

Mberengwa Rural District Council (Waste Management) By-laws, 2023

ARRANGEMENT OF SECTIONS

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Title

1. These by-laws may be cited as the Mberengwa Rural District Council (Waste Management) By-laws, 2023.

Application

2. These by-laws shall apply within the Mberengwa Rural District Council area and any local government area the administration, control and management of which is vested in Mberengwa Rural District Council.

Interpretation

3. In these by-laws-

“bin” means a standard type of waste bin with a capacity of 1 cubic metre or 85 litres as approved by the Council and which can be supplied by the Council. The bin may be constructed of galvanised iron, rubber or polythene;

“bin liner” means a plastic bag approved by the Council which is placed inside a bin with a maximum capacity of 0,1 cubic metres. These bags must be of a dark colour, 950mm x 750mm in size of low density minimum 40 micrometer or 20 macrometer high density;

“Building waste” includes all waste produced during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rock displaced during such construction, alteration, repair or demolition;

“bulky waste” means business waste or domestic waste which by virtue of its mass, shape, size or quantity is inconvenient to remove in the routine door-to-door service provided by the Council or service provider;

“bulky garden waste” is waste such as tree-stumps, branches of trees, hedge-stumps and branches of hedges and any other grade waste of quantities more than 2 cubic metres;

“*business waste*” means waste generated by the use of premises other than a private dwelling-house solely as a residence, but shall not include builders waste, bulky waste, domestic waste or industrial waste;

“*contaminated sharps*” means discarded 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.

“*cultures and stocks of infectious agents and associated biologicals*” means specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals and live or attenuated vaccines and culture dishes and devices used to transfer, inoculate and mix cultures.

“*domestic waste*” means waste normally generated by the use as a residence of a private dwelling-house, including flats, and hostels which can be easily removed;

“*garden waste*” means organic waste which emanates from gardening or landscaping activities at residential, business or industrial premises including but not limited to grass cuttings, leaves, branches, and includes any biodegradable material and excludes waste products of animal origin and bulky waste;

“*medical waste*” means waste capable of producing any disease and includes, but is not limited to the following:

- (a) laboratory waste;
- (b) pathological waste;
- (a) isolation waste;
- (b) genotoxic waste;
- (c) infectious waste;
- (d) sharps waste;
- (e) chemical waste; and
- (f) pharmaceutical waste;

“*human blood and blood products waste*” means waste such as serum, plasma and other blood components;

“*industrial waste*” means waste generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include building waste, business waste, hazardous waste, medical waste or domestic waste;

“*infectious waste*” means waste capable of producing an infectious disease because it contains pathogens of sufficient virulence and quantity so that exposure to the waste by a susceptible human host could result in an infectious disease;

“*isolation wastes*” means wastes generated by patients who have communicable diseases which are capable of being transmitted to others via those wastes;

“*nuisance*” means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper

handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste or by littering;

“*occupier(s)*” in relation to any premises, means any person who is in actual occupation of such premises and if no person is in actual occupation thereof, any person who, whether as owner, lessee, licensee or otherwise has, for the time being, control of such premises and shall include a street trader who occupies a site for the purposes of such street trader's business;.

“*owner*” means the registered owner, lessee or occupier of premises, or the person in charge or control of any premises or part thereof, who is over 18 years of age, and any person who obtains a benefit from the premises or is entitled thereto;

“*pathological waste*” means waste consisting of tissues, organs, body parts and body fluids that are removed during surgery and autopsy;

“*public place*” means any bridge, enclosure, footpath, garden, open space, pavement, road, sanitary lane, side walk, square, subway or street of the nature of a thoroughfare vested in or controlled by the council and to which the public or any section of the public has access;

“*receptacle*” means an approved container having a capacity for temporary storage of waste in terms of these by-laws;

“*service provider/contractor*” means the person, firm or company whose tender/quotation has been accepted by or on behalf of the Council 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;

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

“*tariff*” means the prescribed charge determined by the Council in terms of any applicable legislation for any service rendered by the Council in terms of these bylaws;

“*waste*” means 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 or not such substance, material or object can be re-used, recycled or recovered.

“*waste management hierarchy*” means waste management systems and options starting from generation, storage, recycling, recovery, treatment and final disposal of all type of waste

General duty of care

4. (1) Every person has a duty to manage any waste generated by his or her activities or the activities of those persons working under his or her direction in such a manner that the waste does not cause harm to human health or damage to the environment. In particular, the person must ensure that:

- (a) waste generation is avoided and where such waste cannot be avoided, minimize the toxicity and amounts of waste;
 - (b) waste is reduced, reused, recycled or recovered;
 - (c) where waste must be disposed of, the waste is treated and disposed in an environmentally sound manner;
 - (d) the waste is managed in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts.
- (2) Any person subject to the duty imposed in subsection (1) may be required by the Council or an authorised official to take measures to ensure compliance with the duty.
- (3) The measures referred to in subsection (2), that a person may be required to undertake include—
- (a) investigation, assessment and evaluation of the impact that their activities, the process or a situation have on the environment;
 - (b) informing and educating employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing damage to the environment;
 - (c) ceasing, modifying or controlling any act, process, situation or activity which causes damage to the environment;
 - (d) containing or preventing the movement of pollutants or other causes of damage to the environment;
 - (e) eliminating or mitigating any source of damage to the environment; or
 - (f) rehabilitating the effects of the damage to the environment.

Service providers/ Contractors

5. The Council may discharge any of its obligations by entering into a service delivery agreement with a service provider or service providers

- (1) Subject to the provisions of the Rural District Act or any other legislation, the Council may assign to a service provider any power enjoyed by the Council under these by-laws: provided that the assignment is required for the service provider to discharge an obligation

under its service delivery agreement, but the accountability shall remain with the Council.

- (2) Service providers must provide services in accordance with a clients charter which must be drawn up in consultation with the Council and which must-
 - (a) accord with the provisions of these by-laws;
 - (b) be accessible to the public;
 - (c) establish the conditions of the service including collection times; and
 - (d) provide for the circumstances in which Municipal services may be limited.

Storage and receptacles for general waste

6. (1) Any person or owner of premises where general waste is generated must ensure that such waste is stored in a receptacle provided or approved by the Council. In this section, the person or owner of premises must ensure that-
 - (a) the receptacle is stored inside the yard where applicable, away from the public area when still waiting for collection;
 - (b) on agreed collection date, it should be placed outside the premises in an area accessible to the municipal officials or service providers;
 - (c) pollution and harm to the environment is prevented;
 - (d) waste cannot be blown away and that the receptacle is covered or closed;
 - (e) measures are in place to prevent tampering by animals;
 - (f) nuisance such as odour, visual impacts and breeding of vectors do not arise;
 - (g) suitable measures are in place to prevent accidental spillage or leakage;
 - (h) the receptacle is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of the waste;
 - (i) receptacle(s) provided by the Council is/are not used for any other purpose other than storage of waste;
 - (j) in cases where a receptacle (s) is damaged or corroded, the owner or occupier must notify the Council and arrange for replacement as soon as it comes to their attention;
 - (k) waste is only collected by the Council or authorised service provider; and
 - (l) in cases where an owner or occupier is not available on the day of collection, make necessary arrangements to ensure the receptacle is accessible by the council on collection date

Removal of waste

7. (1) The Council shall provide a service for the collection and removal of business and domestic waste from premises at the tariff charge.

(2) The occupier of the premises on which business or domestic waste is generated, shall avail himself of the Council's service for the collection and removal of such waste.

(3) The owner of the premises in which the business or domestic waste is generated, shall be liable to the Council for all charges in respect of the collection and removal of waste from such premises.

(4) Council shall not be responsible for the safe keeping of any waste receptacle after removal of waste from any premises.

Notices to Council

8. The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises, on which business waste or domestic waste is generated, shall within seven days after the commencement of occupation of such premises, notify the Council that the premises are being occupied, whether or not business waste or domestic waste is being generated on the premises.

Waste disposal

9. (a) Waste generated in the Council area must be disposed of at a waste disposal facility as directed by the Council.

(b) In disposing of waste the operator of the site must comply with the provisions of any other legislation regulating the disposal of waste.

(c) No person shall dispose waste at a council owned disposal site.

Storage, separation and collection of recyclable domestic waste

10. (1) Any person who is undertaking any activity involving reduction, re-use, recycling or recovery of waste including scrap dealers, buy-back centres and formalised recycling groups must before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste and must get approval from the Council;

(2) Any person undertaking the activities contemplated in subsection (1) must adhere to the requirements set out in national or provincial legislation.

(3) The Council may require any person or owner of premises to separate their waste and use different receptacles provided by the Council or service provider.

(4) In cases where the Council, service provider or industry has provided separate receptacles for recyclable material, no person may use other receptacles for recyclable material.

Removal and disposal of garden and bulky waste

11. (1) The occupier or, in the case of premises occupied by more than one person, the owner of premises on which garden or other bulky waste is generated, shall ensure that such waste be disposed of within a reasonable time after the generation thereof.

(2) Any person may remove and dispose of garden or other bulky waste.

(3) Garden or other bulky waste removed from the premises on which it was generated, shall be deposited on a site designated by the Council as a disposal site for such waste.

The Council's special service

12. (1) At the request of the owner of any occupier of any premises, the Council shall remove garden and other bulky waste from premises, provided that the Council is able to do so with its waste removal equipment.

(2) All such waste shall be placed within 3 metres of the boundary loading point, but not on the side walk.

Generation, storage, collection, re-use and disposal of building waste

13. (1) The owner or occupier of premises on which building waste is generated and person conducting an activity which causes such waste to be generated, must ensure that—

a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;

b) the premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;

c) any building waste which is blown off the premises is promptly retrieved; and

d) pursuant to any instructions from the Council, any structure necessary to contain the building waste is constructed.

(2) Any person may operate a building waste removal service subject to adherence to relevant legislation.

(3) Should the Council provide such a service, it shall be done at a prescribed tariff.

(4) The owner or occupier of premises may apply to the Council for written consent to place an appropriate receptacle for the storage and collection of building waste in the road reserve for the period of such consent.

(5) Every receptacle, authorised in terms of subsection (4) and used for the removal of building waste, must –

a) have a clearly marked name, address and telephone number of the person in control of such approved receptacle;

b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and

c) be covered at all times other than when actually receiving or being emptied of such waste so that no displacement of its contents can occur.

(6) The owner or occupier of premises on which building waste is generated must ensure that the waste is disposed of at a facility designated for that purpose by the Council.

(7) For the purpose of reclamation of land, reuse or recycling, building waste may with written consent of the Council, be deposited at a place other than the Council's waste disposal sites subject to the conditions, as the Council may deem necessary.

Containers

14. (1) If containers or other receptacles used for the removal of builders waste, bulky waste or other waste material from premises can in the opinion of the Council not be kept on the premises, such containers or other receptacles may with the written consent of the Council be placed in the roadway for the period of such consent.

(2) Any consent given in terms of subsection (1) shall be subject to such conditions as the Council may deem necessary: Provided that in giving or refusing its consent or in laying down conditions the Council shall have regard to the convenience and safety of the public.

(3) The written consent of the Council referred to in subsection (1) shall only be given on payment of the tariff charge for the period of such consent.

(4) Every container or other receptacle used for the removal of builders waste, shall –

- a) have clearly marked on it the name and address or telephone number of the person in control of such container or other receptacle;
- b) be fitted with reflecting chevrons or reflectors which shall completely outline the front and the back thereof; and
- c) be covered at all times other than when actually receiving or being emptied of such waste so that no displacement of its consent or that nuisance can occur.

Notification of generation of special industrial waste

15. (1) Any waste generator who generates special industrial, hazardous or medical waste or an owner of premises where such waste is generated must contract with an accredited service provider to collect and dispose of such waste at a licensed hazardous waste disposal facility.

(2) Subsection (1) does not apply to generators of waste who have the capacity to conduct the service.

(3) Any person transporting industrial, hazardous or medical care waste must ensure that the facility or place to which such waste is transported is

authorised to accept such waste prior to offloading the waste from the vehicle.

(4) The person referred to in subsection 15(1) shall ensure that the special industrial waste generated on the premises is kept and stored thereon in until it is removed from the premises provided that it shall be stored in such manner that it cannot become a nuisance or pollute the environment.

(5) If special industrial waste is not stored in terms of subsection (2) on the premises on which it is generated, the Council may order the owner of the premises to remove such waste within a reasonable time and, if thereafter such waste is not removed within such time, the Council may by itself or through a contractor remove it at the owner's expense.

(6) No person shall remove special industrial waste from the premises on which it was generated without, or otherwise than in terms of, the written consent of the Council.

(7) 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 waste;
- b) the suitability of the vehicle and container to be used;
- c) the place where the waste shall be dumped; and treated
- (d) proof to the Council of such dumping.

(8) The Councils 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 waste and to comply with the conditions laid down by the Council.

Storage, transportation, removal and disposal of infectious waste

16. (1) All infectious waste must be placed at the point of generation into a container approved by the Council.

(2) The container used for the storage of sharp objects must be constructed of such 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.

(3) The container used for the disposal of other infectious waste must be constructed of a suitable material, preventing the leakage of the contents. The container must be fitted with a safe and hygienic lid, which must be sealed after use.

(4) All containers must be adequately labelled and marked with the universal biohazardous waste symbol.

(5) The vehicle transporting infectious waste must be clearly marked indicating infectious waste in transit.

(6) The vehicle used for the transportation of infectious waste must be so designed that the driver's cab is separated from the load area. The load area must be enclosed with suitable sealable, lockable doors.

(7) All loads being carried must be invoiced, indicating the premises from which the infectious waste was generated and the premises where the waste will be disposed of.

(8) The Council may remove infectious waste from the premises of generation and dispose thereof in a safe, sanitary and supervised manner, and the owner of such premises shall be liable to the Council for payment of the tariff charges in respect of such services.

(9) Approved private contractors may remove and dispose of infectious waste after written consent has been granted to such contractor by the Council.

(10) Infectious waste may be disposed of in an approved high temperature pollution free incinerator on the premises of origin after written consent has been granted by the Council.

(11) The burning temperatures in the primary and secondary chambers of the incinerator to exceed 800 degrees Celsius and 1 000 degrees Celsius respectively and also have rapid cooling to prevent carcinogenic chemicals from entering the atmosphere.

On-site disposal

17. (1) The Council may, as it deems fit in an area where a council waste management service is not already provided, after consultation with the concerned community, declare an area(s) as demarcated for on-site disposal of general waste.

(2) A declaration contemplated in subsection (1) must be published in a gazette and local newspaper and may include but not limited to—

- (a) time frames for such a declaration;
- (b) minimum standards to be adhered to for on-site disposal; and
- (c) quantity of waste that may be disposed.

(3) The Council has a right to inspect the areas contemplated in subsection (1) on a regular basis

Burning of waste

18. No person may-

- 1) dispose of waste by burning it, either in a public or private place;
- 2) incinerate waste either in a public or private place except in an incinerator licensed by the relevant national or provincial authorities to do so, or at a place designated by the Council for such purpose.

Requirements for registration

19. (1) Any person who transports waste for gain must adhere to the requirements as directed by Environmental Management Agency.

(2) The Council may, by notice in the gazette and local newspaper, require any person or category of transporters to register and report to the Council information as set out in that notice. The notice may include, but not limited to-

- a) the application forms;
- b) a prescribed fee;
- c) renewal intervals;
- (d) list of transporters, types and thresholds of waste transported;
- (e) minimum standards or requirements to be complied with.

(3) Any person conducting listed activities of hazardous generation of waste, recovery and recycling of waste, treatment of waste, disposal of waste, exportation of hazardous waste must register and report with Environmental Management Agency and submit registration certificate to council for stamping for a fee

Liability to pay applicable tariffs

20. (1) The owner of premises where the Council is rendering waste services contemplated in this by-law is liable for the payment of prescribed tariffs for such services, and is not exempted from or reduction of such tariffs due to non-usage, partial or limited use of such services.

(2) The Council reserves the right to review such tariffs contemplated in subsection (1) on an annual basis.

Offences and penalties

21. Any person who contravenes or fails to comply with a provision of these by-laws is guilty of an offence and liable on conviction to a level 6 fine or imprisonment or to both such fine and imprisonment.