CITY OF CAPE TOWN INTEGRATED WASTE MANAGEMENT BY-LAW, 2009

APPROVED BY COUNCIL : 30 MARCH 2009

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CITY OF CAPE TOWN

INTEGRATED WASTE MANAGEMENT BY-LAW, 2009

To regulate the avoidance, minimisation, generation, collection, cleaning and disposal of waste; and for matters related thereto.

Preamble

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:-

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Definitions

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

"**accredited service provider**" means a person or entity accredited by the City in accordance with its guidelines published from time to time and who provides a waste management service in the City and may include, but is not limited to, large and small business, entrepreneurs, community cooperatives, and venture learnerships;

"**building waste"** means waste produced through the construction, alteration, repair or demolition of any structure both manmade and natural, and includes rubble, earth, wood and rock that is displaced during any construction, alteration, repair or demolition, but excludes garden 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;

"dump" means to dispose of waste in any manner other than one permitted by law and includes, without derogating from the generality of the aforegoing, 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 health care risk waste and any waste that may, by circumstances of the production, use, quantity, concentration or inherent physical, chemical or toxicological characteristics thereof, have a significant adverse effect on the environment, or the health of a person or other living organism;

"**health care waste**" means any waste-

(a) Generated by or derived from medical care or medical research including but not limited to-

(i) infectious waste;
(ii) pathological waste;
(iii) sharp waste;
(iv) pharmaceutical waste;

(v) genotoxic waste;

(vi) chemical waste;

(vii) pressurized container waste;

(viii) waste with heavy metals;

(ix) radioactive waste;

(x) general waste

(b) That has been in contact with blood, bodily fluids or tissues from humans, or infected animals from veterinary practices;

“infectious waste” means waste that is suspected to contain pathogens in a sufficient concentration or quantity to cause disease in susceptible hosts, and includes cultures and stocks of infectious agents from laboratory work, waste from surgery and autopsies on corpses with infectious diseases, waste from infected patients in isolation wards, waste that has been in contact with infected patients undergoing haemodialysis, infected animals from laboratories, sanitary waste materials and tissues including swabs and any other instruments or materials that have been in contact with infected persons or materials;

“pathological waste” includes all human tissues, organs, body parts, foetuses, blood and bodily fluids and those also those of animals;

“sharp waste” includes items that could cause cuts or puncture wounds and includes, but is not limited to, needles, hypodermic needles, scalpels and other blades, knives, infusion sets, saws, broken glass and nails, and the word "sharp" has a corresponding meaning;

“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;

“genotoxic waste” means highly hazardous waste that may have mutagenic, teratogenic or carcinogenic properties and includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cytostatic drugs, chemicals and radioactive material;

“chemical waste” includes discarded solid, liquid and gaseous chemicals;

“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;

“pressurized container waste” includes pressurized cylinders and cartridges used in health care facilities to store gases;

“radioactive waste” includes solid, liquid and gaseous materials contaminated with radionuclides, including waste produced as a result of procedures such as *in vitro* analysis of body tissue and fluid, *in vivo* organ imaging and tumour localization and various investigative and therapeutic practices;

“general waste” is a generic term for waste that, because of its composition and characteristics, does not pose a significant risk to public health or the environment if managed properly, and typically consists of plastics, paper, food and liquids not considered to be infectious or contaminated with hazardous chemicals or radioactivity;

"**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 any organ of state;

"**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;

"residential waste" means waste that emanates from premises used wholly or mainly for residential, educational, sport or recreational purposes and may include recyclable materials and non-recyclable material, but excludes hazardous 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;

"**waste**" means any matter, whether gaseous, liquid or solid or any combination thereof, which is from time to time designated by the National Minister of Environmental Affairs and Tourism by notice in the *Government Gazette* or by the member of the Executive Council of the Province of the Western Cape who is responsible for waste management in the Province of the Western Cape, as an undesirable or superfluous by-product, emission, residue or remainder of any process or activity;

"**waste generator**" means a property owner, a household, organisation or business entity, the inhabitants, occupants or employees of which generate waste and includes sorters of waste such as recycling or waste minimisation groups, scrap dealers and buy-back centres;

"**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.

Application of this By-law

2. 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.

Categorisation of waste

3.(1) Waste shall be categorised in accordance with the definitions of the various types of waste in this By-law, and the Environmental Heath 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.

Obligations of waste generators

4.(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 in 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 of 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 be, 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.

(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 the 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.

Hazardous waste

5.(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.

Event waste

6.(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.

Priority waste

7.(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.

Emergencies requiring the management of waste

8.(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.

Establishment of formal waste minimisation clubs in communities or businesses

9.(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.

Integrated waste management plan

10.(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 therefore; 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.

(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).

Exemptions from submitting an integrated waste management plan

11.(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.

Storage and transportation of waste

12.(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; and

(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.

(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.

Recycling, re-use, sorting and recovery of waste

13.(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.

Prohibition of unauthorised disposal of waste

14. 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 residential, 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.

Littering and dumping

15.(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 shall immediately remove same and thereafter issue notices that the person concerned is liable for the cost of the removal and rehabilitation of the area.

Licences

16. 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.

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

17. (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.

Access to private property

18.(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.

Premises inaccessible for refuse collection

19. 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 persons cost.

Compliance notices

20.(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 therefore.

(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.

Service of documents and process

21. 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.

Failure to comply with the By-law and enforcement

22.(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 occasion 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.

Offences and penalties

23.(1) A person who contravenes sections 12(b), 12(f), 15(1) shall be guilty of an offence and shall on conviction be liable for –

(a) littering or dumping over 8m3 of waste or hazardous waste;

(b) spillage or leakage over 8m3 of waste without putting in place suitable measures;

(c) conveying of an uncovered load of hazardous waste of any volume;

(d) conveying of an uncovered or unsecured load which results in spillage over 8m3 of waste or hazardous waste,

such fine or imprisonment as the court may deem appropriate 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 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 minimum fine of R500 but not exceeding R10 000 or imprisonment for a minimum period of 6 months but not exceeding 2 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 to 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 and the environment.

Delegations by the waste management officer

24. 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.

Functions and powers of waste management officer

25. 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.

Amendments to waste removal services

26. 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.

Transitional provisions

27. 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.

Guidelines

28. 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.

Repeal of By-laws

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

Interpretation

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

Short title and commencement

31. This By-law is called City of Cape Town: Integrated Waste Management By-law, 2009 and comes into operation on promulgation in the Provincial Gazette.

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)
In addition:	
Unicity	Littering and Dumping By-law (Provincial Gazette 5894, 21 June 2002)

SCHEDULE

ADMISSION OF GUILT FINES

SECTION	OFFENCE	FINE
Section 15(1)	Littering or dumping under $1m^3$	R500
	Littering or dumping over $1m^3$ to $3m^3$	R1000
	littering or dumping over $3m^3$ to 5 m^3	R1 500
	Littering or dumping over $5m^3$ to 7 m^3	R2000
	litter or dumping over $7m^3$ to 8 m^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

ISIHLOMELO A: UMTHETHO OHLANGENEYO OYILWAYO KAMASIPALA WOLAWULO LWENKUKUMA (UYILO V-9 LOKUTHATYATHWA KWENXAXHEBA LULUNTU, JANYUWARI 2009)

Ukulawula ukuphetshwa, ukuncitshiswa, ukuveliswa, ukuqokelelwa, ukucocwa, nokulahlwa kwenkunkuma; kunye nemicimbi enxulumene noko.

INTSHAYELELO

NJENGOKO iSixeko sinegunya elisemthethweni phantsi koMgaqo-siseko ngokubhekiselele kukuhanjiswa kwenkunkuma, kwiindawo zokulahla inkunkuma kunye nokulahlwa kwenkunkuma eqinileyo;

NJENGOKO iSixeko saseKapa ("”Isixeko") sinoxanduva lokulawula nokongamela ukulawulwa kwenkunkuma ukulqinisekisa ngokhuseleko, impilo nokuzinza kokusingqongileyo nokuqinisekisa ngento yokokuba amalungelo abantu akhuselekile;

NJENGOKO iSixeko sithanda ukunciphisa ukuveliswa kunye negalelo lenkunkuma kokusingqongileyo ukulungiselela into yokokuba uphuhliso loqoqosho lwentlalo, impilo yabantu abakwimida yeSixeko, kunye nokulunga kwezibonelelo zokusingqongileyo akuchatshazelwa ngokungafanelekanga yinkunkuma;

NJENGOKO iSixeko sifuna ukuqinisekisa ngento yokokuba bonke abemi, imibutho, amaziko, amashishini, abatyeleli okanye abakhenkethi kunye namasebe karhulumente anakho ukufumana iinkonzo kumnikezeli ngenkonzo yolawulo lwenkunkuma; yaye

NJENGOKO iSixeko sifuna ukulawula ukuveliswa kwenkunkuma, ukucoca, ulwahlulo, ukugcinwa, ukuqokelelwa, ukwenziwa ingonakali, ukunyangwa, ukulungiswa kwayo ibe nokusebenza kwakhona, ukusetyenziswa kwakhona nokulahlwa kwenkunkuma kubandakanywa ukungcolisa nokulahlwa kwenkunkuma okungekho mthethweni nokulawulwa kwamaziko asetyenziselwa ulawulo lwenkunkuma, sinenjongo yokugqibela yokuphepha ukuveliswa okanye ukuncitshiswa kokuveliswa kwenkunkuma...

IMILISELWE siSixeko saseKapa, ngale ndlela ilandelayo.

<u>Isalathiso</u>

1. Iinkcazelo

2. Ukusetyenziswa kwalo mthetho kaMasipala

3. Ukwahlulwa ngokwendidi zenkunkuma

4. Uxanduva lwaBavelisi beNkunkuma

5. INkunkuma eyiNgozi

6. INkunkuma yesiganeko

7. INkunkuma engundoqo

8. Ithuba likaxakeka elifuna ulawulo lweNkunkuma

9. Ukusekwa kwengingqi ezisesikweni okanye amashishini anciphisa inkunkuma kuluntu okanye kumashishini

10. isiCwangciso esiHlanganisiweyo soLawulo lweNkunkuma

11. Ukukhululwa ekubeni ungenise isiCwangciso soLawulo lweNkunkuma

12. Ukugcinwa nokuHanjiswa kweNkunkuma

13. Ukulungiselelwa ukusetyenziswa kwakhona, ukusetyenziswa kwakhona ukufunyanwa kwakhona kweNkunkuma

14. Ukuthintelwa kokuLahlwa okungekho mthethweni kweNkunkuma,

15. Ukungcolisa nokuLahla

16. Amaphepha-mvume

17. Iinkonzo zolawulo lwenkunkuma, izicelo kunye noBhaliso lokuqokelelwa kwenkunkuma neenkonzo zokuhanjiswa.

18. Ilungelo lokungena kumaziko angasese

19. Amaziko angangenekiyo ukulungiselela ukuqokelelwa kwenkunkuma

20. Izaziso zokuthobela nokuhambelana

21. Ukuthunyelwa kwamaxwebhu nokuqhutywa

22. Ukusilela ukuthobela uMthetho kaMasipala nokunyanzeliswa

23. Amatyala nezohlwayo

24. Izigunyaziso ligosa lolawulo lwenkunkuma

25. Imisebenzi kunye namagunya egosa lolawulo lwenkunkuma

26. Izilungiso kwiinkonzo zokuthuthwa kweNkunkuma

27. Izibonelelo zethutyana

28. Izikhokhelo

29. Ukuguzulwa koMthetho kaMasipala wangaphambili

30. Inkcazelo

31. Isihloko esifutshane kunye nokuqalisa

--oOo—

IINKCAZELO

1. Kulo Mthetho kaMasipala, ngaphandle kokuba ubume bubonisa enye into;

"**Iziko lokuLahlela iNkunkuma elamkelweyo**" – Lithetha umntu okanye okanye iziko elamkelweyo siSixeko ngokuhambelana nezikhokhelo zalo ezipapashwa kumaxesha ngamaxesha elibonelela ngenkonzo yalawulo lwenkunkuma kwiSixeko, yaye lingabandakanya, kodwa kungaphelelwanga apho, amashishini amakhulu namancinane, abarhwebi, ookopolotyeni boluntu, kunye namalinge emfundo oyiqhuba usebenza;

"INkunkuma yoLwakhiwo" – Ithetha iNkunkuma evela kulwakhiwo, kulungiso lwendlu, ukulungisa okanye ukudiliza nasiphi na isakhiwo esakhiweyo nesizivelele ngokwendalo, yaye kubandakanywa amaqhekeza amatye, umhlaba, imithi kunye namatye athe asuswa ngexesha lolwakhiwo, lolungiso okanye lokudiliza kodwa kungabandakanywa inkunkuma yasegadini;

"**INnkunkuma yeShishini**" – Ithetha inkunkuma ephuma kumaziko athi asetyenziswe, nokokuba ngokusemthethweni okanye ngokungekho mthethweni ikakhulu, ukulungiselela urhwebo, ukuthengisa, ihoseyile, ukuyolisa okanye iinjongo zolawulo lukarhulumente, ze ngokunjalo libhekiselele kwinkunkuma eveliswa ngabathengisi abangekho sikweni kwenye neendawo ekulahlwa kuzo apho imisebenzi yorhwebo iqhutywa khona;

“ISixeko” sithetha iSixeko saseKapa esisekwe siSaziso sePhondo esinguNombolo 479 wama-2000 okanye abalandeli ngesihloko;

"**UMlawuli**" Uthetha uMlawuli onoxanduva lolawulo lwenkunkuma eqinileyo kwiSixeko;

"Ukulahla" kuthetha ukulahlwa kwenkunkuma nangayiphi na enye indlela engeyiyo leyo ivunyelwe ngumthetho kwaye kubandakanya, kungakhange kuthotywe kuninzi olungaphambili, ukushiya, ukuthula, ukuchitha okanye ukukhululwa kwenkunkuma, nokokuba inkunkuma ikwinkonxa okanye kumgqomo omkhulu, phakathi okanye nakuyiphi na indawo nokokuba ikwindawo kawonke wonke okanye kwindawo yangasese enomniniyo, kubandakanywa kodwa kungaphelelwanga apho kumhlaba ongena nto, kwimilambo, kwindlela-manzi, kwingingqi ekuqokelelwa kuzo amanzi emvula, kunye nemibhobho ethwala amanzi amadala kunye nezixokelelwano zamanzi esichotho kungabandakanywa ukulahlwa kwenkunkuma;

“Inkunkuma yesiganeko” ithetha inkunkuma evela kwimicimbi enxulumene nemiyhadala ukuya kwiziganeko ezibanjwe siSixeko;

"**INkunkuma yaseGadini**" ithetha inkunkuma yezinto eziphilileyo ezithi zivele egadini okanye kwimisebenzi yemifanekiso yembonakalo-mhlaba eyenziwa ezindlwini, kumashishini okanye kwimizi mveliso yorhwebo kubandakanywa kodwa kungaphelelwanga apho, umhlaba, ukuchetywa kwengca, amagqabi kunye namasebe, yaye kubandakanywa nezinto ezinokuboliswa ziintsholongwane ze kubandakanywe nenkunkuma evela kumakhaya kushishino okanye kwizakhiwo zorhwebo, kodwa

ayiyibandakanyi imveliso yenkunkuma evela kwizilwanyana;

"**INkukuma eyingozi**" – Ithetha inkunkuma eyingozi yololongo lwempilo kunye nayiphi na, inkunkuma enokuthi, ngeemeko zemveliso, zokusebenzisa, ubungakanani, ibe namandla okanye amandla omzimba, ibe yeyamachiza okanye ibe neempawu zobuhlungu, zibe nefuthe eliyingozi kakhulu kokusingqongileyo, okanye kwimpilo yomntu okanye nasiphi na isilwanyana esiphilayo;

"**INkunkuma yololongo lwempilo**" – ithetha nayiphi na inkunkuma-

(a) Eveliswa okanye ephuma kulolongo lwezonyango okanye uphando lwezonyango kubandakanywa kodwa kungaphelelwanga kwi-

(i) Inkunkuma eyasulelayo;

(ii) Inkunkuma yezifo;

(iii) Inkunkuma ebukhali

(iv) Inkunkuma yamayeza

(v) Inkunkuma yegenotoxic

(vi) Inkunkuma yamachiza

(vii) Inkunkuma kwinkonxa enoxinzelelo olulinganisiweyo

(viii) Inkunkuma enesinyithi esinzima

(ix) Inkunkuma yemitha ebangwa kukuqhekeka kweathom

(x) Inkunkuma ngokubanzi

(b) Ethe yahlangana negazi, ulwelo lomzimba okanye inyama ethile emzimbeni womntu, okanye izilwanyana ezinezifo ezivela kwimisebenzi yemfuyo.;

“Inkunkuma eyasulelayo” Ithetha inkunkuma erhaneleka ukuba iqulathe iipathogen enamandla awomeleleyo okanye ubungakanani obunokubangela isifo kuninzi lwabantu abanobuntuntunu, yaye ibandakanya iintsholongwane kunye noninzi lwezinto ezasulelayo ezivela kumsebenzi waselebhu, inkunkuma evela kutyando notyando lwezidumbu ezinezifo ezasulelayo, inkunkuma evela kwizigulana ezasuleleke zizifo ezikumawodi awodwa, inkunkuma ethe yahlangana nezigulana ezasulelekileyo ezenza ihaemodialysis, izilwanyana ezasulelekileyo ezivela kwiilebhu, inkunkuma yempahla esetyenziswa ngamabhinqa xa esexesheni kunye namalaphu (kubandakanywa ilaphu

okanye uboya bokucoca inxeba) kunye naso nasiphi na isixhobo okanye impahla ethe yabe isetyenziswe kumntu owasulelekileyo okanye impahla.

"Inkunkuma yezifo" Ibandakanya zonke izicwili zomntu, amalungu, amalungu omzimba, iimfambilini, igazi, kunye nolwelo lomzimba kunye nolo lwezilwanyana ezasuleleke zizifo.

"Inkunkuma ebukhali" Ibandakanya izinto ezinokuthi zibe nokubangela amanxeba okanye izilonda zokuhlatywa yaye kubandakanywa kodwa kungaphelelwanga koku, iinaliti, iinaliti ezihlaba phantsi kwesikhumba, iingadla zooGqirha kunye nezinye incakula, iimela, izixhobo zokutsala, iisarha, iiglasi eyaphukileyo kunye nezikhonkwane yaye igama "Ubukhali" linentsingiselo engqinelanayo.

"Inkunkuma yamayeza" Ibandakanya imveliso zamayeza eziphelelwe lixesha, ezingasetyenziswanga, ezichithekileyo nezisulelekileyo, amayeza akhusela umntu angasuleleki kunye nezitofu ezingasadingekiyo yaye ekufuneka zilahlwe ngendlela efanelekileyo.

"Inkunkuma yeGenotoxic" ithetha inkunkuma eyingozi kakhulu enokuthi ibe nokukhuthaza inguquko, ungemi kakuhle kwesihluma sembewu okanye umntwana osakhula esizalweni ibandakanya amayeza avelise umhlaza kunye namayeza athile esinyi ngokunjalo nokugabha, ukuchama okanye ilindle elivela kwizigulane ezinyangwa ngamayeza esinyi, amachiza kunye nezinto ezibangelwa yimitha ebangelwa kukuqhekeka kweathom.

"Inkunkuma yamachiza" kubandakanywa amachiza aqinileyo alahliweyo, alulwelo kunye nanegesi.

"Inkunkuma enesinyithi esinzima" ibandakanya inkunkuma yemekyuri evela kwiithemometha, isilinganiso soxinzelelo lwegazi, intsalela kumsebenzi wamazinyo, inkunkuma yesiqalelo esithile esithambileyo nesimhlophe evela kwiibhetri ezilahliweyo, amacandelo omthi omeleziweyo osetyenziswa kukhuselo lokukhupha imitha kunye namayeaza aqulathe iarseniki. .

"Inkunkuma kwinkonxa enoxinzelelo olulinganisiweyo" ibandakanya iisilinda ezinoxinzelelo kunye neembumbulu eziliphanga ezisetyenziswa kwizibonelelo zolololongo lwempilo ukugcina iigesi.

"Inkunkuma yemitha ebangwa kukuqhekezwa kweeathomi' ibandakanya impahla eqinileyo, elulwelo neyigesi esuleleke yimitha ebangwa kukuqhekeka kweathom

eneeprotoni neenyutroni, kubandakanywa inkunkuma evele ngenxa yeenkqubo ezinjengohlahlelo lwenkqubo yenyama yomzimba kunye nolwelo oluqhutywa kwityhubhu, iinkqubo eziqhutywa kumalungu aphilileyo, kunye nokunqandwa kwethumba lingandi, kunye nohlobo olwahlukeneyo kunye neendlela zonyango.

“Inkunkuma ngokubanzi” ligama lohlobo oluthile lwenkunkuma ethi, ngenxa yendlela equlunqwe ngayo kunye neempawu zayo, ibe ayidali ngozi ibonakalayo kwimpilo yoluntu okanye kokusingqongileyo ukuba ilawulwa kakuhle, yaye olu hlobo lwenkunkuma luqulathe iiplastiki, amaphepha, ukutya kunye nolwelo oluthathwa njengolungasuleliyo okanye olungasulelekanga ngamachiza ayingozi okanye imitha ebangwa kukuqhekeka kweathomi.

"**Inkunkuma eyingozi kulolongo lwempilo**" ithetha into yokokuba inxalenye yenkunkuma yololongo lwempilo ethi ibe yingozi yaye ibandakanya inkunkuma esulelayo, inkunkuma yezifo, inkunkuma ebukhali, inkunkuma yamayeza, inkunkuma yegenotoxic, inkunkuma yamachiza, inkunkuma enentsimbi enzima, inkunkuma yemitha ebangwa kukuqhekeka kweathomi, kunye nayiphi na enye inkunkuma yololongo lwempilo ethi ichazwe njengengozi ngokubhekisele kuLuhlu loLawulo lwenkunkuma: Uxwebhu loku-1: *Ubuncinane beeMfuno / okanye ukuPhatha, uHlelo nokuLahlwa kweNkunkuma eyiNgozi,* njengoko ipapashwe liSebe leMicimbi yaManzi naMahlathi okanye nawo nawuphi na omnye umthetho osebenzayo;

"**Abagcini beNkunkuma**" bathetha nawuphi na umntu ongenisa, ovelisa, ogcina, oqokelela, ohambisa, owenza ingonakali, onyanga, othumela okanye olahla inkunkuma yaye kubandakanywa nabayenza isebenze ngokutsha kunye nabashishina ngezinto ezilahliweyo;

"**INkunkuma yamashishini**" ithetha inkunkuma ethi ivele kumaziko athi asetyenziswe ngokupheleleyo okanye ngokumandla esetyenziselwa iinjongo zoshishino ze avelise inkunkuma ngenkqubo zokwenziwa, zoshishino okanye zokubumba, kubandakanywa iindawo ezisetyenziselwa imisebenzi yezolimo, imisebenzi yezimbiwa okanye ukusebenza kwezitishi zamandla;

"**IsiCwangciso esiHlanganisiweyo soLawulo lweNkunkuma”** sithetha isiCwangciso esiHlanganisiweyo soLawulo lweNkunkuma esithi sifunwe siSixeko ngokwemiqathango yalo Mthetho kaMasipala okanye esithi sifunwe ngokwemiqathango yawo nawuphi na omnye umthetho osebenzayo

"Isibonelelo sokulahlwa kwenkunkuma okunephepha-mvume" sithetha isiza, okanye izakhiwo ezinamaphepha-mvume avela kwiPhondo leNtshona Koloni okanye

kuRhulumente weSizwe ze zisetyenziselwe ukuqokelelela okanye ukulahlela inkunkuma;

"**Ungcoliso**" kuthetha inkunkuma, kungabandakanywa inkunkuma eyingozi, evela kwimisebenzi eqhutywa kwimimandla kawonke wonke ethe ayalahlwa kwimigqomo yenkunkuma kawonke wonke;

"**Umnini**" Ubandakanya umnini obhalisiweyo, umqeshi okanye umhlali kwindawo leyo, okanye umntu ophetheyo okanye olawulayo kuyo nayiphi na indlu okanye inxalenye yoko ongaphezulu kweminyaka eli-16 ubudala, kunye naye nawuphi na na umntu ofumana isibonelelo kwezi zindlu okanye onelungelo kuzo;

"**Umntu**" Ubandakanya nawuphi na umbutho karhulumente;

"**Inkunkuma engundoqo**" ithetha inkunkuma ebhengezwe njengaleyo nguMlawuli ngokwemiqathango yalo Mthetho kaMasipala okanye ngokwemiqathango yomthetho wesizwe okanye wephondo;

"**Izinto ezinakho ukwenziwa ziphinde zisebenze**" zithetha nayiphi na impahla enakho ukuguqulwa kwisimo ebe ikuso ize ibe nokuphinda isetyenziswe ukwenza iimveliso ezintsha okanye izibonelelo;

"Inkunkuma yasezindlwini" ithetha inkunkuma ethi ivele kwizindlu ezisetyenziswa ngokupheleleyo okanye ikakhulu ukuhlala, ezemfundo, ezemidlalo okanye iinjongo zokuzonwabisa kungabandakanywa impahla enokusetyenziswa khakhona kunye nempahla engenakho ukwenziwa isetyenziswe kwakhona, kodwa kungabandakanywa inkunkuma eyingozi;

"**UMgaqo-nkqubo weRhafu noMthetho kaMasipala weRhafu**" uthetha uMgaqo-nkqubo weRhafu noMthetho kaMasipala weRhafu owamkelwe libhunga likaMasipala wapapashwa kwiGazethi yePhondo ngamathuba athile;

"Inkunkuma" ithetha nayiphi na into, nokuba yigesi, ilulwelo okanye iqinile okanye nawuphi na umxube woku, othe kumathuba ngamathuba wachongwa nguMphathiswa weSizwe wemiCimbi yeNdalo kunye noKhenketho ngesaziso esikwiGazethi yePhondo okanye lilungu leBhunga leSigqeba esiLawulayo lePhondo leNtshona Koloni elinoxanduva lolawulo lwenkunkuma kwiPhondo leNtshona Koloni, njengesiveliso esilisolotya esingamkelekanga okanye esigqithisileyo, esikhutshiweyo esiyintsalela okanye intshiyekelelo yayo nayiphi na inkqubo okanye umsebenzi;

"**Umvelisi wenkunkuma**" Uthetha umnini wesakhiwo, wekhaya, wombutho okanye weshishini, abemi, abahlali okanye abaqeshwa abavelisa inkunkuma yaye kubandakanywa abahleli benkunkuma abafana nabaguquli bezinto ebezisetyenzisiwe zibe nokusetyenziswa kwakhona okanye amaqela anciphisa inkunkuma, abashishina ngezinto ezilahliweyo kunye namaziko azithengayo kwakhona;

"**IGosa loLawulo lweNkunkuma**" Ithetha uMlawuli: uLawulo lweNkunkuma eQinileyo, okanye igosa ekubhekiselelwe kulo kwicandela lama-25 alo Mthetho kaMasipala;

"**Umbutho wokuncitshiswa kwenkunkuma"** uthetha iqela labantu, lona lihlala kwiindawo ezixineneyo zokuhlala okanye kwisakhiwo seeofisi, kwindawo yokuhlala esondeleleneyo eneendidi ezininzi zezakhiwo okanye kuphuhliso lwezoshishino, elinesivumelwano esamkelweyo nguMlawuli ngokwemiqathango yalo Mthetho kaMasipala ukunciphisa inkunkuma liza kuhlawuliswa irhafu ephantsi ngokwesicwangciso esihlangeneyo solawulo lwenkunkuma;

<u>Ukusetyenziswa koMthetho kaMasipala</u>

2. Kwimeko apho kuthe kakho impixwano phakathi kwalo Mthetho kaMasipala nawo nawphi na omnye umthetho weSixeko ojongene nolawulo lwenkunkuma lo Mthetho kaMasipala iya kuba nguwo osebenzayo.

3. **<u>Ukuhlelwa ngamacandelo kweNkunkuma</u>**

(1) Inkunkuma iya kuhlelwa ngokuhambelana nenkcazelo zeendidi ezahlukeneyo zenkunkuma ezikulo Mthetho kaMasipala kunye noMthetho kaMasipala weMpilo yezeNdalo njengoko uchaza inkunkuma yaMayeza yaye uya kutsho kwinto yokuba akucacanga ukuba olu hlobo lwenkunkuma luwela phantsi kwaliphi icandelo.

(2) isigqibo soMlawuli kufuneka, kuxhonyekekwe kuwo nakuwuphi na omnye umthetho, ibe siso esokugqibela nesibophelelayo kuhlelo lwenkunkuma.

4. **<u>Uxanduva lwabaVelisi beNkunkuma</u>**

(1) Umvelisi benkunkuma kufuneka-

(a) akuthintele ukuveliswa kwenkunkuma okanye apho ingenakho ukuthintelwa ukuba kuncitshiswe ubungozi kunye nobungakanani benkunkuma obuvelisiweyo.

(b) ahlule inkunkuma ngeenjongo zokunciphisa inkunkuma kunye nempembelelo yayo kwindalo nokugcina inkunkuma enakho ukwenziwa isebenze kwakhona yodwa kuleyo ingenakho ukuguqulwa ize isebenze kwakhona ngaphandle kwento yokuba inkunkuma yezoshishino yahlulwe ngokolwelo, ngamacandelo kunye nempahla enakho ukusetyenzwa ukulungiselela ukuba ibe nokusetyenziswa kwakhona;

(c) ayisebenzise kwakhona, ayiguqule ibe nokusetyenziswa okanye bayivuselele inkunkuma apho banakho.

(d) alahle inkunkuma enakho ukuguqulwa iphinde isebenze ngokuthi

(i) abe nesivumelwano neSixeko apho umvelisi wenkunkuma eya kuhlawuliswa ngerhafu esemgangathweni kaMasipala ngokomqathango woMthetho kaMasipala weRhafu;

(ii) apho uMasipala angenaso isibonelelo senkonzo enjalo abe nesivumelwano kunye noMnikezeli ngeNkonzo owamkelekileyo; okanye

(iii) ngokusa inkunkuma kwiziko elamkelekileyo lokulahlwa kwenkunkuma ze aqinisekise ngento yokuba inkunkuma inyangiwe okanye ilahlwa ngendlela ethathela ingqalelo indalo kwiziko lokulahla inkunkuma elamkelekileyo;

(e) alawule inkunkuma ukulungiselela into yokokuba ingabi nabungozi empilweni okanye kwindalo okanye udale ingxaki .

(f) agcina ucoceko olufanelekileyo kunye nemigangatho yempilo kwindawo ezo zabo njengoko kufunwa nguMthetho kaMasipala weMpilo yeNdalo weSixeko;

(g) asebenzise iinkonzo zokushenxisa inkunkuma ezinikezelwa siSixeko okanye umnikezeli ngenkonzo waso, ngaphandle kokuba iSixeko asiboneleli ngenkonzo yothutho lwenkunkuma ukulungiselela olu didi lwenkunkuma luza kulahlwa, kuloo meko injalo kuya kufuneka basebenzise umnikezeli ngenkonzo owamkelekileyo;.

(h) aqukumbele isivumelwano neSixeko, umnikezeli ngenkonzo waso okanye umnikezeli ngenkonzo owamkelekileyo, njengoko imeko inokuba njalo, ukulungiselela ukugcina nokuqokelelwa kwenkunkuma;

(i) agcine inkunkuma kwimigqomo enikezelwa siSixeko okanye ngumnikezeli ngenkonzo owamkelekileyo phambi kokuqokelelwa okanye apho umgqomo unganikezelwanga, mayigcinwe inkunkuma kwiingxowa zeplastiki ezimnyama oya kuthi umgqomo lowo okanye iingxowa eziya kuqokelelwa ngumnikezeli wenkonzo mhlawumbi kube kanye ngeveki ngokuhambelana neendlela njengoko zipapashwe siSixeko okanye umnikezeli

wenkonzo amathuba ngamathuba.

(j) umvelisi wenkunkuma uya kuhlawula irhafu ehlawuliswa siSixeko ukulungiselela iinkonzo ezinjalo zokuthuthwa kwenkunkuma ngokuhambelana noLawulo lweTyala leSixeko noMthetho kaMasipala wokuQokelelwa kweTyala.

(2) Umvelisi wenkunkuma unakho ukwenza isicelo kwigosa lolawulolwenkunkuma ukuba ngaba ufuna umgqomo owangezelweyo, yaye uya kuba noxanduva lokuhlawula iindleko ezongezelelweyo ngokoMthetho kaMasipala weRhafu kunye noMgaqo-nkqubo weRhafu.

(3) IGosa loLawulo lweNkunkuma linakho ukufuna ukuba umntu onjalo angenise isiCwangiso esiHlanganisiweyo soLawulo lweNkunkuma phambi kokuba livumele ukuba anikezele ngomgqomo wolwangazelelo.

(4) Umnini kunye nomvelisi wenkunkuma kufuneka ahambelane nemiqathango esekwe lelo gosa lolawulo lwenkunkuma ukulungiselela ukuvelisa, ukunciphisa, ukugcina, ukuqokelela, ukunyanga nokulahla inkunkuma leyo eyongezelweyo.

(5) Ukuba ngaba inkunkuma eveliswe ngumvelisi wenkunkuma iwudlule umthamo onakho ukuba ungagcinwa kwimigqomo enikezelweyo okanye iingxowa, umnini kufuneka enze amalungiselelo okuqokelelwa kwale nkunkuma ingaphezulu ngumnikezeli wenkonzo awamkelekileyo.

(6) Ukuba ngaba loo malungiselelo awenziwanga okuqokelelwa kwenkunkuma engaphezulu, umnini okanye umvelisi wenkunkuma kufuneka kamsinyane athwale uxanduva aze ahambise loo nkunkuma yangezelweyo ze ayise kwiziko lokulahla inkunkuma elinephepha-mvume ngendleko zakhe.

(7) Abanini bezindlu ezisesikweni abanezinye izindlu kwiziza zabo ekukho iintsapho ezihlala kwezi zakhiwo zizimeleyo nazo ziya kwabelwa umgqomo ube mnye kwisakhiwo ngasinye esongezelelweyo siSixeko yaye siya kuba selungelweni lokuqokelelelwa wona ngemiqathango eminye nale yendlu enkulu.

(8) Umnini wesiza kufuneka asayine isivumelwano esangezelelweyo neSixeko ukulungiselela ukugcinwa, ukuqokelelwa nokulahlwa kwaloo nkunkuma ekucamngcwe kwinkqutyana (7) yaye uya kuba noxanduva lokuhlawula iirhafu ezifunwa siSixeko ngokunxulumene noko.

(9) Naliphi na ishishini okanye iarhente elahla inkunkuma egameni laloo mashishini kufuneka linike ingxelo yenkunkuma elahliweyo kwigosa lolawulo lwenkunkuma ngendlela egqitywe nguMlawuli kumaxesha ngamaxesha, ngomhla okanye phambi komhla wesi-7 kwinyanga nganye.

(10) Umvelisi wenkunkuma ovelisa inkunkuma yorhwebo kufuneka abe nesivumelwano nomnikezeli ngenkonzo owamkelekileyo ukulungiselela ukuqokelelwa nokulahlwa kwenkunkuma enjalokwindawo yokulahlwa kwenkunkuma enephepha-mvume.

(11) Umnini kufuneka xa kwenziwe ibango anike ubungqina kwigosa lolawulo lwenkunkuma bento yokuba ungene kwisivumelwano esifanelekileyo kunye nomnikezeli wenkonzo owamkelekileyo ukulungiselela ukuqokelela, ukulungisa, ukunyanga okanye ukulahla inkunkuma yorhwebo kube kanye ngeveki okanye ngokugqitywe ligosa lolawulo lwenkunkuma.

(12) Umnikezeli ngenkonzo owamkelekileyo kufuneka ngokubhekiselele kwinkunkuma yorhwebo njengoko kuchaziwe yiSANS 10228 kunye ne-10229 ngokunjalo ahambelane nayo yonke imithetho enxulumene nokuphathwa, ukuthunyelwa, nokugcinwa, nokusetyenziswa, ukunyangwa nokuthuthwa kwempahla eyingozi nokulahlwa kwayo ngokunjalo okanye isiza sokulahla inkunkuma esinesivumelwano okanye isiza esizaliswe ngumhlaba

(13) Umvelisi wenkunkuma ovelisa inkunkuma yorhwebo kuya kufuneka angenise isicwangciso esihlanganisiweyo solawulo lwenkunkuma kwiSixeko ze ahambelane nemiqathango ethiwe thaca siSixeko ukulungiselela ukuveliswa, ukuncitshiswa, ukugcinwa ukulungiselela, ukuphinda ukusetyenziswa kwakhona, ukuqokelelwa kunye nokulahlwa kwenkunkuma ngokunjalo.

(14) Inkunkuma yaseGadini eveliswa kwizindlu ezisetyenziselwa ikakhulu iinjongo zokuhlala inokwenziwa isivundiso nakusiphi na isiza kungenjalo inokugcinwa kwingqumba yesivundiso okanye kwiingxowa ezifanelekileyo ngokweemfuno zeSixeko, yaye inokugcinwa kwisiza eso de iqokelelwe okanye ithathwe isiwe kwiziko elinephephamvume lokulahla inkunkuma.

(15) uMvelisi weNkunkuna unokuyalelwa ligosa lolawulo lwenkunkuma ukuba avelise itikiti lesikali esikhulu esineqoga sokuweyisha njengobungqina bokulahla ngendlela eyiyo inkunkuma yasegadini enobunzima obuthile, njengoko bugqitywe siSixeko ngokwezokhokhelo nemiqathango enyanzeliswayo ngamathuba ngamathuba.

(16) Nawuphi na umntu ovelisa ngokuthe ngqo okanye ngokungathanga ngqo inkunkuma yokwakha okanye umnini wesakhiwo apho inkunkuma yokwakha iveliswa khona akasayi kuyigcina inkunkuma enjalo kwimigqomo enikezelwe siSixeko elungiselela inkunkuma yasendlwini yaye kuya kufuneka ayisuse aze ayilahle kwindawo yokutyumza enephephamvume okanye isiza esizaliswe ngumhlaba okanye nasiphi na esinye Isakhiwo lokulahla inkunkuma yokwakha esinephephamvume.

(17) Zakuba izicwangciso zokwakha zingenisiwe kwiSixeko ukulungiselela ulwamkelo lwazo ngokwemiqathango yeMimiselo yoKwakha yeSizwe kunye noMthetho weMigangatho yoKwakha, we-1977 (uMthetho onguNombolo 107 we–1977), umntu ongenise ezi kufuneka angenise ngaxesha nye oku

(a) Isicwangciso esihlanganisiweyo soLawulo eithi thaca amalungiselelo

awenziweyo alungiselelwe ukuqokelelwa nokulahlwa kwenkunkuma yokwakha neyenye;

(b) Ngawaphi amanye amalungiselelo awenziweyo okugcina inkunkuma kwisiza sabo;

(c) okanye kubonelelwe ngephepha mvume lokugcina inkunkuma kumhlaba weSixeko.

(18) Isakhiwo eaisulelekileyo okanye enye inkunkuma apho usuleleko lubangelwe yinto eyingozi kufuneka ilahlwe kwiziko elinephepha mvume lokulahla inkunkuma elilungiselelwe ukunyanga nokulahla inkunkuma eyingozi.

(19) Umnini weziko apho inkunkuma yokwakha ilahlwa khona uya kunikezela ngengxelo qho ngenyanga kwigosa lolawulo lenkunkuma lengqumba yenkunkuma leyo elahlwe kwiziko elo.

(20) Umvelisi wenkunkuma okanye umnini wesakhiwo apho kuveliswa khona inkunkuma ogalela okanye ogcina inkunkuma kumhlaba weSixeko unakho ukuba angarhafiswa ngokusilela ukuba nephephamvume okanye ukulivelisa ukulungiselela ukugalela okanye ukugcina oko.

(21) Xa igosa lolawulo lolwakhiwo lihlola isiza apho umsebenzi wolwakhiwo uqhutywa khona lihlola into yokokuba ingaba isakhiwo eso sakhiwe ngokuhambelana nezicwangciso zolwakhiwo ezamkelweyo kusini na, yena uya kuhlola nento yokuba ingaba inkunkuma yolwakhiwo ilahliwe na.

(22) Umnini womhlaba ekubhekiselelwe kuwo kwisahlulo secandelo (21) kuya kufuneka anikezele kwigosa lolawulo lolwakhiwo ngobungqina besiqinisekiso besikali sokuveyisha bokokuba uwulahle wonke umthwalo wenkunkuma yokwakha kwiziko lokulahla inkunkuma elinephephamvume ukulungiselela olo didi lwenkunkunma phambi kokufumana isiqinisekiso sokuhlala okanye nayiphi na imvume enokuthi inikezelwe.

nkunkuma eyingozi

5. (1) Umvelisi wenkunkuma ovelisa inkunkuma eyingozi kunye nomnini womhlaba apho inkunkuma eyingozi iveliswa khona kufuneka benesivumelwano nomnikezeli ngenkonzo owamkelweyo sokuqokelela nokulahla inkunkuma enjalo kwiziko lokulahla inkunkuma eyingozi elamkelweyo elinephepha-mvume .

(2) Umntu ohambisa inkunkuma eyingozi kufuneka aqinisekise ngento yokuba Iziko okanye Indawo ekuthuthelwa kuyo inkunkuma igunyazisiwe ukuba yamkelwe inkunkuma eyingozi enjalo phambi kokuba ithulwe inkunkuma leyo kwisithuthi.

Inkunkuma yesiganeko

6. (1) Nawuphi na umntu obandakanyeka ngqo okanye ongathanga ngqo nombutho, nolawulo lomdlalo, lolonwabo, inkcubeko okanye isiganeko senkonzo esithi siqhubeke, kumhlaba wangasese okanye woluntu okanye angumnini okanye ingumhlaba awulawulayo apho umdlalo, ulonwabo, inkcubeko okanye isiganeko senkonzo siza kuqhubeka khona, kubandakanwa

izitediyam zemidlalo kunye namaziko enkomfa, kufuneka angenise isicwangciso esihlanganisiweyo solawulo lwenkunkuma esihambelana nalo Mthetho kaMasipala kwigoas lolawulo lwenkunkuma ngokubhekiselele kugcino, kuqokelelo, kukulungiswa ngokutsha ukuze iphinde isebenze nokulahlwa kwenkunkuma ngexesha lesiganeko nasemva kwaso malunga neentsuku ezintlanu zomsebenzi phambi kwesiganeko eso sicetywayo nokuhambelana ngokwemiqathango ethiwe thaca siSixeko.

(2) Isicwangciso solawulo lwenkunkuma kufuneka sibandakanye ingcaciso engamaxabiso kunye nomququzelieli, ulawulo okanye umnini oya kuhlawula idipoziti eya kuphindwa ibuyiswe eqinisekiswe siSixeko.

(3) Nawuphi na umntu ozimisele ukuvelisa inkunkuma ngesiganeko uya kuba nesivumelwano kunye nomnikezeli ngenkonzo owamkelekileyo ukulungiselela ukuqokelela nokulahla inkunkuma enjalo kwiziko lokulahla inkunkuma elamkelekileyo ze linikezele ngobungqina boku kwiSixeko njengenxalenye yesicwangciso solawulo esihlanganisiweyo.

(4) Ukuba ngaba isiganeko eso siza kubanjelwa kwindawo kawonke wonke, ukusetyenziswa, intengiso okanye ukuhanjiswa kweglasi okanye imigqomo efana naleyo akuvumelekanga, ngaphandle kokuba kufunyenwe imvume kwangaphambili kwigosa lolawulo lwenkunkuma phantsi kwaloo miqathango iya kugqitywa nguye eya kuthi inciphise ukwenzakala okungathi kubekho ngenxa yeeglasi ezaphukileyo.

(5) Ukuba ngaba umntu lowo uyasilela okanye akakuse so ukufumama iinkonzo zomikeli ngenkonzo owamkelekileyo ngokwemiqathango yecandelwana (3) phambi kwesiganeko eso kuthethwa ngaso, okanye asilele ukunikezela kwiSixeko ngesicwangciso solawulo lwenkunkuma esihlanganisiweyo okanye ukuba ngaba kungakho inkunkuma eshiyweyo kwindawo leyo apho bekubanjelwe khona isiganeko okanye kummandla oyingqongileyo ngenxa yesiganeko eso, igosa lolawulo lwenkukuma lingabhenela kwicandelwana (6), linakho ukwenza amalungiselelo okuqokelela, okucoca, okulungisa ibe nokusetyenziswa kwakhona nokulahla inkunkuma yesiganeko.

(6) Iindleko zokuqokelela, zokucoca, okulungisa ibe nokusetyenziswa kwakhona nokulahlwa kwenkunkuma ziya kuhlawulwa ngumququzeleli wesiganeko yaye inakho ukuhlawulwa kwidipozithi ehlawulweyo okanye ngokwemiqathango yoLawulo lweTyala lweSixeko kunye noMthetho kaMasipala wokuQokelelwa kweTyala.

Inkunkuma eNgundoqo

7. (1) UMlawuli kufuneka ngokwemiqathango yalo Mthetho kaMasipala ahlele inkunkuma engundoqo ukuba ngaba ukholelwa entweni yokokuba kufuneka imiqathango eyodwa ngokubhekisele kulawulo lwaloo Nkunkuma kuba

(a) ibanga ingozi enkulu kwimpilo okanye kwindalo

(b) inakho ukuzingisa kwindalo

(c) iqulathe okanye inakho ukukhuthaza ipathogen yezifo ezasulelayo; okanye

(d) ibe ibhengeziwe njengeNkunkuma enguNdoqo ngokwemiqathango yeminye imithetho.

(2) ISixeko sinakho ukubhengeza izikhokhelo kumaxesha ngamaxesha xa kukho imfuneko ngokubhekiselele kuhlelo lwenkunkuma.

Ixesha likaxakeka elidinga ulawulo lweNkunkuma

8. (1) Kwimeko yexsha likaxakeka, uMlawuli unakho ukuya kumnini womhlaba okanye umvelisi wenkunkuma ukuba ayilawule malunga nesithuba esichaziweyo ngolwaneliso lweSixeko.

9. (2) UMlawuli unakho ukwenza amalungiselelo olawulo lwexesha likaxakeka, kubandakanywa ukususwa nokucocwa kobutyobo kunye nesiphumo songcoliseko lomoya, uthutho nokulahlwa kwenkunkuma kwiziko lokulahla inkunkuma elinephepha-mvume elilungiselelwe olu hlobo lwenkunkuma evelisiweyo.

(3) UMlawuli unakho ngokunjalo ukulawula nokulungelelanisa uvuselelo nokulungiswa kwaso nasiphi na isibonelelo, izakhiwo, izixhobo okanye indalo kule nkqubo.

(4) Indleko zolawulo olunjalo, zovuselelo ngokutsha kunye nokulungiswa, kubandakanywa zonke iindleko ezenzeke ekusetyenzisweni kwezibonelelo zeSixeko, izixhobo kunye nempahla iya kuba luxanduva lweakhawunti yomntu ongunobangela wale meko kaxakeka.

(5) Ukuba ngaba le meko kaxakeka yenziwe ngumsebenzi kaThixo iSixeko siya kujongana naloo meko kaxakeka ngendlela apha kuvuma imeko yaye kuxhonyekekwe kwingxowa-mali ekhoyo.

Ukusekwa kwemibutho esesikweni yokuciphisa inkunkuma kuluntu nakumashishini

9. (1) Imibutho yolawulo lwenkunkuma inakho ukwenza isicelo kuMlawuli solawulo lolwazelelo olulodwa njengenkonzo eyandisiweyo enxulunyaniswa nokuncitshiswa kwenkunkuma ngokwemiqathango yoMthetho kaMasipala weRhafu kunye noMgaqo-nkqubo weRhafu.

(2) Umbutho kufuneka ungenise isicwangciso esihlanganisiweyo solawulo lwenkunkuma kuMlawuli yaye ukuba samkelwe, ngokunjalo namanye amaxwebhu ezicelo

ukulungiselela uyilo nokusebenza kombutho wokunciphisa inkunkuma, njengoko igqitywe siSixeko.

(3) UMlawuli unakho kuxhonyekekwe kwizibonelelo zalo Mthetho kaMasipala ukuqinisekisa ngento yokuba angasamkela na isicelo solawulo lolwangazelelo sombutho sokunciphisa inkunkuma.

(4) Ukuba ngaba isicelo asibanga nampumelelo, uMlawuli kufuneka achaze yaye anike izizathu sokusikhaba isicelo kumbutho wokunciphisa inkunkuma.

(5) Ukuba ngaba isicelo sokuyila umbutho wokunciphisa inkunkuma samkelwe nguMlawuli, umbutho kufuneka uhambelane nemiqathango ethiwe thaca nguMlawuli ukulungiselela ukuvelisa, yokunciphisa, yokugcina, yokuqokelela nokulahla inkunkuma enjalo.

IsiCwangciso esiHlanganisiweyo soLawulo lweNkunkuma

10. (1) Isicwangciso esihlanganisiweyo solawulo lwenkunkuma kufuneka singeniswe ngabavelisi benkunkuma abadweliswe kwicandelwana (10) ngembalelwano kwigosa lolawulo lwenkunkuma ukulungiselela ulwamnkelo phambi kokuveliswa kwenkunkuma eya kuqwalaselwa ngokuhambelana nesicwangciso esixeliweyo

(2) Isicwangciso esihlanganisiweyo solawulo lwenkunkuma kufuneka sibandakanye-

(a) Uhlelo lobungakanani kwaye nohlobo lwenkunkuma eya kuveliswa;

(b) Inkcazelo yeenkonzo ezifunekayo ukugcina, ukuqokelela, ukuthutha, nokulahla inkunkuma leyo;

(c) Inkcazelo ngendlela abazimisele ukuyahlula ngayo efuna ukulungiswa ukuze isebenze kwakhona naleyo ingenakulungiswa ukuze isebenze kwakhona kule ndawo ikuyo;

(d) Ukuncitshiswa kwenkunkuma nezicwangciso zothintelo longcoliseko lomoya zomvelisi wenkunkuma;

(e) Ifuthe okanye ifuthe elingakho kwimeko yenkunkuma eyilwe ngabo;

(f) Uhlobo okanye iimpawu zenkunkuma eveliswayo enobuntununtunu kubume bendalo, okanye ubungakanani bezibonelelo zendalo ezithi zigqitywe ekwenzeni okanye inkqubo yokuvelisa ethi ibe nesiphumo esiyinkunkuma;

(g) Ekujoliswe kuko ukulungiselela ukuveliswa kwenkunkuma ngokusetyenziswa uncitshiso, ukusetyenziswa kwakhona, ukulungiswa obekusetyenzisiwe ze kusetyenziswe kwakhona, kunye nemiqathango okanye inkqubo zovuselelo ezinokuthi zinciphise ukusetyenziswa kwezibonelelo zendalo kunye nendlela yokulahlwa

kwenkunkuma.

(3) Amaziko oshishino kufuneka abandakanye kwisicwangciso solawulo lwenkunkuma imiqathango okanye intshukumo emazithathwe ukulawula inkunkuma, ukutshitshiswa kokusetyenziswa kwezinto ezithile, amathuba ukulungiselela ukuncitshiswa kokuveliswa kwenkunkuma ngokusebenzisa utshintsho kuyilo lwemveliso, ukuveliswa kwemveliso okanye umqulu ukunciphisa ukusetyenziswa kwezibonelelo;

(4) Amaziko orhwebo noshishino kufuneka abonelele ukulungiselela ukufundisa, ukuthengisa ishishini nokuthengisa ingcaciso ukuphembelela ingqiqo kunye nokuziphatha kwabathengi nokuqinisekisa ngeemveliso ezivela ekulungisweni kobe kusebenza ngaphambili ze kuphinde kusebenze kwakhona;

(5) Xa ecelwa ukuba angenise isicwangciso esihlanganisiweyo solawulo lwenkunkuma okanye esinye esingaphezulu isicwangciso esihlanganisiweyo solawulo lwenkunkuma ngokuhambelana nalo Mthetho kaMasipala, umvelisi wenkunkuma uya kwenza njalo kwixesha elimiselwe nguMasipala ze ahambelane nemiqathango ethiwe thaca ligosa elo lolawulo lwenkunkuma ukulungiselela ukuvelisa, ukunciphisa, ukugcina, ukuqokelela nokulahla inkunkuma leyo.

(6) Igosa lolawulo lwenkunkuma kufuneka linike ingqwalasela kwisicwangciso yaye-

(a) Lisamkele kunye nemiqathango ze linike izikhokhelo ukulungiselela ukumiliselwa ngoko;

(b) Licele ingcangciso engaphezulu ukuba ingeniswe okanye isicwangciso esihlaziyweyo singenisiwe ukulungiselela ulwamkelo;

(c) Lifune izilungiso emazenziwe kwixesha eliqingqiweyo elichazwe ngabo;

(d) Lisale isicwangciso zelinikezele ngezizathu; okanye

(e) Lisamkele isicwangciso eso ze lichaze imiqathango enxulumene nolwamkelo olo..

(7) Ukuba ngaba isicwangciso saliwe okanye asingeniswanga konke konke, igosa lolawulo lwenkunkuma liya kunika umkhombandlela kwinto yokuba yiyiphi imiqathango emayithatyathwe ngumvelisi wenkunkuma yaye ukuba ngaba umvelisi wenkunkuma uthe wasilela ukuthatha loo miqathango ngexesha elimiselweyo nelichaziweyo ligosa lolawulo lwenkunkuma, iSixeko sinakho ukumilisela imiqathango enjalo yaye umvelisi wenkunkuma uya kuthwala indleko zoko.

(8) UMlawuli unakho ngesaziso esibhaliweyo afune nakuwuphi na umntu ukuba anikezele ngengcaciso ayidingayo xa efuna ukulungiselela isicwangciso esihlanganisiweyo solawulo lwenkunkuma seSixeko.

(9) Ukuba ngaba umntu uthe wasilela ukunikezela ngengcaciso ekubhekiselelwe kuyo kwicandelwana (8), uMlawuli unakho ukuqesha umphengululi-zincwadi ukulungiselela ukufumana ingcaciso leyo ngendleko zomvelisi wenkunkuma.

Abavelisi benkunkuma bala mahlelo alandelayo enkunkuma kufuneka angenise isicwangciso esihlanganisiweyo solawulo lwenkunkuma:

(a) Inkunkuma yoshishino;

(b) Inkunkuma yorhwebo

(c) Inkunkuma yolwakhiwo

(d) Inkunkuma yesiganeko

(e) Inkunkuma engundoqo

(f) Inkunkuma eyingozi

(g) Abo benze isicelo belungiselela ulawulo lolwazelelo olulodwa ngokwemiqathango yecandelo le – 13;

(h) Abo bahlela inkunkuma okanye baqalise ngokulungisa oko bekusetyenzisiwe ukuze kusetyenziswe kwakhona, ukusetyenziswa kwakhona okanye umsebenzi wovuselelo lwenkunkuma kubandakanywa kodwa kungaphelelwanga kubathengi bezinto ezilahliweyo, amaqela avuselela izinto ebezisetyenzisiwe zibe nokusebenza kwakhona kunye namaziko aphinda azithenge kwakhona;

(i) Nawuphi na omnye umntu onikwe isaziso sokwenza njalo nguMlawuli;

(j) Abo bantu abaqhuba imisebenzi edweliswe kumhlathi (h).

<u>Ukukhululwa ekubeni ungenise isiCwangciso soLawulo lweNkunkuma</u>

11. (1) Ukuba ngaba omnye wabavelisi benkunkuma elungiselela la macandelo enkunkuma ekubhekiselelwa kuwo kwicandelo le-10 (10) (j) ufuna ukuba akhululwe ekubeni angenise isicwangciso solawulo lwenkunkuma, isicelo kufuneka senziwe ngembalelwano kwigosa lolawulo lwenkunkuma, echaza izizathu zesicelo.

(2) Igosa lolawulo lwenkunkuma linakho ngokunjalo ukubhengeza-

(a) iindidi ezithile zenkunkuma okanye abavelisi benkunkuma;

(b) ubunzima obuthile okanye umthamo wenkunkuma; okanye

(C) Abo bantu bathe bengenisa eso sicwangciso kwamanye amacandelo oburhulumente ngokuhambelana nomthetho wawo osebenzayo,

Ukuba bakhululwe ekungeniseni isicwangciso esihlanganisiweyo solawulo lwenkunkuma

Ukugcinwa nokuthuthwa kwenkunkuma

12. (1) Nawuphi na umgcini wenkunkuma othi agcine okanye athuthe inkunkuma kufuneka aqinisekise ngento yokuba:

(a) Umgqomo apho kugcinwa khona nayiphi na inkunkuma awonakalanga yaye awudlekanga okanye awuikho nangayiphi na indlela ongabonakala ungafanelekanga ukuba ungagcina inkunkuma ngokukhuselekileyo okanye ukuthutha inkunkuma ukuba ngaba inkunkuma ayikho kumgqomo onikezelwe siSixeko;

(b) Imiqathango efanelekileyo ikho ukuthintela ukuchitheka ngengozi okanye ukuvuza;

(c) Inkunkuma ayinakho ukuphetshethwa ngumoya;

(d) Inkathazo enjengevumba, impembelelo ebonakalayo nokuzala kwabathwali bezifo akwenzeki;

(e) Ungcoliseko lwendalo nobungozi kwimpilo kuyathintelwa;

(f) Inkunkuma eyingozi ivalelwa kumgqomo ongenakungenwa nto yaye imiqathango efanelekileyo ukuthintela ukubhucabhucwa ikho;

(g) Naziphi na izinto okanye ulwelo oluyinkunkuma zikhuselekile ukuba zingaphathwa, zingaqokelelwa okanye zilahlwe yaye aziyongozi kubantu xa zinokuthi zifunyanwe ngabantu abangagunyaziswanga okanye amalungu oluntu.

2. Umvelisi wenkukuma kunye nomgcini wenkunkuma kufuneka baqinisekise ngento yokuba inkunkuma ithuthelwe kwiziko elikufutshane lokulahlwa kwenkunkuma elinephephamvume elinalo ikhono lokuqwalasela inkunkuma.

Ukulungiswa kobe kusetyenzisiwe kuze kusebenze kwakhona, ukusetyenziswa kwakhona, ukuhlelwa nokuvuselwa kwenkunkuma

3.

(1) Nawuphi na umntu oqalisa umsebenzi wokulungisa kokube kusetyenzisiwe ze kusebenze kwakhona, wokusetyenziswa kwakhona okanye wokuvuselela okanye

ohlela inkunkuma, kubandakanywa nabathengisi bezinto ezilahliweyo, amaziko athenga izinto kunye namaqela asesikweni alungisa obe kusetyenziswa ukuze kusebenze kwakhona, kufuneka, phambi kokuba aqalise ngalo msebenzi aqinisekise ngokusebenzisa uvavanyo lwempembelelo kwindalo okanye inkqubo eyelele apho efunwa yindlu yowiso-mthetho yesizwe neyephondo, into yokokuba ukulungisa into esele isebenzile ize isetyenziswe kwakhona, ukusetyenziswa kwakhona okanye uvuselelo lwenkunkuma akuyiyo ingozi kakhulu kwindalo ngaphezulu kokuyilahla yaye kufuneka afumane ulwamkelo kwiSixeko ngokuhambelana nezikhokhelo zaso njengoko zipapashiwe kumathuba ngamathuba.

(2)Nawuphi na umntu ekubhekiselelwe kuye kwicandelwana (1) kufuneka ngokunjalo angenise isicwangciso esihlanganisiweyo solawulo lwekunkuma, yaye igosa lolawulo lwenkunkuma kufuneka, xa ligqiba ngokunikezela ngemvume, linike ingqwalasela kweso sicwangciso sihlanganisiweyo solawulo lwenkunkuma.

(3) Nawuphi na umntu oqalisa ngokulungisa obe kusebenza ukuze kusetyenziswe kwakhona, ukusetyenziswa kwakhona, ukuhlela inkunkuma, ukunyanga okanye umsebenzi wokuvuselela okanye ukuhlela inkunkuma, kubandakanywa abathengisi bezinto ezilahliweyo, amaziko athenga izinto namaqela asesikweni alungisa obe kusetyenzisiwe kusebenze kwakhona, kufuneka abhalisele ukwamkeleka kwiSixeko esya kubanika igunya lokwenza imisebenzi enjalo

(4). Abantu kunye namaziko athi aphathe, athuthe, enze ingonakali, anyange yaye alahle inkunkuma ukulungiselela injongo zokulungisa obesele kusetyenzisiwe ukuze kusetyenziswe kwakhona aya kunikezela kwigosa lolawulo lwenkunkuma ngengxelo ebhaliweyo ngomhla okanye ngaphambili komhla we -7 wenyanga nganye ngokumila nobukhulu bencwadi obugqitywe nguMlawuli.

(5) Igosa lolawulo lwenkunkuma linakho ukukhulula abavelisi abathile benkunkuma, abaphathi, abathuthi okanye iiarhente zenkunkuma kwezo mfuno zinjalo,

<u>Ukuthintelwa kokulahlwa kwenkunkuma okungagunyaziswanga</u>

4. Akukho mntu unakho-

(a) ukulahla inkunkuma ngendlela apha enokubangela ungcoliseko lwendalo okanye ibe yingozi kwimpilo yabantu;

(b) ukulahla inkunkuma ngaphandle kokuba ihambelana nalo Mthetho kaMasipala kunye / okanye uMthetho weSizwe kunye nowePhondo;

(c) ukulahla inkunkuma iyingozi kumgqomo onikezelwa siSixeko oyilelwe ukugcina inkunkuma yezindlu okanye yoshishino okanye kwiingxowa ekufuneka ziqokelelwe siSixeko;

(d) unokutshisa inkunkuma ngakumbi inkunkuma eyingozi ngaphandle kwesitovu sokutshisa inkunkuma esamkelweyo esinephepha-mvume okanye ilayisensi yokwenza oko;

(e) ukulahla inkunkuma eyingozi, ngaphandle kokuba kuhambelana kunye nesicwangciso esihlanganisiweyo solawulo;

(f) ukufaka inkunkuma yasezindlwini, yoshishini, yorhwebo, yegadi, yolwakhiwo, yesiganeko okanye eyingozi kumgqomo woluntu.

(g) ukuphatha inkunkuma ngendlela apha enokuthi ibangele uthuli, ukuchitheka okanye ukungcolisa.

Ukungcolisa nokulahla

15. (1) Akukho mntu unokulahla, unokugibisela, unokufaka, unokuchitha, unokugcina okanye nangayiphi na indlela ukulahla nayiphi na inkunkuma kwindawo kawonke, kwidreyini kamasipala, kumhlaba, kwisiza esingenanto, kumfula, kumlambo, kwisitalato, kumgaqo, kunxweme okanye nakuyiphi na indawo apha uluntu lunelungelo lokungena, okanye ukulahla okanye ukuvumela umntu ophantsi kolawulo lwabo ukuba enze njalo.

(2) Umnini womhlaba wangasese apho uluntu lunelungelo lokungena kufuneka aqinisekise ngento yokuba imigqomo eyaneleyo ibonelelwe engagcina inkunkuma ethe yalahlwa luluntu.

(3) Ukuba ngaba izibonelelo zecandelwana (1) zithe zaphulwa, uMlawuli unokuthumela ngesaziso esibhaliweyo kubantu abo okokuba

(a) baphelise ulwaphulo olo kwixesha elichaziweyo;

(b) bathintele olunye ulwaphulo olungenzeka okanye ukuqhubeka kolwaphulo,

(c) uMlawuli uya kuthabatha nawaphi na amanyathelo awabona elungile ukuphelisa oku okanye ukususa inkunkuma, aze avuselele imbonakalo yendalo kubekho;

aqinisekisa ngento yokokuba inkunkuma nayo nayiphi na enye into eyasulelekileyo enganakho ukuba ingacocwa okanye ivuselelwe iyalahlwa ngokusemthethweni.

(4) UMlawuli uya kuthi ngesaziso esibhaliweyo esicamngcwe kwicandelwana (3)© esichaza into yokokuba umntu kufuneka, kwisithuba esingangeentsuku ezi-5 zomsebenzi ukuba asuse inkunkuma okanye ukungcola okulahliweyo ngaphandle kokuba uMlawuli unakho ngokubona kwakhe ukunikezela ngemvume yeentsuku ezi-2 ngaphezulu, xa kwenziwe isicelo ukulungiselela ukuba umntu asuse ukungcola okanye inkunkuma.

(5) Umntu ongumnini womhlaba okanye wesakhiwo, okanye onolawulo lwawo okanye onelungelo lokusebenzisa umhlaba okanye isakhiwo, akanakho ukusebenzisa okanye avumele ukusetyenziswa komhlaba okanye kwesakhiwo ukulungiselela ukulahlwa kwenkunkuma okungekho mthethweni yaye kufuneka athabathe amanyathelo afanelekileyo ukuthintela ukusetyenziswa komhlaba okanye isakhiwo ngezo njongo.

(6) Ukuba ngaba iSixeko sikhetha ukususa inkunkuma okanye ukungcola umntu ochaphazelekayo uya kuthwala uxanduva lwendleko zalo msebenzi wokususa inkunkuma.

(7) Kwimeko yenkunkuma eyingozi, iSixeko siya kuyisusa ngoko nangoko inkunkuma aze emva kwangoko akhuphe izaziso zokokuba umntu lowo uchapahazelekayo uya kuba noxanduva lokuhlawula isohlwayo esikhutshiweyo kunye nendleko zokususwa kunye nokuvuselelwa kwendawo leyo.

Amaphepha-mvume

16. Nawuphi na umntu othi, okanye amaqumrhu afuna amaphepha-mvume ngokomthetho kazwelonke, wephondo okanye umasipala kuya kufuneka anike ubungqina xa kuceliwe kwigosa lezolawulo lwenkunkuma, ukuba abantu abanjalo okanye amashishini abe sele efumene amaphepha-mvume afanelekileyo kwisithuba sentsuku ezingama -30 okanye kwisithuba esingaphantsi njengoko kuchaziwe liGosa elo.

Iinkonzo zolawulo lwenkunkuma, izicelo kunye nokubhaliswa kulungiselelwa ukuqokelelwa kwenkunkuma neenkonzo zokuhanjiswa kwenkunkuma

17. (1) Bonke abantu abaqokelela okanye abahambisa inkunkuma kufuneka babe nekontraka ukulungiselela ukuqokelelwa nokuhanjiswa kwenkunkuma neSixeko okanye umnikezeli ngenkonzo owamkelekileyo.

(2) Abahlali kufuneka benze isicelo yaye babhalise ukulungiselela ukuqokelelwa kwenkunkuma kunye neenkonzo zokuhanjiswa eziya kunikezelwa kuphela siSixeko okanye umnikezeli wenkonzo owamkelekileyo anesivumelwano naye, ngaphandle kokuba igunyaziswe liBhunga.

(3) Amashishini anelungelo lokuba nesivumelwano neSixeko sokuqokelelelwa inkunkuma neenkonzo zokuhanjiswa kwayo, abe nesivumelawano nomnikezeli ngenkonzo owamkelekileyo.

(4) Amashishi orhwebo, kubandakanywa nalawo avelisa inkunkuma eyingozi, ngenxa yokuba inkunkuma eveliswa ngala macandelo iyeyodwa ngendalo, kufuneka abe nesivumelwano nomnikeli ngenkonzo owamkelekileyo wangasese.

(5) Ukuba ngaba ishishini okanye umnikezeli ngenkonzo owamkelekileyo kufuneka enephepha mvume okanye imvume ngokwemiqathango yomthetho wesizwe okanye wephondo, badingeka ukuba banikezele ngobungqina ngoko, ngokunjalo nokuhmbelana neenqobo zokukhetha eziqinisekiswe liBhunga phambi kokuba babhaliswe nguMlawuli.

(6) UMlawuli uya kugcina uxwebhu oluhlaziyiweyo lwabanikezeli ngenkonzo abamkelekileyo ababhalisiweyo

(7) Ukuqaliswa koshishino norhwebo, kubandakanywa nabathengisi ngeentsimbi abafuna

iinkonzo zoqolelelo nezothutho lwenkunkuma, iinkonzo ezo ekungabonelelwa ngazo siSixeko, kufuneka loo mashishini abhaliswe kwiSixeko yaye anike isingqinisiso sokubs anesivumelwano nomnikezeli ngenkonzo ngenkonzo enjalo

Ilungelo lokungena kwizakhiwo zabucala

18.(1) Umnini kufuneka, ngesicelo, avumele igosa lezoxolo okanye nawuphi na umqeshwa ogunyazisiweyo weSixeko onelungelo lokungena kuloo mhlaba ngenjongo zokuhlola umhlaba lowo ze aphande naluphi na ulwaphulo lwalo Mthetho kaMasipala yaye aqinisekise ngokuthotyelwa kwawo.

(2) Xa engena kumhlaba wesakhiwo, umsebenzi ogunyazisiweyo kunyanzelekile, xa ecelile, azazise ngokukhupha okanye abonise isingqinisiso esibhaliweyo esinika elo gunya.

(3) Lo msebenzi usenokuphelekwa ngomnye umntu onokumncedisa ekuqhubeni uhlolo okanye aqhube uphando, naye ekunyanzelekileyo azaziswe ngokunjalo kumsebenzi ogunyazisiweyo.

Izakhiwo ekungakwazeki ukungena kuqokelwe inkunkuma

19. Xa sithe iSixeko sathinteleka ekusebenziseni okanye ekuqokeleleni inkunkuma ngenxa yobume besakhiwo sikabani yaye ukuba ngaba esi sithintelo sibonakala siyingozi kubasebenzi beSixeko, uMlawuli unakho ukuyalela umnini waso ukuba enze iinguqulelo okanye izandiso sakhiwo njengoko kuyimfuneko, ngenjongo yokususa eso sithintelo, oko kusenziwa ngendleko zakhe.

Izaziso zokuthobela

20.

(1) Igosa lolawulo lwenkunkuma linokukhupha izaziso kuye nabani na otyeshela aphule izibonelelo zoMthetho kaMasipala-

(a) kuchazwe izibonelo okanye imimiselo yolwaphulo mthetho;

(b) kunikwe imiyalelo nezikhokelo zothotyelo kubantu nezo zibonelelo okanye imiqathango;

(c) uchazwe imiqathango emayithatyathwe ekulungiseni ulwaphulo mthetho, nexesha elimisiweyo lokwenza oko;

2. Xa athe ubani wasilela ekuthobeleni imiyalelo enikwe kwisaziso ligosa lolawulo lwenkunkuma, igosa lolawulo lwenkunkuma linakho-

(a) ukuthabatha nawaphi na amanyathelo acinga efanelekile ukucoca okanye ukuthutha inkunkuma, ukuvuselela ezo zakhiwo, indawo okanye ubume obonakalisiweyo ebekulahlwe kuyo inkunkuma okanye egcinwe ngokungekho mthethweni yaye kuqinisekiswa ngento yokuba inkunkuma, kunye nempahla nezinto ezingcolisekileyo nezingenakho ukususwa, ukucocwa okanye ukuvuselelwa, zilahlwa ngokusemthethweni;

(b) ukubuyisa iindleko zokucoca, zokususa, zokuvuselela okanye ukulahla inkunkuma, izakhiwo okanye ubume, okanye impahla esulelekileyo, kubantu abanyanzelekileyo ukuba kuthatyathwe loo manyathelo anjalo ngokwemiqathango yalo Mthetho kaMasipala, abaya kuba noxanduva ngokuhlangana nangobuninzi babo.

(3) ISixeko sinakho kwimeko yenkunkuma eyingoza okanye engundoqo, singafuna abantu abavelisa inkunkuma enjalo bavale de ngelo xesha njengoko amanqanaba aya kube ethatyathiwe okulahla inkunkuma ngokwemiqathango yecandelwana (2) ukuba ngab kukho isoyikiso somonakalo okanye ukwenzakala nakuwuphi na umntu okanye isakhiwo.

(4) Aba bantu balandelayo banokunikezwa izaziso ezinjalo:

(a) Nabani na owenze oku, okanye odale ukuba olo lwaphulo lwenzeke/ luvunyelwe;

(b) Umvelisi wenkunkuma;

(c) Umnini-mhlaba okanye sakhiwo apho ulwaphulo mthetho lwenzeke khona;

(d) Ubani olawulayo okanye nabani na othe ngelo xesha, ngethuba lokwaphulwa komthetho, onegunya lokusebenzisa umhlaba okanye izakhiwo apho ulwaphulo mthetho lwenzeke khona;

<u>Ukuthunyelwa kwamaxwebhu kunye nenkqubo</u>

21. Xa kuthe kwagunyaziswa nasiphi na isaziso, umyalelo, ibango okanye olunye uxwebhu, okanye kufuneka luhanjiswe lunikezelwe kubani phantsi kommiselo woMthetho kaMasipala, oko kuya kuthatyathwa ngokwenzekileyo nokuhanjiswe ngempumelelo kuloo mntu.

(a) Xa luthe lwahanjiswa lwanikwa yena ubuqu;

(b) Xa luthe lwashiywa kwindawo ahlala kuyo okanye kwishishini kwiRiphabliki, lushiywa kumntu onokuba neminyaka engaphezulu kwe -16 ubudala

(c) Xa luthe lwathunyelwa ngeposi yerejista okanye eqinisekisiweyo kwindawo yokugqibela eyaziwayo ahlala kuyo okanye idilesi yezoshishino kwiRiphabliki yaye isingqinisiso sokuba ngenene olo xwebhu beluthunyelwe ngeposi;

(d) Ukuba idilesi yakhe kwiRiphabliki ayaziwa, xa bekuthunyelwe kwi arhente okanye kwiRiphabliki ngendlela echazwe kumhlathi (a); (b) okanye (c); okanye

(e) Ukuba idilesi yakhe kunye nearhente kwiRiphabliki ayaziwa, xa ithe yaposwa ithunyelwa kwindawo ecacileyo esisakhiwo (xa sikho) nengqamene nalo.

22. Ukusilela ukuthobela uMthetho kaMasipala kunye nesigunyazisi

b. Ukuba igosa lezolawulo lwenkunkuma lithe lakhupha isaziso sokuthobela ngokwemiqathango yecandelo lama-21 kuye nabani na esimalunga nokwaphulwa kwaso nasiphi na isibonelelo phantsi koMthetho kaMasipala aze loo mntu asilele ukuthobela eso saziso, yena uya kuba netyala lokwaphula umthetho.

c. Igosa lezolawulo lwenkunkuma linokuthi ngokubhala, lifune nabani na athumele ingxelo kulo malunga nempembelelo yenkunkuma ngohlobo oluthile njengoko kuchazwe kwizikhokelo zikaMasipala njengoko kupapashiwe kumaxesha ngamaxesha.

d. Xa athe umntu wasilela ekuthumeleni loo ngxelo ngexesha elibekiweyo, igosa lezolawulo lwenkunkuma linakho ukumisela umntu oyedwa nozimeleyo ukuba aqulunqe ingxelo aze indleko zokuqulunqa loo ngxelo azifune kumntu obeyalelwe ukwenza ingxelo kuqala.

e. Ukuba igosa lolawulo lwenkunkuma linorhano lokuba umntu lowo uthe kwithuba elinye okanye amaninzi waphula umthetho okanye wasilela ukuthobela uMthetho kaMasipala okanye iphepha-mvume elikhutshwe ngokwemiqathango yomthetho wephondo okanye kazwelonke yaye oko kube nempembelelo embi kubume bemeko yendawo kubandakanya ezempilo, imeko zezentlalo, iimeko zezorhwebo, iimeko ze-okholoji okanye okokwethu okwenkcubeko okanye okube negalelo kusengelo phantsi kolusingqongileyo, igosa lezolawulo lwenkunkuma linokuyalela ukuba loo ngxelo iqulunqwe ngumntu oyedwa nozimeleyo.

f. Igosa lezolawulo lwenkunkuma linokuyalela lowo mntu usileleyo ukuthobela uMthetho kaMasipala ukuba athathe inyathelo njengoko kuphakanyisiwe kwingxelo ukuze kuthi xa kungenzekanga oko, iSixeko ngokwaso sikwenze, ukuze lowo mntu waphule uMthetho kaMasipala ahlawule iindleko zalo msebenzi.

23. Amatyala nezohlwayo

1. Umntu othe waphula amacandelo 12(b), 12(f), 15(1) uya kuba nobutyala yaye uya

kugwetywa athwale uxanduva-

a. lomgcoliseko okanye ukulahla inkunkuma okanye inkunkuma eyingozi engaphezulu kwe-8m3;

b. lokuchitha okanye ukuvuzisa inkunkuma engaphezulu kwe-8m3 engakhange abeke imiqathango yothintelo;

c. lokuhambisa umthwalo wenkunkuma eyingozi ungagqunywanga wawo nawuphi na umthamo;

d. lokuhambisa umthwalo ongagqunywanga okanye ongakhuselekanga othi ube nesiphumo sokuchithakala kwenkunkuma okanye inkunkuma eyingozi engaphezulu kwe-8m3

isohlwayo esinjalo okanye ukuvalelwa entolongweni njengokubona kwenkundla kufanelekile yaye inkundla inakho ngaphezulu ukuyalela ukususwa kwaloo nkunkuma okanye ingqibe ngokuba yiyiphi imiqathango ekufuneka ithathwe ngabantu abanjalo kunye nentlawulo yeendleko ezenziweyo ngokubhekiselele kuyo okanye iindleko ezizezinye okanye umonakalo.

2. ukuba ngaba umntu unokukhuthaza, aphembelele, acenge okanye anyanzele umqeshwa weSixeko okanye omnye umntu ukuba enze ulwaphulo mthetho ngokwemiqathango yalo Mthetho kaMasipala yena uya kuba nobutyala bolwaphulo mthetho

3. ukuba nawuphi na umntu uthe wakhuthaza umqeshwa weSixeko ukuba aqokelele aze alahle inkunkuma ngaphandle kwentlawulo efanelekiley kwiBhunga, okanye kusetyenziswe iindlela ezilungileyo, uya kuba nobutyala bolwaphulo mthetho.

32. Nawuphi na wenkunkuma othe wasilela ukungenisa okanye ukuthobela isicwangciso esihlangeneyo solawulo lwenkunkuma ngokwemiqathango yalo Mthetho kaMasipala uya kuba nobutyala bolwaphulo mthetho.

5. Nawuphi na umntu othe wenza naluphi na ulwaphulo mthetho ekubhekiselelwe kulo kumacandelwana (2) ukuya (4) okanye naluphi na olunye ulwaphulo mthetho ngokwemiqathango yalo Mthetho kaMasipala uya kuthi akugwetywa athwale uxanduva lwentlawulo esisohlwayo esibuncinane bungama-R500 kodwa singadlulanga kwi-R10 000 okanye ukuvalelwa entolongweni malunga nesithuba esizinyanga ezi-6 kodwa singadlulanga kwiminyaka emi-2, okanye zozibini izohlwayo nokuvalelwa oko.

6. Inkundla inakho ngaphezulu kwesohlwayo esikhutshiweyo ngokwecandelwana (5), ukuyalela umntu ukuba alungise umonakalo, alungise ilahleko, avuselele undalo, asuse inkunkuma, okanye igqibe ngemiqathango emayithatyathelwe umntu lowo kunye nentlawulo yeendleko ezenziweyo ngokubekiselele kuso okanye naziphi na ezinye iindleko okanye umonakalo.

7. Inkundla inakho, xa iqwalasela nasiphi na isigwebo esilungiselelwe ulwaphulo mthetho ngokwemiqathango yalo Mthetho kaMasipala, ithathele ingqalelo oku kulandelayo:

(a) xa athe umntu walibazisa ukuthobela okanye wasilela ukuthobela imiqathango yezaziso okanye imiyalelo enikezelweyo kuloo mntu phantsi kwalo Mthetho kaMasipala;
(b) ukuba ngaba umntu ufumene uncedo lwemali okanye wayeza kufumana uncedo lwemali ngenxa yokuqhutywa kolwaphulo mthetho;

(c) ubungqongqo bolwaphulo mthetho ngokwemiqathango yempembelelo yalo okanye impembelelo engakho kwimpilo, kwindlela yokuziphatha, kukhuseleko loluntu kunye nendalo.

Izigunyaziso ligosa lolawulo lwenkunkuma

24. Igosa lolawulo lwenkunkuma liya kuba nelungelo lokugunyazisa naliphi na igosa leSixeko naliphi na igunya lokulawula anawo okanye uxanduva ngokwemiqathango yalo Mthetho kaMasipala.

Imisebenzi kunye namagunya egosa lolawulo lwenkunkuma

25. Igosa lolawulo lwenkunkuma liya kuba noxanduva lokulawula, ukuphatha nokunyanzela izibonelelo zalo Mthetho kaMasipala nomthetho wesizwe nowephondo onxulumene nolawul lwenkunkuma.

Izilungiso kwiinkonzo zokuhanjiswa kwenkunkuma

26. Isixeko sinakho ukulungisa naziphi na iinkonzo zokuhanjiswa kwenkunkuma nokucoca nje ukuba kwaziswe uluntu, kuthatyathwe inxaxheba yaye namagqabantshintshi sele equkunjelwe ngaphandle kokuba isilungiso siyasebenza, siqoqosha iindleko yaye njengenjongo yaso sithintela ukwandiswa kwenkunkuma, sinciphisa inkunkuma okanye sinciphisa inkunkuma ekufuneka ihanjiswe.

Izibonelelo zethutyana

27. Naluphi na ulwamkelo olunikezelwe ngokuhambelana nemithetho kamasipala yangaphambili iya kuba yesebenzayo ngokubhekiselele kwiinkcukacha ebe inikezelwe phantsi kwayo yaye ngokubhekiselele kumntu ebezinikezelwe yena, kodwa zingena kunikezelwa komnye umntu.

Izikhokhelo

33. Ibhunga linokuqulunqa izikhokhelo ezingahambelani neminye imithetho ngokubanzi ukulungiselela ukuqhuba ngokungcono izazathu neenjongo zalo Mthetho kaMasipala.

Ukuguzulwa kwemiThetho kaMasipala emidala

29. Imithetho kaMasipala ekwiShedyuli- A apha iyaguzulwa.

Inkcazelo

30. Xa kuthe kwakho impixwano koluxwebu phakathi kolwimi lwesiNgesi, isiXhosa, nesiBhulu malunga nalo Mthetho kamasipala, inkcazelo yesiNgesi yiyo eyakuba yesetyenziswayo neyamkelekileyo.

Isihloko esifutshane nokuqalisa

31. Lo Mthetho kaMasipala ubizwa ngokuba iSixeko saseKapa: Umthetho kaMasipala woLawulo oluHlangeneyo lweNkunkuma yaye uqala ukusebenza xa ubhengezwe kwiGazethi yePhondo.

--oOo—

ISHEDYULI

IMITHETHO EGUZULWEYO

ULAWULO	IMITHETHO KAMASIPALA EGUZULWEYO
UMasipala waseBrackenfell	P.N. 538/1968: Umthetho kamasipala onxulumene nokususwa nokulahlwa kwenkunkuma
UMasipala waseKapa	P.N. 0733/1961: Umthetho kamasipala weMigqomo yeNkunkuma
UMasipala waseHelderberg	P.N. 656/2000: Umthetho kamasipala onxulumene nokususwa nokulahlwa kwenkunkuma
UMasipala waseKuils River	P.N. 287/1964: Umthetho kamasipala onxulumene nokususwa nokulahlwa kwenkunkuma
UMasipala wasePinelands	P.N. 34/1982: Umthetho kamasipala onxulumene nokususwa kwenkunkuma
UMasipala waseSouth Peninsula	P.N. 228/1999: umthetho kamasipala wenkunkuma eqinileyo
UMasipala waseTygerberg	P.N. 89/1999: Umthetho kamasipala wokususwa kwenkunkuma
Ibhunga leThutyana leWest coast Peninsula	P.N. 123/1997: Umthetho kamasipala wokususwa kwenkunkuma (njengoko usebenza kummandla kamasipala weSixeko saseKapa)
Isongezelelo	
Unicity	Umthetho kaMasipala wongcoliso nokuLahlwa kwenkunkuma (iGazethi yePhondo 5894, 21 Juni 2002

ISHEDYULI

IZOHLWAYO ZOKUVUMA UBUTYALA

ICANDELO	ULWAPHULO MTHETHO	ISOHLWAYO
Icandelo 15(1)	Ungcoliso okanye ukulahlwa kwenkunkuma engaphantsi kwe-1m3	R500
	Ungcoliso okanye ukulahlwa kwenkunkuma engaphantsi kwe-1m3 ukuya kwi-3m3	R1000
	Ungcoliso okanye ukulahlwa kwenkunkuma engaphantsi kwe-1m3 ukuya kwi-5m3	R1500
	Ungcoliso okanye ukulahlwa kwenkunkuma engaphezulu kwe-5m3 ukuya kwi-7m3	R2000
	Ungcoliso okanye ukulahlwa kwenkunkuma engaphezulu kw-7m3 ukuya kwi-8m3	R2500
Icandelo 12(b)	Ukuhanjiswa komthwalo ongagqunywanga othe wanesiphumo sokuchitheka komthwalo – Ukuchitheka okungaphantsi kwe-1m3	R500
	Ukuchitheka okungaphantsi kwe-1m3 ukuya kwi-3m3	R1000
	Ukuchitheka okungaphezulu kwe-3m3 ukuya 5m3	R1500
	Ukuchitheka okungaphezulu kwe-5m3 ukuya kwi-7m3	R2000
	Ukuchitheka okungaphezulu kwe-7m3 ukuya kwi-8m3	R2500
	Ukuhanjiswa komthwalo ongakhuselekanga othe wanesiphumo sokuchitheka komthwalo – Ukuchitheka okungaphantsi kwe-1m3	R500
	Ukuchitheka okungaphantsi kwe-1m3 ukuya kwi-3m3	R1000

	Ukuchitheka okungaphezulu kwe-3m3 ukuya 5m3	R1500
	Ukuchitheka okungaphezulu kwe-5m3 ukuya 7m3	R2000
	Ukuchitheka okungaphezulu kwe-7m3 ukuya 8m3	R2500

BYLAE A: KONSEPVERORDENING OP GEÏNTEGREERDE AFVALBESTUUR VIR DIE STAD KAAPSTAD (KONSEPWEERGAWE 9 NA OPENBARE DEELNAME, JANUARIE 2009)

Om die vermyding, minimalisering, generering, verwydering, opruiming van en wegdoening met afval te reguleer; en vir aangeleenthede wat daarmee verband hou.

Aanhef

NADEMAAL die Stad ingevolge die Grondwet wetgewende bevoegdheid ten opsigte van vullisverwydering, vullishope en wegdoening met vaste afval het;

nademaal die Stad Kaapstad ("die Stad ") ’n verpligting het om afvalbestuur te reguleer en te beheer ten einde ’n veilige, gesonde en volhoubare omgewing te verseker, en te sorg dat die regte van individue beskerm word;

nademaal die Stad die generering en omgewingsimpak van afval wil verminder om te verseker dat die sosio-ekonomiese ontwikkeling, die gesondheid van die mense binne die Stadsgrense en die gehalte van omgewingshulpbronne nie nadelig deur afval geraak word nie;

nademaal die Stad wil sorg dat alle inwoners, instellings, sakeondernemings, besoekers of toeriste en staatsdepartemente toegang tot die dienste van ’n legitieme afvalbestuurdiensverskaffer kan hê; en

nademaal die Stad afvalgenerering en die opruiming, skeiding, berging, verwydering, verwerking, behandeling, herwinning, hergebruik van, en wegdoening met afval, met inbegrip rommelstrooiing en onwettige storting asook geriewe wat vir die bestuur van afval gebruik word, wil reguleer, met die uiteindelike doelwit om die generering van afval te vermy of te minimaliseer;

VERORDEN die Stad Kaapstad soos volg:

Inhoudsopgawe

1. Definisies

2. Toepassing van dié Verordening

3. Kategorisering van afval

4. Verpligtinge van afvalgenereerders

5. Gevaarlike afval

6. Geleentheidsafval

7. Voorrangafval

8. Noodgevalle wat die bestuur van afval vereis

9. Totstandbrenging van formele afvalminimaliseringsklubs in gemeenskappe en onder sakeondernemings

10. Geïntegreerde afvalbestuursplan

11. Vrystelling van voorlegging van 'n geïntegreerde afvalbestuursplan

12. Berging en vervoer van afval

13. Hersirkulering, hergebruik, sortering en herwinning van afval

14. Verbod op ongemagtigde wegdoening met afval

15. Rommelstrooiing en storting

16. Lisensies

17. Afvalbestuursdienste, aansoeke om en registrasie vir afvalversamelings- en -verwyderingsdienste

18. Toegang tot privaat eiendom

19. Persele ontoeganklik vir afvalverwydering

20. Voldoeningskennisgewings

21. Betekening van dokumente en prosesstukke

22. Versuim om aan die Verordening te voldoen, en toepassing

23. Misdrywe en boetes

24. Delegerings deur die afvalbestuursbeampte

25. Funksies en bevoegdhede van die afvalbestuursbeampte

26. Wysigings van afvalverwyderingsdienste

27. Oorgangsbepalings

28. Riglyne

29. Herroeping van Verordeninge

30. Interpretasie

31. Kort titel en aanvangs

Definisies

1. In dié Verordening, tensy dit uit die samehang anders blyk, beteken

afval" enige stof, hetsy gasagtig, vloeibaar of solied of enige kombinasie daarvan, wat van tyd tot tyd deur die nasionale minister van omgewingsake en toerisme uitgewys is deur middel van kennisgewing in die *Staatskoerant* of deur die lid van die uitvoerende raad van die provinsie van die Wes-Kaap belas met afvalbestuur in die provinsie van die Wes-Kaap as ’n ongewenste of oorbodige neweproduk, uitlating, residu of restant van enige proses of aktiwiteit;

"afvalbestuursbeampte" die direkteur: vasteafvalbestuur, of ’n beampte waarna in artikel 25 van dié Verordening verwys word;

"afvalgenereerder" ’n eienaar van ’n eiendom, ’n huishouding, organisasie of sake-entiteit waarvan die inwoners, bewoners of werknemers afval genereer, met inbegrip van sorteerders van afval, soos herwinnings- of afvalminimaliseringsgroepe, skroothandelaars en terugkoopsentrums;

“afvalminimaliseringsklub” ’n groep persone wat hulle tipies in ’n hoëdigtheids-residensiële gebou of kantoorgebou, of ’n veeleiendomkompleks- sake- of residensiële ontwikkeling bevind, en wat ’n ooreenkoms het, wat die Direkteur ingevolge dié ooreenkoms goedgekeur het, om afval te minimaliseer in ruil vir ’n laer tarief volgens ’n geïntegreerde afvalbestuursplan.

“bouafval" afval wat geproduseer word deur die konstruksie, verandering, herstel of sloping van enige struktuur, mensgemaak sowel as natuurlik, met inbegrip van rommel, grond, hout en rots wat deur enige konstruksie, verandering, herstelwerk of sloping verplaas word, met die uitsluiting van tuinafval;

“direkteur” die direkteur verantwoordelik vir vasteafvalbestuur in die Stad;

“eienaar” sluit die geregistreerde eienaar, huurder of bewoner van ’n perseel in, of die persoon in bevel en/of beheer van enige perseel of deel daarvan, wat ouer as 16 jaar is, en enige persoon wat voordeel uit die perseel trek of daarop geregtig is;

"**geakkrediteerde diensverskaffer”** ’n persoon of entiteit wat deur die Stad geakkrediteer is in ooreenstemming met sy riglyne wat van tyd tot tyd gepubliseer word, en wat ’n afvalverwyderingsdiens in die Stad lewer, met inbegrip van, , maar nie beperk daartoe nie: groot- en kleinsakeondernemings, entrepreneurs, gemeenskapskoöperasies en ondernemingsleerderskappe;

“geïntegreerde afvalbestuursplan” ’n geïntegreerde afvalbestuursplan wat ingevolge dié Verordening deur die Stad vereis word, of wat ingevolge enige ander toepaslike wetgewing vereis word;

“geleentheidsafval” afval afkomstig van die aktiwiteite rakende ’n geleentheid wat in die Stad plaasgevind het;

“gelisensieerde afvalwegdoenfasiliteit” ’n terrein of perseel wat deur die provinsie van die Wes-Kaap of die nasionale regering gelisensieer is en wat vir die ophoping van of wegdoening met afval gebruik word;

“gesondheidsorgafval” enige afval

(a) wat deur mediese sorg of mediese navorsing gegenereer word of daarvan afkomstig is, met inbegrip van, maar nie daartoe beperk nie,

(i) aansteeklike afval;
(ii) patologiese afval;
(iii) skerp afval;
(iv) farmaseutiese afval;
(v) genotoksiese afval;
(vi) chemiese afval;
(vii) drukhouerafval;
(viii) afval met swaarmetale;
(ix) radioaktiewe afval;
(x) algemene afval;

(b) wat met bloed, liggaamsvloeistowwe of menslike weefsel, of geïnfekteerde diere van veeartsenykundige praktyke in aanraking was;

“aansteeklike afval” afval wat vermoedelik patogene in afdoende konsentrasie of hoeveelheid bevat om siekte by vatbare draers te veroorsaak; dié kategorie sluit kulture en voorrade van aansteeklike middels in afkomstig van laboratoriumwerk, afval van operasies en lykskouings op lyke met aansteeklike siektes, afval van geïnfekteerde pasiënte in afsonderingsale, afval wat in aanraking was met pasiënte wat hemodialise ondergaan, geïnfekteerde diere van laboratoriums, sanitêre afval en weefsel, met inbegrip van absorbeerwatte, en enige ander instrumente of stowwe wat met geïnfekteerde persone of stowwe in aanraking was;

“patologiese afval” sluit alle menslike weefsel, organe, liggaamsdele, fetusse, bloed en liggaamsvloeistowwe in, asook dié van diere;

“skerp afval” sluit items in wat snye of prikwonde kan veroorsaak, met inbegrip van, maar nie daartoe beperk nie, naalde, spuitnaalde, skalpels, en ander lemme, messe, infusiestelle, sae, gebreekte glas en spykers, en die woord “skerp” het ’n ooreenstemmende betekenis;

“farmaseutiese afval” onder andere verstreke, ongebruikte, gestorte en bederfde farmaseutiese produkte, geneesmiddels, entstowwe en sera wat nie meer nodig is nie en waarmee behoorlik weggedoen moet word;

“genotoksiese afval” uiters gevaarlike afval wat mutageniese, teratogeniese of karsinogeniese eienskappe kan hê; dié soort afval sluit sekere sitostatiese geneesmiddels in, sowel as vomeersel, urine en ontlasting van pasiënte wat met sitostatiese geneesmiddels, chemikalieë en radioaktiewe materiaal behandel is;

“chemiese afval” onder andere weggooi- vaste, vloeibare en gasagtige chemikalieë;

“afval met swaarmetale” onder andere kwikafval van thermometers, bloeddrukmeters, residu’s van tandheelkunde, kadmiumafval van weggooibatterye, versterkte houtpanele wat vir bestralingsbeveiliging gebruik word, en geneesmiddels wat arseen bevat;

“drukhouerafval” onder andere druksilinders en -patrone wat in gesondheidsorgfasiliteite gebruik word om gasse te bewaar;

“radioaktiewe afval” onder andere vaste, vloeibare en gasagtige stowwe wat met radionukliede besoedel is, met ingebrip van afval afkomstig van prosedures soos *in vitro*-ontleding van liggaamsweefsel en -vloeistof, *in vivo*-orgaanafbeelding en gewaslokalisering en verskillende ondersoekende en terapeutiese praktyke;

“algemene afval” ’n generiese term vir afval wat vanweë die samestelling en eienskappe daarvan nie ’n wesenlike risiko vir openbare gesondheid of die omgewing inhou as dit behoorlik bestuur word nie; dié soort afval bestaan tipies uit plastiek, papier, kos en vloeistowwe wat nie aansteeklik of met gevaarlike chemikalieë of radioaktiwiteit besoedel geag te wees nie;

“gesondheidsorgafval” dié deel van gesondheidsorgafval wat gevaarlik is en sluit in aansteeklike afval, patologiese afval, skerp afval, farmaseutiese afval, genotoksiese afval, chemiese afval, afval met swaarmetale, radioaktiewe afval, en enige ander gesondheidsorgafval wat as gevaarlik gedefinieer is ingevolge die Afvalbestuursreeks: dokument 1: *Minimumvereistes/of die hantering en klassifisering van, en wegdoening met gevaarlike afval* soos gepubliseer deur die departement van waterwese en bosbou of enige ander toepaslike wetgewing;

“gevaarlike afval" – gesondheidsorgrisiko-afval en enige afval wat na gelang van die

omstandighede van die produsering, gebruik, hoeveelheid, konsentrasie of inherente fisiese, chemiese, toksikologiese eienskappe daarvan, ’n wesenlike nadelige uitwerking op die omgewing, of die gesondheid van ’n persoon of enige ander lewende organisme kan hê;

“herwinbare stowwe” enige stowwe wat in grondstowwe omskep kan word wat hergebruik kan word om nuwe produkte of hulpbronne te skep;

"**houers van afval**" enige persoon wat afval invoer, genereer, berg, opgaar, vervoer, verwerk, behandel, uitvoer of daarmee wegdoen, en dit sluit hersirkuleerders en skroothandelaars in;

"**industriële afval**" afval wat afkomstig is van persele wat in die geheel of hoofsaaklik vir industriële doeleindes gebruik word, en wat afval genereer deur middel van vervaardiging, vervaardigings- of industriële prosesse, met inbegrip van persele wat vir landbouaktiwiteite, mynbou-aktiwiteite of die bedryf van kragstasies gebruik word;

“persoon” sluit enige staatsorgaan in;

"residensiële afval" afval wat afkomstig is van persele wat in die geheel of hoofsaaklik vir residensiële, sport-, ontspannings- of opvoedkundige doeleindes gebruik word, en wat herwinbare en nie-herwinbare stowwe kan insluit, maar wat gevaarlike afval uitsluit;

“rommel” afval, met die uitsluiting van gevaarlike afval, wat afkomstig is van aktiwiteite in openbare gebiede en wat nie in ’n openbare rommelhouer weggegooi is nie;

“sakeondernemingsafval " afval wat afkomstig is van persele wat, hetsy wettig of onwettig, hoofsaaklik vir kleinhandels-, groothandels- vermaak-, staatsadmininstrasie- of kommersiële doeleindes gebruik word, en dit geld ook vir afval wat gegenereer word deur informele handelaars en residensiële persele waar kommersiële aktiwiteit uitgevoer word;

“Stad” die Stad Kaapstad wat ingevolge Provinsiale Koerantno. 479 van 2000 tot stand gebring is, of sy regsopvolgers;

"storting" die wegdoening met afval op enige ander manier as dié wat by wet toegelaat word, met in begrip van, sonder om die wye omvang van die voorgaande in

te kort, die plaas, uitlaat, mors of vrystelling van afval, hetsy die afval in ’n houer of opvangbak is, in of op enige plek hoegenaamd, hetsy in openbare of privaat besit, met inbegrip van, maar nie beperk daartoe nie, onbeboude grond, riviere, waterweë, opvanggebiede en riool- en stormwaterstelsels, maar met die uitsluiting van rommelstrooiing;

“Tariefbeleid en Tariefverordening” die Tariefbeleid en Tariefverordening wat die raad van die Stad aanvaar het en wat van tyd tot tyd in die Provinsiale Koerant gepubliseer word;

“tuinafval" organiese afval wat afkomstig is van tuinbou- of terreinverfraaiingsaktiwiteite op residensiële, sake- of industriële eiendomme, met inbegrip van, maar nie daartoe beperk nie, grond, grassnysels, blare en takke, en enige vergaanbare stowwe asook sodanige afval wat van residensiële, sake- of industriële eiendomme afkomstig is, maar met die uitsluiting van afvalprodukte van dierlike oorsprong;

“voorrangafval” afval wat as sodanig verklaar is deur die direkteur ingevolge dié Verordening of ingevolge nasionale of provinsiale wetgewing;

Toepassing van dié Verordening

2. Ingeval van enige strydigheid van dié Verordening met enige ander verordening van die Stad wat met afvalbestuur verband hou, moet dié Verordening voorrang geniet.

Kategorisering van afval

3. (1) Afval sal gekategoriseer word in ooreenstemming met die definisies van die verskillende soorte afval in dié Verordening en die Verordening op Omgewingsgesondheid (in soverre dit mediese afval definieer), en in gevalle waar dit onduidelik is onder watter kategorie ’n soort afval hoort,

(2) sal die besluit van die direkteur, onderhewig aan enige ander wet, finaal wees by die kategorisering afval.

Verpligtinge van afvalgenereerders

4. (1) ’n Afvalgenereerder moet –

(a) die generering van afval vermy, of waar dit nie vermy kan word nie, die toksisiteit van en hoeveelheid afval wat gegenereer word, minimaliseer;

(b) afval skei met die oog daarop om afval en die impak daarvan te minimaliseer, en om die herwinbare en nie-herwinbare afval afsonderlik te berg, met dien verstande dat industriële afval verdeel moet word in vloeistowwe, komponente en materiaal wat vir herwinning of hergebruik behandel kan word;

(c) afval hergebruik, hersirkuleer of herwin waar dit moontlik is;

(d) wegdoen met herwinbare afval deur -

(i) die Stad te kontrakteer, en die eienaar sal die Stad se standaardtarief ingevolge die Verordening op Tariewe moet betaal;

(ii) waar die Stad nie sodanige diens lewer nie, deur ’n geakkrediteerde diensverskaffer te kontrakteer; of

(iii) die afval by ’n geakkrediteerde afvalwegdoenfasiliteit af te lewer, en sorg dat die behandeling van, of wegdoening met afval op ’n omgewingsensitiewe wyse geskied by ’n geakkrediteerde afvalwegdoenfasiliteit;

(e) afval so bestuur dat dit nie gesondheid of die omgewing bedreig of ’n oorlas veroorsaak nie;

(f) paslike sindelikheids- en higiënestandaarde op hulle persele handhaaf soos deur die Stad se Verordening op Omgewingsgesondheid vereis word;

(g) gebruik maak van die afvalverwyderingsdienste wat die Stad en/of sy diensverskaffer verskaf, tensy die Stad nie ’n afvalverwyderingsdiens verskaf vir die soort afval waarmee weggedoen moet word nie, in welke geval hulle van ’n geakkrediteerde diensverskaffer gebruik moet maak;

(h) met die Stad, sy diensverskaffer of ’n geakkrediteerde diensverskaffer, na gelang van die geval, ’n kontrak aangaan vir die berging en verwydering van afval;

(i) afval, totdat dit verwyder word, in die houers berg wat deur die Stad en/of geakkrediteerde diensverskaffer verskaf word, of waar daar nie houers verskaf word nie, die afval in swart plastieksakke plaas, welke houers en/of sakke minstens een keer per week deur die diensverskaffer verwyder sal word in ooreenstemming met die roetes wat die Stad of diensverskaffer van tyd tot tyd sal publiseer;

(j) tariewe en belasting betaal wat die Stad vir sodanige afvalverwyderingsdienste hef ingevolge die Stad se Verordening op Kredietbeheer en Skuldinvordering;

(2) As ’n bykomende houer verlang word, kan die afvalgenereerder by die afvalbestuursbeampte om die verskaffing daarvan aansoek doen, en sal hy in ooreenstemming met die Stad se Verordening op Tariewe en Tariefbeleid vir die bykomende koste aanspreeklik wees.

(3) Die afvalbestuursbeampte kan van sodanige persoon verlang om ’n geïntegreerde afvalbestuursplan voor te lê voordat hy toestem om ’n bykomende houer te verskaf.

(4) Die eienaar en afvalgenereerder moet aan die bepalings en voorwaardes voldoen wat sodanige afvalbestuursbeampte uiteengesit het vir die generering, minimalisering, berging, verwydering en behandeling van, en wegdoening met sodanige bykomende afval.

(5) Ingeval die afval wat ’n afvalgenereerder genereer, die volume oorskry wat in die beskikbare houer(s) of sakke geberg kan word, moet die eienaar met ’n geakkrediteerde diensverskaffer reëlings vir die verwydering van die ekstra afval tref.

(6) As sodanige reëlings nie getref word nie, moet die eienaar en/of afvalgenereerder dié bykomende afval sonder versuim op eie koste na ’n geakkrediteerde afvalwegdoenfasiliteit vervoer, en dit daar aflaai.

(7) Die Stad sal aan die eienaars van formele wonings wat ander strukture op hulle eiendomme het met gesinne wat in dié afsonderlike strukture woon, ook een houer per bykomende struktuur toewys, en dié eienaars sal daarop geregtig wees dat dit op dieselfde voorwaardes as die residensiële woning s'n verwyder word.

(8) Die eienaar van die eiendom sal 'n bykomende kontrak met die Stad moet onderteken vir die berging en verwydering van, en wegdoening met sodanige afval, soos bedoel in subartikel 7, en sal vir tariewe aanspreeklik wees wat die Stad daarvoor hef.

(9) Enige sakeonderneming en/of agent wat namens sodanige ondernemings met afval wegdoen, moet voor of op die 7e van elke maand 'n verslag aan die afvalbestuursbeampte voorlê oor die afval waarmee weggedoen is, in 'n formaat na gelang die direkteur van tyd tot tyd sal bepaal.

(10) 'n Afvalgenereerder wat industriële afval genereer, moet 'n geakkrediteerde diensverskaffer kontrakteer vir die verwydering van sodanige afval en die wegdoening daarmee by 'n gelisensieerde afvalwegdoenfasiliteit.

(11) Die eienaar moet op versoek aan die afvalbestuursbeampte bewys kan lewer dat hy/sy 'n geskikte ooreenkoms met sodanige geakkrediteerde diensverskaffer aangegaan het vir die verwydering, verwerking, behandeling van en/of wegdoening met sodanige afval minstens een keer per week, of na gelang die afvalbestuursbeampte bepaal.

(12) 'n Geakkrediteerde diensverskaffer moet ten opsigte van industriële afval soos omskryf deur SANS 10228 en 10229 voldoen aan alle wetgewing met betrekking tot die hantering, oorlaai, berging, gebruik, behandeling en vervoer van gevaarlike goedere, en moet by 'n gelisensieerde afvalwegdoenfasiliteit of grondopvulterrein daarmee wegdoen.

(13) 'n Afvalgenereerder wat industriële afval genereer, moet 'n geïntegreerde afvalbestuursplan aan die Stad voorlê, en moet aan die voorwaardes voldoen wat die Stad oplê vir die generering, minimalisering, berging, herwinning en verwydering van, en wegdoening met sodanige afval.

(14) Tuinafval wat gegenereer word op eiendomme wat hoofsaaklik vir

residensiële doeleindes gebruik word, kan op die eiendom vir komposmaking gebruik word, of op komposhope geberg word of in geskikte sakke geplaas word ooreenkomstig die Stad se vereistes, en dit mag op die eiendom gehou word totdat dit verwyder word of na ’n gelisensieerde afvalwegdoenfasiliteit geneem word.

(15) Die afvalgenereerder kan deur die afvalbestuursbeampte versoek word om ’n weegbrugkaartjie te toon as bewys van behoorlike wegdoening met tuinafval bo ’n bepaalde massa, na gelang die Stad bepaal ingevolge sy riglyne en voorwaardes wat van tyd tot tyd opgelê word.

(16) Enige persoon wat bouafval regstreeks of onregstreeks genereer, of die eienaar van die eiendom waarop sodanige afval gegenereer word, mag sodanige afval nie berg in houers wat die Stad vir residensiële afval verskaf het nie, en moet sodanige afval verwyder en daarmee wegdoen by ’n gelisensieerde vergruisaanleg of grondopvulterrein of enige ander gelisensieerde bouafvalwegdoenfasiliteit.

(17) Wanneer planne aan die Stad voorgelê word vir sy goedkeuring ingevolge die Nasionale Bouregulasies en die Wet op Boustandaarde, Wet 107 van 1977, moet die persoon wat die planne voorlê, terselfdertyd

(a) ’n geïntegreerde afvalbestuursplan voorlê waarin daar uiteengesit word watter voorsiening vir die verwydering van, en wegdoening met bou- en ander afval gemaak word;

(b) meld welke voorsiening gemaak word om die afval op hulle eiendom te berg; of

(c) ’n permit voorlê om sodanige afval op Stadseiendom te berg.

(18) Ingeval bou- of ander afval besoedel is en die besoedelagent skadelik en/of gevaarlik is, moet daarmee weggedoen word by ’n gelisensieerde geakkrediteerde afvalwegdoenfasiliteit vir die behandeling van, en wegdoening met gevaarlike afval.

(19) Die eienaar van die fasiliteit waar daar met bouafval weggedoen word, moet ’n maandelikse verslag aan die afvalbestuursbeampte voorlê oor die massa van sodanige afval waarmee daar by sodanige gerief weggedoen is.

(20) Die afvalgenereerder of die eienaar van die eiendom waarop afval

gegenereer word, wat afval op eiendom van die Stad stort of berg, kan beboet word vir versuim om ’n permit vir sodanige storting of berging te hê of te toon.

(21) Wanneer die boubeheerbeampte die eiendom inspekteer waar bouwerk uitgevoer word om na te gaan dat dit ooreenkomstig die goedgekeurde planne gebou is, sal hy/sy ook nagaan of daar met alle bouafval weggedoen is.

(22) Daar sal van die eienaar van die eiendom waarna daar in subartikel (21) verwys word, verwag word om aan sodanige boubeampte deur middel van ’n weegbrugsertifikaat bewys te lewer dat hy/sy met die volle massa van die bouafval weggedoen het by ’n gelisensieerde afvalwegdoenfasiliteit vir dié kategorie afval, voordat ’n okkupasiesertifikaat of enige finale goedkeurings verleen word.

Gevaarlike afval

5. (1) ’n Afvalgenereerder wat gevaarlike afval genereer en die eienaar van eiendom waar gevaarlike afval gegenereer word, moet ’n geakkrediteerde diensverskaffer kontrakteer om sodanige afval te verwyder en daarmee weg te doen by ’n gelisensieerde gevaarlike-afvalwegdoenfasiliteit.

(2) ’n Persoon wat die gevaarlike afval vervoer, moet seker maak dat die fasiliteit of plek waarheen die gevaarlike afval vervoer word, gemagtig is om sodanige gevaarlike afval te aanvaar voordat dit van die voertuig afgelaai word.

Geleentheidsafval

6. (1) Enige persoon wat regstreeks of onregstreeks betrokke is by die organisering of bestuur van ’n sport-, vermaaklikheids-, kulturele of godsdienstige geleentheid wat op privaat of openbare eiendom gaan plaasvind, of wat ’n perseel besit of beheer waarop ’n sport-, vermaaklikheids-, kulturele of godsdienstige geleentheid gaan plaasvind, met inbegrip van sportstadions en konferensiesentrums, moet minstens vyf werksdae voor die beoogde geleentheid ’n geïntegreerde afvalbestuursplan in ooreenstemming met dié Verordening aan die afvalbestuursbeampte voorlê ten opsigte van die berging, verwydering en herwinning van, en wegdoening met afval tydens en na sodanige geleentheid, en moet aan die bepalings en voorwaardes voldoen wat die Stad oplê.

(2) Die geïntegreerde afvalbestuursplan moet ook kosteberekeningsinligting insluit, en daar sal van die organiseerder, bestuur of eienaar verwag word om ’n terugbetaalbare deposito te betaal na gelang die Stad sal bepaal.

(3) Enige persoon wat voornemens is om geleentheidsafval te genereer, moet ’n geakkrediteerde diensverskaffer kontrakteer om sodanige geleentheidsafval te verwyder en by ’n gelisensieerde afvalwegdoenfasiliteit daarmee weg te doen, en moet as deel van sy/haar geïntegreerde afvalbestuursplan bewys hiervan aan die Stad lewer.

(4) As die geleentheid op ’n openbare plek gaan plaasvind, is die gebruik, verkoop of verspreiding van glas- of soortgelyke houers verbode, tensy daar vooraf by die afvalbestuursbeampte toestemming verkry is op sodanige voorwaardes na gelang deur hom of haar bepaal word, wat die moontlikheid van besering as gevolg van gebreekte glas sal verminder.

(5) Ingeval ’n persoon versuim of nalaat om voor die geleentheid die dienste van ’n geakkrediteerde diensverskaffer ingevolge subartikel (3) te bekom, of versuim om ’n geïntegreerde afvalbestuursplan aan die Stad te voorsien, of as daar op die gebied waar die geleentheid plaasgevind het of as gevolg van die geleentheid op die omliggende gebied afval agter gelaat word, kan die afvalbestuursbeampte, onderhewig aan subartikel (6), vir die verwydering, opruiming en herwinning van, en wegdoening met die geleentheidsafval reël.

(6) Die koste van die verwydering, opruiming en herwinning van, en wegdoening met die afval sal deur die geleentheidsorganiseerder betaalbaar wees, en kan verhaal word van die betaalde deposito of in gevolge die Stad se verordening op Kredietbeheer en Skuldinvordering.

Voorrangafval

7. (1) Die direkteur moet ingevolge dié Verordening afval as voorrangafval kategoriseer as hy of sy meen dat spesiale maatreëls ten opsigte van die bestuur van sodanige afval nodig is, aangesien dit **-**

(a) ’n wesenlike bedreiging vir gesondheid of die omgewing inhou;

(b) in die omgewing kan bly;

(c) patogene van aanmeldbare siektes bevat of kan kweek; of

(d) ingevolge ander toepaslike wetgewing as voorrangafval verklaar is.

(2) Die Stad kan van tyd tot tyd riglyne publiseer na gelang dit ten opsigte van die kategorisering van afval nodig kan wees.

Noodgevalle wat die bestuur van afval vereis

8. (1) In ’n noodgeval kan die direkteur die eienaar van die eiendom of die afvalgenereerder versoek om sodanige afval binne ’n gegewe tyd tot bevrediging van die Stad te bestuur.

(2) Die direkteur kan reël vir die bestuur van ’n noodgeval, met inbegrip van verwydering en opruiming van rommel en besoedelingsgevolge, en vir die vervoer van, en wegdoening met die afval by ’n gelisensieerde afvalwegdoenfasiliteit wat geakkrediteer is vir die spesifieke soort afval wat gegenereer is.

(3) Die direkteur kan ook die rehabilitasie en herstel van enige infrastruktuur, geboue, toerusting of natuurlike omgewing in dié proses reël, bestuur en koördineer.

(4) Die koste van sodanige bestuur, rehabilitasie en herstel, met inbegrip van alle koste wat by die benutting van die Stad se hulpbronne, toerusting en materiaal aangegaan is, sal vir die rekening wees van die persoon wat vir die noodgeval verantwoordelik is.

(5) As ’n noodgeval deur ’n natuurkrag veroorsaak is, sal die Stad sodanige noodgeval op ’n wyse behartig na gelang die omstandighede en befondsing mag toelaat.

Totstandbrenging van formele afvalminimaliseringsklubs in gemeenskappe of onder sakeondernemings

9. (1) Afvalbestuursklubs kan by die direkteur om spesiale vrystelling as ’n verbeterde diens ten opsigte van afvalminimalisering aansoek doen ingevolge die Stad se Verordening op Tariewe en Tariefbeleid.

(2) Die klub moet ’n skriftelike geïntegreerde afvalbestuursplan vir goedkeuring aan die direkteur voorlê, sowel as ander aansoekdokumentasie vir die stigting en bedryf van ’n afvalminimaliseringsklub, na gelang die Stad kan bepaal.

(3) Die direkteur sal na sy/haar goeddunke bepaal of hy ’n afvalminimaliseringsklub se aansoek om spesiale vrystelling sal goedkeur, al dan nie.

(4) As ’n aansoek nie slaag nie, moet die direkteur redes vir die afwysing van goedkeuring aan die afvalminimaliseringsklub stipuleer en verskaf.

(5) As die direkteur ’n aansoek goedkeur om ’n afvalminimaliseringsklub te stig, moet die klub voldoen aan die bepalings en voorwaardes wat die direkteur neerlê vir die generering, minimalisering, berging en verwydering van, en wegdoening met sodanige afval.

Geïntegreerde afvalbestuursplan

10. (1) ’n Geïntegreerde afvalbestuursplan moet skriftelik deur die afvalgenereerders wat in subartikel (10) hieronder gelys word, vir goedkeuring aan die afvalbestuursbeampte voorgelê word, voor die generering van die afval waarmee ingevolge genoemde plan gehandel sal word.

(2) ’n Geïntegreerde afvalbestuursplan moet die volgende insluit -

(a) ’n bepaling van die hoeveelheid en soort afval wat gegenereer sal word;

(b) ’n beskrywing van die dienste wat nodig is om sodanige afval te berg, te verwyder en te vervoer, en daarmee weg te doen;

(c) ’n beskrywing van hoe herwinbare en nie-herwinbare stowwe by die bron geskei gaan word;

(d) die afvalminimaliserings- en besoedelingsvoorkomingsplan van sodanige afvalgenereerder;

(e) die afval wat deur hulle geskep word se impak of potensiële impak op die omgewing;

(f) die soort of kenmerke van die afval wat geproduseer word wat van ’n omgewingsensitiewe aard is, of die hoeveelheid natuurlike

hulpbronne wat verbruik word by die vervaardigings- of produksieproses wat afval tot gevolg het;

(g) mikpunte vir afvalproduksie deur middel van minimaliserings-, hergebruiks-, hersirkulerings- en herwinningsmaatreëls, of programme wat die verbruik van natuurlike hulpbronne kan minimaliseer, en die afvalwegdoenmetode.

(3) Industriële entiteite moet in ’n geïntegreerde afvalbestuursplan maatreëls insluit of stappe wat gebruik sal word om afval te bestuur, die uitfasering van die gebruik van sekere stowwe, geleenthede vir die vermindering van afvalgenerering deur middel van veranderinge aan produkontwerp, produkvervaardiging of verpakking om hulpbronverbruik te verminder.

(4) Sake- en industriële entiteite moet vir die opvoedings-, bemarkings- en verkoopinligting voorsiening maak wat klantepersepsie en -gedrag beïnvloed om die herwinning van produkte te verseker.

(5) Wanneer ’n afvalgenereerder versoek word om ’n afvalbestuursplan of ’n verdere afvalbestuursplan Ingevolge dié Verordening voor te lê, moet hy/sy dit binne die gestipuleerde tyd doen, en voldoen aan die bepalings en voorwaardes wat die afvalbestuursbeampte oplê vir die generering, minimalisering, berging en verwydering van, en wegdoening met sodanige afval.

(6) Die afvalbestuursbeampte moet die plan oorweeg en -

(a) dit goedkeur met voorwaardes en riglyne vir die implementering daarvan verstrek;

(b) versoek dat bykomende inligting verskaf word of dat ’n hersiene plan vir goedkeuring voorgelê word;

(c) vereis dat wysigings aangebring word binne die tydsbestek wat hy of sy spesifiseer; of

(d) die plan afwys en redes daarvoor verskaf; of

(e) sodanige plan goedkeur en voorwaardes spesifiseer wat op sodanige goedkeuring betrekking het.

(7) As ’n geïntegreerde afvalbestuursplan afgewys word of glad nie voorgelê word nie, moet die afvalbestuursbeampte riglyne verstrek ten opsigte van die

afvalbestuursmaatreëls wat die afvalgenereerder moet getref, en as die afvalgenereerder versuim om sodanige maatreëls te tref binne die tydsbestek wat die afvalbestuursbeampte gespesifiseer het, kan die Stad sodanige maatreëls implementeer en sal die afvalgenereerder vir die koste daarvan aanspreeklik wees.

(8) Die direkteur kan deur middel van skriftelike kennisgewing enige persoon versoek om dié inligting te verskaf wat hy of sy nodig het om die Stad se geïntegreerde afvalbestuursplan op te stel.

(9) As ’n persoon versuim om die inligting te verskaf waarna daar in subartikel (8) verwys word, mag die Stad op die afvalgenereerder se koste ’n ouditeur aanstel om sodanige inligting te verkry.

(10) Die afvalgenereerders van die volgende klasse afval moet ’n geïntegreerde afvalbestuursplan indien -

(a) sakeondernemings afval;
(b) industriële afval;
(c) bouafval;
(d) geleentheidsafval;
(e) voorrangafval;
(f) gevaarlike afval;
(g) diegene wat om spesiale vrystelling ingevolge artikel 9 aansoek doen;
(h) diegene wat afval sorteer of ’n hersirkulerings-, hergebruiks- of afvalherwinningsaktiwiteit onderneem, met inbegrip van, maar nie daartoe beperk nie, skroothandelaars, hersirkuleringsgroepe en terugkoopsentrums;
(i) enige ander persoon wat deur die direkteur kennis gegee word om dit te doen; of
(j) diegene wat die aktiwiteite uitvoer wat in paragraaf (h) gelys is.

Vrystelling van voorlegging van ’n geïntegreerde afvalbestuursplan

11. (1) As een van die afvalgenereerders vir die kategorieë afval waarna in

artikel 10(10)(j) hierbo verwys is, van die voorlegging van ’n afvalbestuursplan vrygestel wil wees, moet daar skriftelik by die afvalbestuursbeampte aansoek gedoen word, en die redes vir die aansoek moet verstrek word.

(2) ’n Afvalbestuursbeampte kan ook verklaar dat –

(a) sekere soorte afval of afvalgenereerders;
(b) ’n bepaalde massa of volume afval; of
(c) persone wat sodanige plan aan die ander regeringsfere voorgelê het ingevolge hulle toepaslike wetgewing;

van die voorlegging van ’n geïntegreerde afvalbestuursplan vrygestel word.

Berging en vervoer van afval

12. (1) Enige houer van afval wat dit berg of vervoer, moet sorg dat -

(a) die houer waarin enige afval geberg word, heel is en nie gekorrodeer of op enige ander wyse vir die veilige berging of vervoer van afval ongeskik gemaak is nie, as dit nie in ’n houer is wat deur die Stad verskaf is nie;
(b) gepaste maatreëls getref is om te verhoed dat storting of lekkasie per ongeluk voorkom;
(c) die afval nie weggewaai kan word nie;
(d) ergernisse soos ’n slegte reuk, visuele impakte en die uitbroei van siektedraers nie ontstaan nie;
(e) besoedeling van die omgewing en benadeling van gesondheid voorkom word;
(f) gevaarlike afval in ’n ondeurlaatbare houer verseël is, en dat gepaste maatreëls getref is om peutery te voorkom; en
(g) enige afvalitems of -stowwe veilig vir hantering, verwydering en/of wegdoening is, en dat dit nie skadelik vir persone sal wees as ongemagtigde persone of die publiek toegang daartoe kry nie.

(2) Die afvalgenereerder en die houer van afval moet sorg dat afval na die naaste gelisensieerde wegdoenfasiliteit vervoer word wat die kapasiteit het om die afval te hanteer.

Hersirkulering, hergebruik, sortering en herwinning van afval

13. (1) Enige persoon wat ’n hersirkulerings-, hergebruiks- of herwinningsaktiwiteit onderneem of wat afval sorteer, met inbegrip van, maar nie daartoe beperk nie, skroothandelaars, terugkoopsentrums en geformaliseerde hersirkuleringsgroepe, moet, voordat sodanige aktiwiteit onderneem word, deur middel van ’n omgewingsimpakbepaling of soortgelyke prosedure wat deur nasionale of provinsiale wetgewing vereis word, seker maak dat die hersirkulering, hergebruik of herwinning van die afval minder skadelik vir die omgewing is as om met die afval weg te doen, en moet akkreditasie van die Stad verkry ingevolge sy riglyne soos van tyd tot tyd gepubliseer word.

(2) Die persoon waarna in subartikel (1) verwys word, moet ook ’n geïntegreerde afvalbestuursplan voorlê, en die afvalbestuursbeampte moet, wanneer hy of sy besluit om magtiging te verleen, sodanige geïntegreerde afvalbestuursplan oorweeg.

(3) Enige persoon wat ’n hersirkulerings-, hergebruiks- of herwinningsaktiwiteit onderneem of wat afval sorteer, met inbegrip van, maar nie daartoe beperk nie, skroothandelaars, terugkoopsentrums en geformaliseerde hersirkuleringsgroepe, moet vir akkreditasie by die Stad registreer om daarop geregtig te wees om sodanige aktiwiteite uit te voer.

(4) Persone en entiteite wat afval vir hersirkuleerdoeleindes hanteer, vervoer, verwerk en behandel, of daarmee wegdoen, moet die afvalbestuursbeampte voor of op die 7^{e} van elke maand van ’n skriftelike verslag voorsien in ’n formaat wat deur die direkteur bepaal sal word.

(5) Die afvalbestuursbeampte mag sekere afvalgenereerders, -hanteerders, -vervoerders of -agente van sodanige vereistes vrystel.

Verbod op ongemagtigde wegdoening met afval

14. Geen persoon mag -

(a) met afval wegdoen op 'n wyse wat waarskynlik besoedeling van die omgewing sal veroorsaak of 'n uitwerking daarop sal hê nie, of skadelik vir gesondheid sal wees nie;

(b) met afval wegdoen op 'n ander wyse as in ooreenstemming met dié Verordening of nasionale en provinsiale wetgewing nie;

(c) met gevaarlike afval wegdoen in 'n houer wat deur die Stad verskaf is, wat vir die berging van sakeondernemings- of residensiële afval ontwerp is, of in sakke wat deur die Stad verwyder moet word nie;

(d) afval verbrand nie, veral nie gevaarlike afval nie, behalwe in goedgekeurde verbrandingsoonde waarvoor daar 'n permit of lisensie uitgereik is om dit te doen;

(e) met gevaarlike afval wegdoen nie, tensy dit in ooreenstemming met 'n goedgekeurde geïntegreerde afvalbestuursplan gedoen word;

(f) residensiële, sakeondernemings-, industriële, tuin-, bou-, of gevaarlike afval in 'n openbare rommelhouer plaas nie; of

(g) afval hanteer op 'n wyse wat stof, storting of rommelstrooiing veroorsaak nie.

Rommelstrooiing en storting

15. (1) Geen persoon mag enige rommel of afval laat val, gooi, plaas, stort of op enige ander manier daarvan ontslae raak in of op enige openbare plek, riool, grond, onbeboude erf, stroom waterleiding, straat, pad, vleiland, kuslyn of op enige plek waartoe die publiek toegang het, of andersins daarmee wegdoen of 'n persoon onder sy/haar beheer toelaat om dit te doen nie.

(2) Die eienaar van privaat grond waartoe die publiek toegang het, moet sorg dat voldoende houers verskaf word om die rommel te hou wat deur die publiek weggegooi word.

(3) As die bepalings van subartikel (1) oortree word, mag die direkteur persone deur middel van 'n skriftelike kennisgewing opdrag gee –

(a) om die oortreding binne 'n gespesifiseerde tyd te staak;

(b) om ’n verdere oortreding of die voortsetting van die oortreding te verhoed;

(c) om welke stappe ook al te doen wat die Stad nodig ag om die afval op te ruim of te verwyder, om die aangetaste fasette van die omgewing te rehabiliteer;

om te sorg dat daar wettig weggedoen word met enige afval en besoedelde materiaal wat nie skoongemaak of gerehabiliteer kan word nie.

(4) Die direkteur kan ten opsigte van die kennisgewing bedoel in subartikel 3(c) meld dat die persoon die afval of rommel binne ’n maksimum van 5 werksdae moet verwyder, met dien verstande dat die direkteur op versoek van die persoon ’n verdere twee dae kan toestaan om die afval te verwyder.

(5) ’n Persoon wat grond of ’n perseel besit, of wat in beheer van grond of ’n perseel is of wat ’n reg het om dit te gebruik, mag nie die grond of perseel vir die onwettige storting van afval gebruik of laat gebruik nie, en moet redelike stappe doen om te verhoed dat die grond of perseel vir dié doel gebruik word.

(6) As die Stad besluit om die afval/rommel te verwyder, sal die oortreder vir die koste van sodanige verwydering aanspreeklik wees.

(7) In die geval van gevaarlike afval sal die Stad dit onmiddellik verwyder en daarna kennisgewings uitreik dat die oortreder die koste van die verwydering en rehabilitasie van die gebied moet betaal.

Lisensies

16. Enige persoon of entiteit wat ’n lisensie ingevolge nasionale, provinsiale of munisipale wetgewing nodig het, sal op versoek aan die afvalbestuursbeampte moet bewys dat hulle oor die toepaslike lisensie beskik binne 30 dae of sodanige korter tydperk wat sodanige beampte sal spesifiseer.

Afvalbestuursdienste, aansoeke om en registrasie vir afvalversamelings- en verwyderingsdienste

17. (1) Alle persone wat afval versamel of verwyder, moet ’n kontrak vir die versameling en verwydering van afval met die Stad of ’n geakkrediteerde diensverskaffer hê.

(2) Inwoners moet aansoek doen om en registreer vir afvalversamelings- en -verwyderingsdienste wat uitsluitlik deur die Stad of sy gekontrakteerde geakkrediteerde diensterverskaffer gelewer sal word, tensy die Stad andersins magtiging verleen.

(3) Sakeondernemings het ’n keuse om die Stad vir afvalversamelings- en -verwyderingsdienste te kontrakteer, of om ’n geakkrediteerde diensverskaffer te kontrakteer.

(4) Industrieë, met inbegrip van dié wat gevaarlike afval produseer, moet, vanweë die gespesialiseerde aard van die afval wat in dié sektore geproduseer word, ’n privaatsektor- geakkrediteerde diensverskaffer kontrakteer.

(5) As ’n entiteit of ’n geakkrediteerde diensverskaffer ’n lisiensie of goedkeuring ingevolge nasionale of provinsiale wetgewing moet hê, moet hulle bewys daarvan kan lewer, sowel as voldoen aan die kriteria wat deur die raad bepaal word, voordat hulle by die direkteur geregistreer kan word.

(6) Die direkteur sal ’n bygewerkte rekord van geregistreerde geakkrediteerde diensverskaffers hou.

(7) Kommersiële en industriële ondernemings, met inbegrip van skroothandelaars, wat ’n afvalverwyderingsdiens verlang wat nie deur die Stad gelewer word nie, moet by die Stad registreer en bewys dat hulle ’n diensverskaffer vir sodanige diens gekontrakteer het.

Toegang tot privaat eiendom

18. (1) Die eienaar moet, op versoek, ’n vredesbeampte of enige ander behoorlik gemagtigde werknemer van die Stad toegang tot sy/haar eiendom verleen om die eiendom te inspekteer ten einde enige oortreding van dié Verordening te ondersoek en om voldoening daaraan te verseker.

(2) Wanneer die gemagtigde werknemer die eiendom betree, moet hy/sy hom/haar op versoek identifiseer deur skriftelike bewys van sodanige magtiging te lewer.

(3) Sodanige werknemer kan deur ’n persoon vergesel word wat redelikerwys nodig is om die inspeksie of ondersoek uit te voer, en wat as sodanig deur die gemagtigde werknemer geïdentifiseer moet word.

Persele ontoeganklik vir vullisverwydering

19. As die Stad vanweë die uitleg van ’n persoon se perseel verhinder word om afval te hanteer of te verwyder, en as dié hindernis ’n gevaar vir werknemers van die Stad inhou, mag die direkteur van die eienaar vereis om sodanige veranderinge of aanbouings aan die eiendom aan te bring wat nodig is om sodanige hindernis op die betrokke persoon se koste te verwyder.

Voldoeningskennisgewings

20. (1) Die afvalbestuursbeampte mag kennisgewings uitreik aan enige persoon wat die bepalings van dié Verordening oortree -

(a) deur die bepalings en voorwaardes uiteen te sit wat oortree is;

(b) om sodanige persoon opdrag te gee om aan sodanige bepalings en voorwaardes te voldoen;

(c) om die maatreëls uiteen te sit wat getref moet word om die oortreding reg te stel, en die tydperk waarin dit gedoen moet word.

(2) As ’n persoon versuim om te voldoen aan opdragte wat gegee word in ’n kennisgewing wat deur die afvalbestuursbeampte uitgereik is, mag die afvalbestuursbeampte -

(a) welke stappe ook al doen wat hy nodig ag om afval op te ruim of te verwyder, om die perseel of plek of aangetaste omgewing te rehabiliteer waar die afval onwettig gestort of geberg is, en sorg dat daar wettig met die afval, en enige besoedelde materiaal wat nie verwyder, skoongemaak of gerehabiliteer kan word nie, weggedoen word;

(b) onderskeidelik die koste van opruiming, die rehabilitering van die perseel of die omgewing, en die verwydering afval of besoedelde stowwe, verhaal van die persone wat verplig is om sodanige stappe te doen ingevolge dié Verordening, welke persone gesamentlik en afsonderlik daarvoor aanspreeklik sal wees.

(3) Ingeval dit voorrang- of gevaarlike afval is, kan die Stad van die persone

wat sodanige afval genereer, vereis om te sluit totdat stappe gedoen is om met die afval ingevolge subartikel (2) weg te doen, as daar ’n wesenlike bedreiging van skade aan eiendom of besering van enige persoon is.

(4) Sodanige kennisgewing kan aan die volgende persone beteken word -

(a) enige persoon wat die oortreding begaan het, of wat die oortreding regstreeks of onregstreeks toegelaat het;

(b) die genereerder van die afval;

(c) die eienaar van die grond of perseel waar die oortreding plaasgevind het;

(d) die persoon in beheer van, of enige persoon wat ten tyde van die oortreding die reg het of gehad het om die grond of perseel te gebruik waar die oortreding plaasgevind het.

Betekening van dokument en prosesstukke

21. Wanneer ook al enige kennisgewing, order, aanskrywing of ander dokument ingevolge dié Verordening gemagtig is of vereis word om aan ’n persoon beteken te word, sal dit geag word doeltreffend en afdoende aan sodanige persoon beteken te wees -

(a) as dit aan hom of haar persoonlik beteken is;

(b) as dit by sy of haar woon- of sakeadres gelaat is by ’n persoon wat klaarblyklik ouer as 16 jaar is;

(c) as dit per aangetekende of gesertifiseerde pos na sy of haar laaste bekende sake- of residensiële adres gepos is en bewys van die pos daarvan voorsien word;

(d) as sy of haar adres onbekend is, wanneer dit aan sy of haar agent of verteenwoordiger beteken is op ’n wyse waarin daar in paragraaf (a), (b) of (c) voorsiening gemaak is; of

(e) as sy of haar adres en agent onbekend is, as dit op ’n duidelik sigbare plek op die vaste eiendom (as daar is) geplaas is waarop dit betrekking het.

Versuim om aan die Verordening te voldoen, en toepassing

22. (1) As die afvalbestuursbeampte ’n voldoeningskennisgewing ingevolge artikel 21 vir die oortreding van enige bepaling van dié Verordening aan enigiemand uitgereik het en sodanige persoon versuim om aan sodanige kennisgewing te voldoen, sal hy of sy aan ’n misdryf skuldig wees.

(2) Die afvalbestuursbeampte mag skriftelik van enige persoon vereis om ’n verslag aan hom of haar voor te lê rakende die impak van afval in ’n gespesifiseerde vorm soos gestipuleer in die Stad se riglyne wat van tyd tot tyd gepubliseer word.

(3) As die persoon versuim om sodanige verslag binne die voorgeskrewe tyd voor te lê, mag die afvalbestuursbeampte ’n onafhanklike persoon aanstel om die verslag op te stel, en die koste daarvan om die verslag op te stel, van die persoon verhaal wat dit moes voorlê.

(4) As die afvalbestuursbeampte vermoed dat die persoon by meer as een geleentheid die Verordening of lisensie wat ingevolge die provinsiale of nasionale wetgewing uitgereik is, oortree het of versuim het om daaraan te voldoen, en dit ’n nadelige uitwerking op die omgewing het, met inbegrip van gesondheid, maatskaplike, ekonomiese of ekologiese toestande of kulturele erfenis, of as dit tot die agteruitgang van die omgewing bygedra het, mag die afvalbestuursbeampte gelas dat sodanige verslag deur ’n onafhanklike persoon opgestel word.

(5) Die afvalbestuursbeampte mag dan die persoon wat versuim het om aan die Verordening te voldoen, gelas om die stappe te doen wat in sodanige verslag aanbeveel word, by gebreke waarvan die Stad dit mag doen, en die persoon wat die Verordening oortree het, vir die koste daarvan aanspreeklik sal wees.

MIsdrywe en boetes

23. (1) ’n persoon wat artikels 12(b), 12(f) en 15(1) oortree, sal aan ’n misdryf skuldig wees, en sal by skuldigbevinding aan -

(a) rommelstrooiing of storting van meer as 8 m^3 afval of gevaarlike afval;

(b) storting of lekkasie van meer as 8 m^3 afval sonder om geskikte maatreëls te tref;

(c) die vervoer van ’n onbedekte vrag gevaarlike afval van enige volume;

(d) die vervoer van ’n onbedekte en onbeveiligde vrag wat die storting van meer as 8 m^3 afval of gevaarlike afval tot gevolg het;

sodanige boete of tronkstraf opgelê word na gelang die hof toepaslik mag ag, en die hof mag daarbenewens gelas dat sodanige afval verwyder word, of mag die stappe wat deur sodanige persoon gedoen moet word, en die betaling daarvan ten opsigte van enige ander koste of skadevergoeding bepaal.

(2) As enige persoon enige werknemer van die Stad of ander persoon beweeg, beïnvloed, oorreed of dwing om ’n oortreding ingevolge dié Verordening te begaan, sal hy of sy aan ’n misdryf skuldig wees.

(3) As enige persoon enige werknemer van die Stad beweeg om afval te verwyder en daarmee weg te doen sonder die korrekte betaling aan die raad, of sonder dat die korrekte metodes gebruik word, sal hy of sy aan ’n misdryf skuldig wees.

(4) Enige afvalgenereerder wat versuim om ’n geïntegreerde afvalbestuursplan ingevolge dié Verordening voor te lê of daaraan te voldoen, sal aan ’n misdryf skuldig wees.

(5) Enige persoon wat enige misdryf begaan waarna daar in subartikels (2) tot (4) verwys word, of enige ander misdryf ingevolge dié Verordening, sal by skuldigbevinding blootgestel wees aan die betaling van ’n minimum boete van R500 maar nie hoër as R10 000 nie, of tronkstraf van ’n minimum tydperk van 6 maande maar nie langer as 2 jaar nie, of aan sodanige boete sowel as sodanige tronkstraf.

(6) Die hof mag, benewens enige boete wat ingevolge subartikel (5) opgelê is, gelas dat ’n persoon die skade herstel, vir die verlies vergoed, die omgewing rehabiliteer, afval verwyder, of die stappe wat sodanige persoon moet doen, of die betaling van koste wat ten opsigte daarvan aangegaan is, of enige ander koste of skadevergoeding bepaal.

(7) Die hof mag, wanneer enige vonnis vir ’n misdryf ingevolge dié

Verordening oorweeg word, die volgende in ag neem:

(a) Dat ’n persoon gesloer of versuim het om aan die bepalings van kennisgewings of opdragte te voldoen wat ingevolge dié Verordening aan die betrokke persoon beteken is.

(b) Dat dié persoon finansiële voordeel verkry het of finansiële voordeel staan te gekry het as gevolg van die begaan van die misdryf.

(c) Die erns van die oortreding ten opsigte van die impak of potensiële impak daarvan op gesondheid, welstand, openbare veiligheid en die omgewing.

Delegerings deur die afvalbestuursbeampte officer

24. Die afvalbestuursbeampte sal daarop geregtig wees om enige van sy of haar bevoegdhede aan enige ander amptenaar van die Stad te delegeer ingevolge dié Verordening.

Funksies en bevoegdhede van die afvalbestuursbeampte

25. Die afvalbestuursbeampte sal verantwoordelik wees vir die regulering, beheer, bestuur en toepassing van die bepalings van dié Verordening en nasionale en provinsiale wetgewing wat met afvalbestuur verband hou.

Wysigings van afvalverwyderingsdienste

26. Die Stad mag enige bestaande afvalverwyderings- of skoonmaakdienste wysig sodra ’n proses van openbare kennisgewing, deelname en kommentaar afgehandel is, en met dien verstande dat die wysiging prakties en koste-effektief is en die voorkoming van die aanwas van afval, die minimalisering van afval of die vermindering van afval wat verwyder moet word, ten doel het.

Oorgangsbepalings

27. Enige goedkeuring wat in ooreenstemming met vorige Verordeninge verleen is, sal geldig wees ten opsigte van die persele waarvoor dit verleen is en ten opsigte van die persoon aan wie dit verleen is, maar kan nie aan enige ander persoon oorgedra word nie.

Riglyne

28. Die raad mag riglyne neerlê wat nie strydig met ander wetgewing is nie, in die algemeen vir die beter uitvoering van die doelwitte en doeleindes van dié Verordening.

Herroeping van Verordeninge

29. Die Verordeninge in skedule 1 wat dié Verordening vergesel, word hiermee herroep.

Interpretasie

30. Ingeval van ’n teenstrydigheid in die Engelse, Xhosa- en Afrikaanse weergawes van dié Verordening, sal die Engelse weergawe beslissend wees.

Kort titel en aanvangs

31. Dié Verordening word Stad Kaapstad: Verordening op Geïntegreerde Afvalbestuur genoem, en tree by promulgasie in die Provinsiale Koerant in werking.

SKEDULE 1

HERROEPING VAN VERORDENINGE

ADMINISTRASIE	VERORDENING WAT HERROEP GAAN WORD
Brackenfell-munisipaliteit	PK 538/1968: Bykomende Verordening op die Verwydering van en Wegdoening met Vullis
Kaapstad-munisipaliteit	PK 0733/1961: Verordening op Vullishouers
Helderberg-munisipaliteit	PK 656/2000: Verordening op die Verwydering van Vullis en Afval
Kuilsrivier-munisipaliteit	PK 287/1964: Bykomende Verordening op die Verwydering van en Wegdoening met Vullis
Pinelands-munisipaliteit	PK 34/1982: Verordening op die Verwydering van Vullis
Suid-Skiereiland-munisipaliteit	PK 228/1999: Verordening op Vaste Afval
Tygerberg-munisipaliteit	PK 89/1999: Verordening op die Verwydering van Vullis
Weskus-Skiereiland-oorgangsraad	PK 123/1997: Verordening op die Verwydering van Vullis (in soverre dit op die munisipale gebied van die Stad Kaapstad van toepassing is)
Daarbenewens:	
Unistad	Verordening op Rommelstrooiing en Storting (Provinsiale Koerant 5894, 21 Junie 2002)

SKEDULE

SKULDERKENNINGSBOETES

ARTIKEL	MISDRYF	BOETE
Artikel 15(1)	Rommelstrooiing of storting onder 1 m^3	R500
	Rommelstrooiing of storting bo 1 m^3 tot 3 m^3	R1 000
	Rommelstrooiing of storting bo 3 m^3 tot 5 m^3	R1 500
	Rommelstrooiing of storting bo 5 m^3 tot 7 m^3	R2 000
	Rommelstrooiing of storting bo 7 m^3 tot 8 m^3	R2 500
Artikel 12(b)	Vervoer van onbedekte vrag wat stort van vrag tot gevolg het - Stortsel onder 1 m^3	R500
	Stortsel onder 1 m^3 tot 3 m^3	R1 000
	Stortsel bo 3 m^3 tot 5 m^3	R1 500
	Stortsel bo 5 m^3 tot 7 m^3	R2 000
	Stortsel bo 7 m^3 tot 8 m^3	R2 500
	Vervoer van ’n onbeveiligde vrag wat stort van vrag tot gevolg het Stortsel onder 1 m^3	R500
	Stortsel bo 1 m^3 tot 3 m^3	R1 000
	Stortsel bo 3 m^3 tot 5 m^3	R1 500
	Stortsel bo 5 m^3 tot 7 m^3	R2 000
	Stortsel bo 7 m^3 tot 8 m^3	R2 500