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Table of Contents

City of Cape Town: Integrated Waste Management By-law, 2009	3
1. Definitions	3
2. Application of this by-law	6
3. Categorisation of waste	6
4. Obligations of waste generators	6
4A. Obligations of accredited service providers and waste managers	8
5. Hazardous waste	8
6. Event waste	9
7. Priority waste	10
8. Emergencies requiring the management of waste	10
9. Establishment of formal waste minimisation clubs in communities or businesses	10
10. Integrated waste management plan	11
11. Exemptions from submitting an integrated waste management plan	12
12. Storage and transportation of waste	12
13. Recycling, re-use, sorting and recovery of waste	13
14. Prohibition of unauthorised disposal of waste	13
15. Littering and dumping	13
16. Licences	14
17. Waste management services, applications and registration for waste collection and removal services	14
18. Access to private property	15
19. Premises inaccessible for refuse collection	15
20. Compliance notices	15
21. Service of documents and process	15
22. Failure to comply with the by-law and enforcement	16
23. Offences and penalties	16
23A. Seizure and impounding of vehicles	17
24. Delegations by the waste management officer	18
25. Functions and powers of waste management officer	18
26. Amendments to waste removal services	18
26A. Ownership of waste	18
27. Transitional provisions	18
28. Guidelines	18
29. Repeal of by-laws	18
30. Interpretation	18
31. Short title and commencement	18
Schedule 1	20
Schedule 2	22

City of Cape Town: Integrated Waste Management By-law, 2009

[Amended by City of Cape Town: Integrated Waste Management Amendment By-law, 2010 on 4 June 2010]

[Amended by City of Cape Town: Integrated Waste Management Amendment By-law, 2016 on 30 June 2016]

WHEREAS the City has under the Constitution, legislative competence in respect of refuse removal, refuse dumps and solid waste disposal;

Whereas the City of Cape Town ("the City") has an obligation to regulate and control waste management so as to ensure a safe, healthy and sustainable environment and to ensure that the rights of individuals are protected;

Whereas the City wishes to reduce the generation and the environmental impact of waste to ensure that the socio-economic development, the health of the people within the City's boundaries and the quality of environmental resources are not unduly adversely affected by waste;

Whereas the City wants to ensure that all residents, organisations, institutions, businesses, visitors or tourists and government departments are able to access services from a legitimate waste management service provider; and

Whereas the City wishes to regulate waste generation, cleaning, separation, storage, collection, processing, treatment, recycling, re-use and disposal of waste, including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimising the generation of waste.

BE IT ENACTED by the City of Cape Town, as follows:—

1. Definitions

In this By-law, unless the context indicates otherwise:

"accredited service provider" means a person accredited by the City in terms of this by-law who provides a waste management service in the City and may include waste managers, large and small business, community cooperatives, and venture learnerships;

"building waste" means waste produced through the construction, alteration, repair or demolition of any structure both manmade and natural, -

- (a) and includes rubble, earth, wood and rock that is displaced during any construction, alteration, repair or demolition;
- (b) but excludes garden waste and hazardous waste;

"business waste" means waste that emanates from premises that are used, whether lawfully or unlawfully mainly, for commercial, retail, wholesale, entertainment or government administration purposes, and also applies to waste generated by informal traders and residential premises where commercial activities are being conducted;

"City" means the City of Cape Town established by Provincial Notice No. 479 of 2000 or its successors in title;

"Director" means the Director responsible for solid waste management in the City;

"domestic waste" means waste, that emanates from premises used wholly or mainly for residential, educational, healthcare, sport or recreational purposes, and -

- (a) includes recyclable materials and non-recyclable material,
- (b) excludes hazardous waste;

"dump" means to dispose of waste in any manner other than one permitted by law and includes, without derogating from the generality of the foregoing, to deposit, discharge, spill or release waste, whether or not the waste is in a container or receptacle, in or at any place whatsoever whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments, and sewage and storm water systems, but excludes littering;

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

"garden waste" means organic waste which emanates from gardening or landscaping activities at residential, business or industrial properties including but not limited to, soil, grass cuttings, leaves and branches, and includes any biodegradable material and includes such waste emanating from residential, business or industrial properties, but excludes waste products of animal origin;

"hazardous waste" means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment and includes health care risk waste and the hazardous substances, materials or objects within business waste, residue deposits and residue stockpiles;

"infectious agent" means microorganisms including bacteria, mycobacteria, fungi, parasites, or viruses which normally cause or significantly contribute to infectious diseases and result in an increased morbidity or mortality of humans or animals;

"infectious waste" means waste which contains or may be reasonably presumed to contain infectious agents in sufficient concentrations or quantities to cause disease in susceptible hosts; and includes waste containing discarded materials contaminated with excretion, secretion, other fluids discharged from a body or materials generated in the treatment or diagnosis of humans or animals who or which are isolated from the general population due to the infectiousness or transmissibility of the suspected disease-causing agents;

"pharmaceutical waste" includes expired, unused, spilt and contaminated pharmaceutical products, drugs, vaccines and sera that are no longer required and that need to be disposed of appropriately;

"general waste" is a generic term for waste that, because of its composition and characteristics, does not pose an immediate risk to public health or the environment if managed properly, and includes domestic waste, building waste, business waste, and any waste classified as non-hazardous waste in terms of national legislation;

"health care risk waste" means that portion of health care waste that is hazardous and includes infectious waste, pathological waste, sharp waste, pharmaceutical waste, genotoxic waste, chemical waste, waste with heavy metals, radioactive waste, and any other health care waste which is defined as hazardous in terms of the waste Management Series: Document 1: Minimum Requirements/or the Handling, Classification and Disposal of Hazardous waste, as published by the Department of Water Affairs and Forestry or any other applicable legislation;

"holders of waste" means any person who imports, generates, stores, accumulates, transports, processes, treats, exports or disposes of waste and also includes recyclers and scrap dealers;

"industrial waste" means waste that emanates from premises that are used wholly or mainly for industrial purposes and generate waste through manufacturing, industrial or fabricating processes including premises used for agricultural activities, mining activities or the operation of power stations;

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

"licenced waste disposal facility" means a site, or premises which is licenced by the Province of the Western Cape or the National Government and used for the accumulation or disposal of waste;

"litter" means waste, excluding hazardous waste, arising from activities in public areas that has not been disposed of in a public litter container; "owner" includes the registered owner, lessee or occupier of a premises, or the person in charge or control of any premises or part thereof who is over 16 years of age, and any person who obtains a benefit from the premises or is entitled thereto;

"person" includes-

- (a) any divisional council, municipal council, village management board, or like authority;
- (b) any company incorporated or registered as such under any law;
- (c) any body of persons corporate or unincorporate;

"priority waste" means waste declared to be such by the Director in terms of this By-law or in terms of national or provincial legislation;

"recyclable materials" means any material that can be converted into raw material that can be re-used to make new products or resources;

"recovery" means the controlled extraction or retrieval of any substance, material or object from waste;

"recycle" means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material;

"re-use" means to utilise the whole, a portion of or a specific part of any substance, material or object from the waste stream for a similar or different purpose without changing the form or properties of such substance, material or object;

"sanitary waste" means tampons, sanitary towels and incontinence pads;

"SANS 10234" means the latest edition of the South African National Standard Globally Harmonized System of Classification and Labelling of Chemicals (GHS);

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

"Tariff Policy and Tariff By-Law" means the Tariff Policy and Tariff By-Law adopted by the Council of the City and published in the Provincial Gazette from time to time;

"treatment" means any method, technique or process that is designed to –

- (i) change the physical, biological or chemical character or composition of waste;
- (ii) remove, separate, concentrate or recover a hazardous or toxic component of waste; or
- (iii) destroy or reduce the toxicity of waste,

in order to minimise the impact of the waste on the environment prior to further use or disposal;

"the Waste Act" means the National Environmental Management: Waste Act, 2008 ([Act No. 59 of 2008](#)), and any reference to NEM:WA;

"waste" means

- (a) any substance, material or object that is unwanted, rejected, abandoned, discarded or disposed of, or that is intended or required to be discarded or disposed of, by the holder of that substance, material or object, whether such substance, material or object can be re-used, recycled or recovered and includes all wastes as defined in the NEM:WA; or
- (b) Any other substance, material or object that is not included in the NEM:WA that may be defined as a waste by the Minister by notice in the Gazette,

but any waste or portion of waste, referred to in paragraphs (a) and (b) ceases to be a waste

- (i) Once an application for its re-use, recycling or recovery has been approved or, after such approval, once it is, or has been re-used, recycled or recovered;
- (ii) Where approval is not required, once a waste is, or has been re-used, recycled or recovered;
- (iii) Where the Minister has, in terms of NEM:WA, exempted any waste or a portion of waste generated by a particular process from the definition of waste; or
- (iv) Where the Minister has, in the prescribed manner, excluded any waste stream or a portion of a waste stream from the definition of waste.

"waste classification" means establishing whether waste is hazardous based on the nature of its physical, health, and environmental hazardous properties; and the level of severity of the hazard posed;

"waste generator" means any person whose actions, production process or activities, including waste management activities, result in the generation of waste;

"waste manager" means any person who re-uses, recycles, recovers, treats or disposes of waste;

"waste management facility" means a place, infrastructure, structure or containment of any kind wherein, upon or at which a waste management activity takes place and includes a waste transfer station, container yard, landfill site,

incinerator, a recycling or a composting facility;

"waste management officer" means the Director: Solid Waste Management, or an officer referred to in section 25 of this By-law;

"waste minimisation club" means a group of persons, typically residing in a high density residential or office building, or a multi-property cluster residential or business development, that have an agreement approved by the Director in terms of this By-law to minimise waste in exchange for a lower tariff according to an integrated waste management plan.

"waste transporter" means any person who conveys or transfers waste between the waste generator and a waste management facility or between waste management facilities;

"waste with heavy metals" includes mercury waste from thermometers, blood- pressure gauges, residues from dentistry, cadmium waste from discarded batteries, reinforced wood panels used in radiation proofing, and drugs containing arsenic;

2. Application of this by-law

In the event of conflict between this By Law and any other by law of the City dealing with waste management this By Law must prevail.

3. Categorisation of waste

- (1) Waste shall be categorised in accordance with the definitions of the various types of waste in this By-law, and the Environmental Health By-Law insofar as it defines Medical waste and to the extent that it is unclear under which category a type of waste falls.
- (2) The decision of the Director must, subject to any other law, be final in the categorizing of waste.
- (3) Service categories for waste management, as provided for in the tariff policy of the City, shall be as defined in the integrated waste management policy of the City.

4. Obligations of waste generators

- (1) A waste generator must—
 - (a) avoid the generation of waste or where it cannot be avoided minimise the toxicity and amounts of waste generated;
 - (b) separate waste with the aim of minimising waste and its impacts on the environment and to store the recyclable waste separately from non- recyclable waste provided that industrial waste must be separated into liquids, components and materials that can be treated for recycling or re-use;
 - (c) re-use, recycle or recover waste where possible;
 - (d) dispose of recyclable waste by—
 - (i) contracting with the City where the waste generator will be charged at the City's standard charge terms of the Tariff By-law; (ii) where the City does not provide such a service by contracting with an accredited service provider; or
 - (iii) delivering waste to a licenced waste disposal facility and ensure that waste is treated or disposed in an environmentally sensitive manner at a licenced waste disposal facility;
 - (e) manage waste so that it does not endanger health or the environment or create a nuisance;
 - (f) maintain suitable cleanliness and hygiene standards on their premises as required by the City's Environmental Health By-law;
 - (g) make use of the waste removal services provided by the City or its service provider, unless the City does not provide a waste removal service for the type of waste to be disposed of, in which case they shall make use of an accredited service provider;

- (h) conclude a contract with the City, its service provider or an accredited service provider, as the case may for the storage and collection of waste;
- (i) store waste in the containers provided by the City or an accredited service provider prior to collection or where a container is not provided, store waste in plastic black bags, which containers or bags will be collected by the service provider at least once a week according to the routes as published by the City or the service provider from time to time;
- (j) pay tariffs and rates charged by the City for such waste removal services according to the City's Credit Control and Debt Collection By-law;
- (k) ensure that the waste that they have generated which is not collected by the City is re-used, recycled, recovered, treated or disposed of
 - (i) within a reasonable time of its generation as determined by the City, and
 - (ii) at a waste management facility authorised to accept the type of waste in question.
- (2) A waste generator may apply to the waste management officer for an additional container and shall be liable for the additional costs as per the City's Tariff-By-Law and Tariff Policy.
- (3) The waste management officer may require a waste generator to submit an integrated waste management plan prior to agreeing to supply an additional container.
- (4) The owner and waste generator must comply with the terms and conditions set out by such waste management officer for the generation, minimisation, storage, collection, treatment and disposal of such additional waste.
- (5) Should the waste generated by a waste generator exceed the volume that can be stored in the containers provided or bags, the owner must make arrangements for the collection of the excess waste by an accredited service provider.
- (6) If no arrangement is made for collection of excess waste, the owner or waste generator must promptly transport that additional waste to and deposit it at a licenced waste disposal facility at his or her own cost.
- (7) The owner of a formal dwelling who has other structures on the property with persons living in these separate structures shall also be allocated one container per additional structure by the City and shall be entitled to have it collected on the same terms as the residential dwelling.
- (8) The owner of the property will have to sign an additional contract with the City for the storage, collection and disposal of waste contemplated in subsection (7) and shall be liable for the charges levied by the City in connection therewith.
- (9) Any business or agent disposing of waste on behalf of such business shall provide a report of the waste disposed to the waste management officer in a format as determined by the Director from time to time, on or before the 7th of each month.
- (10) A waste generator generating Industrial waste must contract with an accredited service provider for the collection and disposal of such waste to a licenced waste disposal facility.
- (11) The owner must on demand prove to the waste management officer that he or she has entered into a suitable agreement with an accredited service provider for the collection, processing, treatment or disposal of industrial waste at least once per week or as determined by the waste management officer.
- (12) An accredited service provider must in respect of industrial waste as defined by SANS 10228 and 10229 comply with all legislation relating to handling, transfer, storage, use, treatment and transportation of the dangerous goods and dispose of same at a licenced waste disposal facility or landfill site.
- (13) A waste generator generating industrial waste shall submit an integrated waste management plan to the City and comply with the terms and conditions set out by the City for the generation, minimisation, storage, recycling, collection and disposal of such waste.
- (14) Garden waste generated at properties being used mainly for residential purposes may be composted on the property, or it may be stored in a compost heap or suitable bags as per the City's requirements, and it may be

kept on the property until collection or taken to a licenced waste disposal facility.

- (15) The waste generator may be called upon by the waste management officer to produce a weighbridge ticket as proof of proper disposal of garden waste over a certain mass, as determined by the City in terms of its guidelines and conditions imposed from time to time.
- (16) Any person who directly or indirectly generates building waste or the owner of the property on which such building waste is generated shall not store such waste in containers provided by the City for residential waste and shall remove and dispose of it at a licenced crushing plant or landfill site or any other licenced building waste disposal facility.
- (17) When plans are submitted to the City for its approval in terms of the National Building Regulations and Building Standards Act, 1977(Act No. 107 of 1977), the person submitting same must submit simultaneously therewith—
 - (a) an integrated waste management plan setting out what provision is made for collection and disposal of building and other waste;
 - (b) what provisions are made to store the waste on their property; or
 - (c) provide a permit to store the waste on the City's property.
- (18) Contaminated building or other waste where the contamination agent is hazardous or dangerous must be deposited at a licenced waste disposal facility for the treatment and disposal of hazardous waste.
- (19) The owner of the facility where building rubble is disposed of shall provide a monthly report to the waste management officer of the mass of such waste deposited at such facility.
- (20) The waste generator or the owner of the property on which waste is generated who deposits or stores waste on property of the City may be fined for failure to have or produce a permit for such deposit or storage.
- (21) When the building control officer inspects the property where building works have been undertaken to check that it has been built in accordance with the approved plans, he or she shall also check if all building waste has been disposed of.
- (22) The owner of the property referred to in subsection (21) will be required to provide the building control officer with proof of a weighbridge certificate that he or she has disposed of the full mass of the building rubble at a licenced waste disposal facility for that category of waste prior to an occupancy certificate or any final approvals being granted.

4A. Obligations of accredited service providers and waste managers

- (1) Accredited service providers may not accept hazardous waste –
 - (a) that is not accompanied by the declaration referred to in section 5 (6); or
 - (b) that is required to be classified in terms of section 5 (5) and has not been classified.
- (2) Waste managers may not mix or treat waste, if the mixing or treating thereof will reduce the potential for re-use, re-cycling or recovery of waste.
- (3) Waste managers must ensure that they comply with the legislation that is applicable to the waste management activity that they are engaged in.

5. Hazardous waste

- (1) A waste generator who generates hazardous waste and an owner of property where hazardous waste is generated must contract with an accredited service provider to collect and dispose of such waste at a licenced hazardous waste disposal facility.
- (2) A person transporting the hazardous waste must ensure that the facility or place to which the hazardous waste is transported is authorised to accept such hazardous waste prior to off-loading the hazardous waste from the vehicle.

- (3) A waste generator who generates hazardous waste must keep accurate and up to date records of the waste they generate and the waste they handover to the waste transporters to be delivered to waste management facilities; which records must reflect-
 - (a) the classification of the wastes in terms of subsection (5);
 - (b) the quantity of each waste stream generated per month is expressed in tons or cubic metres;
 - (c) the quantities of each waste stream that has either been re-used, recycled, recovered, treated or disposed of; and
 - (d) by whom the waste was collected and by whom the waste was managed.
- (4) The records referred to in subsection (3), (4), and (5) must be retained for a period of five years and must be made available to the waste management officer upon request.”.
- (5) A waste generator must ensure that hazardous waste, except for hazardous waste that does not require classification in terms of national legislation, is classified in accordance with the SANS 10234 within –
 - (a) 180 days of its generation;
 - (b) 180 days from the date of commencement of this By-law; or
 - (c) the time frame specified in a notice delivered by the City.
- (6) A waste generator may not hand over hazardous waste to a waste transporter unless it is accompanied by a declaration in which –
 - (a) the content of the consignment is fully and accurately described;
 - (b) it is stated whether or not the hazardous waste requires classification in terms of subsection (5);
 - (c) if the waste requires classification, the details of its classification are included, subject to the provisions of subsection (5) if the waste was generated before the commencement of the provisions of subsection (5); and
 - (d) the intended receiver is identified.
- (7) For the purposes of subsections (3) and (6) a document prepared in terms of national or provincial laws is acceptable provided that it contains all the required information.
- (8) The City may, from time to time, publish a list of additional hazardous waste that requires classification in terms of subsection (5).

6. Event waste

- (1) Any person who is directly or indirectly involved with the organisation or management of a sporting, entertainment, cultural or religious event which is to take place on private or public property or owns or controls premises at which a sporting, entertainment, cultural or religious event is to take place, including sports stadia and conference centres, must submit an integrated waste management plan consistent with this By-law to the waste management officer in respect of the storage, collection, recycling and disposal of waste at and after such event at least five working days prior to the proposed event and comply with the terms and conditions set out by the City.
- (2) The integrated waste management plan must also include costing information, and the organiser, management or owner will be required to pay a refundable deposit as determined by the City.
- (3) Any person who intends to generate event waste shall contract with an accredited service provider for the collection and disposal of such waste to a licenced waste disposal facility and provide proof of this to the City as part of its integrated waste management plan.
- (4) If the event is to be held in a public area, the use, sale or distribution of glass or similar containers is prohibited, unless the prior consent has been obtained from the waste management officer on such conditions as will be determined by him or her that will reduce the likelihood of injury from broken glass.

- (5) Should a person fail or neglect to obtain services of an accredited service provider in terms of subsection (3) prior to the event in question, or fail to provide the City with the integrated waste management plan or should there be waste left at the area where the event has been held or the surrounding area as a result of the event, the waste management officer may subject to subsection (6), arrange for the collection, clean-up, recycling and disposal of the waste.
- (6) The cost for the collection, clean-up, recycling and disposal of the waste shall be payable by the event organiser and may be recovered from the deposit paid or in terms of the City's Credit Control and Debt Collection By-law.

7. Priority waste

- (1) The Director must in terms of this By-law categorise priority waste if he or she reasonably believes that special measures are required in respect of the management of that waste, because it—
 - (a) poses a significant threat to health or the environment;
 - (b) may persist in the environment;
 - (c) contains or could foster pathogens or communicable diseases; or
 - (d) has been declared a priority waste in terms of other applicable legislation.
- (2) The City may publish guidelines from time to time insofar as may be necessary in respect of categorisation of waste.

8. Emergencies requiring the management of waste

- (1) In the event of an emergency, the Director may call upon the owner of the property or the waste generator to manage same within a stipulated period to the City's satisfaction.
- (2) The Director may arrange for management of an emergency, including the clearing and cleaning of debris and pollution effects, transporting and disposing of the waste at a licenced waste disposal facility accredited for the specific type of waste generated.
- (3) The Director may also arrange, manage and co-ordinate the rehabilitation and repair of any infra-structure, buildings, equipment or natural environment in this process.
- (4) The cost of such management, rehabilitation and repair, including all costs incurred in the utilisation of the City's resources, equipment and materials shall be for the account of the person responsible for the emergency.
- (5) If an emergency occurs by an act of God the City will deal with such emergency in such manner as the circumstances and funding may allow.

9. Establishment of formal waste minimisation clubs in communities or businesses

- (1) Waste management clubs may apply to the Director for special dispensation as an enhanced service associated with waste minimisation in terms of the City's Tariff By-Law and Tariff Policy.
- (2) The club must submit an integrated waste management plan in writing to the Director for approval, as well as other application documentation for the formation and operation of a waste minimisation club, as may be determined by the City.
- (3) The Director may subject to the provisions of this By-law determine whether to approve the application for a special dispensation of a waste minimisation club.
- (4) If an application is unsuccessful, the Director must stipulate and provide reasons for turning down an approval to the waste minimisation club.
- (5) If an application to form a waste minimisation club is approved by the Director, the club must comply with the terms and conditions set out by the Director for the generation, minimisation, storage, collection and disposal

of such waste.

10. Integrated waste management plan

- (1) An integrated waste management plan must be submitted by the waste generators listed in subsection (10) in writing to the waste management officer for approval prior to the generation of the waste to be dealt with in terms of the said plan.
- (2) An integrated waste management plan must include —
 - (a) an assessment of the quantity and type of waste that will be generated;
 - (b) a description of the services required to store, collect, transport and dispose of such waste;
 - (c) a description of how they intend separating recyclable and non-recyclable material at the point of source;
 - (d) the waste minimisation and pollution prevention plans of such waste generator;
 - (e) the impact or potential impact on the environment of the waste created by them;
 - (f) the type or characteristics of waste produced of an environmentally sensitive nature or the amount of natural resources that are consumed in the manufacturing or production process that result in waste; and
 - (g) targets for waste production through waste minimisation, re-use, recycling and recovery measures or programmes that can minimise the consumption of natural resources and the method of disposal of waste.
- (3) Industrial entities must include in an integrated waste management plan measures or actions to be taken to manage waste, the phasing out of the use of certain substances, opportunities for reduction of waste generation through changes to product design, product production or packaging to reduce resource consumption.
- (4) Industrial and business entities must provide for the education, marketing and sales information to influence perception and behaviour of customers to ensure recycling of products.
- (5) When requested to submit an integrated waste management plan or a further integrated waste management plan in terms of this By-law, a waste generator shall do so within the time stipulated and comply with the terms and conditions set out by the waste management officer for the generation, minimisation, storage, collection and disposal of such waste.
- (6) The waste management officer must consider the plan and —
 - (a) approve it with conditions and give directions for the implementation thereof;
 - (b) request that additional information be furnished or a revised plan be submitted for approval;
 - (c) require amendments to be made within a time frame so specified by them;
 - (d) reject the plan and provide reasons therefor; or
 - (e) approve such a plan and specify conditions pertaining to such approval.
- (7) If an integrated waste management plan is rejected or not submitted at all, the waste management officer shall give directives as to what waste management measures must be taken by the waste generator and should the waste generator fail to take such measures within the time frame specified by the waste management officer, the City may implement such measures and the waste generator will be liable for the cost thereof.
- (7A) The waste management officer may, by written notice, require the generators of waste to —
 - (a) take reasonable steps to ensure that the waste generator -
 - (i) implements the integrated waste management plan;
 - (ii) complies with the directives given by the waste management officer; and
 - (b) report any non-compliance with any applicable waste management plan or directive to the waste

management officer.

- (8) The Director may by written notice require any person to provide such information as he or she requires when preparing the City's integrated waste management plan.
- (9) Should a person fail to provide the information referred to in subsection (8), the Director may appoint an auditor to obtain such information at the cost of waste generator.
- (10) The waste generators of the following classes of waste must submit an integrated waste management plan:
 - (a) business waste;
 - (b) industrial waste;
 - (c) building waste;
 - (d) event waste;
 - (e) priority waste;
 - (f) hazardous waste;
 - (g) those applying for special dispensation in terms of section 9;
 - (h) those who sort waste or undertake a recycling, re-use or waste recovery activity including but not limited to scrap dealers, recycling groups and buy back centres;
 - (i) any other person who is given notice to do so by the Director; or
 - (j) those persons carrying out the activities listed in paragraph (h).

11. Exemptions from submitting an integrated waste management plan

- (1) If one of the waste generators for the categories of waste referred to in section 10(10)(j) wishes to be exempt from submitting a waste management plan, an application must be made in writing to the waste management officer, stipulating reasons for the application.
- (2) A waste management officer may also declare—
 - (a) certain types of waste or waste generators;
 - (b) a particular mass or volume of waste; or
 - (c) persons who have submitted such a plan to the other spheres of government in terms of their applicable legislation, to be exempt from the submission of an integrated waste management plan.

12. Storage and transportation of waste

- (1) Any holder of waste who stores or transports waste must ensure that—
 - (a) the container in which any waste is stored is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of waste if the waste is not in a container provided by the City;
 - (b) suitable measures are in place to prevent accidental spillage or leakage;
 - (c) the waste cannot be blown away;
 - (d) nuisances such as odour, visual impacts and breeding of vectors do not arise;
 - (e) pollution of the environment and harm to health are prevented;
 - (f) hazardous waste is sealed in an impervious container and suitable measures are in place to prevent tampering;
 - (g) any waste items or substances are safe for handling, collection or disposal and are not harmful to persons when accessed by unauthorised persons or members of the public;

- (h) any container holding hazardous waste is labelled or records are kept reflecting the date on which the waste was first placed in the container and the categories or the specific category of waste stored in the container; and
 - (i) waste is not stored at any public place without the permission of the City.
- (2) The waste generator and the holder of waste must ensure that waste is transported to the nearest licenced disposal facility that has capacity to deal with the waste.
- (3) Waste transporters may not accept hazardous waste unless it is accompanied by the declaration referred to in section 5(6).
- (4) The transporters of hazardous waste must ensure that each consignment of waste they receive is properly packed, marked and labelled, and in all respects in proper condition for transportation in accordance with the applicable laws, regulations, norms and standards.

13. Recycling, re-use, sorting and recovery of waste

- (1) Any person who undertakes a recycling, re-use or recovery activity or who sorts waste, including scrap dealers, buy back centres and formalised recycling groups, must, before undertaking that activity make sure by way of an environmental impact assessment or similar procedure required by national or provincial legislation, that the recycling, re-use or recovery of the waste is less harmful to the environment than its disposal and must obtain accreditation from the City in terms of its guidelines as published from time to time.
- (2) The person referred to in subsection (1) must also submit an integrated waste management plan, and the waste management officer must, when deciding to grant authorisation, consider such integrated waste management plan.
- (3) Any person who undertakes a recycling, re-use, processing, treatment or recovery activity or who sorts waste, including scrap dealers, buy back centres and formalised recycling groups, must register for accreditation with the City that will entitle them to perform such activities.
- (4) Persons and entities that handle, transport, process, treat and dispose of waste for recycling purposes shall provide the waste management officer with a written report on or before the 7th of each month in a format to be determined by the Director.
- (5) The waste management officer may exempt certain waste generators, handlers, transporters or agents of waste from such requirements.

14. Prohibition of unauthorised disposal of waste

No person may—

- (a) dispose of waste in a manner likely to cause pollution of, or have an impact on, the environment or to be harmful to health;
- (b) dispose of waste other than in accordance with this By-law or National and Provincial legislation;
- (c) dispose of hazardous waste in a container provided by the City that is designed for the storage of residential or business waste or in bags to be collected by the City;
- (d) burn waste especially hazardous waste except in approved incinerators which have a permit or licence to do so;
- (e) dispose of hazardous waste, unless in accordance with an approved integrated management plan;
- (f) deposit domestic, business, industrial, garden, building or hazardous waste in a public litter bin; or
- (g) deal with waste in a manner that causes dust, spillage or litter.

15. Littering and dumping

- (1) No person may drop, throw, deposit, spill, dump, store or in any other way discard, any litter or waste into or onto any public place, municipal drain, land, vacant erf, stream, water course, street, road, wetland, coastline

or on any place to which the public has access, or otherwise dispose of it nor may they allow a person under their control to do so.

- (2) 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.

- (3) If the provisions of subsection (1) are contravened, the Director may direct, by way of a written notice to persons that—

- (a) they cease the contravention, in a specified time;
- (b) they prevent a further contravention or the continuation of the contravention;
- (c) take whatever measures the Director considers necessary to clean up or remove the waste, and to rehabilitate the affected facets of the environment,

to ensure that the waste and any contaminated material which cannot be cleaned or rehabilitated is disposed of lawfully.

- (4) The Director may in respect of the notice contemplated in subsection (3)(c) state that the person must, within a maximum of 5 working days remove the waste or litter, provided the Director may grant a further 2 days, on request of the person, to remove the litter or waste.
- (5) A person who owns land or premises, or who is in control of or has a right to use land or premises, may not use or permit the use of the land or premises for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for that purpose.
- (6) If the City elects to remove the waste or litter the person concerned shall be liable for the cost of such removal operation.
- (7) In the case of hazardous waste, the City may immediately act as contemplated in subsections (3) and (6) and immediately thereafter notify the person concerned of their liability to pay the costs of removal, rehabilitation and any other related costs within the stipulated time.

16. Licences

Any person who, or entity which, requires a license in terms of national, provincial or municipal legislation will have to prove on request, to the waste management officer that such person or entity has obtained the appropriate license within 30 days or such lesser period as specified by such officer.

17. Waste management services, applications and registration for waste collection and removal services

- (1) All persons collecting or removing waste must have a contract for the collection and removal of waste with the City or an accredited service provider.
- (2) Residents must apply and register for waste collection and removal services that will be provided exclusively by the City or its contracted accredited service provider, unless the Council authorises otherwise.
- (3) Businesses have an option to contract with the City for the waste collection and removal services, or to contract with an accredited service provider.
- (4) Industries, including those that produce hazardous waste, due to the specialised nature of waste produced in these sectors, must contract with a private sector accredited service provider.
- (5) If an entity or an accredited service provider is required to have a licence or approval in terms of national or provincial legislation, they are required to provide proof thereof, as well as comply with criteria determined by the Council before they will be registered by the Director.
- (6) The Director shall keep an updated record of registered accredited service providers.
- (7) Commercial and industrial undertakings, including scrap dealers requiring a waste collection and removal service which is not provided by the City, must register with the City and prove that they have contracted with

an accredited service provider for such service.

18. Access to private property

- (1) The owner must, on request, allow a peace officer or any other duly authorised employee of the City access to their property for the purpose of inspecting the property and investigating any contravention of this By-law and to ensure compliance therewith.
- (2) When accessing the property the authorised employee must, on request, identify him or herself by producing written proof of such authority.
- (3) Such employee may be accompanied by a person reasonably required to assist in inspecting or conducting an investigation who must be identified as such by the authorised employee.

19. Premises inaccessible for refuse collection

Should the City be impeded from handling or collecting refuse due to the layout of a person's premises, and if this impediment imposes a danger to employees of the City, the Director may require the owner to do such alterations or additions to the premises as are necessary to remove such impediment at that person's cost.

20. Compliance notices

- (1) The waste management officer may issue notices to any person contravening the provisions of this By-Law—
 - (a) setting out the provisions or conditions contravened;
 - (b) directing such person to comply with such provisions or conditions; and
 - (c) setting out the measures which must be taken to rectify the contravention, and the period in which he or she must do so.
- (2) If a person fails to comply with directions given in a notice issued by the waste management officer, the waste management officer may —
 - (a) take whatever steps it considers necessary to clean up or remove waste, to rehabilitate the premises, place or the affected environment at which the waste has been illegally dumped or stored and to ensure that the waste, and any contaminated material which cannot be removed, cleaned or rehabilitated, is disposed of lawfully;
 - (b) recover the costs of cleaning, removing, rehabilitating or disposing waste, premises or environment, or contaminated material, respectively, from the persons obliged to take such steps in terms of this By-Law, who shall be jointly and severally liable therefor.
- (3) The City may, in the case of hazardous or priority waste, require the persons generating such waste to close until such time as steps are taken to dispose of the waste in terms of subsection (2) if there is a real threat of damage or injury to any person or property.
- (4) The following persons may be served with such notice:
 - (a) any person who committed, or who directly or indirectly permitted, the contravention;
 - (b) the generator of the waste;
 - (c) the owner of the land or premises where the contravention took place;
 - (d) the person in control of, or any person who has or had, at that stage of the contravention, a right to use the land or premises where contravention took place; or
 - (e) a service provider.

21. Service of documents and process

Whenever any notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such a person—

- (a) when it has been delivered to him or her personally;
- (b) when it has been left at his or her place of residence or business with a person apparently over the age of 16 years;
- (c) when it has been posted by registered or certified mail to his or her last known residential or business address and an acknowledgement of posting thereof is produced;
- (d) if his or her address is unknown, when it has been served on his or her agent or representative in a manner provided for in paragraph (a), (b) or (c); or
- (e) if his or her address and agent are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.

22. Failure to comply with the by-law and enforcement

- (1) If the waste management officer has issued a compliance notice in terms of section 21 to anyone for contravening any provision of this By-law and such person fails to comply with such notice he or she shall be guilty of an offence.
- (2) The waste management officer may in writing require any person to submit a report to him or her in respect of the impact of waste in a specified form as stipulated in the City's guidelines as published from time to time.
- (3) If the person fails to submit such a report within the period specified, the waste management officer may appoint an independent person to compile the report and recover the costs of compiling the report from the person required to submit it.
- (4) If the waste management officer suspects that the person has on one or more occasions contravened or failed to comply with the By-law or a license issued in terms of provincial or national legislation and this has had a detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage or has contributed to the degradation of the environment, the waste management officer may direct that such a report be compiled by an independent person.
- (5) The waste management officer may then direct the person who failed to comply with the By-Law to take the action recommended in such report, failing which the City may do so, and the person who contravened the By-Law shall be liable for the cost thereof.

23. Offences and penalties

- (1) A person who is guilty of an offence in terms of this By-law for—
 - (a) littering or dumping over 8m³ of waste or any volume of hazardous waste;
 - (b) spillage or leakage over 8m³ of waste or any volume of hazardous waste without putting in place suitable measures;
 - (c) conveying of an uncovered or unsecured load of hazardous waste of any volume;
 - (d) conveying of an uncovered or unsecured load which results in spillage over 8m³ of waste or any volume of hazardous waste,

shall on conviction be liable for a fine or a period of imprisonment not exceeding five years, and the court may in addition order the removal of such waste or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.

- (2) Should any person induce, influence, persuade or force an employee of the City or other person to commit an offence in terms of this By-law he or she shall be guilty of an offence.
- (3) Should any person induce an employee of the City to collect and dispose of waste without the correct payment to the Council, or the correct methods being employed, shall be guilty of an offence.

- (4) Any waste generator who fails to submit or comply with an integrated waste management plan in terms of this By-law, and any person who fails to comply with a compliance notice referred to in section 20, shall be guilty of an offence.
- (5) Any person who commits any offence referred to in subsections (2) to (4) or any other offence in terms of this By-law shall on conviction be liable for the payment of a fine or imprisonment for a period not exceeding 3 years, or to both such fine and such imprisonment.
- (6) The court may in addition to any penalty imposed in terms of subsection (5), order a person to repair the damage, make good the loss, rehabilitate the environment, remove waste, or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.
- (7) The Court may, when considering any sentence for an offence in terms of this By-Law, take into account the following:
 - (a) That a person delayed in complying with or failed to comply with the terms of notices or directions given that person under this By-law;
 - (b) that person obtained a financial advantage or was to obtain a financial advantage as a result of the commission of the offence;
 - (c) the severity of the offence in terms of its impact or potential impact on health, wellbeing, public safety or the environment.
- (8) A person who, is convicted of an offence in terms of this By-law and who persists after conviction in the act or omission that constituted the offence, commits a continuing offence and shall, on conviction, be liable for the payment of a fine or to imprisonment for a period not exceeding 10 days, or to both such fine and such imprisonment, in respect of each day that such a person persists with such act or omission.
- (9) The court may declare any vehicle used in connection with the commission of an offence under this By-law forfeited to the City.

23A. Seizure and impounding of vehicles

- (1) A peace officer may, without a warrant, seize and impound a vehicle which is concerned or is on reasonable grounds believed to be concerned with the commission of an offence under this By-law.
- (2) The peace officer, at the time of impoundment, must give the holder of the seized and impounded vehicle a copy of a notice setting out –
 - (i) the reason for the impoundment;
 - (ii) the description of the vehicle being impounded;
 - (iii) the address and contact details of the designated pound;
 - (iv) the payment of an impoundment fee; and
 - (v) the possibility of the impounded vehicle being sold to recover the costs.
- (3) A vehicle which has been seized and impounded in terms of subsection (1) and (2) must be taken to a designated pound where it will be retained and dealt with in terms of subsection (4).
- (4) The seized and impounded vehicle will be released immediately under the following conditions:
 - (a) if a criminal charge is not laid or no fine is issued within 48 hours of the seizure of the vehicle;
 - (b) when the criminal charges against the person have been withdrawn or the person has been acquitted of offence charged; or
 - (c) in the case where the person is convicted of the offence charged, and unless the court has ordered otherwise, on payment of the impoundment fee to the authorised official of the vehicle impoundment facility of the City.

24. Delegations by the waste management officer

The waste management officer shall be entitled to delegate to any other official of the City any of his or her powers or obligations in terms of this By-law.

25. Functions and powers of waste management officer

The waste management officer shall be responsible for regulating, controlling, managing and enforcing the provisions of this By-Law and national and provincial legislation relating to waste management.

26. Amendments to waste removal services

The City may amend any existing waste removal or cleansing services once a process of public notification, participation and comment has been completed and provided the amendment is practical, cost effective and has as its objective the prevention of the proliferation of waste, the minimisation of waste or the reduction of waste to be removed.

26A. Ownership of waste

- (1) Waste on premises controlled by the City, including landfill sites, refuse transfer stations and facilities where waste is received, stored or recovered shall be the property of the City.
- (2) No person who is not duly authorized by the City may remove or interfere with waste on premises controlled by the City.
- (3) Waste that is collected by the City or its service provider becomes the property of the City when it is placed in receptacles provided by the City on the kerbside by the generator thereof for collection.
- (4) Accredited service providers become the owners of waste placed for collection by such accredited service providers.

27. Transitional provisions

Any approvals given in accordance with previous by-laws will be valid in respect of the premises for which they were granted and in respect of the person to whom they were granted, but cannot be transferred to any other person.

28. Guidelines

The Council may make guidelines not inconsistent with other legislation generally for the better carrying out of the objects and purposes of this By-law.

29. Repeal of by-laws

The By-laws in Schedule 1 hereto are hereby repealed.

30. Interpretation

In the event of a conflict between English, Xhosa and Afrikaans versions of this By-law, the English version shall be decisive.

31. Short title and commencement

This By-law is called City of Cape Town: Integrated Waste Management By-law, 2009.

Schedule 1
Repealed Laws

Administration	By-law to be repealed
Brackenfell Municipality	P.N. 538/1968: Additional by-law relating to the removal and disposal of refuse
Cape Town Municipality	P.N. 0733/1961: Refuse Bins by-law
Helderberg Municipality	P.N. 656/2000: By-law relating to the removal of refuse and waste
Kuils River Municipality	P.N. 287/1964: Additional by-law relating to the removal and disposal of refuse
Pinelands Municipality	P.N. 34/1982: By-law relating to the removal of refuse
South Peninsula Municipality	P.N. 228/1999: Solid Waste by-law
Tygerberg Municipality	P.N. 89/1999: Refuse removal by-law
West Coast Peninsula Transitional Council	P.N. 123/1997: Refuse removal by-law (insofar as it is applicable to the municipal area of the City of Cape Town)
City of Cape Town	PN 346/2000: Control of Dumping of Refuse By-law in so far as it relates to the accumulation or storage of matter
City of Cape Town	PN 190/2001: Dumping and Littering By-law
In addition:	
Unicity	Littering and Dumping By-law (Provincial Gazette 5894, 21 June 2002)

Schedule 2
Admission of Guilt Fines

Section	Offence	Fine
Section 15(1)	Littering or dumping under 1m ³	R500
	Littering or dumping over 1m ³ to 3m ³	R100
	littering or dumping over 3m ³ to 5m ³	R1 500
	Littering or dumping over 5m ³ to 7m ³	R2000
	litter or dumping over 7m ³ to 8m ³	R2 500
Section 12(b)	Conveying of an uncovered load which results in spillage of load—Spillage under 1m ³	R500
	Spillage over 1m ³ to 3m ³	R1000
	Spillage over 3m ³ to 5m ³	R1 500
	Spillage over 5m ³ to 7m ³	R2000
	Spillage over 7m ³ to 8m ³	R2 500
	Conveying of an unsecured load which results in spillage of load—Spillage under 1m ³	R500
	Spillage over 1m ³ to 3m ³	R1000
	Spillage over 3m ³ to 5m ³	R1 500
	Spillage over 5m ³ to 7m ³	R2000
	Spillage over 7m ³ to 8m ³	R2 500