stortingsterrein weggedoen word.  
(2) 'n Gelisensieerde diensverskaffer moet die afval waarna in subartikel (1) verwys word, verwyder, vervoer en mee wegdoen in ooreenstemming met die terme en voorwaardes van sy lisensie en in nakoming van toepaslike wetgewing, nasionale standarde en SANS Kodes.

### **Deel 5** **Industriële Afval en Spesiale Afval**

#### **27. Berging**

- Die eienaar of okkuperer van 'n perseel waarop industriële afval of spesiale afval gegenerere word moet verseker dat tot tyd en wyl die afval deur 'n gelisensieerde diensverskaffer van sodanige perseel verwyder word—  
(a) die afval dienooreenkomsdig toepaslike wetgewing, nasionale standarde en SANS Kodes geberg word in goedgekeurde houers wat nie op 'n openbare plek gehou word nie; en  
(b) geen ergernis, gesondheidsrisiko of omgewingsskade tydens die generering of bering van die afval veroorsaak word nie.

#### **28. Verwydering en wegdoening**

- (1) Slegs 'n gelisensieerde diensverskaffer mag industriële -of spesiale afval vanaf die perseel waar dit geberg word verwyder en wegdoen by 'n afvalstortingsterrein wat dienooreenkomsdig gelisensieer en deur die munisipaliteit aangewys is om sodanige afval te ontvang.  
(2) 'n Gelisensieerde diensverskaffer moet die afval waarna in subartikel (1) verwys word, verwyder, en daarvan wegdoen in ooreenstemming met die terme en voorwaardes van sy lisensie en onderhewig aan die vereistes van enige toepaslike wetgewing, nasionale standarde en SANS Kodes.  
(3) Die munisipaliteit mag spesifieke tye bepaal vir die ontvangs van spesiale afval by die terrein waarna in subartikel (1) verwys word.

**Deel 6  
Bande, Verlate Voertuie of Masjinerie en Afvalmetaal**

**29. Berging en wegdoening**

- (1) Geen eienaar of okkuperdeer van 'n perseel met 'n operasionele area groter as die area soos bepaal ingevolge GK R921 van 29 November 2013 (Lys van afvalaktiwiteite wat waarskynlik 'n nadelinge invloed op die omgewing mag hê) mag afvalbande, verlate, geskrapte, afgetakelde, gesloopte of herwinde voertuie of masjinerie of afvalmetaal tydelik berg of opgaar tensy die afvalbestuursaktiwiteit ooreenkomsdig nasionale standarde bestuur word of gelisensieer is ingevolge nasionale wetgewing, soos toepaslik.
- (2) Afval soos bedoel in subartikel (1) word nie by enige van die munisipaliteit se afvalhantering –of afvalstortingsfasiliteite aanvaar nie en enige persoon wat met enige van hierdie artikels moet wegdoen, moet daarmee wegdoen by 'n afvalstortingsterrein soos deur die munisipaliteit aangewys en volgens die voorwaardes wat vir sodanige afvalstortingsterrein geld.
- (3) Die munisipaliteit mag die perseel van enige persoon bedoel in subartikel (1) betree en bewyse van enige planne insluitende 'n geïntegreerde afvalbestuursplan, lisensies of ander tersaaklike dokumente versoek om nakoming van toepaslike wetgewing te verifieer.

**Deel 7  
Herwinbare Afval**

**30. Berging, verwydering en wegdoening**

- (1) 'n Eienaar of okkuperdeer van 'n perseel of enige ander persoon mag nie herwinbare afval tydelik opgaar, sorteer of berg op enige perseel binne die munisipale gebied nie tensy dit gedoen word in ooreenstemming met subartikel (2).
- (2) Enige eienaar of okkuperdeer van 'n perseel of enige ander persoon moet voor die aanvang van 'n aktiwiteit wat die hergebruik, herwinning of herwinning van afval behels, nakoming van nasionale en provinsiale wetgewing en standarde en toepaslike SANS Kodes ten opsigte van die afvalaktiwiteit verseker en die munisipaliteit voorsien met 'n afskrif van 'n geïntegreerde afvalbestuursplan en sodanige ander inligting as wat die munisipaliteit mag vereis.
- (3) Slegs 'n gelisensieerde diensverskaffer mag herwinbare afval vanaf die perseel waar dit gegeneere word of van ander afval geskei word, verweder en daarmee wegdoen by 'n afvalhantering – of afvalstortingsfasiliteit deur die munisipaliteit aangewys om sodanige afval te ontvang.

**Deel 8  
Landbou -en Plaasafval**

**31. Wegdoening**

- (1) 'n Eienaar of okkuperdeer van plaasgrond mag met algemene afval, wat landbou –en plaasafval insluit, op die grond wegdoen mits dit gedoen word ooreenkomsdig die bepalings van GK 921 gedateer 23 November 2013, uitgevaardig ingevolge NEM:WA, asook die relevante SANS kodes.
- (2) Die munisipaliteit wil grondeienaars aanmoedig om afval te berg totdat genoeg opgegaar is om te vervoer en dit dan te vervoer na die naaste wegdoenfasiliteit. Indien die bergingsgebied 100m<sup>3</sup> vir algemene afval oorskry, en 80m<sup>3</sup> vir gevaaarlike afval, moet die grondeienaar by die Departement van Water & Sanitasie registreer en voldoen aan die NEM:WA "Nasjonale Norme en Standaarde vir die Berging van Afval gepubliseer in GK 926 van 29 November 2013. Waar afval egter nie langer as 90 dae geberg word nie, is die Norme en Standaarde nie van toepassing nie.
- (3) 'n Eienaar of okkuperdeer van plaasgrond mag nie op die grond met enige hoeveelheid gevaaarlike afval, wat in landbouafval aanwesig mag wees, wegdoen nie tensy hy of sy in besit is an 'n toepaslike afvalbestuurslisensie ingevolge nasionale wetgewing en, indien van toepassing, provinsiale wetgewing.
- (4) 'n Gemagtigde beampte van die munisipaliteit mag 'n eienaar of okkuperdeer van plaasgrond wat hy of sy vermoed met gevaaarlike afval of 'n groter hoeveelheid algemene afval as toegelaat op die grond wegdoen, versoek om bewys te lewer van die lisensies waarna in subartikels (2) of (3) verwys word en, ongeag die inhoud of die hoeveelheid van die afval waarmee op die grond weggedoen word, mag die munisipaliteit die eienaar of okkuperdeer ook versoek om binne 'n neergelegte tydsraamwerk, 'n geïntegreerde afvalbestuursplan by die munisipaliteit in te dien.
- (5) 'n Eienaar of okkuperdeer van plaasgrond mag skriftelik aansoek doen om van die munisipaliteit se afvalhantering – en afvalstortingsfasiliteite gebruik te maak, welke goedkeuring aan die applikant toegang sal bied tot die munisipaliteit se wegdoenfasiliteite op die voorwaardes deur die munisipaliteit bepaal.

## HOOFSTUK 5

### VERVOER EN WEGDOENING

#### Deel 1

##### Vervoer van Afval

###### **32. Veilige vervoer**

Niemand mag—

- (a) 'n voertuig vir die vervoer van afval op 'n openbare pad gebruik tensy die bakwerk van die voertuig in terme van grootte en ontwerp voldoende is vir die tipe afval wat vervoer word; of
- (b) versium om 'n voertuig wat vir die vervoer van afval gebruik word so te onderhou dat dit ten alle tye in 'n skoon, higiëniese en padwaardige toestand is.

###### **33. Geen vermorsing of verspilling**

'n Persoon wat afval deur die munisipale gebied vervoer moet verseker dat—

- (a) los afval op 'n oop voertuig bedek is met 'n seil of gepaste net; en
- (b) geen afval losraak, lek of afval van die voertuig wat dit vervoer nie.

###### **34. Wetlike nakoming**

'n Persoon wat afval vervoer, spesifiek gevaaarlike afval, moet verseker dat hy of sy alle relevante nasionale en provinsiale wetgewing, nasionale standarde en SANS Kodes, nakom.

#### Deel 2

##### Wegdoening met Afval

###### **35. Toegelate gebruik**

- (1) Die munisipaliteit mag voorskryf watter tipes afval by 'n spesifieke afvalhantering –of afvalstortingsfasilitet weggedoen mag word soos toegelaat ooreenkomsdig die lisensievoorskrifte van elke fasilitet.
- (2) Verskillende tariewe is van toepassing op die wegdoening van verskillende tipes en volumes afval, maar inwoners word toegelaat om gratis weg te doen met 'n sekere volume algemene afval soos deur die munisipaliteit bepaal.

###### **36. Aanspreeklikheid**

- (1) Niemand mag met afval wegdoen by 'n afvalstortingsfasilitet wat nie vir die ontvangs van sodanige afval gelisensieer is nie en enige persoon wat enige van die munisipale voorskrifte soos beoog ingevolge artikel 35(1) oortree, sal aanspreeklik gehou word vir alle redelike koste deur die munisipaliteit aangegaan om die afval waarmee onregmatig weggedoen is, te verwyder en andersins mee te handel.
- (2) Die munisipaliteit sal nie aanspreeklik wees vir enige eis voortspruitend uit toegang tot enige afvalhantering –of afvalstortingsfasilitet nie en enige persoon wat enige van die terreine van sodanige fasilitete betree doen dit op eie risiko.

###### **37. Toegang tot fasilitete**

- (1) Niemand mag 'n afvalhantering –of afvalstortingsfasilitet betree vir enige ander rede as die wegdoening van afval ingevolge hierdie verordening nie en slegs op tye en tussen ure soos deur die munisipaliteit bepaal en aangedui op 'n duidelik sigbare kennisgewingbord by die ingang van die afvalhantering –of afvalstortingsfasilitet.
- (2) 'n Persoon wat 'n afvalhantering –of afvalstortingsfasilitet betree vir die wegdoening van afval moet—
  - (a) by die fasilitet in –en uitgaan by die aangewese in –en uitgange;
  - (b) alle besonderhede rakende die bron en samestelling van die afval verskaf en die munisipaliteit mag sodanige afval inspekteer; en
  - (c) alle instruksies volg rakende die werklike storting, oorlaai of herwinningspunt en die plek waar en wyse waarop die afval afgelaai moet word.
- (3) Niemand mag enige bedwelmende drank of narkotiese middel in enige van die munisipaliteit se afvalhantering –of afvalstortingsfasilitete inbring nie.
- (4) Die munisipaliteit mag die maksimum grootte van 'n voertuig wat toegelaat sal word om 'n afvalhantering –of afvalstortingsfasilitet binne te gaan, voorskryf.

###### **38. Aanvaarding van afval van ander**

- (1) Die munisipaliteit mag 'n aansoek van 'n ander munisipaliteit om met afval weg te doen by 'n afvalstortingsfasilitet, oorweeg met dien verstande dat die aanvaarding van sodanige afval geen nadelige uitwerking sal hê op die munisipaliteit se bevoegdhede en eienaarskap van sodanige afvalstortingsfasilitet nie.
- (2) Die munisipaliteit mag 'n persoon toelaat om by 'n aangewese afvalstortingsfasilitet weg te doen met afval wat buite die munisipaliteit se gebied gegeneereer is, met dien verstande dat so persoon eers ingevolge hierdie verordening 'n gelisensieerde diensverskaffer moet word.
- (3) Die munisipaliteit se tariewe van toepassing op gelisensiërde diensverskaffers soos in subartikel (2) verwys, mag verskil van die tariewe vir ander gelisensiërde diensverskaffers.

## HOOFTUK 6 AFVALSTROOIING EN STORTING

### **39. Voorsiening van fasiliteite vir afval**

- (1) Die munisipaliteit moet redelike stappe neem om te verseker dat genoeg goedgekeurde houers vir die wegdoen van afval voorsien word op enige perseel waartoe die publiek toegang het.
- (2) Die eienaar of okkuperdeer van private grond waartoe die publiek toegang het moet verseker dat genoegsame houers voorsien word vir die wegdoen van afval deur die publiek.

### **40. Afvalstrooiing en storting**

- (1) Niemand mag enige afval laat val, gooï, plaas, mors, stort of op enige ander manier daarvan ontslae raak in of op enige openbare plek, openbare pad, munisipale rivoel, grond, onbeboude erf, stroom of enige ander plekke wat ingevolge hierdie verordening nie toelaatbaar is nie of enige persoon onder sy of haar beheer toelaat om dit te doen nie.
- (2) 'n Eienaar of okkuperdeer van 'n besigheidspersel mag nie toelaat dat afval op 'n sypaadjie, padreserwe of enige vakante eiendom aangrensend sy of haar perseel ophoop nie.
- (3) 'n Gemagtigde beampte mag teen 'n oortreding van subartikel (1) optree deur 'n geskrewe kennisgewing wat sodanige persoon beveel om—
- (a) die oortreding binne 'n bepaalde tyd te stop;
  - (b) 'n herhaling van die oortreding of 'n verdere oortreding te voorkom;
  - (c) enige maatreëls te neem wat die munisipaliteit as nodig beskou om die afval te verwijder of skoon te maak en die aangetaste omgewing binne 'n bepaalde tyd te rehabiliteer; of
  - (d) 'n boete te betaal of in die hof te verskyn ingevolge die bepalings van artikel 56 van die Strafproseswet, 1977, (Wet 51 van 1977).
- (4) Niemand mag op enige perseel afval verwijder uit 'n goedgekeurde afvalhouer wat geplaas is vir vewydering nie of daarmee peuter nie.
- (5) 'n Eienaar of okkuperdeer van grond of 'n perseel of enige ander persoon in beheer van grond of 'n perseel, mag nie grond of 'n perseel vir ongewettigde storting van afval gebruik of toelaat dat 'n ander dit doen nie en moet alle redelike stappe neem om sodanige gebruik van die grond of perseel te voorkom.
- (6) Indien die munisipaliteit dit nodig vind om afval vanaf grond of 'n perseel te verwijder, sal die eienaar, okkuperdeer of persoon wat beheer uitoefen oor die grond of perseel aanspreeklik gehou word vir die koste van die sodanige verwijdering.
- (7) In die geval van gevaaalike afval, sal die munisipaliteit sodanige afval so spoedig moontlik verwijder of laat verwijder en daarna die nodige kennisgewings uitreik aan die persoon aanspreeklik vir die verwijderingskoste en die rehabilitasie van die omgewing.
- (8) Die eienaar van private grond waartoe die publiek toegang het, moet verseker dat genoeg houers voorsien word vir afval wat deur die publiek weggedoen word.

### **41. Brand van afval**

Brand van afval is streng verbode tensy goedgekeur deur die Brandweerhoof ingevolge die Brandveiligheidsverordening van die verantwoordelike owerheid.

### **42. Verlate voorwerpe**

'n Persoon wat enige artikel wat ingevolge hierdie verordening as afval geklassifiseer kan word agterlaat, is aanspreeklik vir enige skade wat sodanige artikel mag veroorsaak of veroorsaak het sowel as die koste vir die verwijdering daarvan niteenstaande die feit dat sodanige persoon moontlik nie meer die eienaar daarvan mag wees nie.

## HOOFTUK 7 EKSTERNE DIENSVERSKAFFERS

### Deel 1

#### Gelisensieerde Diensverskaffers van Kommersiële Dienste

### **43. Licensie aansoeke**

- (1) Geen persoon mag kommersiële dienste vir die verwijdering en vervoer van afval in die munisipale gebied voorsien tensy hy of sy by die munisipaliteit geregistreer het en 'n lisensie wat hierdie afvalaktiwiteit magtig, bekom het nie.
- (2) 'n Aansoek vir 'n lisensie moet skriftelik ingedien word in 'n formaat of op 'n vorm deur die munisipaliteit voorgeskryf en teen betaling van die voorgekrewe gelde, en tensy subartikel (3) van toepassing is, moet vooraf goedkeuring vir die verwijdering en vervoer van afval die munisipaliteit verkry word.
- (3) Enige persoon wat reeds kommersiële dienste lewer ten tyde van die inwerkingtreding van hierdie verordening, moet binne negentig dae vanaf die inwerkingtredingsdatum 'n aansoek vir 'n lisensie soos beoog in subartikel (1) indien; 'n

persoon wat versuim om sodanige aansoek in te dien mag na die verstryking van die gemelde negentig dae tydperk nie meer afvalverwydering en afvalvervoerdienste in die munisipale area lewer nie.

- (4) Die munisipaliteit moet 'n aansoek ingedien ingevolge hierdie artikel binne dertig dae van ontvangs daarvan oorweeg inaggenome die gesondheid, veiligheid –en omgewingsrekord van die applikant en die aard van die kommersiële dienste wat voorsien moet word, en skriftelike redes verskaf indien die aansoek afgekeur is.
- (5) Registrasie as diensverskaffer verleen nie aan die diensverskaffer die reg om 'n afvalverwyderingsdiens te lewer behalwe waar 'n vrystelling ingevolge artikels 47 of 66 van toepassing is nie.

#### **44. Terme en voorwaardes van lisensies**

- (1) 'n Licensie moet—
- (a) die lisensiehouer duidelik identifiseer;
  - (b) die lisensieperiode spesifiseer;
  - (c) die kategorieë van afval wat die gelisensieerde diensverskaffer mag verwijder en wegdoen bepaal;
  - (d) die inligting wat bygehou moet word en die indieningsvereistes daarvan deur die munisipaliteit vir sy eie geïntegreerde afvalbestuursplan en SAAIS uitspel; en
  - (e) ander procedures wat nodig mag wees vervat.
- (2) 'n Licensie—
- (a) mag nie gesedeer of oorgedra word sonder die toestemming van die munisipaliteit nie;
  - (b) is geldig vir twee jaar vanaf die datum van uitreiking; en
  - (c) is slegs geldig vir die kategorieë afval daarin gespesifieer.
- (3) 'n Lisensiemagtiging moet vir elke voertuig wat in die lisensieaansoek geïdentifiseer is 'n vertoonskyfie insluit wat die lisensie se geldigheidsperiode en die kategorieë afval waarvoor dit toegestaan is aandui, welke skyfie duidelik op die voorste windskerm van die voertuie vertoon moet word.
- (4) Die munisipaliteit sal nie afval vir wegdoening by sy afvalhantering –of afvalstortingsfasilitete vanaf diensverskaffers aanvaar wat nie voldeon aan die veresites in subartikel (3) nie.
- (5) 'n Gelisensieerde diensverskaffer mag nie versuim of weier om die munisipaliteit te voorsien met enige inligting wat redelikerwys betreffende die terme en voorwaardes van 'n licensie versoek word nie, of vals of misleidende inligting verskaf nie.
- (6) 'n Gelisensieerde diensverskaffer is ten volle aanspreeklik vir enige handeling of versuim van enige van sy of haar werknekemers indien so handeling of versuim 'n oortreding van die lisensievoorwaardes of 'n nadelige uitwerking op menslike gesondheid of die omgewing het.

#### **45. Hernuwing van lisensies**

- (1) 'n Licensie hernuwingsaansoek moet minstens sestig dae voor die verstrykingsdatum daarvan ingedien word en moet binne dertig dae van ontvangs daarvan deur die munisipaliteit oorweeg word; skriftelike redes vir afkeuring moet deur die munisipaliteit verstrek word.
- (2) Nienteenaande enigets tot die teendeel in hierdie verordening, moet die munisipaliteit 'n licensie tydelik, vir 'n tydperk wat nie dertig dae mag oorskry nie, verleng indien 'n diensverskaffer die korrekte prosedure soos beoog in subartikel (1) gevvolg het en die hernuwingsaansoek as gevvolg van munisipale prosesse nog nie oorweeg is nie.

#### **46. Opskorting en herroeping van lisensies**

- (1) Die munisipaliteit mag 'n licensie opskort of intrek indien 'n diensverskaffer versuim om enige van sy of haar lisensievoorwaardes of enige ander bepaling van hierdie verordening of enige nasionale of provinsiale wetgewing wat die verwijdering, vervoer –en wegdoening van afval reguleer, na te kom of op enige ander gronde wat deur die munisipaliteit as genoegsame rede geag word om 'n licensie te herroep of op te skort.
- (2) Die munisipaliteit moet 'n gelisensieerde diensverskaffer skriftelik kennis gee om binne dertig dae vanaf datum van die kennismaking van die voorgenome opskorting of intrekking van sy of haar lisensie skriftelike redes in te dien waarom sodanige aksie nie deur die munisipaliteit geneem moet word nie.
- (3) Ongeag of vertoë vanaf die diensverskaffer ontvang is moet die munisipaliteit hom of haar binne 14 dae na verstryking van die tydperk vir vertoë van sy besluit in kennis stel.

#### **47. Vrystelling van lisensies**

Die munisipaliteit mag 'n diensverskaffer of kommersiële diens van enige of al die bepalings in Deel 1 van Hoofstuk 7 en sodanige ander artikels van hierdie verordening wat die munisipaliteit nodig ag, vrystel.

#### **48. Verbruikersverantwoordelikhede**

Die eienaar of okkuperdeer van 'n perseel of die houer van afval wat met 'n gelisensieerde diensverskaffer kontrakteer moet verseker dat—

- (a) die diensverskaffer gelisensiéer is om die kategorieë van afval waarvoor hy of sy gekontrakteer word te verwijder en te vervoer;
- (b) totdat die gelisensieerde diensverskaffer die afval vanaf die perseel waar dit gegenereer is verwijder, die afval in 'n goedgekeurde houer geberg word en geen ergernis met betrekking tot stof, reuke of gesondheid in die proses van generering, berging of verwijdering veroorsaak nie; en
- (c) die diens slegs gelewer word vir die kategorieë van afval wat in die licensie gemagtig is.

## Deel 2 Munisipale Diensverskaffers

### **49. Uitkontraktering van dienste**

Die munisipaliteit mag ooreenkomste aangaan met eksterne diensverskaffers vir die lewering van munisipale afvaldienste en aktiwiteite mits dit gedoen word in ooreenstemming met munisipale, provinsiale en nasionale wetgewing.

### **50. Verbruikershandves**

Indien 'n diensverskaffer soos beoog in artikel 49 deur die munisipaliteit aangestel word om 'n diens te lever aan 'n groot geografiese gebied of 'n aansienlike gedeelte van die bevolking, mag van die diensverskaffer vereis word om in oorleg met die gemeenskap 'n verbruikershandves saam te stel en te aanvaar.

## HOOFSTUK 8 EIENAARSKAP VAN AFVAL EN TOEGANG TOT PERSELE

### **51. Eienaarskap**

- (1) 'n persoon wat afval genereer is die eienaar daarvan totdat dit deur sodanige persoon beskikbaar gemaak word vir kollektering deur die munisipaliteit of 'n diensverskaffer ooreenkomstig hierdie verordening.
- (2) Afval word die eiendom van die munisipaliteit sodra dit beskikbaar gestel word vir kollektering.
- (3) Subartikels (1) en (2) is nie van toepassing op afvalstromme wat deur die munisipaliteit geïdentifiseer is as afval wat nie verwyder mag word nie, of afval wat onwettig mee weggedoen is nie.
- (4) 'n Persoon wat afval genereer soos bedoel in subartikel (3), bly die eienaar daarvan totdat daar wettiglik met die afval weggedoen word.
- (5) Afval op die ondergenoemde persele onder beheer van die munisipaliteit—
  - (a) afval wegdoeningsfasiliteite;
  - (b) afval oorlaaifasiliteite; en
  - (c) fasiliteite waar afval ontvang, geberg, herwin of behandel word, is die eiendom van die Munisipaliteit.
- (6) Niemand mag afval op die persele bedoel in subartikel (5) verwyder of daarmee inmeng nie, tensy gemagtig deur die munisipaliteit.

### **52. Toegang tot persele**

- (1) Indien die uitleg van 'n perseel die munisipaliteit verhinder om afval te verwijder of te hanteer of moontlik kan lei tot die beskadiging van private –of munisipale eiendom of die besering van munisipale werknemers, mag die munisipaliteit van die eienaar of okkuperdeer vereis om op eie koste sodanige veranderinge soos nodig, aan te bring om enige hindernisse te verwijder.
- (2) Indien die eienaar of die okkuperdeer versuim of weier om aan die munisipaliteit se versoek gehoor te gee, mag die munisipaliteit die diens aan die perseel opskort en gevrywaar wees teen enige skade of beserings of enige ander eise wat uit die opskorting mag voortspruit.

## HOOFSTUK 9 NAKOMING EN AFDWINGING

### **53. Nakoming van hierdie verordening en ander wette**

- (1) Die eienaar of okkuperdeer van 'n perseel is verantwoordelik om nakoming van hierdie verordening te verseker.
- (2) Enige persoon of entiteit wat 'n lisensie of 'n magtiging wat met afval verband hou, moet op versoek van 'n gemagtigde beampete bewer van sodanige lisensie of magtiging.

### **54. Magtiging van 'n gemagtigde beamppte**

- (1) Die munisipaliteit of 'n diensverskaffer soos beoog ingevolge artikel 49 van hierdie verordening mag enige persoon in sy diens magtig om uitvoering te gee aan die bepalings van hierdie verordening.
- (2) Die afvalbestuursbeamppte van die munisipaliteit is 'n gemagtigde beamppte.

### **55. Funksies en magte van 'n gemagtigde beamppte**

'n Gemagtigde beamppte mag werk uitvoer, 'n inspeksie doen, monitor en nakoming van hierdie verordening, asook nasionale en provinsiale wetgewing met betrekking tot afvalbestuur, afdwing.

### **56. Betyking van kennisgewings en dokumente**

- (1) 'n Kennisgiving of dokument ingevolge hierdie verordening deur die munisipaliteit uitgereik, word geag behoorlik gemagtig te wees indien dit deur 'n gemagtigde beamppte onderteken is.
- (2) Indien 'n kennisgiving of dokument ingevolge hierdie verordening op 'n eienaar, okkuperdeer of enige ander persoon beteken moet word sal dit geag word doeltreffend en afdoende aan sodanige persoon beteken te wees—

- (a) wanneer dit aan hom of haar persoonlik beteken is of aan sy of haar behoorlik gemagtigde agent;
- (b) wanneer dit by sy of haar woon, werk –of sakeadres gelaat is by 'n persoon wat klaarblyklik nie jonger as sestien jaar is nie en daar woonagtig of werksaam is;
- (c) as hy of sy 'n adres vir regsdoeleindes genomineer het en dit by sodanige adres afgelewer is;
- (d) as hy of sy nie 'n adres vir regsdoeleindes genomineer het nie, die aflewering daarvan by die adres deur hom of haar aangedui in sy of haar aansoek vir die voorsiening van afvaldienste of vir die ontvangs van 'n rekening vir die voorsiening van afvaldienste;
- (e) wanneer dit per voorafbetaalde, geregistreerde gesertifiseerde pos na sy of haar laaste bekende adres gepos is en 'n erkenning van die pos daarvan verkry word;
- (f) in die geval van 'n regspersoon, die aflewering daarvan by die geregistreerde kantoor of besigheidsadres van sodanige regspersoon; of
- (g) indien dit nie kan geskied ingevolge subartikels (a) tot (f) nie, deur dit op 'n duidelik sigbare plek op die perseel betrokke te plaas.

**57. Voldoeningskennisgewings**

- (1) 'n Gemagtigde beampete mag 'n skriftelike kennisgiving uitrek aan enige persoon wat die bepalings van hierdie verordening oortree.  
'n Kennisgiving ingevolge subartikel (1) moet—
  - (a) besonderhede gee van die bepaling van die verordening wat nie nagekom is nie;
  - (b) aan die eienaar, okkuperder of ander party binne 'n bepaalde tyd 'n redelike geleentheid bied om vertoë te rig met betrekking tot die bewerings in die kennisgiving;
  - (c) die stappe uiteensit wat die eienaar, okkuperder of ander persoon moet neem om die versuim reg te stel;
  - (d) die periode spesifiseer waarbinne die die eienaar, okkuperder of ander persoon stappe moet neem om die versuim reg te stel; en
  - (e) aandui dat die munisipaliteit—
    - (i) indien die kennisgiving nie nagekom word nie, die werk self mag onderneem en die werklike koste van sodanige werk van die eienaar, okkuperder of ander persoon verhaal; en
    - (ii) enige ander aksie mag neem om nakoming van die bepalinge van hierdie verordening te verseker.
- (3) Indien 'n eienaar of okkuperder of enige ander persoon versuim om binne die neergelegde periode 'n geskrewe kennisgiving ingevolge hierdie verordening na te kom, mag die munisipaliteit sodanige aksie neem as wat nodig is om nakoming te verseker, insluitende—
  - (a) om self of deur 'n kontrakteur die aksies of die werk nodig te onderneem en verhaling van die koste van die eienaar, okkuperder of ander persoon; of
  - (b) die instelling van regaksie teen die eienaar, okkuperder of ander persoon ingevolge die Strafproseswet, 1977 (Wet 51 van 1977);
- (4) In 'n noodgeval mag die munisipaliteit sonder vooraf kennisgiving, die werk soos beoog in subartikel (2) onderneem en die koste van die eienaar, okkuperder of ander persoon, verhaal.
- (5) Die werklike koste verhaalbaar deur die munisipaliteit ingevolge subartikels (3) en (4) sal insluit die volle koste geassosieer met sodanige werk.
- (6) In die geval waar nakoming van 'n kennisgiving binne 'n gespesifiseerde aantal werksdae vereis word, sal die aanvangsdatum van sodanige periode gereken word as die datum in die kennisgiving bepaal.
- (7) 'n Kennisgiving of dokument uitgereik ingevolge subartikel (2) is geldig totdat een van die volgende gebeur—
  - (a) dit uitgevoer is;
  - (b) dit deur die gemagtigde beampete wat dit uitgereik of sy of haar gelegeerd gekanselleer word; of
  - (c) die doel waarvoor dit uitgereik is, verval het.

**58. Mag van toegang en inspeksie**

- (1) 'n Eienaar of okkuperder moet, op versoek, 'n gemagtigde beampete toelaat om sodanige inspeksie en ondersoek uit te voer as wat hy of sy nodig ag om enige oortreding van hierdie verordening te ondersoek en nakoming daarvan te verseker.
- (2) Wanneer hy of sy die perseel betree, moet die gemagtigde beampete, hom of haarself indien so vereis, identifiseer by wyse van 'n aanstellingsertifikaat.

**59. Gebruik van geweld vir toegang**

Die gebruik van geweld vir toegang tot 'n perseel mag slegs in 'n noodgeval geskied.

**60. Aanspreeklikheid en vergoeding**

Die munisipaliteit sal nie aanspreeklik wees vir skade of vergoeding voortspruitend uit enige iets wat deur die munisipaliteit ingevolge hierdie verordening gedoen is nie.

**61. Valse verklarings of inligting**

Niemand mag 'n valse verklaring aflê of valse inligting aan die munisipaliteit, 'n gemagtigde beampete of 'n werknemer van die munisipaliteit verskaf nie of 'n dokument uitgereik ingevolge hierdie verordening, vervals nie.

**62. Beslaglegging op eiendom**

- (1) 'n Gemagtigde beamppte, indien hy of sy 'n vredesbeamppte is, mag op grond van 'n lasbrief uitgereik ingevolge subartikel (2), 'n persoon deursoek vir, en beslag lê op enige artikel, ingesluit 'n voertuig—  
(a) wat gebruik is, of op redelike gronde geglo word gebruik is in 'n oortreding of versuim om te voldoen aan 'n bepaling van hierdie verordening;  
(b) wat getuienis mag verskaf van sodanige oortreding of versuim; of  
(c) wat beoog is om te gebruik of op redelike gronde geglo beoog word om te gebruik in sodanige oortreding of versuim.
- (2) 'n Lasbrief bedoel in subartikel (1) mag deur 'n regter of landdros uitgereik word indien dit blyk uit inligting onder eed dat daar redelike gronde bestaan om te glo dat enige sodanige artikel in besit is of onder beheer is van enige persoon of op enige perseel binne sy of haar jurisdiksiegebied.
- (3) Eiendom waarop beslag gelê is ingevolge subartikel (1) moet sonder versuim oorhandig word aan 'n beamppte van die Suid Afrikaanse Polisiediens vir beskikking daaroor ingevolge Hoofstuk 2 van die Strafproseswet, 51 van 1977.

**62(A) Beslaglegging sonder 'n lasbrief**

- 'n Vredebeamppte bedoel in artikel 62(1) mag onder 'n lasbrief 'n persoon, voertuig, houer of perseel deursoek vir die doeleindes van beslaglegging van enige artikel bedoel in artikel 62—  
(a) indien die betrokke persoon of die persoon wat toestemming mag verleen, toestem tot die deursoeking en beslaglegging van die betrokke artikel; of  
(b) indien hy of sy op redelike gronde glo—  
(i) dat 'n lasbrief aan hom of haar uitgereik sal word ingevolge artikel (62(2) indien hy of sy daarvoor aansoek doen; en  
(ii) dat die vertraging in verkyging van die lasbrief die doel van die deursoeking sal verydel.

**62(B) Skut van voertuie**

- (1) Ondanks die bepalings van artikels 62 en 62A, mag 'n gemagtigde beamppte 'n voertuig skut waar 'n persoon 'n oortreding voortsit of herhaal teenstrydig met 'n kennisgewing ingevolge hierdie verordening aan sodanige om te voldoen aan die bepalings van hierdie verordening.
- (2) Die gemagtigde beamppte moet ten tyde van die skut van die voertuig aan die persoon in beheer daarvan 'n kennisgewing uitrek met uiteensetting van—  
(a) die rede vir die skut van die voertuig;  
(b) 'n beskrywing van die voertuig wat geskut word;  
(c) die adres en kontakbesonderhede van die aangewese skut;  
(d) die betaling van 'n skutfooi soos deur die munisipaliteit bepaal ingevolge sy Tariefbeleid asook die koste deur die munisipaliteit aangegan soos bedoel in artikel 57 van hierdie verordening;  
(e) die moontlikheid van verkoping van die voertuig om koste te dek; en  
(f) die datum, tyd en plek waar, asook die persoon aan wie vertoë gerig kan word vir die vrylating van die geskutte voertuig.
- (3) 'n Voertuig wat ingevolge subartikel (1) geskut is moet geneem word na 'n aangewese skut waar dit gehou moet word en mee gehandel moet word in gevolge subartikel (4).
- (4) Die geskutte voertuig moet aan die regmatige eienaar terugbesorg word—  
(a) teen betaling van die skutfooi en enige koste wat die munisipaliteit angegaan het om die oortreding reg te stel waarvan toepassing; of  
(b) waar die munisipaliteit vertoë vir die vrylating van die voertuig aanvaar ingevolge subartikel (2)(f).

**62(C) Wegdoen met geskutte voertuie**

- (1) Indien die eienaar van 'n geskutte voertuig versuim om die skutfooi en koste bedoel in artikel 62B(2)(d) te betaal binne 60 dae na skut daarvan, mag die munisipaliteit—  
(a) by 'n bevoegde hof aansoek doen om die voertuig te verkoop; en  
(b) in die hofaansoek, bewys te lewer dat die eienaar voorsien is van 'n rekening ten opsigte van die fooie en koste betaalbaar.
- (2) By verkoop van die geskutte voertuig, en teen bewys van betaling van die vasgestelde fooie en koste, moet die munisipaliteit die opbrengs van verkope minus die skutfooie en koste aan die eienaar betaal.
- (3) Indien die opbrengs van verkope nie genoeg is om die koste van die munisipaliteit te dek nie, bly die eienaar verantwoordelik vir die verskil.
- (4) Indien die eienaar versuim om die opbrengs van verkope op te eis binne 30 dae na verkope van die voertuig, word dit aan die munisipaliteit verbeur.
- (5) 'n Sertifikaat onderteken deur die Hoof Finansiële Beamppte van die munisipaliteit, of sy gemagtigde, sal aanvaar word as bewys van die koste wat die munisipaliteit as gevolg van die oortreding wat tot skut van die voertuig geleë het, aangegaan het.

**62(D) Middellike aanspreeklikheid**

Indien 'n werknemer iets doen of versuim om iets te doen wat, indien dit deur die werkgewer gedoen is of nie gedoen is nie, dit 'n oortreding ingevolge hierdie verordening sou uitmaak, word die werkgewer vir sodanige handeling of versuim aanspreeklik gehou.

**63. Appèl**

'n Persoon wie se regte geraak word deur 'n besluit van die munisipaliteit ingevolge gedelegeerde bevoegdheid, mag teen sodanige besluit appelleer ingevolge artikel 62 die Wet op Plaaslike Regering : Munisipale Stelsels, 2000, Wet 32 van 2000 deur skriftelike kennisgewing van die appèl en die redes daarvoor binne 21 dae vanaf die datum van bekendmaking van die besluit, aan die munisipale bestuurder te gee.

**64. Misdrywe**

(1) Dit is 'n oortreding vir enige persoon om—

- (a) 'n gematigde amptenaar toegang te weier tot 'n perseel waartoe hy of sy behoorlik gemagtig is om toegang te hê;
- (b) 'n gemagtigde beampete te verhinder of te belemmer in die uitvoering van sy of haar pligte;
- (c) te weier of te versuim om 'n gematigde beampete te voorsien van 'n dokument of inligting wat die persoon ingevolge hierdie verordening moet voorsien;
- (d) vals of misleidende inligting aan 'n gemagtigde beampete te gee;
- (e) die eienaar van enige perseel of 'n persoon werksaam vir die eienaar te verhinder om die perseel te betree ten einde 'n vereiste van hierdie verordening na te kom;
- (f) voor te gee dat hy of sy 'n gemagtigde beampete is;
- (g) 'n magtiging aan 'n gemagtigde beampete of 'n geskrewe magtiging of 'n voldoeningskennisgewing of voldoeningsertifikaat uitgereik ingevolge hierdie verordening, te verander;
- (h) enige perseel sonder 'n geskrewe kennisgewing te betree onder omstandighede wat sodanige kennisgewing vereis;
- (i) op te tree in stryd met 'n geskrewe kennisgewing of dokument uitgereik ingevolge hierdie verordening;
- (j) enige inligting rakende die finansiële of besigheidsaangeleenthede van enige persoon wat verkry is in die uitvoering van enige funksie of enige magte ingevolge hierdie verordening, openbaar te maak, behalwe—
  - (i) aan 'n persoon wat die inligting benodig om 'n funksie of 'n bevoegdheid ingevolge hierdie verordening, uit te voer;
  - (ii) as die openbaarmaking deur 'n hof beveel is; of
  - (iii) as die openbaarmaking 'n nakoming van die bepalings van enige wet is.
- (k) enige bepaling van hierdie verordening te oortree of versuim om dit na te kom;
- (l) te versuim om enige kennisgewing uitgereik ingevolge hierdie verordening na te kom;
- (m) te versuim om enige wettige opdrag uitgereik ingevolge hierdie verordening na te kom;
- (n) enige voorwaardes neergelê vir die uitreiking van enige lisensie, goedkeuring, konsessie, vrystelling of magtiging ingevolge hierdie verordening, te oortree of te versuim om dit na te kom.
- (o) afval of rommel te strooi of enige volume afval te stort behalwe in 'n goedgekeurde stortingsterrein;
- (p) storting of lekkasie van enige volume afval of geværlike afval te veroorsaak sonder om verligtingsmaatreëls in te stel;
- (q) onbedekte of onbeveiligde vrag afval of geværlike afval van enige volume te vervoer; of
- (r) onbedekte of onbeveiligde vrag te vervoer wat die storting of lekkasie van enige volume afval of geværlike afval veroorsaak.

(2) 'n Persoon wat veroorsaak dat 'n ander persoon 'n misdryf soos verwys in subartikel (1) begaan of wat uit hoofde van 'n posisie van gesag oor 'n ander persoon, hom of haar toelaat of toestemming gee om 'n misdryf te begaan, sal skuldig wees aan daardie misdryf.

(3) Versuim om te voldoen aan 'n kennisgewing uitgereik ingevolge hierdie verordening maak 'n voortdurende misdryf uit.

**65. Strafbepalings**

(1) Enige persoon wat enige van die bepalings van artikel 63 oortree is skuldig aan 'n misdryf en by skuldigbevindiging onderworpe aan—

- (a) 'n boete of tronkstraf of sodanige tronkstraf sonder die opsie van 'n boete of aan beide sodanige boete en sodanige tronkstraf; en
  - (b) in die geval van 'n voortdurende misdryf, aan 'n addisionele boete of 'n addisionele periode van tronkstraf of aan sodanige addisionele tronkstraf sonder die opsie van 'n boete of aan beide sodanige addisionele boete en tronkstraf vir elke dag waarop sodanige misdryf voortduur; en
  - (c) 'n verdere bedrag gelykstaande aan enige kostes en uitgawes deur die munisipaliteit aangegaan as gevolg van sodanige oortreding of versuim.
- (2) Bykomend tot enige straf opgelê ingevolge subartikel (1), mag die munisipaliteit die verantwoordelike persoon opdrag gee om sodanige afval te verwyder en bepaal watter stappe geneem moet word om die situasie reg te stel en die vergoeding van uitgawes of enige ander koste of skade ten opsigte daarvan.

**66. Toepassing van hierdie Verordening**

Hierdie Verordening is van toepassing op alle persone of entiteite, insluitende staatsinstellings, geleë binne jurisdiksiegebied van Bergvryer Munisipaliteit.

**67. Vrystellings**

- (1) Enige persoon mag deur middel van 'n skriftelike aansoek, waarin die redes gegee word, by die munisipaliteit aansoek doen om vrystelling van enige bepaling van hierdie verordening.
- (2) Die munisipaliteit mag—
- (a) skriftelik vrystelling verleen en die voorwaardes ingevolge waarvan, indien enige, en die tydperk waarvoor sodanige vrystelling verleen word, daaroor vermeld;
  - (b) enige vrystelling of voorwaarde in 'n vrystelling wysig of kanselleer na behoorlike kennisgewing aan die betrokke persoon; of
  - (c) weier om 'n vrystelling te verleen in welke geval redes vir die weierung aan die betrokke persoon verstek moet word.
- (3) 'n Vrystelling tree nie in werking voordat die aansoeker skriftelik onderneem het om te voldoen aan al die voorwaardes wat deur die munisipaliteit ingevolge subartikel (2) opgelê is; met dien verstande dat indien 'n aktiwiteit begin word voordat sodanige onderneming aan die munisipaliteit voorgelê is, die vrystelling verval.
- (4) Indien enige voorwaarde van 'n bestaande vrystelling nie nagekom word nie, mag die munisipaliteit die vrystelling kanselleer na behoorlike kennisgewing aan die betrokke persoon.

**68. Herroeping van verordeninge**

Die Bergvryer Verordening insake Vaste Afvalverwydering gepubliseer in Provinciale Koerant No. 6675 gedateer 9 November 2009 word hiermee herroep.

**69. Oorgangsbeplings**

Enigets wat gedoen is ingevolge enige bepaling van 'n verordening wat deur hierdie verordening herroep word, sal geag word as gedoen te wees ingevolge die ooreenstemmende beplings van hierdie verordening en die herroeping in artikel 67 sal nie die geldigheid affekteer van enigets wat gedoen is ingevolge die verordening wat as sodanig herroep is nie.

**70. Kort titel en inwerkintrede**

Hierdie Verordening staan bekend as die Bergvryer Munisipaliteit: Geïntegreerde Afvalbestuursverordening, 2021 en tree in werking by afkondiging daarvan in die *Provinciale Koerant*.



