

**CITY OF BULAWAYO SOLID WASTE MANAGEMENT**  
**BY-LAWS, 2023**

*Title*

1. These by-laws may be cited as the Bulawayo Solid Waste Management By-laws,2023.

*Application*

2. These by-laws shall apply to the municipal area of Bulawayo.

*Interpretation*

3. In these by-laws–

“approved” means approved by the director;

“authorised official” means any officer, employee or person authorized by Council to perform any function I terms of these bylaws

“council” means the City of Bulawayo;

“director” means a Director appointed by the council and whose responsibilities include the management of solid waste and includes anyone appointed to act in that capacity or anyone carrying out instructions of or on behalf of the Director;

“domestic refuse” means any dust, ashes, rubbish or garbage arising from or incidental to the occupation of any hotel, boarding house, theatre, butchery, or business premises, or dwelling but excludes any liquid, stable litter, sweepings, buildingdebrisorwastesand,stones,loppingoftrees,hedgeclippingsorgarden refuse;

“domestic refuse removed unit” means the collection and removal of domestic refuse from a refuse receptacle of any of the types of refuse receptacles described in paragraphs (a), (b) or (c) of the definition of refuse receptacle, on one occasion;

“domestic refuse removal unit rating “ means the number of refuse removal units deemed by the Director to be necessary from the premises on a weekly, twice weekly or daily basis, as he shall determine;

“emergency waste” means waste emanating from an emergency or disaster specified in that national law on emergencies and disasters

“event waste” means waste that originates from the activities related to an event that is held in the City

“health inspector means any person appointed by the council to act as a health inspector;

“industrial waste” means waste that emanates from an industrial activity such as manufacturing, production or fabricating processes including agricultural activities, mining activities or the operation of power stations;

“occupier “in relation to any premises, means-

(a) Any person in any actual occupation of those premises; or

(b) Any person legally entitled to occupy those premises; or

(c) Any person having the charge or management of those premises;

and includes the agent of any such person when he is absent from Zimbabwe or his where abouts are unknown. In the case of premises used as a school, the expression “occupier” includes the principal or person in charge of the school;

“owner” in relation to any premises, means-

(a) the person in whose name the title to those premises is registered; or

(b) if such a person is dead, insolvent, mentally disordered, or defective, or a minor, or under any legal disability, the person in whom the administration of that person’s estate is vested, whether as executor, guardian or in any capacity whatsoever; and

(c) when an owner as herein defined is absent from Zimbabwe or his where abouts are unknown, includes an agent of such owner or any person receiving or entitled to receive rent in respect of the premises;

“premises” means any stand or part of a stand or any piece of land on which improvements have been made or buildings erected;

“refuse” (not being domestic refuse) means stable litter, sweepings, builders’ debris, sand, stones, dead or uprooted trees or plants or portions thereof, loppings of trees, hedge clippings, garden refuse, carcasses of domestic animals, trade or industrial wastes and such other litter or rubbish which is not “domestic refuse” as defined in these by-laws;

“refuse disposal site “means any area set aside and designated by the Director for the disposal of refuse or domestic refuse;

“refuse receptacle means-

- (a) an approved rounded and lidded container constructed in non-corrugated material, reinforced and welded and of a capacity not exceeding 0,1 cubic metre; or
- (b) an approved polythene bag of thickness not less than 200 microns and a capacity not exceeding 0,1 cubic metres when filled to within 200mm of its open end; or
- (c) an approved polythene bag of thickness not less than 40microns and a capacity no exceeding 0,1 cubic metres when filled to within 200 mm of its open end; or
- (d) any other approved receptacle;

“refuse receptacle support” means an approved metal framework with lid, or a refuse receptacle, or containing and supporting the type of refuse receptacle described in paragraph (a)of the definition of receptacle, or containing and supporting the type of refuse receptacle described in paragraph(b)or(c)of the definition of refuse receptacle.

“Waste generator” means any owner or occupier of premises as defined above

## PART II

### *Removal of refuse*

4. All domestic refuse and refuse accumulated on premises shall be removed from time to time and shall be deposited at refuse disposal site, set apart, or which may from time to time be set apart for the purpose by the council, and the council shall be entitled in its discretion either to remove such domestic refuse or refuse itself or by its contractors or to require the owner or occupier to do so under the supervision of the council’s Health Department from time to time and at such time as the council shall determine.

### *Obligations of waste generators*

5. The owner or occupier of premises in the city shall
  - a) manage such waste as is generated from their premises so that it does not endanger health and/or environment
  - b) manage such waste as is generated from their premises so that it does not create a nuisance.
  - c) maintain cleanliness within their premises and keep the space outside their premises stretching at a minimum 5metres from the boundary of their stand

free from litter, illegal dumping or any unsightly objects.

- d) The owner of the premises shall provide a refuse receptacle for each domestic refuse removal unit for which the premises have been rated and such refuse receptacle shall be used for the temporary storage of all domestic refuse accumulated or produced at such premises until such domestic refuse is removed by the council's domestic removal service or otherwise disposed of in accordance with these by-laws:

Provided that, where a health inspector or any duly authorized official of the council finds on the inspection of any premises that the provisions of this section are not being complied with, the council may provide the requisite number of refuse receptacles and recover from the owner the cost of so doing.

- e) ensure that all waste bins on his or her premises are kept clean and in good condition
- f) set aside on such premises and in an approved position an area or areas of sufficient size on which shall be kept all the refuse receptacles provided for such premises.
- g) not place any item which is not domestic waste or commercial waste as defined in this by-law, in a waste bin intended for domestic and commercial waste and in addition, the following items may not be placed in a waste bin for domestic and commercial waste: hot ash; unwrapped broken glass or china or any other waste that may be specified as being unsuitable for placement in domestic or commercial waste receptacles by the Director
- h) If the council decides to remove domestic refuse by itself or by its contractors, the occupier of any premises shall on such days and times as the Director may direct place or cause to be placed outside the boundary of the premises which abuts on the thoroughfare from which the refuse removals are made the refuse receptacle provided at such premises and containing domestic refuse.
- i) return, or caused to be returned, to the area or areas referred to in subsection (j) all refuse receptacles from the property after they have been emptied by the council's employees on the day in which they have been emptied.
- j) keep or deposit any refuse other than domestic refuse in such position or positions at the premises so as not to cause, or be likely to cause, a nuisance or danger of fire until such refuse is removed as

provided in these by-laws or is otherwise disposed of.

- k) segregate waste, when required by the Director, into different waste streams as specified by the Director
- l) keep refuse receptacles with lids, fitted with their lids in place to prevent attraction of pests and vermin to the waste

*Council to charge for waste collection*

- 6. If the council decides to remove domestic refuse or refuse from any premises by itself or by its contractors, the council shall prescribe charges for such service or services from time to time by resolution.
- 7. An owner or occupier of premises is liable to pay the Council the prescribed fee for the provision of waste management services on the due date for payment stipulated in the account and is not entitled to exemption from, or reduction of the amount of such fee by reason of not making use or of making partial or limited use of the service, failing which the Council may use any methods available to it to recover what is due to it

*Contractor may provide service*

- 8. (1) Any domestic or commercial waste generator may apply to Council for permission to enter into a contract with any person who has been granted authority by the council to provide a service for the removal of refuse either in substitution for or in addition to any such services provided by the council.  
  
(2) Any person who wishes to provide a service for refuse removal in terms of subsection(1) shall apply to the council to operate such service and the council may grant permission on such conditions as it may determine.

*Exemption from refuse removal services*

- 9. Any owner of premises in respect of which a contract has been entered into for the removal of refuse with any person who has been granted permission in terms of section 6 may apply to the Director for exemption from the terms of section 5 or for cessation or partial cessation of any refuse removal service being provided by the council.

*No charge on cancellation of refuse removal service*

- 10. (1) If the Director grants an application in terms of section 7, the city treasurer, on a receipt of a certificate from the Director, may, having regard to the financial

implications, refrain from charging, or discontinue charging, the owner for the removal of refuse to the extent detailed in the certificate.

(2)A certificate referred to in subsection(1)shall not be issued for a period of less than six month.

*Grievance over charges raised or cancelled*

11. If any person is aggrieved by any decision made in terms of section 7 or 8 he may apply to the council for his grievance to be heard by the council and the council may amend or uphold any such decision.

*Removal of refuse receptacles*

12. When domestic refuse removals take place, the council's employees shall-

- (a) remove refuse receptacles of the type referred to in paragraph (b) of the definition of refuse receptacle with the domestic refuse they contain, if such receptacles are in a torn or damaged condition;
- (b) remove refuse receptacles of the type referred to in paragraph(c)ofthe definition of refuse receptacle with the domestic refuse they contain.

*Domestic refuse to be the property of council*

13. (1) All domestic refuse removed by the council or deposited for removal in any refuse receptacle which the council undertakes to remove shall become the property of the council from the time of the collection of such refuse from outside the boundaries of any premises, in terms of subsection (1) of section 14.

(2)No person who is not an employee of the council shall remove or interfere with any such domestic refuse except with the written permission of the Director.

**PART III**

**LITTERING AND DUMPING**

14. (1) No person shall deposit or abandon, or cause or permit to be deposited or abandoned, any litter in a public place, except in a receptacle especially provided for

the receipt of such litter.

(2) No person shall deposit or abandon or cause or permit to be deposited or abandoned, any litter upon private property without the consent of the owner of the property.

(3) No person shall throw or cause or permit any litter to be thrown from any moving or stationery vehicle

(4) No person may shall sweep waste from any premises into a street, pavement or onto any other public place;

(5) No person shall disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause any of the contents of the receptacle to spill from it; or

(6) No person shall allow any person under his or her control to do any of the acts referred to in subsections (1-5).

(7) Notwithstanding the provisions of subsection (1), 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.

(8) Notwithstanding the provisions of subsection (1), Council may direct any owner or occupier of premises where littering is occurring as a direct or indirect result of their business or activity to provide so much receptacles inside or outside their premises as may be directed by the Director or any authorized official.

#### *Prohibition of dumping*

15. (1) No person shall deposit or cause or permit to be deposited any containers, cinders, dead animals, filth, packets, paper, rubbish, tins, trade effluent, waste or flushing water, wrappings or other refuse, whether liquid or solid, on any premises or public place.

#### *Burning of offensive matter on premises*

16. No person shall on any premises burn any weeds, rubbish or other offensive matter so as to cause a nuisance.

#### *Disposal of dumped or abandoned articles*

17. (1) Any article, including a motor vehicle deemed to have been abandoned which, in the

light of such factors as the place where it is found, the period it has been at such place and the nature and condition of such article, is reasonably considered by the Council as having been abandoned, may be removed and, subject to the provisions subsection (3), disposed of by the Council as it deems fit.

(2)The Council may remove and, subject to the provisions of subsection (3), dispose of any article which is chained or fastened to any pole, parking meter or any other property of the Council as it deems fit.

(3)If an article contemplated in subsection (1) or (2), is, in the opinion of the Council, of significant financial value, the Council may not dispose of it unless it has published a notice in a newspaper circulated in the area where the article was found, describing the article, stating the Council's intention to dispose of it 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 of if no valid claim is made during such period.

(4)The Council may recover any reasonable and necessary expenditure which it has incurred in disposing of an article contemplated in subsection (1) or (2) from the proceeds derived from disposing of the article.

*Dumping: whistle-blowing*

18. (1)The Council may establish mechanisms to assist members of the public to report instances of dumping in contravention of this By-law.

(2)Any whistle blowing mechanism established in terms of subsection (1) may, at the discretion of the Council, provide for the reporting of dumping on an anonymous or other basis

*Dumping: naming and shaming*

18. (1)The Council may publish the name of any person convicted of dumping in contravention of this By-law, along with details of that person's offence.

(2)The names and details of dumping in contravention of this By-law, as contemplated in subsection (1), may be published—

(a)on the Council's website;

(b)by posting these details on the Council's notice boards;

(c)in the media; or

(d)in any other manner deemed appropriate by the Council.



## **PART IV: MANAGEMENT OF CERTAIN TYPES OF WASTE**

### *Construction and Demolition Waste*

19. (1) All construction and demolition waste generators must ensure that the waste is not harmful to human health and the environment
- (2) No person may place building waste on a street, pavement or public space , unless such a waste is placed in a skip.
  - (3) all construction and demolition waste must be disposed of at a Council waste disposal site by the generator of such waste unless
    - (a) the Council has given written consent for the waste to be used for the purpose of land reclamation,
    - (b) It will be re-used or recycled by registered waste treatment or recycling provider, or
    - © it is deposited at a designated material recovery or exchange facility.

### *Hazardous and health care waste*

20. (1) Any person who generates or is likely to generate or deals in hazardous or health care waste other than a generator of minimum quantities of such waste within a household pursuant to the normal operation of a household must before carrying on that activity:
- (a) Prepare a waste management plan referred to under section 34
  - (b) Provide proof that all waste management service will be provided by a registered commercial service provider or competent persons under his/her employ.
21. Hazardous and health care waste shall be managed in such a manner that
- (a) containers in which this waste is stored, are intact and not corroded or in any other way rendered unfit for the safe storage of this waste;
  - (b) adequate measures are taken to prevent accidental spillage or leaking;
  - (c) the waste cannot be blown off or washed 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.
- (2) Only a registered commercial service provider may transport hazardous and

health care waste and must do so in accordance with the conditions of a registered certificate issued to him or her under Section 40.

*Industrial waste.*

22. (1) The owner or occupier of premises on which industrial waste is generated or stored, must ensure that:

(a) until such time as such waste is collected by an registered commercial service provider from the premises on which it was generated or stored, the waste is stored in an approved waste receptacle.

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

© adequate measures are taken to prevent accidental spillage, leaking or waste being 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; and

(f) The waste is collected and disposed of or recycled by a registered commercial service provider within a reasonable time after the generation.

*Event waste*

23 . (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 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 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) 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.

(4) 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 (5), arrange for the collection, clean-up, recycling and disposal of the waste.

(5) 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 charged to any Council billing account held by the organizer or recovered from any funds or bank account held on behalf of the organizer.

#### *Emergency Waste*

24. (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 Council will deal with such emergency in such manner as the circumstances and funding may allow

### **PART V: TRANSPORT AND DISPOSAL OF WASTE**

#### *Transport of waste*

25(1) No person may –

(a) Operate a vehicle for the conveyance of waste upon a public road unless they have been permitted by Council to do so

(b) Fail to maintain a vehicle used for the conveyance of waste in clean and sanitary conditions at all times.

(c) Cause or permit any waste being transported in or through the Council's jurisdiction to fall or leak from a vehicle transporting it, except at a waste disposal facility; or

(d) Transport waste in a manner that would cause nuisance or environmental pollution.

(e) Use any person or company that is collecting and transporting waste as a business or for gain unless that person or company has a valid registration certificate issued by Council to collect and transport waste.

(2) Any person engaged in the transportation of waste must take all reasonable measures to prevent any spillage of waste or littering from a vehicle used to transport waste and where waste is spilled, immediately clean-up the spilled waste.

*Collection of waste other than domestic and commercial waste*

26(1) The owner or occupier of premises on which waste other than domestic and commercial is generated or stored shall ensure that:

- a) records of waste collected or handled by the commercial service providers are kept for a period of at least five years and shall provide the Director or any authorized official with such records on request
- b) the bin in which the waste is stored, is not kept in a public space except when so required for collection.
- c) adequate measures are to taken to prevent accidental spillage, leaking or waste being blown away
- d) nuisances such as odour, visual impacts and breeding of vectors do not arise
- e) pollution to the environmental and harm to health are prevented, and
- f) the waste is collected and disposed of or recycled by a registered commercial service provider.

**PART V**

**SOLID WASTE DISPOSALSITES**

27(1) Any person who wishes to dispose of any waste refuse or domestic refuse at a refuse disposal site shall apply, in writing, to the Director for permission, stating the nature of refuse or domestic refuse for which the application is made.

(2) The Director may require any person who has applied to him in terms of subsection (1) to subject the refuse or domestic refuse which such person wishes to dispose of at a refuse disposal site to such treatment as the Director considers necessary or desirable.

(3) Where the Director has instructed that any refuse or domestic refuse shall be subjected to any treatment in terms of subsection (2), no person shall dispose of such refuse or domestic refuse unless it has been subjected to such treatment.

(4) Council may by a written notice direct that a waste stream be disposed of at a particular waste handling or disposal facility.

(5) Where the council has directed that a particular waste stream be disposed of at a specified waste disposal facility, no person may dispose of such waste at a waste disposal facility which is not designated to receive the category of waste specified in the notice referred to in subsection (1).

(6) Waste generated in the Council's jurisdiction shall be disposed of at a waste disposal facility licensed to accept such waste or recycled waste or treated at a licensed or permitted waste facility.

(7) No person may burn waste either in public or private place, for the purposes of disposing that waste.

(8) No person may incinerate waste either in a public or private place, except in an incinerator at a place at a place designated by the Council for that purpose.

*Entry to waste disposal facility*

28. (1) Every person who enters a waste disposal facility shall –

- (a) obey any instructions given to him by the person in charge of such site; and
- (b) dispose of the waste in such area and in such manner as directed by the person in charge of such site; and
- (c) remove his or her vehicle immediately from the waste disposal site after such vehicle has been unloaded.
- (d) enter or exit a waste disposal facility at point determined by the Director or any authorized official
- (e) provide the Council or any authorized official with any information regarding the composition of the waste disposed of or to be disposed of or to be disposed of; and
- (f) comply with any instruction by the person in charge of the waste disposal facility

(g) desist from bringing alcohol or intoxicating or narcotic substance onto a waste disposal facility or from entering such facility under the influence of alcohol or such substance.

(h) enter only at such times and subject to such conditions as the Council or any authorized official may impose.

(i) deposit at a refuse disposal site any material which is of an explosive nature, or which is smouldering or burning at the time of disposal.

(j) Desist from lighting a fire without the prior consent of the person in charge of that facility.

(2) Any person who lights an unauthorized fire shall be liable for all costs reasonably incurred by the Council in dealing with the fire and where property has been destroyed or damaged by the fire shall be liable for the damages or destruction.

(3) Any vehicle entering a waste disposal facility for the purposes of disposing waste, may be required to be weighed at a weighbridge.

(4) The Director may inspect the contents and nature of waste to be disposed of or processed and may take samples and test samples and test any waste found on any vehicle to ascertain its composition.

(5) Any person contravening any preceding provision of this section, may be refused entry or instructed by the person in charge to leave a waste disposal facility and if such person fails or refuses to comply with such instruction, he or she may be removed from such facility by an authorized official.

(6) Without the permission of the Director, no person other than an employee of the council in the course of his duties shall-

a) Enter or be in any waste disposal site; or

b) Remove any material there from

(7) All waste deposited at a refuse disposal site shall become the property of council from the time of such deposit.

## **PART VI**

### **WASTE MANAGEMENT PLANS AND TARGETS**

#### *Waste management plans*

(29) (1) Council may require Waste management plans to be submitted by

persons who generate or who are likely to generate the following types of waste:

- a) commercial waste of more than 50m<sup>3</sup> uncompact volume or five thousand kilograms per month whichever is lesser
- b) industrial waste
- c) hazardous waste
- d) health care waste
- e) electronic waste
- f) construction and demolition of more than 50m<sup>3</sup> per month

(2) A waste management plan must include at least the following information:

- a) a description of the type of waste that is or will be generated;
- b) an assessment of the quantity of waste that is or will be generated;
- c) the premises at which the waste is or will be generated
- d) how waste generated will be stored, collected, recycled and disposed of;
- e) the full names and contact details of any registered commercial service provider
- f) a description of the waste generator's intents of separating recyclable and non-recyclable material at the point of source;
- g) a description of the waste generator's waste authorized and pollution prevention plans;
- h) an assessment of the impact or potential impact on the environment of the waste generated;
- i) the waste generator's targets for waste re-use and recycling; and
- j) the waste generator's measures or programs that can the consumption of natural resources.
- k) safe transportation and disposal plans of wastes that can be neither prevented nor recycled.

(3) The Council may, on 30 days notice, instruct any waste generator to supply a new or amended waste management plan in order to comply with this By-laws and any other relevant legislation.

(4)When instructed to submit a waste management plan or a new or amended waste plan in terms of this By-law, a waste generator must do so within the time stipulated in the instruction.

(5)The Director on receipt of the waste management plan may-

- a) approve it subject to any conditions
- b) request that additional information to be furnished within a specified time frame;
- c) require amendments to be made within a time frame so specified; or

d) reject the plan and provide reasons therefore.

(6) If a waste management plan is rejected or not submitted at all, the Director 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 Council, the Council may penalize on a monthly basis such a waste generator until they submit a plan and such a plan is approved.

(7) 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.

(8) Should a person fail to provide the information referred to in this section, the Director may appoint an auditor or registered environmental practitioner to obtain such information at the cost of waste generator.

*Exemptions from submitting a waste management plan*

(30)(1) A waste generator may apply in writing for exemption from the requirement to prepare a waste management plan

(2) The Council may declare-

(a) certain classes of waste;

(b) a particular mass or volume of waste;

© a particular waste generator or a class of waste generators; or

(d) waste generators whose waste management plans have been approved by other agencies of government in terms of applicable legislation, to be exempt from the requirement to submit an waste management plan.

*Waste prevention targets*

(31) (1) The Council shall from time to time set waste prevention targets with regard to the disposal of waste by any generator of waste referred in section 34.

(2) Waste prevention targets may relate to-

a) the acceptable levels of disposal of waste by waste generator;

b) the incorporation or use of a certain proportion of recycled materials in the manufacture of specified products;

c) the development, manufacture, processing, treatment and design of products in such a form that the residual substances can be recycled;

d) the consumption of products in such form that little waste is generated.

(3) Notice of a waste prevention target shall-



- a) specify the target in writing with sufficient particularity;
- b) be served on every waste generator referred in section 33
- c) specify a reasonable period or timetable for reaching the target;
- d) may specify the procedure for establishing whether the set target has been reached;
- e) May impose an obligation on the waste generator to inform the Directorat regular intervals on the extent or the estimated extent to which the target set for it has been reached.

*Waste reduction and recycling*

(32) (1) (a) All generators of waste must ensure that waste is avoided, or where it cannot altogether be avoided, minimised, re-used, recycled or recovered whenever possible and disposed of in an environmentally sound manner.

(b) Reduction, re-use, recycling and recovery should result in less environmental harm than disposing of waste.

(c) Any person who is undertaking reduction, re-use, recycling or recovery of waste including scrap dealers, waste treatment facilities and formalised recycling groups must before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste.

(d) No person may undertake to collect, collect, transport, sort, store, re-use, recycle or recover waste with the intention of making profit including scarp dealers, waste treatment facilities and formalised recycling groups unless the person is registered by Council.

(2)The owner or occupier of the premises on which recyclable waste is generated or stored, must ensure sure that-

- a) until such time as waste is collected by a registered commercial service provider form the premises on which it was generated or stored, the waste is placed in an approved waste container
- b) The approved waste container in which the waste is stored, is not kept in a public space except when so required for collection.
- c) Nuisances such as odour, visual impacts and breeding vectors do not arise; and
- d) The waste is collected by a registered commercial service provider within a reasonable time after the generation thereof

(3) A registered commercial waste service provider must handle or treat recyclable waste at a permitted waste handling facility.

## **PART VII**

### **EXTENDED PRODUCER RESPONSIBILITY**

33 (1) The local authority may charge for any waste management services that it provides itself or by its contractors

(2) Council may by a Council resolution, require that any importer, manufacturer, trader, dealer, promoter or beneficiary of any product that is sold with its jurisdiction that is difficult to manage or that is widely littered or dumped, to pay a certain percentage of the price of that product to a Council fund that will be used for research and development of techniques of dealing with problematic waste streams, waste education and awareness or any use that might be deemed useful for managing such a product

(3) Council may by a resolution require any importer, manufacturers, traders, dealers or promoters of certain products to set up deposit systems, buy-back programs or drop off centres

## **PART VIII**

### **REGISTRATION CERTIFICATE**

(34)(1) No person shall carry or conduct or use any commercial service as waste collection, recycling facility, composting facility and incineration facility unless he or she has first obtained from the Council the appropriate registration certificate in respect of such service.

(2) A registration certificate under these By-laws may be granted for any period not exceeding one year, and shall expire on the following 31<sup>st</sup> December.

(3) A fee determined by Council through a Council resolution shall be paid to the Council by the holder of each registration certificate, and a fee for the transfer of any such registration certificate from one person to another.

(4) A registration certificate shall not be transferable from the holder thereof to any other person without the permission of the Director or the official in charge of solid waste management in Council, and no registration shall be transferable from the premises in respect of which it is granted to any other premises.

(5) No holder of a registration certificate shall let or hire or lend or give his registration certificate to any other person.

(6) Holders of certificates shall fall into classes of five commercial services namely;

- a) waste collection; or
- b) sorting and recycling facility; or
- c) composting facility; or
- d) biogas and waste to energy facility; or
- e) Incineration ( without energy recovery) facility certificate

*Application for registration certificate*

(35)(1) Every person desiring a registration certificate shall-

- a. make application to the Director on the form prescribed in the First Schedule; and
- b. submit information on the type, purpose and scope of the commercial service;
- c. submit a description of the operation, including a list of the machinery and other operating equipment;
- d. submit description of the wastes to be used for the purposes of the commercial service and the manner of their storage, treatment, recycling or processing.
- e. submit a description of the measures intended for the prevention or mitigation of pollution.

(2) No registration certificate will be granted unless the Council is satisfied that the applicant has made provision on the premises for the due observance of the appropriate provision on such commercial service for the due observance of the appropriate by-laws applicable to the commercial service which he or she proposes to carry on or is carrying on, and the Council may cancel or suspend any registration certificate already granted if satisfied that such provision is not being made.

(3) The Council may refuse to an application for the issue or renewal of a registration certificate-

- a. for good and sufficient reason; or
- b. if the applicant has been convicted by a competent court or breach of any of the environmental or appropriate laws and or by-laws

- c. if the applicant is not of good character or repute; or
- d. if the applicant is not fit and proper person to hold such registration certificate or carry on such commercial waste service:

Provided that, where any such application is refused, the reasons for such refusal shall be specified and notified, in writing, by the Council to the applicant, and no such refusal shall debar the applicant from again making the application for a registration certificate at any future time.

(4) A registered certificate holder shall prominently display the certificate at all premises authorized for providing the commercial waste service or affix such certificate to each vehicle to be authorized to collect and transport waste .

(5) No certificate holder may-

- (a) intentionally or negligently operate in contravention of any condition of the registration permit.
- (b) intentionally or negligently fail or refuse to give information to an authorized official, when required to do so in terms of these By-laws, or give false or misleading information;
- (c) Intentionally or negligently fail to take all reasonable steps to prevent a contravention of the By-laws, by any act or an omission of his or her employee acting in the course and course and scope of his or her duties, or
- (d) Collect or transport any waste except in a properly constructed, watertight vehicle or in a suitable container that prevents spillage of waste.

#### *Waste Management Information*

(36) (1) Every registered solid waste management certificate holder or generator of waste who is so directed or any other person who undertakes a waste management activity within the Council's jurisdiction who is so directed, shall be required to provide information in the prescribed form and within the prescribed period or at the prescribed intervals to the Council to enable it to:

- (a) facilitate effective waste management within its jurisdiction;
- (b) gather information and undertake strategic planning regarding the delivery of the municipal service;
- (c) assess waste minimisation within the Council's jurisdiction

(d) prepare its integrated waste management plan;

(e) fulfil the Council's internal and external waste management reporting requirements;

(f) identify specific data collection methods and equipment to be used for purposes of collecting waste management information; and

(g) for such other purpose as the Council may specify.

(2) Where certificate holders are required to submit electronically, Council may require that appropriate gadgets and software be acquired by the certificate holders at their own cost.

(3) Failure to submit waste information as required in 52 may constitute a reason for denial of a waste enterprise registration certificate

### **PARTVIII: AUTHORISED OFFICIAL**

(37) (1) Any authorized Council official may subject to , enter any premises, for the purposes of ascertaining compliance with-

(a) these By-laws ;or

(b) a term or condition of an registration certificate , issued in terms of section 45 these By-laws.

(c) inspect any document that a person is required to maintain in terms of any law or that may be relevant to any work or inspection;

(d) copy any document referred to in paragraph(c) or if necessary, remove the document in order to copy it;

(e) take samples of any substance that is relevant to work or inspection; and

(f) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises.

(2) For the purposes of administering, implementing and enforcing the provisions of these By-laws, an authorized official may, require a certificate holder or any other person to disclose information, either orally or in writing, and either alone or in the presence of a witness, on any matter to which these By-laws relate and require that the disclosure be made on oath or affirmation.

(3) An authorized official may, inspect every workplace of a registered certificate holder at any reasonable time.

(4) A registered certificate holder must allow an authorized official access for the purposes of an inspection in terms of subsection (1)

#### *Compliance notices*

(38) (1) If, in the opinion of an authorized official, a person is contravening any provision of these By-laws, that official may in writing issue a compliance notice and serve it on the person concerned.

(2) An authorized official who is satisfied that the person served with the compliance notice has complied with the terms of the notice may issue a compliance certificate to that effect.

(3) A compliance notice remains in force until an authorized official has issued a compliance certificate in respect of that notice.

(4) A compliance notice must set out:

(a) the provision that has not been complied with;

(b) details of the nature and extent non-compliance;

(c) any steps that are required to be taken and the period within which those steps must be taken; and

(d) any penalty that may be imposed in terms of these By-laws in the event of non-compliance with these steps.

(4)(1) Whenever in terms of these by-laws any notice is required to be given to any person such notice shall be deemed to be sufficiently served if sent by registered post addressed to that person at such person's last known place of abode or left with such person personally or with some adult inmate at the place of abode.

(2) In the case of a notice required to be given to an owner or occupier of premises whose abode after inquiry is unknown, such notice shall be deemed to be sufficiently served if posted up in some conspicuous place on such premises.

(3) It shall not be necessary in any notice to an owner or occupier as the owner or occupier to name such owner or occupier and the notice may describe such owner or occupier as the owner or occupier, as the case may be.

#### *Offences and penalties*

39 (1) Any person, who—

(a) contravenes or fails to comply with any provisions of these By-laws;

(b) fails to comply with any notice, directive or order issued or condition imposed in terms of or for the purposes of these By-laws;

(c) fails to comply with any lawful instruction given in terms or for the purposes of these By-laws; or

(d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,

shall be guilty of an offence and shall be liable to a fine not exceeding level 3 or six months imprisonment or to both such fine and imprisonment.

(2) The court may in addition to any penalty imposed in terms of subsection (1), order a person to repair the damage, make good the loss, rehabilitate the environment, 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.

*Repeal*

Bulawayo ( Refuse Removal) Bylaws, 1979

## OFFENCES AND PENALTY SCHEDULE

<b>Section</b>	<b>Offence</b>	<b>Penalty/ Level</b>
4	Refuse not deposited at a refusal disposal site	3
13 (2)	Removing or interfering with any such domestic refuse except with the written permission of the Director	1
14(1)	Deposit or abandon, or cause or permit to be deposited or abandoned, any litter in a public place, except in a receptacle	2
14(3)	Littering from a vehicle	2
14(4)	Sweeping onto a street or pavement	1
14(5)	Spilling litter from a refuse receptacle	1
15(1)	Dumping waste	5
16(1)	Burning waste	3
19(2)	Placing building waste on a street, pavement or public space	5
21 (1)(a)	Keeping industrial waste in a public place	2
21(1)(c)	Failure to prevent spillage and leakage of industrial waste	1
23 (1) b	Failing to maintain a vehicle used for the conveyance of waste in clean and sanitary conditions at all times.	1
23 (1) (d)	Transport waste in a manner that would cause nuisance or environmental pollution.	2
23 (1) €	Use any person or company that is collecting and transporting waste as a business or for gain unless that person or company has a valid registration certificate	2
30 (a)	Failure to obey any instructions given by the person in charge of waste disposal site	2
30 (h)	Unauthorised entry at the landfill	2
30 (j)	Starting a fire at a disposal site without authority	5
39(2)	Failure to submit a waste management plan	3
44(c)	Nuisances such as odour, visual impacts and breeding vectors in waste recycling sites	3
49	Carry or conducting or using any commercial service as waste collection, recycling facility, composting facility and incineration facility without registration certificate	3
55 (b)	Failing or refusing to give information to an authorized official, when required to do so or giving false or misleading information	3
56	Failure to submit waste management information	3