

[NAME OF THE LOCAL GOVERNMENT] SOLID WASTE MANAGEMENT BYELAWS 2023

No. _____ In exercise of the powers conferred by section 203 read with sixth schedule of the Punjab Local Government Act, 2022 (Act XXXIII of 2022), the [Name of the Local Government], promulgates the following Solid Waste Management Byelaws:

CHAPTER I INTRODUCTION

1. Short title and commencement. – (1) These Byelaws shall be cited as [Name of the Local Government] Solid Waste Management Byelaws 2023.

(2) These shall come into force at once and shall be applicable to the whole local area of [Name of the Local Government].

2. Definitions –

(1) The following words and expressions, wherever used in these Byelaws, unless repugnant to the context, shall have the meaning assigned to them as defined hereunder:

- (i) "Act" means the Punjab Local Government Act, 2022 (Act XXXIII of 2022);
- (ii) "approved receptacle", means the waste containers approved by the local government for the storage of waste;
- (iii) "authorized officer" means any officer of the local government or its entity who has been authorized by it to administer, implement and enforce the provisions of these Bye-laws or the Act;
- (iv) "bulky waste" means commercial waste, domestic waste or garden waste which, by virtue of its mass, shape, size or quantity, is inconvenient to remove in the routine solid waste collection service such as appliances, furniture, large auto parts, trees, abandoned items etc.;
- (v) "collection" means removing solid waste from the source or from the communal storage point;
- (vi) "communal storage point" means masonry waste enclosures or approved receptacles for storage of municipal waste;
- (vii) "commercial waste" means waste generated on the premises used for commercial purposes such as markets, shops, vendors, bazaars, mandies etc. Commercial waste excludes hazardous waste, healthcare risk waste, building waste, industrial waste, garden waste, bulky waste, recyclable waste and special industrial waste;
- (viii) "commercial waste service" means any service, excluding the municipal waste service, relating to or connected with accumulating, collecting, managing, recycling, sorting, storing, treating, transporting, disposing, buying or selling

- of waste or any other manner of handling commercial waste;
- (ix) "composting" means the controlled decomposition of organic matter by micro-organisms, mainly bacteria and fungi, into a humus-like product;
 - (x) "cover" means an approved loose tarpaulin, net or other material used to cover the waste during transportation;
 - (xi) "construction waste" means all the waste produced during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rocks displaced during such construction, alteration, repair or demolition;
 - (xii) "damage to the environment" means any pollution, degradation or harm to the environment whether visible or not;
 - (xiii) "disposal" means discharge, deposit, dumping, spilling, leaking or placing of any municipal waste in a designated disposal site;
 - (xiv) "disposal facility" means landfill site, incineration facility, recycling facility or treatment facility;
 - (xv) "domestic waste" means the waste generated on the premises used solely for residential purposes and places of public worship, including halls or other buildings used for religious purposes, but does not include commercial waste, construction waste, garden waste or bulky waste;
 - (xvi) "dump" means placing the waste anywhere other than an approved receptacle or a place designated as a waste handling facility or a waste disposal facility such as recycling centers, transfer stations etc.;
 - (xvii) "employee", means any official of the local government or its entity, designated for sweeping, collection and disposal of the waste;
 - (xviii) "entity" means a Department or a Company of the local government or any Corporate Body authorized to provide solid waste management services;
 - (xix) "fee" means a fee for the collection, transportation and disposal of solid waste;
 - (xx) "garden waste" means waste generated as a result of normal domestic gardening activities, including grass-mowing, cutting of leaves, plants, flowers, tree branches and other similar small and light organic matter, but does not include tree branches with a thicker diameter, bulky waste, building waste or any waste generated as a result of garden service activities;
 - (xxi) "Government" means the Government of the Punjab;

- (xxii) "hazardous waste" means the waste as defined in the Punjab Environment Protection Act, 1997.
- (xxiii) "industrial waste" means the waste as defined in the Punjab Environment Protection Act, 1997;
- (xxiv) "litter" means any object or matter which is discarded by a person at any place except in an approved receptacle provided for that purpose or at a waste handling facility or waste disposal facility;
- (xxv) "local community" includes:
 - a. the residents of the local area of the local government;
 - b. any civic organization, non-governmental organization or private sector organization or body which is involved in the local affairs of local government; and
 - c. visitors and other people residing outside the local government area, who, because of their presence in that area, make use of the services or facilities provided by the local government;
- (xxvi) "local government" means a Metropolitan Corporation, a District Council, or a Union Council promulgating these Bye-laws;
- (xxvii) "market" means a place notified as a market under this Act, or any other law, for the time being in force;
- (xxviii) "masonry waste enclosure" means the shed constructed for the storage and segregation of municipal solid waste;
- (xxix) "medical waste" means all hazardous waste generated at any health care facility such as a hospital, clinic, laboratory, medical research institution, dental or medical practitioner or veterinarian;
- (xxx) "municipal wastes" for the purposes of these Byelaws include:
 - a. domestic waste (exclusive of hazardous waste);
 - b. commercial waste including Bazar / market / shopping area waste, fruit and vegetable waste from mandis etc.;
 - c. institutional wastes (schools, public offices, etc.);
 - d. street sweeping waste;
 - e. animal waste (animal manure, dead animal body, bedding and feed etc.);
 - f. garden waste (excluding green waste from public parks and gardens, bulky garden waste such as Tree cutting etc.);
 - g. solid wastes collected from small open drains along the streets or sidewalks in urban areas; and

- h. waste from industrial area and healthcare institutions excluding bio-medical waste and industrial waste.
- (xxxi) “municipal waste service” means the service relating to the collection of waste, including domestic waste and commercial waste, provided by the local government or its entity;
 - (xxxii) “nuisance” means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste, or by littering;
 - (xxxiii) “operator” means, private sector, non-governmental organizations, community-based organizations etc. allowed to provide solid waste management services under the contractual arrangement or license / permit issued by the local government or its entity;
 - (xxxiv) “premises” means a portion of land, including any building thereon or any other structure utilized for business, industrial, agricultural or residential purposes;
 - (xxxv) “public parks” means any parks, gardens or spaces under the jurisdiction of Parks and Horticulture Authority;
 - (xxxvi) “public place” means any building, premise or place which is in general public access, as used in the Act;
 - (xxxvii) “public road” means any road, street or thoroughfare or any other place, whether a thoroughfare or not, which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access;
 - (xxxviii) “recyclable material” means material which has been separated from the waste stream, and set aside for the purposes of recycling;
 - (xxxix) “recycling” means the use, re-use or reclamation of material so that it re-enters an industrial process, rather than becoming waste;
 - (xl) "resource recovery" means extraction and utilization of material and energy from municipal waste;
 - (xli) "sanitary landfill site" means the land reserved for the disposal of municipal waste;
 - (xlii) "segregation" means the sorting of different material in municipal waste;
 - (xlili) “scheme” means a private housing scheme, a cooperative housing scheme or a farm housing scheme

- (xliv) "special waste" includes household waste, electronic waste, healthcare waste, tire, oil, wet battery, sewage sludge and slaughterhouse waste;
- (xlv) "storage" means the storage of waste in approved receptacles, waste containers, waste enclosure points or any other designated waste dumps;
- (xlvi) "source reduction" means minimization of quantity of municipal waste generated at the source;
- (xlvii) "transfer station" means a facility where waste is unloaded from collection vehicles and briefly held, while it is reloaded onto larger, long-distance transport vehicles for shipment to landfills or other treatment or disposal facilities;
- (xlviii) "treatment" means any process that changes the characteristics of a waste to make it less of an environmental threat;
- (xlix) "tipping fee" means charges for unloading or disposal of municipal waste at a sanitary landfill site, transfer station, incinerator, or recycling facility; and
 - (l) "waste" means any undesirable or superfluous matter, material, by-product or residue of any process or activity that has been discarded, accumulated or stored for the purpose of treatment, discarding or recycling and may be solid or semi solid, and may originate from domestic, commercial, construction, agricultural, slaughterhouse, medical or industrial or other activities, but does not include any liquid, gas or gaseous product.

3. Terms not defined – A word or term used in these Bye-laws, but not defined, shall have the same meaning as in the Act.

CHAPTER II
PRINCIPLES AND OBJECTIVES

4. Principles for the solid waste management.– (1) The local government shall ensure that the solid waste management services are based on the principles of value for money, social acceptability and the provision of sustainable and equitable services.

(2) The local government based on these principles, shall ensure that all waste generated within its jurisdiction on daily basis, and also during special events and occasions, is:

(a) swept, collected, transported, disposed off or recycled in accordance with these byelaws; and

(b) such sweeping, collection, transportation, disposal or recycling takes account of the waste management hierarchy set out in Bye-law (3).

(3) The local government, shall establish a waste management hierarchy in the following order of priority:

(a) avoidance, waste minimization and waste reduction;

(b) re-use;

(c) recycling, reprocessing and treatment; and

(d) disposal.

(4) Any authorized officer of the local government, or its entity shall, as far as reasonably possible, consider the hierarchy specified in Bye-law (3).

(5) The local government, may enter into a contractual arrangement or issue and renew the license / permit to an operator for waste sweeping, collection, transportation, treatment or disposal.

5. Objective of solid waste management. – (1) The Local government, or its entity, in exercise of these Byelaws shall:

(a) provide or regulate the sweeping, collection, disposal, treatment and recycling of waste; and

(b) regulate the provision of the waste sweeping, collection, transportation, treatment and disposal service by the operator under a contractual arrangement or a license / permit;

(2) The local government, or its entity, in pursuing the objective of these byelaws shall:

(a) promote source reduction and segregation of waste;

(b) promote the re-use and recycling of waste;

(c) promote environment friendly waste disposal and treatment;

(d) collection and analysis of statistical data on municipal waste generation and composition for future planning;

(e) endeavor to achieve integrated municipal solid waste planning and services on a local basis;

- (f) promote and ensure an environment responsible waste management service; and
- (g) endeavor to ensure compliance with the provisions of these Byelaws.

CHAPTER III INFORMATION MANAGEMENT SYSTEM

6. Establishment of an information management system.—(1) The local government, or its entity shall establish and maintain a GIS enabled waste management information system which records how waste is generated and managed within the local government jurisdictional area.

(2) The local government, or its entity may establish GIS enabled waste management information system to:

- (a) prepare integrated waste management plan and its implementation in the local government area;
- (b) furnish information upon request or as required by the law to the Provincial or Federal Government; and
- (c) provide information to a waste generator and local community in order to:
 - i. facilitate monitoring of the performance of the local government, its entity or its operator;
 - ii. stimulate research; and
 - iii. assist the local government, or its entity to achieve the main objects of these Bye-laws.

7. Provision of information. – (1) The Local government, or its entity shall require any waste generator, operator or person involved in or associated with the provision of the solid waste management services, within its jurisdiction, to furnish information which shall reasonably be required for the information system, and which shall concern:

- (a) significant sources of waste generation and the identification of the generators of waste;
- (b) quantities and classes of waste generated;
- (c) waste handling, waste treatment and waste disposal facilities;
- (d) population and economic profiles;
- (e) reports on progress in achieving waste management targets;
- (f) the management of special waste, industrial waste hazardous waste or medical waste;
- (g) markets for waste by class of waste or category; and
- (h) any other information required by legislation, regulations or guidelines.

(2) The local government shall determine when and how often the information must be furnished and updated.

CHAPTER IV MUNICIPAL WASTE SERVICE

8. Responsibility for municipal waste services. – (1) The Local government, or its entity, under the Act, shall have a responsibility to provide efficient, affordable and economical municipal waste services to its residents or local community at a fee determined under the Act.

(2) The local government or its entity may enter into a contractual arrangement or also issue license / permit to a private operator to provide municipal waste service.

(3) The local government may differentiate between categories of users and geographical areas when setting the fee and service standards for the municipal waste services.

(4) The local government may consider the following factors into account to ensure access to the municipal waste services:

- (a) the waste management hierarchy set out in section 4(2);
- (b) the need to use resources efficiently;
- (c) the factor of affordability;
- (d) the requirements of operational efficiency;
- (e) the requirements of equity; and
- (f) the need to protect the environment.

9. Sweeping, collection and storage of municipal waste. – (1) The local government or its entity shall provide services for the collection of municipal waste on a regular basis for a fee determined under the Act.

(2) The local government or its entity shall determine:

- (a) the quantities of municipal waste that will be swept and collected within its jurisdiction;
- (b) which residential or commercial premises require an increased frequency of the sweeping and waste collection services for the reasons of health, safety or environmental protection;
- (c) requirements for the provision of communal storage points or approved receptacles and access to such places in respect of premises which are constructed or reconstructed after the commencement of these byelaws.

(3) The local government or its entity shall provide or may instruct a waste generator to provide an approved receptacle for the storage of municipal waste pending collection.

(4) The local government or its entity shall determine or designate:

- (a) sweeping and washing schedule for roads, streets, public places, open drains and public toilets;
- (b) collection schedules, residential areas and commercial areas such as markets, fruit and vegetable markets, gardens,

- hotels, restaurants, office complexes, colleges, universities, schools etc.;
- (c) methods of municipal waste collection such as door to door waste collection, or collection from communal storage points;
 - (d) locations for placing approved receptacles for collection or communal storage points;
 - (e) types of recyclable municipal wastes and the conditions for their separation, storage or collection;
 - (f) municipal waste items not suitable for collection due to their non-municipal waste nature, and a process for collection of such waste on extra charges; and
 - (g) penalties for burning of municipal waste and other wastes.

10. Obligations of waste generators. – (1) Any person generating municipal waste, other than recyclable waste, shall place such municipal waste in an approved receptacle or communal storage points.

(2) No person shall be allowed to overturn or damage a communal storage point or approved receptacle, which has been placed for waste collection.

(3) The occupier of premises shall ensure that -

- (a) no hot ash or other such municipal waste is placed in an approved receptacle which may cause damage to the approved receptacles or injury to the employees;
- (b) no material, including any liquid, is to be placed in an approved receptacle which may be unreasonably difficult for the employees to handle or carry;
- (c) municipal waste is to be deposited in an approved receptacle and no waste is to be dumped outside the approved receptacle;
- (d) every approved receptacle is to be kept in a clean and hygienic condition;
- (e) no approved receptacle is used for any purpose other than the storage of municipal waste and, in particular, no fire is to be lit in such a receptacle;
- (f) an approved receptacle, in case of door to door waste collection, is to be placed outside the entrance to the premises before the time and on the day of the week specified by the local government or its entity.
- (g) if a receptacle gets damaged or stolen because of the fault of the occupier, it shall be replaced by a new receptacle at his own cost.

(4) The occupier of the premises shall provide space and any other facility considered necessary by the local government or its entity on the premises for the storage of approved receptacles.

(5) Such space shall:

- (a) be located as to permit convenient access to and outlet from such space for the employees or waste collection vehicles;
- (b) comply with the requirements of the local government or its entity by written notice to the owner or occupier of the premises; and
- (c) be constructed in accordance with the requirements of any applicable building bye-laws /regulations.

(6) The occupier of the premises must place or cause the approved receptacles to be placed in the space provided in terms of Bye-law 10(4) and must at all times keep them there.

(7) Notwithstanding the provisions of Bye-law 10(6):

- (a) in the case of a building erected or a building; the building plans of which have been approved prior to the commencement of these byelaws; or
- (b) in event of the employee or waste vehicle being unable to collect and remove waste from the space provided in terms of Bye-law 10(4),

the local government or its entity shall indicate a position within or outside the premises concerned where approved receptacles must be placed for the collection and removal of waste.

11. Composting and disposal of garden waste.—(1) The occupier of the premises on which garden waste is generated may compost garden waste on the property, provided such composting does not cause a nuisance or health risk.

(2) The occupier of the premises on which the garden waste is generated and not composted shall ensure that such waste is collected and disposed within a reasonable time after the generation thereof.

12. Liability to pay for the municipal waste services. – (1) The occupier of the premises shall be liable to pay to the local government or its entity, the prescribed fee for the provision of the municipal waste service.

(2) The occupier of the premises shall not be entitled to the exemption from, or reduction of the amount of such fee by reason of not making use of, or of making a partial or limited use of the municipal waste service.

(3) The prescribed fee shall become due and payable on the due date of payment, stipulated in the account.

CHAPTER IV
COMMERCIAL WASTE SERVICE

13. Provision of commercial waste services.—(1) The local government or its entity shall be responsible to provide a commercial waste service.

(2) The local government or its entity may enter into contractual arrangement and also issue license / permit to a private operator to provide commercial waste service.

(3) Any person requiring a commercial service must satisfy that the operator is licensed to collect and dispose off the category of waste that has been generated.

14. Provision for the waste disposal – (1) The local government or its entity shall direct that a category of waste be disposed off at a particular waste disposal facility or waste handling facility.

(2) No person shall dispose off a category of waste at a non-designated waste disposal facility or waste handling facility.

15. Storage of commercial, industrial and recyclable waste – The occupier of the premises on which commercial, industrial or recyclable waste is generated, must ensure that until such time as such waste is collected by the local government or its entity from the premises on which it was generated:

(a) the waste is stored in a bulk container or other approved receptacle; and

(b) no nuisance or health risk, including but not limited to dust, is caused by the waste in the course of generation, storage or collection.

16. Collection and disposal of commercial, industrial and recyclable waste.—(1) The occupier of the premises generating commercial, industrial or recyclable waste shall ensure that:

(a) the receptacle in which the waste is stored, is not kept in a public place except when so required for collection

(b) the receptacle shall be placed only at designated place identified by the local government or its entity;

(c) the waste is collected by a service provider within a reasonable time after the generation thereof; and

(d) that the service rendered is only in respect of that portion of the commercial, industrial or recyclable waste as authorized in the license/permit concerned.

(2) A commercial, industrial and recyclable waste shall be disposed off at an appropriately permitted waste handling facility or waste disposal facility in compliance with the provisions of these byelaws.

17. Storage, collection and disposal of public parks waste or bulky garden waste / bulky waste.—(1) The occupier of the premises on which bulky garden waste or public parks waste is generated may compost garden

waste on the property, provided that such composting does not cause a nuisance or health risk.

(2) The occupier of the premises on which bulky garden waste or public parks waste is generated and not composted, shall ensure that such waste is collected and disposed within a reasonable time after the generation thereof.

(3) The local government, or its entity shall remove any type of bulky waste, provided once such waste has been collected from the premises on which it was generated in accordance with the provisions of these byelaws.

(4) The local government or its entity shall, on a written request of the occupier of premises, deliver an approved receptacle to the premises for the purpose of storing bulky waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste.

(5) If, in the course of providing the municipal service, the local government or its entity is of the opinion that it would cause inconvenience to the local community, not at the same time, to remove bulky waste, the local government or its entity may remove such waste if such waste has been placed in an approved receptacle in the space designated for domestic waste, in which event the prescribed fee for domestic waste, read with the necessary changes, applies.

18. Generation of construction waste. – The occupier of the premises on which construction waste is generated, must ensure that:

- (a) until disposal, construction waste, together with the approved receptacle used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;
- (b) the construction waste that is generated, does not become unsightly or causes a nuisance as a result of accumulation;
- (c) any construction waste which is blown off the premises, is promptly retrieved; and
- (d) pursuant to any instruction from the local government or its entity, any structure necessary to contain the construction waste is constructed.

19. Storage of construction waste.—(1) The local government or its entity shall determine conditions to place an approved receptacle for the storage and removal of construction waste on a verge.

(2) Every approved receptacle used for the storage and removal of construction waste shall:

- (a) have clearly marked on it the address and telephone number of the employee in control of that receptacle; and
- (b) be covered at all times other than when actually receiving, or being emptied of waste, so that no displacement of its contents can occur.

20. Collection and disposal of construction waste.—(1) The occupier of the premises on which construction waste is generated, must ensure that the waste is disposed off by the local government or its entity.

(2) All construction wastes must be disposed at a waste disposal facility designated for that purpose, unless the local government has given written consent for the construction waste to be used for the purpose of land reclamation or for recycling.

21. Generation of special waste, industrial waste, hazardous waste or medical waste – (1) No person or organization shall generate special waste, industrial waste, hazardous waste or medical waste, without soliciting approval of the local government or its entity in writing.

(2) The person or the organization referred to in Bye-law (1), prior to the generation of such waste, referred to as a waste generator, shall provide the local government or its entity the certified data on:

- (a) composition of such waste;
- (b) estimated quantity to be generated;
- (c) method of storage;
- (d) proposed duration of storage;
- (e) manner in which it will be collected and disposed of; and
- (f) identity of the licensee who will remove such waste.

(3) The person or the organization referred to in Bye-law (1), must notify the local government or its entity, in writing, of any change occurring with respect to the generation, composition, quantity, method or location of disposal of the special waste, industrial waste, hazardous waste, or medical waste.

(4) Any persons or an organization running a hospital, a clinic or an industry in the area of the local government shall keep the special waste, industrial waste, hazardous waste or medical waste generated within their respective premises, separate from municipal wastes. The local government or its entity shall arrange separate collection of such waste on the payment of such charges that may be specified by the Council.

22. Storage of special waste, industrial waste, hazardous waste or medical waste.—(1) Any person or an organization carrying on an activity which generates special waste, industrial waste, hazardous waste or medical waste, shall ensure that such waste generated on the premises is kept and stored thereon until it is collected from the premises.

(2) The person or the organization shall ensure that adequate space is provided on the premises to accommodate approved receptacle for the collection of source-separated special waste, industrial waste, hazardous waste or medical waste, to facilitate their disposal, composting or recycling in accordance with the local government or its entity waste resource management system.

(3) Special waste, industrial waste, hazardous waste or medical waste stored on premises, must be stored in such a manner that it does not become a nuisance or cause harm to human health or damage to the

environment, and is in accordance with the requirements of the legislations relating to buildings for the time being in force.

(4) Special waste, industrial waste, hazardous waste or medical waste must be stored in an approved receptacle and for a period not exceeding 90 days or any other maximum period stipulated by the Concerned Department, or the local government before collection.

23. Collection and disposal of special waste, industrial waste, hazardous waste or medical waste.–(1) Only the Local government, or its entity or an operator shall transport special waste, industrial waste, hazardous waste and medical waste in accordance with prevailing legislations, standards and codes for the time being in force.

(2) An authorized operator, for collection and disposal of special waste, industrial waste, hazardous waste or medical waste, must inform the local government or its entity at intervals stipulated in the contract / license / permit issued, of each removal of such waste, the date of such removal, the quantity, the composition of the waste removed and the waste disposal facility at which the waste has been disposed off.

(3) An authorized operator must dispose off special waste, industrial waste, hazardous waste or medical waste at a waste disposal facility designated or approved by the local government as a waste disposal facility and in accordance with the provisions of these Bye-laws.

24. Sweeping, collection, transportation and disposal of waste from a scheme – The local government or its entity or an operator may enter into a contractual agreement with the developer or a management committee of a scheme for the provision of solid waste management services on commercial basis.

CHAPTER V
TRANSPORTATION, RECYCLING AND DISPOSAL OF SOLID WASTE

25. Transportation of waste.—(1) The local government or its entity or its operator shall not:

- (a) operate a vehicle for the conveyance of waste upon a public road unless the vehicle has a body of adequate size and construction for the type of waste being transported and is an approved vehicle by the local government or its entity;
- (b) fail to maintain a vehicle used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times;
- (c) fail to cover loose waste on an open vehicle with a tarpaulin or a suitable net; and
- (d) cause or permit any waste being transported in or through the local area to become detached, leaked or fallen from a vehicle transporting it, except at a waste disposal facility.

(2) The local government or its entity shall:

- (a) prefer use of locally fabricated municipal waste collection vehicles;
- (b) plan, design and allocate economical route for municipal waste collection vehicles based on time and motion study ;
- (c) avoid transportation of municipal waste in peak traffic hours;
- (d) use global positioning system for monitoring of municipal waste collection vehicle;
- (e) plan, design and implement periodic maintenance schedule to promote preventive maintenance of assets; and
- (f) promote performance based mechanism to improve collection of municipal waste.

(3) Subject to the provisions of Bye-law (1), all transportation of waste must comply with the relevant legislation for the time being in force.

26. Recycling of waste.—(1) The local government or its entity, shall be responsible for the recycling or resources, recovery of municipal waste to divert waste from waste disposal facility or sanitary landfill site and reduction of environmental damage.

(2) The local government or its entity shall:

- (a) identify, construct and operate adequate number of transfer stations or recycling centers;
- (b) formalize and depute scavengers for the segregation of recyclables;
- (c) facilitate and formalize private and informal sector recycling or resource recovery activities; and
- (d) choose and promote economically efficient technology for recycling and resource recovery in both public, private and

informal sector (such as recycling plants, composting plant waste to energy plants etc.);

- (e) ensure occupational health and safety of staff working at the recycling and resource recovery facilities.

27. Disposal of waste.—(1) The local government or its entity shall ensure that:

- (a) waste generated in the local area is disposed off at a designated or approved waste disposal facility;
- (b) disposal of waste is complied with the provisions of these Bye-laws and any other legislation regulating the disposal of waste for the time being in force;
- (c) waste is not burnt, by any one, either in a public or private place, for the purpose of disposing of that waste; and
- (d) waste is not incinerated, either in a public or private place, except in an incinerator at a place where the Concerned Department permits such incineration, or at a place designated by the local government or its entity for that purpose.

(2) Notwithstanding the provisions of Bye-law (1), a person or an organization may dispose off those forms of recyclable wastes, as specified at a designated facility, but may do so only if all such waste is brought to the facility in a vehicle able to carry its load.

(3) The disposal of waste at any waste disposal facility is, in addition to any condition imposed by the concerned department, subject to such conditions as the local government or its entity may impose, including the hours of opening and closing, the nature of the waste which may be disposed of, the position in any such waste disposal facility in which the waste may be placed and any other matter which the local government or its entity considers necessary to ensure the environmentally sound management of waste.

(4) Every person who enters a waste disposal facility shall:

- (a) enter at an access point determined by the in-charge of the waste disposal facility;
- (b) enter with the permission of the in-charge of a waste disposal facility; and
- (c) comply with any instruction given by the in-charge of a waste disposal facility regarding access to the actual place where, and the manner in which, the waste must be deposited.

(5) The in-charge of a waste disposal facility shall ensure that no person:

- (a) brings any liquor or intoxicating or narcotic substance onto a waste disposal facility or enters such facility under the influence of liquor or any such substance;

- (b) enters a waste disposal facility for any purpose other than the disposal of waste in terms of these Bye-laws, unless authorized to do so by the in-charge of the waste disposal facility and then, only at such times and subject to such conditions as may be imposed;
- (c) disposes the waste at a waste disposal facility where the disposal of the waste concerned is not permitted; or
- (d) lights a fire on a waste disposal facility without the prior written consent of the in-charge of that facility.

(6) Any person who contravenes Bye-law (5)(c) is liable for all costs reasonably incurred by the local government or its entity or the operator in removing or otherwise dealing with the waste concerned.

(7) The in-charge of a waste disposal facility shall require a vehicle or a container on a vehicle to be brought into the waste disposal facility for the purposes of disposing waste, to be weighed at a weighbridge.

(8) The in-charge of a waste disposal facility or an authorized official may, at a waste disposal facility, inspect the content and nature of the waste to be disposed off or processed and may take samples and test any waste found on any vehicle to ascertain its composition.

(9) Any person contravening any preceding provision of this Bye-law may be refused entry or instructed by the in-charge to leave a waste disposal facility and if such person fails or refuses to comply with such instruction, an employee may remove him or her from such facility.

28. Construction and management of a waste Disposal facility – The local government or its entity shall:

- (a) carry out Initial Environmental Examination or Environmental Impact Assessment before initiating any waste disposal facility site development project;
- (b) plan, site, design, construct, operate and maintain a waste disposal facility in best possible manner;
- (c) make decision regarding waste disposal on the basis of quantity, composition, available resources and economy of scale;
- (d) operate and maintain its own municipal waste disposal facility or enter into a formal agreement with an operator or private party for the same;
- (e) ensure environmental management system to mitigate environmental and health concerns at the designated disposal facility;
- (f) maintain proper occupational health and safety mechanism at the designated disposal facility;
- (g) charge tipping fee for the waste disposal, if brought by a waste generator, private person or an organization; and

(h) take immediate remedial measures and report to the the Environmental Protection Department in case of an environmental accident at a designated disposal facility.

CHAPTER VI
License / Permits

29. License / permit requirement.– The local government or its entity shall ensure that no person collects or transports any of the following waste streams without having obtained a license / permit from the local government authorizing such collection and transportation of bulky waste, industrial waste, special waste, hazardous waste; recyclable waste, medical waste; and construction waste.

30. License / permit application.–(1) An application for a License / permit to provide a commercial service shall be:

- (a) made in writing on a form prescribed and accompanied by the documentation specified in that form; and
- (b) accompanied by the prescribed fee.

(2) The local government or its entity shall consider each application, having regard to the following:

- (a) the applicant's compliance with these Bye-laws, Act and the relevant legislation for the time being in force;
- (b) the environmental, health and safety record of the applicant;
- (c) the nature of the commercial service to be provided; and
- (d) professional and financial capacity of the applicant.

31. Suspension and revocation of License / permit.–(1) The local government or its entity may suspend or revoked License / permit on the grounds that the holder:

- (a) has failed to comply with any provision of these Bye-laws and the Act;
- (b) has failed to comply with any provision of any other relevant legislation for the time being in force which regulates the collection, transportation or disposal of waste;
- (c) has failed to comply with any condition contemplated in the License / permit; or
- (d) has failed to comply with any other ground which the local government or its entity considers relevant, which is fair and reasonable in the circumstances.

(2) The local government or its entity shall make decision on suspension or revocation of License / permit after due hearing of the License / permit holder and in accordance with the procedure specified in the Act or other relevant legislation for the time being in force.

32. Renewal of License / permit – The local government or its entity may renew the License / permit in accordance with the procedure specified in the Act or other legislation for the time being in force.

33. Prohibited conduct.–(1) The local government or its entity shall ensure that no License / permit holder:

- (a) intentionally or negligently operates in contravention of any condition of the License / permit concerned;
- (b) intentionally or negligently fails or refuse to give information, when required to do so in terms of these Bye-laws, or give false or misleading information;
- (c) intentionally or negligently fails to take all reasonable steps to prevent a contravention of these byelaws, by any act or an omission of his or her worker acting in the course and scope of his or her duties, or
- (d) collects or transports any waste except in a properly constructed, watertight vehicle or in a suitable container that prevents spillage of waste, the suitability of the vehicle to be dependent on the waste stream to be collected or transported, as specified.

CHAPTER VI
ACCUMULATING WASTE, LITTERING, DUMPING AND
ABANDONED ARTICLES

34. Accumulating waste – The local government or its entity shall ensure that every occupier of the premises keep those premises clean and free from any waste which is likely to cause a nuisance or harm to human health or damage to the environment.

35. Duty to facilitate for disposal of litter.–(1) The local government or its entity shall take reasonable steps to ensure that a sufficient number of approved receptacles are provided for discarding the litter for the local community / public, on the public places or premises to which the public has access.

(2) The local government or its entity shall ensure that every receptacle provided in terms of Bye-law (1), is:

- (a) maintained in a good condition;
- (b) suitably weighed or anchored so that it cannot be inadvertently overturned;
- (a) constructed in such a manner so as to ensure that it is weatherproof and animal proof;
- (b) of a suitable size so that the approved receptacle on the premises is capable of containing all the litter likely to be generated on the premises;
- (c) placed in a location convenient for the use by users and occupants of the premises to discourage littering or the accumulation of waste; and
- (d) emptied and cleansed periodically to ensure that no approved receptacle or its contents become a nuisance.

36. Prohibition of littering.–(1) The local government or its entity shall take reasonable steps to ensure that no one:

- (a) litters around;
- (b) sweeps any waste into a gutter, onto a road reserve or onto any other public place; or
- (c) disturbs anything of, or removes anything from any receptacle which has been placed for the purposes of collecting litter in such a manner so as to cause any of the contents of the receptacle to spill from it.

(2) Notwithstanding the provisions of Bye-law (1), the local government or its entity, or the owner in the case of privately owned land to which the public has access, must within a reasonable time, after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed from the premises concerned to prevent the litter from becoming a nuisance.

37. Prohibition of dumping and abandoning articles.—(1) The local government or its entity shall ensure that no one deposits or permits the depositing of any waste, whether for gain or otherwise, upon any land or in any building of which he/she is the owner or occupier, except if such deposit is made in accordance with the provisions of these byelaws.

(2) Subject to any provision to the contrary contained in these Bye-laws, no one shall leave any article or allow any article under his or her control to be left at a place with the intention of abandoning it.

(3) No one shall dump waste.

(4) Any article, other than a motor vehicle deemed to have been abandoned, which, in the light of such factors as the place where it is found, the period for which it has been at such place and the nature and condition of such article, are reasonably considered by the Local government or its entity as having been abandoned, may be removed and, subject to the provisions Bye-law (6), disposed off by the Local government or its entity as it deems fit.

(5) The local government or its entity shall remove and, subject to the provisions of Bye-law (6), dispose off any article which is chained or fastened to any pole, parking or any other property of the local government or its entity as it deems fit.

(6) If an article contemplated in Bye-law (4) or (5), is, in the opinion of the local government or its entity, of significant financial value, the local government or its entity may not dispose it off unless it has published a notice in a newspaper circulated in the area where the article was found, describing the article, stating the local government or its entity's intention to dispose it off and inviting the owner, or person legally entitled thereto, to claim the article within 30 days of the date of publication of the notice and such article may only be disposed off if no valid claim is made during such a period.

CHAPTER VII AUTHORIZED OFFICER

38. Identification documents.—(1) The local government or its entity shall issue identification document to an authorized officer upon appointment, which must state the name and powers and functions of that officer, and include a photograph of the official.

(2) An authorized officer, exercising his powers or performing his functions and duties for the purposes of these Bye-laws or the Act, must present an identification document issued in terms of Bye-law (1) on demand by a member of the local community.

39. Power of authorized officer— For the purposes of administering, implementing and enforcing the provisions of these Bye-laws or the Act, an authorized officer, may, require an operator or any other person to disclose information, either orally or in writing, and either alone or in the presence of a witnesses, regarding any matter to which these byelaws relate and require that the disclosure be made on oath or affirmation.

40. Supervision of operator, License/ permit holder.—(1) An authorized officer must, subject to the provisions of these Bye-laws or the Act, inspect every workplace, vehicle, equipment or machinery of an operator or a License /permit holder.

(2) An operator or a License /permit holder must allow an authorized officer access for the purposes of an inspection in terms of Bye-law (1).

(3) If an authorized officer is, after an inspection in terms of Bye-law (1), of the opinion, that an operator or License /permit holder is complying with these Byelaws or the Act, he must, subject to the provisions of Bye-laws issue the operator or License /permit holder with a certificate confirming such compliance, which must state:

- (a) the name, residential and postal address of the operator or License /permit holder;
- (b) the address of the workplace, plant, vehicle, equipment or machinery inspected;
- (c) the time, date and scope of the inspection; and
- (d) any remarks which, in the opinion of the authorized officer, may be relevant.

(4) If an operator or License /permit holder fails to obtain a certificate confirming compliance at three consecutive inspections, an authorized officer may recommend to the local government or its entity that it reviews the contract / License / permit concerned, and should there be reasonable grounds, the local government or its entity may suspend or revoke the contract / License / permit.

(5) An authorized officer must keep a register recording each inspection, which he has undertaken, in terms of Bye-law (1).

(6) An authorized officer may seal the operation or workplace of an operator or License /permit holder under the provision these byelaws or the Act or any other law for the time being in force.

**CHAPTER VIII
MISCELLANEOUS**

41. Ownership.—(1) The person holding a contract / License / permit to operate a waste disposal facility becomes the owner of all the waste upon disposal thereof at that facility.

(2) A person who generates municipal waste is the owner thereof until the local government or its entity collects it, which then becomes the owner thereof.

(3) A person who abandons any article is liable for any damage which that article may cause as well as for the cost of removing that article, notwithstanding the fact that such a person may no longer be the owner thereof.

42. Serving of document.—A notice, instruction, order or other document which has to be served for the purposes of these byelaws, is regarded to have been properly served or delivered if:

- (a) it has been served on or delivered to the person concerned personally;
- (b) it has been sent by registered post or speed post to the person concerned at his or her last known address;
- (c) it has been served on a person apparently not less than 18 years of age and apparently in charge of the premises at the addressee's last known address.

43. Offences and Penalties –

(1) The local government or its entity shall declare any person as offender and liable to penalties, who:

- (a) contravenes or fails to comply with any provision of these Bye-laws;
- (b) fails to comply with any notice or order issued or condition imposed in terms of or for the purposes of these Bye-laws, the Act or any other law for the time being in force; or
- (c) fails to comply with any lawful instruction given in terms of, or for the purposes of these Bye-laws; or
- (d) obstructs or hinders any authorized representative or employee in the execution of his or her duties under these Bye-laws or the Act.

(2) An offender shall be tried and punished in accordance with the Act.

44. Prohibition on waste handling.—(1) The local government or its entity shall ensure that no person places waste on premises other than eligible premises or other waste that is not collectible waste on municipal property for collection or other reason without written permission.

(2) The local government or its entity shall ensure that no person shall:

- (a) pick over, remove, disturb or otherwise interfere with any waste material that has been set out for municipal collection;
- (b) collect the waste material placed for municipal collection; or
- (c) remove a container or organics collection cart placed at a curbside.
- (d) export or remove solid waste material generated within the local area and outside its boundaries and all such waste shall be disposed at the designated disposal facility and in accordance with these byelaws or any other relevant legislation for the time being in force.

CHAPTER IX

FEE

45. Financial arrangements for solid waste management – The local government or its entity shall:

- (a) levy collection fee for the provision of communal waste container to the generator of industrial, medical, construction, demolition and special waste;
- (b) charge tipping fee for disposal of construction and demolition waste and other treated waste by the private person or an organization waste disposal facility;
- (c) charge collection and tipping fee from commercial establishments and public institutions such as schools, universities, hotels and restaurants; and
- (d) levy user charges on public to cover expenditures for municipal waste services.

CHAPTER IX APPEAL

46. Appeal.—(1) An aggrieved person or an organization may, within ten days of accrual of cause of action under these Bye-laws, file an appeal before Secretary to the Government, Local Government and Community Development Department;

(2) The Secretary to the Government shall, within thirty days from the date of filing of the appeal, decide the same, whose decision on such appeal shall be final.

(3) An appeal shall include: (a) an application signed by the appellant; (b) a copy of the national identity card of the appellant; and (c) any other document relevant to the appeal:

(4) The appellate authority may pass an interim order during the pendency of an appeal.

47. Relaxation of Byelaws – No provision of these byelaws shall be relaxed.