



# **EKURHULENI METROPOLITAN MUNICIPALITY**

## **SOLID WASTE BY-LAWS**

[COUNCIL RESOLUTION: MI 192/2001 dated 29 November 2001]  
[Date of Commencement: 6 March 2002]

### **By-law**

To provide for the collection and removal of business, domestic and industrial refuse within the municipal area of the municipality and to provide for matters incidental thereto.

BE IT ENACTED by the Council of the Ekurhuleni Metropolitan Municipality, as follows:-

## CHAPTER 1

### Definitions

For the purpose of these By-laws, unless the context otherwise indicates:

- 1) **“builders refuse”** means refuse generated by demolition, excavation or building activities on premises;
- 2) **“bulky refuse”** means refuse generated on any premises but which by virtue of its mass, shape, size and quantity cannot be removed with ease without damage to the plastic liner and includes tree stumps, tree branches, hedge stumps and –branches but excludes noxious waste;
- 3) **“business refuse”** means refuse generated on a premises which is not a private residency that is to be used exclusively for residential purposes, and excludes domestic refuse, builder’s refuse, bulky refuse, trade refuse, special domestic refuse, garden refuse and special trade refuse;
- 4) **“consumer”** means a person to whom the Council has agreed to supply with refuse removal services or is actually supplying with refuse removal services, or if there is no such person, the owner of the premises;
- 5) **“contaminated sharps”** means discharged sharps (e.g. hypodermic needles, syringes, pasteur pipettes broken glass, scalpel blades) which have come into contact with infectious agents during use in patient care or in medical research or industrial laboratories;
- 6) **“contractor”** means the person, firm or company whose tender/quotation has been accepted by or on behalf of the Ekurhuleni Metropolitan Municipality and includes the Contractor’s heirs, executors, administrators, trustees, judicial managers or liquidators, as the case may be, but not, except with the written consent of the Council, any assignee of the contractor;
- 7) **“Council”** means the Greater East Rand Metro trading as Ekurhuleni Metropolitan Municipality, established in terms of section 12(1) read with section 14(2) of the Local Government: Municipal Structures Act, 1998 and promulgated in notice no. 6768 of 2000 in the Gauteng Provincial Gazette Extraordinary no.141 dated 1 October 2000;
- 8) **“domestic refuse”** means refuse which includes light soft garden refuse normally originating from a building used for residential purposes, including hostels, compounds, welfare organizations, churches and halls situated on private property or other premises and which can be removed with ease by use of an approved container;
- 9) **“garden refuse”** means refuse generated as a result of normal garden activities, such as grass cuttings, leaves, plants, flowers and other small and light matter and which can be removed in a plastic liner, with ease, and without damage to the said plastic liner;
- 10) **“general public”** means ordinary people, small users who make use of the landfill site such as residents, households and small industries but excludes contractors, medium to large businesses/industries and Council;
- 11) **“hazardous waste”** means waste which can, even in low concentrations, have a significant adverse effect on public health and/or the environment because of its inherent chemical and physical characteristics such as toxic, ignitable, corrosive, carcinogenic or other properties;
- 12) **“illegal dumping”** means refuse that has been left at a place with the intention of abandoning it, such refuse as sand, paper, plastic bottles, builder’s rubble and any other material that may create a nuisance or that is unsightly and detrimental to the environment;
- 13) **“industrial refuse”** means refuse generated as a result of production, manufacturing, maintenance, fabricating and dismantling activities and the activities of railway marshaling yards, but shall not include noxious waste, builder’s refuse, business refuse, special refuse or domestic refuse;

- 14) **“infectious refuse”** means any waste which is generated during the diagnosis treatment or immunization of humans or animals, in the research pertaining to this; in the manufacturing or testing of biological agents-including blood, blood products and contaminated blood products, cultures, pathological wastes, sharps, human and animal anatomical wastes and isolation wastes that contain or may contain infectious substances;
- 15) **“informal settlement”** means the illegal dwelling occupation of proclaimed or unproclaimed vacant land of which the occupants have access to conventional basic services such as running water, water borne sewerage or electricity;
- 16) **“investigation officer”** means a person who has been appointed by resolution of the Ekurhuleni Metropolitan Municipality to ascertain facts concerning an incident and/or accident within Solid Waste Management Services;
- 17) **“isolation waste”** means waste generated by hospitalized patients isolated to protect others from communicable disease;
- 18) **“landfill site”** means premises or an area specifically set aside for the disposal of refuse, and which has been approved and accepted by Council, and which has been registered in accordance with the Environmental Conservation Act (Act 73 of 1989) as amended;
- 19) **“law enforcement officer”/“peace officer”** means any person appointed in terms of Section 334 of the Criminal Procedure Act 51/1977 and Government Notice R159 of 2/2/1979 and by resolution of Ekurhuleni Metropolitan Municipality;
- 20) **“mass waste container”** means a bulk container which may be used for the removal of bulky, builders, trade, and garden refuse;
- 21) **“medical waste”** means waste emanating primarily from human and veterinary hospitals, clinics, doctor’s consulting rooms, chemists, hospices, laboratories, mortuaries, research facilities and sanitary services which may comprise *inter alia*, sharps (used hypodermic needles and scalped blades), malignant tissue, contaminated gloves, soiled bandages and liner, and spent or outdated medicines or drugs;
- 22) **“metropolitan area”** means the area indicated by map no.1 in Provincial General Notice no.6396 dated 13 September 2000;
- 23) **“noxious waste”** means waste which is toxic, hazardous, injurious or originating from abattoir which is detrimental to the environment;
- 24) **“nuisance”** means a nuisance as defined in the Local Government Ordinance, No 17 of 1939, the Council’s Public Health By-laws as promulgated under Administrator’s Notice No.148 of 21 February 1951 as amended, and any other condition detrimental to the environment;
- 25) **“occupier (also occupant)”** in relation to any premises means:
  - a) Any person in occupation of a premises at any relevant time;
  - b) Any person legally entitled to occupy the premises;
  - c) Any person in control or management of a premises;
- 26) **“owner”** in relation to any premises means:-
  - a) The person in whose name the premises is registered or the person’s authorized agent;
  - b) If the owner is deceased, insolvent, mentally ill, a minor or under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or any other capacity;
  - c) If the premises is leased and registration in the Deeds office is a prerequisite for the validity of the lease, the lessee;
  - d) A person receiving rent or profit issuing there from, or who would receive such rent or profit, if such premises were let, whether on his own account or as agent for any person entitled

- thereto or interested therein;
- e) Where the premises are beneficially occupied under servitude or similar right, the person in whom such right is vested;
- 27) **“plastic liners”** means a plastic bag of adequate strength as prescribed by Ekurhuleni Metropolitan Municipality which can be placed inside a container;
- 28) **“premises”** means an erf or any other portion of land including any building thereof or any other structure utilized for business or residential purposes;
- 29) **“public place”** has the same meaning as defined in the Local Government Ordinance, 1939;
- 30) **“refuse”** means materials in a solid or liquid form which are or appear to have been abandoned or otherwise accumulated;
- 31) **“refuse container”** means a container as approved by Ekurhuleni Metropolitan Municipality and which can be supplied at a fixed tariff or a rent tariff or in any other way as determined;
- 32) **“refuse removal tariff”** means the tariff, charges, fees or any other moneys payable as determined by the Council in terms of the Local Government: Municipal Systems Act 32 of 2000;
- 33) **“refuse transfer site/mini disposal site”** means a site approved by the Council for the disposal and temporary storage of garden refuse, builders refuse, bulky refuse, and domestic refuse excluding trade, business, special trade or hazardous waste;
- 34) **“service”** means a refuse removal service (in respect of refuse whether solid or liquid) which in the opinion of Council is rendered or can be rendered on a regular basis;
- 35) **“special industrial refuse”** means refuse, consisting of a liquid or sludge, resulting from a manufacturing process or the pre-treatment for disposal purposes of any industrial waste, which may not be discharged into a drain or a sewer in terms of the National Building Regulations and Building Standards, (Act No 103 of 1977);
- 36) **“waste products”** means a product as defined in Government Notice 1986 of 24 August 1990, promulgated in terms of the Environment Conservation Act 1989 (No 73 of 1989);
- 37) **“working days”** mean the days that the Council is open for business and shall exclude weekends, public holidays as well as the period starting from the Christmas public holidays to the end of the New Year public holidays.

## CHAPTER 2

### COLLECTION AND REMOVAL OF BUSINESS AND DOMESTIC REFUSE

#### The Council's Service

2. (1) The Council shall provide a service for the collection and removal of business, domestic and industrial refuse from premises at the tariff charge as prescribed in the annexure to these By-laws.
- (2) The occupier(s) and/or owner(s) of premises on which business, industrial or domestic refuse is generated shall subject to the proviso to section 7(1), use the Council's service except in cases where special written exemption is granted by Council to occupier(s) and/or owner(s) of premises to make use of private companies for refuse removal services.
- (3) The owner(s) and/or occupier(s) of the premises on which the business or domestic refuse is generated shall be liable individually or jointly to the Council charge in respect of the collection, removal and disposal of business and domestic refuse from such premises and all moneys payable to Council must be paid with the understanding that where the Council renders a service whether the service is used or not the owner(s) and/or occupier(s) still be responsible

for payment of the applicable tariffs jointly or individually.

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

### **General Provision**

3. (1) The occupier and/or owner or in the case of more than one the owners of premises, on which business refuse or domestic refuse is generated shall within seven days after the commencement of the generation of such refuse notify the Council in writing –
  - (a) that the premises are being occupied; and
  - (b) whether business refuse or domestic refuse or both the aforementioned is being generated on the premises.
- (2) Where the premises is vacated it is the responsibility of the occupier(s) and/or owner(s) to inform Council in writing on or before the day of vacating that the service delivery should be ceased and the tariff charge should be cancelled.
- (3) Where in terms of section 2(2), a third party is removing refuse it is the responsibility of the occupier(s) and/or owner(s) to inform Council that the service must no longer be rendered and that the tariff charged should be cancelled, failing which the occupier(s) and/or owner(s) will be held liable for tariff charge for the full period.
- (4) All private entities/contractors removing refuse (including garden service businesses) from premises within the Ekurhuleni Metropolitan Municipality shall register with the Council. No refuse removal service may be conducted without prior registration.
- (5) The submission of proof of a safe disposal certificate by the private entities/contractors on an approved landfill site to the Council on a regular monthly basis.

### **Delivery of bins and containers**

4. (1) (a) After notification in terms of section 3, the Council shall, after investigation, determine the number of refuse bins required on such premises.
  - (b) The owner of such residential or business premises shall be responsible for the supply of the predetermined number and type of refuse bins as required by the Council from time to time. All bins utilized by the owner(s) and/or occupier(s) shall comply with Council specifications.
  - (c) Refuse bins may be supplied by the Council when possible on request at ruling prices.
- (2) The owner's liability to pay an adjusted tariff for business (monthly) or domestic refuse (in advance) shall only take effect on the date the bins are delivered to or removed from the premises, and the Council's records serving as proof of such delivery or removal.

The provision of this section shall apply mutatis mutandis on owners utilizing private owned bins/containers.

- (3) The Council shall determine the kind/type of service and the frequency of the service.
- (4) The Council may deliver mass waste containers to premises if, having regard to the quantity of refuse generated on the premises concerned, the suitability of such refuse for storage in containers, and the accessibility and adequacy of the space provided by the owner(s) and/or occupier(s) of the premises in terms of section 5, to the refuse collection vehicles, it considers mass waste containers more appropriate than refuse containers for the storage of the refuse.
- (5) The provisions of these By-laws dealing with refuse containers delivered to premises for the storage of refuse in terms of subsection (1) and (3) shall apply mutatis mutandis in respect of mass containers delivered to premises in terms of subsection (4).
- (6) The owner(s) and/or occupier(s) of any premises shall keep the contents of the refuse container or other approved waste container (except for bulk containers) covered at all times (save when refuse is being deposited therein or discharged therefrom) and the owner(s) and/or occupier(s) of any premises shall be responsible for the loss of or damage to any such refuse container or refuse containers or any other waste container and costs for the repair/ replacement of the waste container will be recovered from the owner of the container.
- (7) The Council shall remain the owner of the refuse containers or other approved containers delivered by it in terms of subsections (1) and (4).

#### **Placing of bins**

5. (1) The owner(s) and/or occupier(s) of the premises shall provide an approved space of adequate size and any other facilities considered necessary by the Council which complies with the National Building Regulations (SABS 0400 – 1990) on the premises for the storage of the bins or containers determined by the Council in terms of section 4 or for the equipment and containers mentioned in section 8.
- (2) The space provided in terms of subsection (1) shall-
  - (a) be in such a position on the premises as to allow the storage of bins or containers without their being visible from a street, a public place, or any other premises except if determined otherwise by Council;
  - (b) be where business refuse is generated on the premises be in such a position as will allow the collection and removal of such refuse by the Council's employees without hindrance;
  - (c) be where domestic refuse is generated on a premises the refuse containers or plastic lining with refuse therein must be properly tied and be placed outside the fence or boundary or any such other place (not stands or baskets) as determined by Council but only on the days of removal;
  - (d) be so located as to permit convenient access to and egress from such space for the Council's refuse collection vehicles; and
  - (e) be sufficient to house all refuse, including the materials and any containers used in the sorting and storage of the refuse contemplated in section 7 (1) (a) and 8 (6): Provided that this requirement shall not apply in the case of building erected, or buildings the building plans whereof have been approved, prior to the coming into operation of these By-laws.
- (3) The owner(s) and/or occupier(s) of premises shall place or cause the bins or containers delivered in terms of section 4 to be placed in the space provided in terms of subsection (1) and shall at all times keep it there.
- (4) Notwithstanding anything to the contrary in subsection (3) contained-

- (a) in the case of buildings erected, or buildings the building plans whereof have been approved, prior to the coming into operation of these By-laws; and
- (b) in the event of the Council, in its opinion, being unable to collect and remove refuse from the space provided in terms of subsection (1), the Council may, having regard to the avoidance of nuisance and the convenience of collection of refuse, indicate a position within or outside the premises where the refuse container/s shall be placed for the collection and removal of such refuse and such refuse containers shall be placed in such a position at such times and for such period as the Council may require.

#### **Refuse container liners**

- 6. (1) In order to facilitate the collection of refuse, the Council may require that refuse container liners be used for the storage of such refuse in containers, and where 240 litre or other approved containers are utilized.
- (2) The owner(s) and/or occupier(s) of premises to which refuse containers have been delivered in terms of section (4) and also where refuse containers are not provided, including where the 240 litre containers are being used, shall place the refuse container or cause the full refuse container liner properly tied up, to be placed just outside the fence or boundary of the premises on the street boundary of the premises or on any such other place as determined by Council before 07:00, as determined by the refuse removal guide/calendar excluding the central business areas where refuse containers or liners shall be placed out the afternoon before the day of collection whereby the owner(s) and/or occupier(s) shall be responsible of placing the refuse to be collected on the sidewalk.
- (3) The full refuse container liner placed in accordance with subsection (2) shall be undamaged.
- (4) Only refuse container liners approved by Council may be used.

#### **Use and care of refuse containers**

- 7. (1) The owner(s) and/or occupier(s) of premises, to which refuse containers have been delivered by the Council in terms of section (4), or where containers are supplied by the owner(s) and/or occupier(s) shall ensure that-
  - (a) all the domestic or business refuse generated on the premises shall be placed and kept in such refuse containers for removal by the Council: Provided that the provisions of this subsection shall not prevent any owner(s) and/or occupier(s) who has obtained the Council's prior written consent from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass, or other material for recycling in a manufacturing process or, in the case of swill, for consumption;
  - (b) not hot ash, unwrapped glass or other business or domestic refuse or toxic and noxious waste which may cause damage to refuse containers or refuse container liners or which may cause injury to the Council's employees while carrying out their duties in terms of these By-laws, shall be placed in refuse containers before suitable steps have been taken to avoid such damage or injury;
  - (c) every refuse container (except for bulk container) on the premises shall be covered with a suitable lid save when refuse is being deposited therein or discharged there from, and every refuse container shall be kept in a clean and hygienic condition.
- (2) No refuse container so delivered in accordance with section 4, may be used for any purpose other than the storage of business or domestic refuse and no fire shall be lit in such container/bin.
- (3) The refuse containers so delivered in accordance with section 4, may be emptied by the Council at such intervals as per the refuse removal calendar or at other intervals as it may

deem necessary.

- (4) In the event of a mass waste container having been delivered in terms of section 4 (4), where no fixed interval for removal was specified, the owner(s) and/or occupier(s) of such premises shall, 24 hours before the container is likely to be filled to capacity, inform the Council thereof.
- (5) The owner(s) and/or occupier(s) of premises to which refuse containers were delivered in terms of section 4 or to which containers were delivered in terms of section 8, shall be liable to the Council for the loss thereof and for all damage caused thereto except for such loss or damage as may be caused by the employees of the Council.
- (6) The owner(s) and/or occupier(s) of premises to which refuse containers were delivered shall report all damages to refuse containers to Council.
- (7) That containers for ad hoc domestic use, be made available to the client for a maximum of seven (7) days.

### **Compaction of refuse**

8. (1) Should the quantity of refuse generated on premises be such as to require the daily removal of 240 litre bins and should, in the opinion of the Council, the major portion of such refuse be compactable, or should the owner(s) and/or occupier(s) of premises wish to compact any volume of such refuse, such owner(s) and/or occupier(s), shall compact that portion of such refuse as is compactable and shall put it into an approved container or wrapper, and the provision of section 5 shall not apply to such compactable refuse, but shall apply to all other refuse.
- (2) The contents of the wrapper mentioned in subsection (1) shall not exceed 35 kilograms and shall constitute one service.
- (3) After the refuse, treated as contemplated in subsection (1), has been put into the wrapper, it shall be placed in the refuse container or other approved container and shall be stored so as to prevent damage to the wrapper or any nuisance arising until collected.
- (4) The containers or wrappers mentioned in subsection (1) shall be supplied by the owner(s) and/or occupier(s) of the relevant premises.
- (5) (a) Any container used in terms of subsection (10) shall be collected, emptied and returned to the premises by the Council at such intervals as it may deem necessary; and  
(b) The owner(s) and/or occupier(s) of the premises shall prepare the container for collection and reconnect it to the compaction equipment forthwith after its return by the Council to the premises.
- (6) The provision of this section shall not prevent any owner(s) and/or occupier(s) of premises who has obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material for recycling in a manufacturing process or, in the case of swill, for consumption.
- (7) "Approved", for the purpose of subsection (1), shall mean approved by the Council, regard being had to the fitness of the container or wrapper for its purpose, and also to the reasonable requirements of the particular case from the point of view of public health, storage, refuse removal or refuse disposal.

## **CHAPTER 3**

### **INDUSTRIAL AND TRADE REFUSE**

#### **The Council's service**

9. Subject to the provision of section 10, the provisions of Chapter 2 in respect of business and domestic refuse shall apply mutatis mutandis to industrial refuse: Provided that the provisions of section 8 shall not apply unless the owner(s) and/or occupier(s) of premises wishes to compact such refuse.
- (1) The owner(s) and/or occupier(s) of premises on which industrial and trade refuse is generated shall ensure that, until such time as such refuse is removed from the premises on which it was generated and subject to section 7 (1) (a) which shall apply mutatis mutandis, such refuse be stored in the refuse containers or other approved containers delivered by the Council.
  - (2) The owner(s) and/or occupier(s) of such premises shall ensure that no dust or other nuisance is caused by industrial and trade refuse generated on the premises.
  - (3) Informal traders who generate trade refuse shall ensure that the refuse is removed from the premises on which it was generated and subject to section 7(1) (a) such refuse be stored in the refuse containers or other approved containers delivered by the Council.

**Removal of industrial and trade refuse  
by private persons**

10. (1) Notwithstanding the provision of Chapter 2, the owner(s) and/or occupier(s) of new/existing premises/building may use the services of a person authorized in writing by the Council to remove industrial and trade refuse if the Council is advised in writing to this effect by the owner(s) and/or occupier(s) before such service is commenced, and the Council shall determine the type and frequency of such service and written permission shall be given thereof.
- (2) The Council may give its authorization and/or permission referred to in subsection (1) subject to such conditions as it may deem fit. In laying down the conditions, the Council may have regard to:
- (a) Ensuring that no refuse container or other approved container, used for the storage and removal of industrial refuse from premises, shall be kept in a public place except if otherwise approved by Council;
  - (b) the equipment which is intended to be used;
  - (c) the containment of the industrial and trade refuse in transit;
  - (d) ensuring that the industrial and trade refuse is deposited at a sanitary landfill site approved by the Council; and proof of a safe disposal certificate shall be made available to Council as and when required;
  - (e) ensuring that the service rendered by the person authorized in terms of subsection (1) shall be in respect of industrial and trade refuse only; and
  - (f) in the event of a person authorized in terms of subsection (1) the owner(s) and/or occupier(s) shall notify the Council of the composition and quantity of industrial and trade refuse removed.
- (3) In the event of a person authorized in terms of subsection (1) being in breach of any condition upon which the authorization was given, the Council may cancel such authorization.
- (4) In the event of the owner(s) and/or occupier(s) of premises on which industrial and trade refuse is generated having notified the Council in terms of subsection (4), such owner(s) and/or occupier(s) shall ensure that such refuse is disposed of in terms of the provision of this Chapter within a reasonable time after the generation thereof.

**Storage and disposal of industrial and trade refuse**

11. A person authorized by the Council to remove industrial and trade refuse shall dispose of such refuse in a manner approved by the Council and according to the Minimum Requirements for Waste Disposal by

Landfill (1998).

## CHAPTER 4

### GARDEN AND BULKY REFUSE

#### Removal and disposal of garden and bulky refuse

12. (1) The owner(s) and/or occupier(s) of premises on which garden, or bulk refuse is generated shall ensure that such refuse is disposed of in terms of this Chapter within a reasonable time considered by Council after the generation thereof: Provided that garden refuse may be retained on the premises in an approved manner for the making of compost if it will not cause a nuisance.
- (2) (a) Any person may remove and dispose of garden refuse, bulky refuse or builders rubble: Provided that once it has been removed, free of charge or at a prescribed tariff as determined by the Council, from the premises of which it was generated, it is deposited on an approved sanitary landfill site or refuse transfer station. No builder rubble may be disposed of at mini disposal sites.
- (b) The owner(s) and/or occupier(s) of premises in which garden refuse, builder's rubble or bulky refuse is generated shall ensure that such refuse is deposited as per section (2)(a) and a proof of safe disposal certificate of such refuse be submitted to Council as and when required.
- (c) Notwithstanding the provisions of section (2) (a), the owner(s) and/or occupier(s) of premises shall utilize the services of a person authorized by Council to remove special domestic or bulk refuse provided that the authorization has been obtained prior to the commencement of the service and such person complies with the conditions that the Council may deem fit. Such refuse may only be brought to the refuse transfer station in loads not exceeding 5,5 m<sup>3</sup> in volume on light delivery vehicles, or trailers not exceeding 1 ton or loads determined by Council or at mini disposal sites with LDVs or trailers not exceeding 1 ton or loads determined by Council.
- (d) No person entering a free refuse transfer station shall deposit any refuse other than that contemplated in subsection (2) (a) in the containers provided at such sites.
- (e) For the purpose of reclamation of land, builders refuse may with the written consent of the Council, be deposited at a place other than the Council's refuse disposal site or refuse transfer site.
- (3) The provisions of sections 15 and 16 shall apply mutatis mutandis when containers are used for the collection of garden, special domestic and bulky refuse.

#### The Council's special service

13. (1) At the request of the owner(s) and/or occupier(s) of premises and after payment of the tariff charge or by submission of the account number to the Council, the Council shall provide containers or mass waste containers for removal of garden, builders and bulky refuse from premises: Provided that the Council is able to do so with its refuse removal equipment.
- (2) At the request of the owner(s) and/or occupier(s) or manager of premises the Council may provide a special service for the removal of refuse at the prescribed tariff as determined by Council from time to time.
- (3) At the request of the owner(s) and/or occupier(s) of premises and if the Council is not able to remove such refuse with its equipment, the owner(s) and/or occupier(s) is responsible to load such containers.
- (4) At the request of the owner(s) and/or occupier(s) of premises, Council can enter premises if

owner(s) and/or occupier(s) take responsibility for damages to premises.

## **CHAPTER 5**

### **BUILDERS REFUSE**

#### **Responsibility for builders refuse**

- 14.** (1) The owner(s) and/or occupier(s) of premises on which builders refuse is generated shall ensure that –
- (a) such refuse is disposed of in terms of section 17 within a time considered reasonable by the Council after the generation thereof; and
  - (b) until such time as builders refuse is disposed of in terms of section 17 and subject to the provision of section 15, such refuse together with the containers used for the storing or removal thereof, shall be kept on the premises on which it was generated.
- (2) No person may, without the Council's written permission on such conditions as it deems fit, use the services of any other person for the removal of builders refuse, unless such other person has been authorized by the Council on such conditions as the Council may impose, to remove builders refuse.

#### **Containers**

- 15.** (1) If a mass waste container used for the removal of builders refuse from premises should in the opinion of the Council not be kept on the premises, such mass waste container may with the written consent of the Council be placed in an allocated area outside the premises for the period of such consent.
- (2) Any consent given in terms of subsection (1) shall be subject to such condition as the Council may consider necessary.
- (3) The Council may determine a charge for any such consent.
- 16.** Every mass waste container authorized in terms of section 15 (1) and used for the removal of builders refuse shall -
- (a) have clearly marked on it the name and address or telephone number of the person in control of such mass waste container;
  - (b) be fitted with reflecting chevrons or reflectors which shall outline the front and the back thereof, and
  - (c) be covered at all times during storage or transport so that no displacement of its contents can occur.

#### **Disposal of builders refuse**

- 17.** (1) Subject to the provisions of subsection (2) hereof, all builders refuse shall be deposited at a sanitary landfill site approved by the Council.
- (2) For the purpose of land reclamation builders refuse may with the written consent of the Council be deposited at a place other than the sanitary landfill site approved by the Council.
- (3) Any consent given in terms of subsection (2) shall be subject to such conditions as the Council may impose.

## **CHAPTER 6**

## **SPECIAL INDUSTRIAL, HAZARDOUS, MEDICAL AND INFECTIOUS REFUSE**

### **Notification of generation of special industrial, hazardous, medical and infectious refuse**

18. (1) A person engaged in an activity which causes special industrial, hazardous, medical or infectious refuse to be generated, shall notify the Council within seven days of such generation of the composition thereof, the quantity generated, method of storage, the proposed duration of storage, and the manner in which it will be removed.
- (2) It is required by the Council that the notification referred to in subsection (1) shall be substantiated by an analysis certified by a duly qualified industrial chemist.
- (3) Subject to the provisions of section 72 of the Local Government Ordinance, 1939, the Council or any person duly authorized by the Council may enter premises at any reasonable time to ascertain whether special industrial, hazardous, medical or infectious refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.
- (4) Having notified the Council in terms of subsection (1), the person referred to in subsection (1) shall notify the Council of any changes in the composition and quantity of the special industrial, hazardous, medical or infectious refuse occurring thereafter.

### **Storing of special, industrial, hazardous, medical and infectious refuse**

19. (1) The person referred to in section 18 (1) shall ensure that the special industrial, hazardous, medical or infectious refuse generated on the premises is kept and stored thereon in terms of section 18 (1) until it is removed from the premises in terms of section 20.
- (2) Special industrial, hazardous, medical or infectious refuse stored on premises shall be stored in such manner that it cannot become a nuisance, safety hazard or pollute the environment.
- (3) If special industrial, hazardous, medical or infectious refuse is not stored in terms of subsection (2) on the premises on which it is generated the Council may order the owner(s) and/or occupier(s) of the premises and/or the person referred to in section 18 (1) to remove such refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Council may itself or through any person remove it at the owner(s) and/or occupier(s) expense or the expense of the person referred to in section 18 (1), or both, as the case may be.
- (4) Hazardous, medical or infectious refuse shall be stored in a container approved by the Council and such container shall be kept in an approved storage area for a period not exceeding the maximum period to be stipulated by the Council before removal in terms of section 20.
- (5) The containers for medical and infectious waste must comply with the following minimum requirement:
- (a) All infectious waste must be placed at the point of generation into a container approved by the Council;
  - (b) the container used for the storage of sharp objects must be constructed of such a material that the object cannot pierce the container. The container must be fitted with a safe and hygienic lid which must be sealed after use;
  - (c) the container used for the removal of other contagious materials has to be manufactured of a material which will prevent the contents from leaking out. The container has to be equipped with a safe and hygienic lid, and has to be sealed after

utilization; and

- (d) all containers must be clearly marked with the universal bio-hazardous waste symbol.

**Removal of special industrial hazardous,  
medical and infectious refuse**

20. (1) (a) No person may, without or not in accordance with the Council's written approval of conditions, remove special industrial, hazardous, medical and infectious refuse from a premises at which it has been generated.
- (b) Hazardous, medical or infectious refuse may only be transported in accordance with the requirements of the Council, with the focus on the type of vehicle, its markings, the way it is manufactured, safety procedures and hygiene and documentation regarding the origin, transport and disposal of such refuse.
- (2) The person referred to in section 18 (1) shall inform the Council, at such intervals as the Council may stipulate, having regard to the information to be given to the Council in terms of that section, of the removal of special industrial, hazardous, medical or infectious refuse, the identity of the remover, the date of such removal, the quantity and the consumption of the special industrial, hazardous, medical or infectious refuse removed.
- (3) The Council may give its consent in terms of subsection(1), subject to such conditions as it may deem fit.

In laying down conditions the Council shall have regard to :

- a) The composition of the special industrial, hazardous, medical and infectious refuse;
- b) the suitability of the vehicle and container to be used;
- c) the place where the refuse shall be disposed of; and
- d) proof to the Council of such disposal.
- (4) The Council shall not give its consent in terms of subsection(1), unless it is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial, hazardous, medical and infectious refuse and complies with the conditions laid down by the Council.
- (5) No person shall dispose of any infectious refuse by incinerating it unless the Council's prior written permission has been given to incinerate such refuse.
- (6) Should any person be convicted of contravening the provisions of this section, such person shall in addition to any penalty imposed on him, dispose of the refuse as directed by the Council, or the Council or an approved contractor may dispose of such refuse and recover the costs from such person.
- (7) Should any person be caught disposing illegally special industrial, hazardous, medical and infectious refuse, such person contravenes the Environment Conservation Act 73 of 1989 and will be handled as such.

**CHAPTER 7**

**LANDFILL SITES , MINI DISPOSAL SITES AND REFUSE TRANSFER STATIONS**

**Procedure at landfill sites, mini disposal sites and refuse transfer stations**

21. (1) Every person who for the purpose of disposing of refuse enters a landfill site or satellite station or mini disposal site controlled by the Council, shall-

- (a) enter the landfill site or satellite station at an authorized access point;
  - (b) give the Council all the particulars required in regard to the composition of the refuse; and
  - (c) follow all instructions given to him in regard to the actual disposal point, the place where and the manner in which the refuse should be deposited;
  - (d) enter the refuse transfer station or landfill site or mini disposal site at their own risk and the Council shall not be held responsible for any losses and damages.
- (2) No person shall bring any intoxicating liquor onto a landfill site or refuse transfer station or mini disposal site controlled by the Council.
- (3) No person shall enter a landfill site or refuse transfer station or mini disposal site controlled by the Council for any purpose other than the disposal of refuse in terms of these By-laws, and then only at such times and between such hours as the Council may from time to time determine and as displayed at the waste disposal site.
- (4) No person shall enter a landfill site or refuse transfer station or mini disposal site with the purpose of scavenging.
- (5) The owner(s) and/or occupier(s) of premises, in the jurisdiction of the Council, on which domestic refuse, garden refuse, small quantities of bulky refuse and builders rubble can dispose free of charge or at a prescribed tariff determined by Council from time to time at the refuse transfer station.
- (6) The owner(s) and/or occupier(s) of residential premises, in the jurisdiction of the Council, on which domestic refuse, garden refuse and small quantities of bulky refuse area generated, can dispose such waste free of charge or at a prescribed tariff determined by Council at Council's mini disposal sites, provided the waste is not generated on a business premises and the load of the vehicle do not exceed 1000kg.

#### **Ownership of refuse**

- 22.** All refuse on landfill sites and refuse transfer stations or mini disposal sites controlled by the Council shall be the property of the Council and no person who is not duly authorized by the Council to do shall remove or interfere therewith.

### **CHAPTER 8**

#### **LITTERING, DUMPING AND ANCILLARY MATTERS**

##### **Littering**

- 23.** (1) No person shall-
- (a) throw, let fall, deposit, spill or in any other way discard, any refuse into or onto any public place, vacant erf, farm portion, stream or watercourse, other than into a refuse container provided for the purpose or onto a landfill site or satellite station controlled by the Council;
  - (b) sweep any refuse into a gutter, on a road reserve or any other public place; and
  - (c) allow any person under his control to do any of the acts contemplated in (a) and (b).

##### **Dumping**

- 24.** (1) Subject to any provision to the contrary in the By-law contained, no person shall leave anything

under his control at a place where such thing has been brought with the intention of abandoning it.

- (2) Once it has been alleged that a person has left a thing or allowed a thing to be left at a place of

which he is not the owner(s) and/or occupier(s), he shall be deemed to have contravened the provisions of subsection (1) until the contrary is proved.

- (3) Any person who contravenes the provisions of subsection (1), shall be guilty of an offence and liable, on conviction to a fine not exceeding **R 2 000.00** or to imprisonment for a period not exceeding 24 months or to both such fine and such imprisonment, as well be liable to the Council the tariff charge in respect of such removal and disposal.

#### **Abandoned things**

- 25.** Anything other than a vehicle deemed to have been abandoned in terms of section 14 of the Road Traffic Act, No 29 of 1989, is in the light of such factors as the place where it is found, the period it has been lying at such places and the nature and condition of such thing, reasonably regarded by the Council as having been abandoned, may be removed and disposed of by the Council as it may deem fit.

#### **Liability of responsible person**

- 26.** (1) Where anything has been removed and disposed of by the Council in terms of section 25 the person responsible shall be liable to pay the Council the tariff charge in respect of such disposal.
- (2) For the purpose of subsection (1) the person responsible shall be-
- (a) the last owner of the abandoned thing, before it was collected by the Council or Council's Contractor, and shall include any person who is entitled to be in possession of the thing by virtue of a purchase agreement or an agreement of lease at the time when it was abandoned or put in the place from which it was so removed unless he can prove that he was not concerned in and did not know of it being abandoned or put in such a place; or
  - (b) any person by whom it was put in the place aforesaid; or
  - (c) any person who knowingly permitted the putting of the abandoned thing in the place aforesaid.
- (3) Where refuse bins/containers have been stolen, the owner(s) and/or occupier(s) of premises shall be responsible for the replacement of the bins.

### **CHAPTER 9**

#### **GENERAL PROVISIONS**

##### **Access to premises**

- 27.** (1) Where the Council provides a refuse collection service, the owner(s) and/or occupier(s) of premises shall grant the Council access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Council in the carrying out of its service and the Council shall not be liable for any damage of property caused by the heavy refuse removal vehicle .
- (2) Where in the opinion of the Council the collection or removal of refuse from any premises is likely to result in damage to the premises or the Council's property, or injury to the refuse

collectors or any person, it may, as a condition of rendering a refuse collection service in respect of the premises, require the owner(s) and or occupier(s) to indemnify it in writing in respect of any such damage or injury or any claims arising out of either.

### **Charges**

- 28.** (1) Save where otherwise provided in these By-laws, the person to whom any service mentioned in these By-laws has been rendered by the Council shall be liable to the Council for the tariff charge determined by the Council.
- (2) Services rendered by the Council in respect of which a tariff charge is prescribed, may be altered by the Council if it has ascertained that an increase or decrease in such services is justified, or after receipt of a written notification from the owner(s) and/or occupier(s) of the premises to which the services are rendered, that the generation of domestic or business refuse on the premises has ceased, or reduces in volume, and the Council is satisfied that a change in service is justified.
- (3) If written consent in subsection (2) is received, the tariff charge will not be reduced and shall be payable until the Council is satisfied that an alteration in service is justified.
- (4) Tariff charges prescribed shall become due and payable on the same date as the general assessment rate levied: Provided that if such tariff charges are increased, any unpaid balance owing to the Council on the total amended charges will be due and payable to the Council on demand.
- (5) Any person who fails to pay the tariff charge in respect of services rendered by the Council be guilty of an offence.
- (6) Should any organization be able to produce a certificate of registration as a non-profit organization issued by the Department of Social Development, such an organization may apply for exemption from refuse removal levies; it either be:
- (a) Levied the applicable domestic refuse removal charge as reflected in the tariff schedule;
- (b) the organization be exempted from paying all refuse removal charges.
- (7) That where bulk container services are not rendered on a scheduled basis or at least once per month, a minimum basic charge for the rendering of one bulk container service be levied.
- (8) Where tariffs are not provided in the tariff schedule of the Council's Solid Waste Management By-laws for the rendering of exceptional services such a tariff will be calculated on the basis of the estimated cost plus 20%, excluding VAT.

Registered organizations in subsection (6) refer to, may include hospice, old age homes, retirement villages, service centres utilized by the aged and community service providers.

### **Offences and penalties**

- 29.** (1) Any person who contravenes or fails to comply with any provision of these By-laws, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R1 000 or to community correctional service for a period not exceeding six months, or to both such fine and community correctional service.

### **Revocation of By-laws**

- 30.** (1) The Refuse (Solid Waste) and Sanitary By-laws of the Ekurhuleni Metropolitan Municipality, published under xxxxxxxxxxxxxxxxxx, as amended, are hereby repealed: Provided that such repeal shall not affect the continued validity of charges determined by the Council under those By-laws.

- (2) Any reference-
- (a) in these By-laws to a charge determined by the Council shall include a charge determined by the Council under the By-laws repealed by subsection (1), until the Council's determination of charges under these By-laws comes into operation; and
  - (b) in a determination of charges made under the By-laws so repealed, to a provision in those By-laws shall be deemed to be a reference to the corresponding provision in these By-laws.
- (3) Anything done under the provisions of these By-laws repealed by subsection (1), shall be deemed to have been done under the corresponding provision of these By-laws and such repeal shall not affect the validity of any approval, authority, waiver or other act which at the commencement of these By-laws is valid under the By-laws so repealed.

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For Office Use

File:	1/4/1/1/5
Council Resolution:	MI 192/2001 dated 29 November 2001
Gauteng Provincial Gazette Number	51 dated 6 March 2002
Local Authority Notice Number	275