

# BY-LAW RELATED TO THE CONTROL OF WASTE DISPOSAL SITES

## WASTE DISPOSAL SITES BY-LAW

BE IT ENACTED by Elundini Municipality, as follows:

### PURPOSE OF BY-LAW

- To promote the achievement of a safe and healthy environment for the benefit of residents within the area of jurisdiction of the Municipality;
- To promote for procedures, methods and practices to regulate the dumping of waste and the management of disposal sites and other matters incidental thereto.

### Context

**This by-law is applicable to all the three licensed waste sites under the control of Ulundini Local Municipality as well as other waste disposal facilities intended for similar use.**

### 1. DEFINITIONS

In this by-law, words used in the masculine gender includes the feminine, the singular includes the plural and vice versa, the relevant section of the Nuisance bylaws prevails in the event of an inconsistency between this bylaw and relevant texts of the Nuisance bylaw and unless the context otherwise indicates:-

#### **NATIONAL WASTE MANAGEMENT ACT (NWMA) means**

**“Waste management officer”**, means an employee of the municipality or agent of the municipality duly authorised to be charged of the disposal sites and or a private contractor employed to operate and maintain the waste disposal sites on behalf of the municipality.

**“municipality”** means the Municipality of Elundini established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political office bear, councillor, duty authorised agent thereof or any employee acting in connection with this by-law by virtue of the political office bearer, councillor, agent or employee;

**“Prepaid coupon”** means a coupon so designed as to allow users to pay for the disposal of their refuse, which permits entrance to the waste site for the purpose of disposal as required by the municipality.

**“Offensive matter”** means such matter, including fluids that may be classified as such by the municipality from time to time.

**“waste”** means any matter, material, by-product or residue of any process or activity, or as defined in the National Waste Management Act, Act ..... that has been discarded, accumulated or stored for the purpose of discarding, reclamation or recycling, and including vehicles or machinery or parts thereof scrap metal, building rubble, garden refuse, refuse debris, and any garbage. Waste products may be liquid or and may include products that contains a gaseous components and may originate from domestic, commercial or industrial activities. Refuse or rubbish shall have a corresponding meaning.

**“Nuisance by-law”** means that by-law which has been published in terms of Section 13 of the Local Government: Municipal Systems Act, Act 32 of 2000, read with Section 162 of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996).

**“Medical waste”** any waste classified as such in terms of the NWMA. Health care waste shall have a corresponding meaning.

**“Attendant”** means a duly authorised person or official of the municipality or private contractor as the case may be, who directs operations including offloading of waste, refuse or garbage within the disposal sites.

## **2. CONTROL OF WASTE DISPOSAL SITES**

The municipality may control a waste disposal site, or may appoint agents or may contract some other person or body to control, manage and operate a waste disposal site on behalf of the municipality in accordance with the provisions of this by-law and the provisions any other legislation or Council Resolution that may be applicable.

## **3. ACCESS TO WASTE DISPOSAL SITES**

- (i) No person shall enter the waste disposal site or shall be on site except on such days at such times as shall be fixed by the municipality from time to time. A notice setting forth the days and hours, during which a waste disposal site will normally be open for the dumping of waste, shall be displayed by the municipality in a clearly visible place at or near the entrance to the disposal site.
- (ii) Only persons wishing to dump waste who have paid the prescribed fees or who are in possession of a written permission issued by the municipality which permits them to dump such waste at a waste disposal site and persons having obtained the written consent of the municipality to recycle any material or objects on such a waste site, shall be entitled to enter the waste disposal site or to be on the site.
- (iii) Notwithstanding anything to the contrary contained in this by-law, any employee of the municipality, waste management officer or anybody acting on behalf of the municipality and duly authorised thereto, may enter a waste disposal site at any time in exercising his or her duty.
- (iv) Any person making use of waste disposal site or entering the waste disposal site, do so at his or her own risk and the municipality accepts no responsibility for the safety of such person or any damages or losses sustained by such person.
- (v) Anybody who enters a waste disposal or who is found on such a site in contravention of the provision of this section shall be guilty of an offence.

## **4. OFF-LOADING OF WASTE, REFUSE AND RUBBISH ETC**

Any person who wishes to dump waste, refuse or rubbish of any other obsolete object or thing of whatsoever nature, at a waste disposal site, shall off-load such waste, refuse or rubbish or obsolete object or thing at such a place within the borders of the waste disposal site as the

attendant may direct. Any person who disregards the reasonable instructions of the attendant shall be guilty of an offence.

#### **5. PROHIBITION ON DUMPING OF OFFENSIVE MATTER**

The municipality reserves the right to prohibit the dumping of any health care waste or medical waste, offensive, or toxic matter at a waste disposal site.

#### **6. OWNERSHIP OF REFUSE**

Refuse, rubbish, obsolete object or any other material or waste of whatsoever nature, dumped at a disposal site, becomes the property of the municipality and no person who is not duly authorised by the by the municipality to do so shall remove or interfere with such refuse, rubbish, objects or any other material or waste.

#### **7. CHARGES**

The municipality may, from time to time, fix the charges payable to the municipality for the dumping of any refuse, rubbish, obsolete object or any other material or waste at any disposal site under the control of the municipality.

#### **8. OFFENSES AND PENALTIES**

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to:-

- (i) A fine or imprisonment, or both;
- (ii) In the case of the continuing, an additional fine or an additional period imprisonment, both and imprisonment for each day in which such offence is continued; and
- (iii) 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.

#### **9. SHORT TITLE**

This By-law shall be called the **Waste Disposal Site By-law**.....