

# OVERSTRAND MUNICIPALITY

## SOLID WASTE MANAGEMENT BY-LAW

To ensure proper solid waste management in the municipal area and to provide for matters incidental thereto.

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### 1. DEFINITIONS

(1) In this by-law, unless the context indicates otherwise –

“**animal proof bins**”, are bins which protect the contents from problem animals, as required by the Council;

“**bag**”, means the same as “bin liner”;

“**bin liner**”, means a plastic bag with a thickness of at least 22 micron;

“**bulky refuse**”, means refuse, excluding industrial refuse, which emanates from any premises and which, by virtue of its mass, shape, size or quantity, cannot

easily be accumulated in or removed from a container with a bin liner;

“**business waste**”, means the same as “domestic waste”;

“**container**”, includes the following-

- (a) “refuse bin” a bin with a capacity of less than 90 litre;
- (b) “receptacle” a bin with a capacity of more than 90 litre;

“**Council**”, means the Municipality of Overstrand or any authorised official;

“**disposal permit**”, is a permit obtained from the municipal office which enables a person to deposit waste at a landfill site;

“**domestic waste**”, means typical waste emanating from homes and businesses. This waste may contain organic substances and small volumes of hazardous substances;

“**general waste**”, means waste that does not pose a threat to man or to the environment, domestic waste, builders’ rubble, garden waste, dry industrial and commercial waste. It may however with decomposition, infiltration and percolation produce leachate with an unacceptable pollution potential;

“**hazardous chemical substance**”, is any toxic, harmful, corrosive, irritant or asphyxiant substance, or a mixture of such substance for which -

- (a) an occupational exposure limited is prescribed;
- (b) an occupational exposure limit is not prescribed, but which creates a hazard to health;

“**hazardous waste**”, means waste that may by circumstances of use, quantity, concentration, or inherent physical, chemical or infectious characteristics, cause ill health or increase mortality in humans or fauna and flora, or adversely effect the environment when improperly treated, stored, transported or disposed off;

“**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;

“**landfill site**”, includes transfer stations and satellite stations and means a site used for the accumulation of waste in respect of which a permit has been issued in terms of the Environmental Conservation Act, 1989 (Act 73 of 1989).

“**litter**”, means any object or matter discarded, dumped or left behind by the person in whose possession or control it was;

**“medical waste”**, means the same as “infectious waste”;

**“problem animal areas”**, are areas identified from time to time by Council where animals create problems due to certain behaviour;

**“recycle”**, means the method to reprocess waste in order to recover/reclaim original raw materials;

**“refuse”**, means any fruit or vegetable waste, general domestic waste as well as vegetable garden refuse which is of such size that it may be deposited in a bag or bin, or any other matter which in the opinion of the Council constitutes refuse;

**“refuse removal system”**, means a system by means of which refuse or waste is removed and disposed of by the Council, a private contractor or a community based service provider;

**“special industrial refuse”**, consists of liquid or sludge resulting from processes, which in terms of legislation may not be discharged into a drain or sewer;

**“waste”**, means an undesirable or superfluous by-product, emission, residue or remainder of any process or activity, any matter, gaseous, liquid or solid, or any combination thereof, originating from any residential, commercial or industrial area, which-

- (a) is discarded by any person; or
- (b) is accumulated and stored by any person with the purpose of eventually discarding it with or without prior treatment connected with the discarding thereof; or
- (c) is stored by any person with the purpose of recycling, re-using or extracting a usable product from such matter.

## **2. REMOVAL OF REFUSE**

- (1) Council may render a service for the collection and removal of business and domestic refuse from premises at such charges as it may determine by resolution.
- (2) No person shall be entitled to exemption from or a reduction in a charge determined by the Council merely on the grounds that such person makes no or limited use of the service rendered by the Council. Availability tariffs will be charged on empty plots, as determined by Council from time to time.
- (3) If Council is of the opinion that a business creates a nuisance,

health risk, odour or a danger to public due to the fact that refuse is not removed during weekends, Council may instruct the owner to make use of additional refuse services rendered during weekends, at an extra cost.

- (4) The number of bags/containers to be removed from each residential plot per collection shall be determined by Council.

### **3. NOTICE TO COUNCIL**

- (1) The occupier of premises or, in the case of premises being occupied by more than one occupier, the owner of such premises on which business or domestic waste is generated, shall in writing within seven days of the commencement of the generation of such refuse where such a service is available, but not rendered, notify the Council -
  - (a) that the premises is being occupied, and
  - (b) whether a refuse removal service is required for a business or a private dwelling.
- (2) The owner or occupier of a business premises must notify the Council in writing when the removal of refuse is no longer required.
- (3) The prescribed charges shall be payable until the end of the calendar month following after the month in which the notice in (2) is received.

### **4. PROVISION OF CONTAINERS**

- (1) In respect of businesses -
  - (a) after Council has been notified in terms of Section 3, the Council will determine the quantity of containers needed; and
  - (b) the Council may supply a container for the keeping and storage of refuse at a price determined by Council or on a rental basis in which case such container shall remain the property of the Council.
- (2) In respect of private home owners in problem animal areas -
  - (a) if Council is of the opinion that more than one container for the accumulation of refuse is necessary at any particular premises in accordance with the quantity of refuse normally accumulated on such premises, the owner or occupier thereof may be instructed to provide as many containers as

may be determined; and

- (b) if a refuse container does not comply with the requirements of the Council, such owner or occupier may be instructed to use another suitable container.

## **5. CONTAINERS: BUSINESSES**

- (1) The occupier or owner of premises where business waste is generated shall provide an area for the placing and collection of the containers on such premises and at a place approved by Council, which area shall be the collection point.
- (2) The collection point provided for in terms of (1) shall be so situated that the containers stored thereon shall if practical not be visible from a street or public place.
- (3) Where refuse is generated on premises, the collection point -
  - (a) shall be so situated that the Council's employees may collect and remove the refuse without hindrance;
  - (b) shall be situated not more than 20m from the entrance to the premises used by the Council for the collection of refuse; and
  - (c) shall, if so required by Council, be so situated as to permit convenient access to and egress from such collection point for the Council's refuse removal vehicles.
- (4) Notwithstanding anything to the contrary, the Council may indicate a collection point on or outside premises where containers must be placed for the collection and removal of refuse and the occupier of the premises from where the refuse emanates must place the containers in such place, at such times and for such periods as required by Council in the following circumstances -
  - (a) where a building has been erected or building plans approved prior to the coming into operation of this by-law; and/or
  - (b) where the Council is of the opinion that it is unable to collect containers from the collection point provided in terms of this section.
- (5) Owners/occupier are responsible for the regular, thorough and effective cleansing of containers, so as to prevent conditions favourable for inter alia fly breeding and odours.

**6. USE AND CARE OF CONTAINERS AND BIN LINERS: RESIDENTIAL AREAS**

- (1) In residential areas where only containers are utilised -
  - (a) containers may only be put on the sidewalk, or up to a maximum of 1 meter inside the property if there is no fence, before 07:00 on those days that refuse is removed;
  - (b) containers may not be filled to such an extent that the lid cannot close properly;
  - (c) no occupier or owner of premises is allowed to place for collection by Council any containers or refuse bags with recyclables or garden waste in terms of (a), except on the day of collection; and
  - (d) visitors leaving before collection day must place their refuse in containers supplied in the area for that purpose.
- (2) Owners/occupier are responsible for the regular, thorough and effective cleansing of containers, so as to prevent conditions favourable for inter alia fly breeding and odours.
- (3) In areas where animal proof containers are utilised, the following is applicable in addition to (1) and (2) -
  - (a) containers, approved by Council, must be purchased by the owner or occupier in the affected area;
  - (b) nothing which may cause damage to the refuse compactor may be deposited therein and where such damage is caused, the owner/occupier will be held liable for such damages; and
  - (c) a bag, put out for collection which is not in a problem animal proof bin, will not be collected if it has been damaged.
- (4) In areas where containers are not required -
  - (a) refuse which is not in bags, will not be collected;
  - (b) bags may only be put out on the sidewalk, or up to a maximum of 1 meter inside the property, if there is no fence, before 07:00 on those days that refuse is removed;
  - (c) the owner or occupier must ensure that the bags are placed in such a position that the contents are secured, as the contents of damaged bags will not be removed;

- (d) the Council determines the maximum number of bags per premises which may be put out on any day that refuse is collected;
- (e) the owner or occupier must ensure that sharp objects, or other objects which may cause harm to passers-by, do not protrude from the bags;
- (f) the Council determines the frequency, days and time of refuse removal and no liability will be accepted for lost or damaged containers; and
- (g) no occupier or owner of premises is allowed to place for collection by Council any bags of refuse, bags of recyclables or garden waste in terms of (b) except on the day of collection.

## **7. DISPOSAL OF SOLID WASTE**

- (1) No person may dispose of refuse or waste in any manner unless it is -
  - (a) in accordance with the terms and conditions of a refuse removal system approved or provided by the Council; or
  - (b) in accordance with an agreement entered into between the owner of the premises and the Council; or
  - (c) at or in a place or a container that the Council has approved for such purpose, and then only in accordance with a notice which indicates the conditions subject to which refuse or waste may be so deposited.
- (2) No person shall -
  - (a) burn waste, general waste or hazardous waste except where a permit was issued by a competent authority; and
  - (b) dispose of hazardous waste without the prior permission of the Council and then only in accordance with the conditions and requirements specified in such approval.
- (3) No person shall place any medical, infectious or hazardous waste in receptacles for removal by Council, or deposit such on any landfill site or transfer station.
- (4) The Council may provide or arrange for the provision of different refuse removal systems in areas demarcated by the Council.
- (5) When it becomes necessary to change an existing refuse removal

system, enlarge or reduce a demarcated area, or introduce a new refuse removal system in any demarcated area, the Council shall first inform the inhabitants of such area by advertising such intention in the local press.

- (6) The Council may enter into agreements with other service providers for the rendering of refuse and waste removal services in any area.

## **8. CONTAINERS IN PROBLEM ANIMAL AREAS**

- (1) Only containers which are problem animal proof at the discretion of the Council are allowed to be used by residents or businesses in problem animal areas.
- (2) If a container in a problem animal area does not comply with the requirements of the Council, the owner shall be instructed to obtain a suitable container in accordance with section 4.

## **9. DISPOSAL OF BULKY REFUSE**

- (1) The occupier or, in the case of premises being occupied by more than one occupier, the owner of such premises on which bulky refuse is generated, shall ensure that such refuse is disposed of in terms of this by-law within fourteen days after the generation thereof.
- (2) Bulky refuse may only be deposited on a site allocated by the Council as a disposal site for such refuse.
- (3) At the request of the owner or any occupier of any premises the Council may remove bulky refuse from premises, provided that the Council is able to do so with its refuse removal equipment and at a charge as determined by Council.

## **10. DISPOSAL OF BUILDING RUBBLE**

- (1) Subject to the provisions of (2), all building rubble shall be deposited at the Council's landfill sites.
- (2) For the purpose of the reclamation of land, building rubble may, with the written consent of the Council, be deposited at a place approved by Council.
- (3) Council may instruct any person/owner of premises on which building rubble is generated to make use of special containers to dispose of it and may determine a tariff for such containers.
- (4) The owner of premises on which building rubble is generated

and/or the person engaged in any activity which causes such rubble to be generated, shall ensure that such rubble is disposed of not later than one month after it was generated.

## **11. SPECIAL INDUSTRIAL REFUSE/MEDICAL WASTE/HAZARDOUS WASTE**

- (1) Any person engaged in activities which cause special industrial refuse, medical waste or hazardous waste to be generated, shall inform the Council of the composition thereof, the quantity generated, how and where it is stored, how it will be removed and how or where it will be disposed of or deposited.
- (2) If so required by the Council, the notification referred to in (1) shall be substantiated by an Analysis Certificate certified by a duly qualified industrial chemist.
- (3) The Council may enter premises at any reasonable time to ascertain whether refuse or waste referred to in (1) is generated or stored on such premises and may take samples and test any refuse found on such premises to ascertain its composition.
- (4) After Council has been informed in terms of (1), the person referred to in such subsection shall notify the Council of any changes in the information required.
- (5) Refuse or waste referred to in (1) stored on premises shall be stored in such a manner that it does not create a nuisance or pollute the environment and may only be disposed of at a permitted site.
- (6) If refuse or waste referred to in (1) is not stored in accordance with (5) or disposed of inappropriately, the Council may instruct the owner or occupier of the premises where it is generated or where it was stored to remove such special industrial refuse immediately. Where such refuse or waste may be harmful to health or the environment, it may be removed by the Council or through a contractor at the cost of the owner or occupier of the premises where it was generated or stored.

## **12. LANDFILL SITES**

- (1) No person shall dispose of any refuse without a disposal permit.
- (2) Every person who, for the purpose of disposing of refuse enters a landfill site shall -
  - (a) enter and leave the landfill site at the designated entrance and exit points;

- (b) supply all the particulars required regarding the composition of the refuse, which refuse may be inspected by the Council;
  - (c) follow all instructions with regard to access to the actual disposal, transfer or recycling point and the place where and the manner in which the refuse should be deposited; and
  - (d) supply or show the relevant disposal permit.
- (3) No person shall bring any intoxicating liquor into a landfill site.
  - (4) No person shall enter a landfill site for any purpose other than the disposal of refuse in terms of these by-laws and only at such times and between such hours as the Council may from time to time determine.
  - (5) Refuse may only be accepted at and landfill sites as indicated by the permit conditions.
  - (6) The Council may prescribe the maximum size of a vehicle allowed at a landfill site.
  - (7) Tariffs will be applicable at the landfill sites as determined by Council from time to time.
  - (8) The Council shall not be liable for any claim resulting from access to any landfill site and people who enter such sites do so at their own risk.

### **13. OWNERSHIP OF REFUSE**

All refuse removed by the Council, all refuse on landfill sites and abandoned objects shall be the property of the Council and no person who is not duly authorised by the Council to do so, shall remove it or interfere therewith.

### **14. DUMPING OF LITTER**

- (1) No person shall, or allow any person, to -
  - (a) discard, dump, abandon or leave any litter or object on any land, water, street, road or site in or at any place other than a place determined by Council;
  - (b) discard, dump or leave any litter in any public place unless it is deposited in a refuse bin.
- (2) Where any litter or object which has been discarded, dumped, abandoned or left has been removed by the Council, the person

responsible, or the owner or occupier of the premises where it was generated or the owner of the object shall jointly and severally be held liable for any costs incidental to the removal and or disposal of such litter or object.

#### **15. ACCESS TO PREMISES**

- (1) Where the Council provides a refuse removal service, the occupier of the premises shall grant the Council access to such premises for collecting and removing refuse and shall ensure that nothing obstructs or hinders the refuse collectors in the rendering of such a service.
- (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, to the Council's property or injury to the refuse collectors or any other person, Council may suspend the service and require the owner or occupier to indemnify it in writing in respect of any such damage or injury or any claims arising out of either, where after the service will resume.

#### **16. PROBLEM ANIMAL AREAS**

The Council may determine by resolution which areas are to be classified as problem animal areas and may revise the areas from time to time.

#### **17. PAVEMENTS**

It shall be the duty of every owner of premises, licensee or occupier to ensure that the pavement in front of or abutting the premises is kept clean and free of refuse and that refuse bags or containers are only placed in front of premises on collection day.

#### **18. RECYCLING**

- (1) All categories of users determined by Council and in areas as determined by Council, must divide their refuse in recyclable and non-recyclable waste in accordance with directives from the Council.
- (2) Recyclable waste must be put in clear bags or set aside to be collected separately.

#### **19. REPEAL OF BY-LAWS**

- (1) The following by-laws are hereby repealed -
  - (a) additional sanitary by-laws – Hermanus published under P.N. 203/1985 dated 22 March 1985;

- (b) by-law relating to refuse removal and sanitation, Kleinmond published under P.N. 639/1003 dated 5 November 1993; and
  - (c) standard regulations regarding sanitation, Gansbaai published under P.N. 527/1952 dated 25 July 1952 as amended.
- (2) Sections 1, 2, 3, 4 and 5 of Part VI of the Sanitary Regulations: Amendment, Stanford published under PN 637/1971 dated 2 July 1971, are hereby repealed.

## **20. OFFENCES AND PENALTIES**

Any person who -

- (a) contravenes any section of this by-law; and/or
- (b) fails to comply with any notice or instruction given in terms of this by-law

is guilty of an offence and liable on conviction to a penalty.

## **22. SHORT TITLE**

This By-law is called the Overstrand Municipality: Solid Waste Management By-law, 2006.