

City of Johannesburg Council 2025-03-26/27

COJ : MAYORAL COMMITTEE 2025-03-20

ENVIRONMENT AND INFRASTRUCTURE SERVICES

52 AMENDMENT OF THE CITY OF JOHANNESBURG WASTE MANAGEMENT BY-LAW

1. STRATEGIC THRUST

Good Governance
Active and Engaged Citizenry
Green Economy

2. OBJECTIVE

The purpose of this report is to request Council

- To declare an intention to amend the Waste Management By-law of 2021 and ("the by-law) as shown in Annexure B
- Approval for public comment on the proposed amendments to the by law

3. BACKGROUND

The current City of Johannesburg Metropolitan Waste Management By-Law was published under volume no 27 in Gauteng Provincial Gazette Extraordinary no 349 dated 13 October 2021 in terms of section 139(a) of the Local Government Municipal Systems Act, 2000 (Act No.32 of 2000).

The proposed amendments of the by-law are aimed at strengthening the regulation of waste management to protect the health of people and the environment, promote re-use and recycling of the waste materials, reducing the amount of waste that goes to the landfill sites, promoting awareness of the impact of waste on people and the environment. The draft by-law also covers offences and penalties of consequences of no-compliance within the provisions of the by-law.

The City of Johannesburg is one of the cities that are affected by the risks of illegal dumping, diminishing landfill space, waste pickers, greenhouse gas emissions and their impacts on climate change. To ensure realisation of everyone's right to waste management services as prescribed in the section 24 of Constitution of South Africa and the Waste Act, 2008 (act 59 of 2008), it is imperative to have an effective development of the Waste Management By-law in terms of section 139(a) of the Local Government Municipal System Act, 2000 (Act No.32 of 2000), and the development and use of innovative approaches thereof.

In order to proceed with the proposed amendment to the By-law it is necessary in terms of section 7 of the Rationalization of Local Government Affairs Act, 1998, for the Council to declare its intention to amend the By-law.

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- a) give effect to the right contained in section 24 of the Constitution of the Republic of South Africa Act, 1996, by controlling waste within the area of jurisdiction of the Council.
- b) ensure that waste management services systems are conducted, as per the duties required by the Waste Act, 2008 (Act no. 59 of 2008) to regulate access to waste management services in an equitable way and to prevent the degradation of the environmental resources.
- c) outline general responsibilities, obligations and prohibitions set for the citizens of the City of Johannesburg with regard to waste management services; and
- d) provide, in conjunction with other applicable law, an affective legal and administrative framework within which the municipality can manage, regulate, prevent activities that can or do cause non-compliance to the national legislations and have potential to impact adversely on the waste management, public health and well-being and the environment.

4. WASTE MANAGEMENT BY-LAW AMENDMENT AND REVIEW PROCESS

The process of amending and reviewing the waste management by-law was through the appointment of a legal firm to undertake a status quo analysis, comparative study and a legal review of the waste management by-law to ensure that that regulate similar activities so that the reviewed by-law is legally sound and implementable. The report is the request of the facilitation of public participation and publicizing of the draft by-law.

5. POLICY IMPLICATIONS

The proposed amendment to the by-laws has no implications to the policies of the city.

6. LEGAL AND CONSTITUTIONAL IMPLICATIONS

The By-law must comply with the Constitution and the National legislation. A further requirement in terms of Section 7(5) of the Rationalisation of Local Government Affairs Act, 1998 and Section 12 of the Local Government Municipal System Act, No.32 of 2000, is that the public must have an opportunity to comment thereon before the by-laws can be promulgated. The notice to invite comments must be published in the Provincial Gazette and in one or more local newspaper circulating in the area of the city. The period for comments on the draft by-laws must not be less than one month from the date of the notice. All comments received must be considered by council and where necessary amendments be made to the by-law.

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In terms of section 156 (1) and (2) of the Constitution a municipality has executive authority in respect of and has a right to administer the local government matters listed in part B of schedule 4 and part B of schedule 5 and may make and administer by laws for the effective administration of the matters which it has a right to administer.

As this by-law is within the relevant category council has authority to approve this report. In terms of section 160 (2) the function to make by laws may not be delegated by council.

7. FINANCIAL IMPLICATIONS

The draft notice for inviting the public to comment on the draft by-law is attached as Annexure C. The total costs for placing the notice in the local newspapers and Provincial Gazette is estimated at R93 500 of which provision is made for this project in the EISD acquisition plan.

8. COMMUNICATIONS IMPLICATIONS

In terms of Section 7(9) of the Rationalisation of Local Government Affairs Act, 1998, every Municipal Council must develop and implement policies and programmes to assist members of the public to comment on the draft by-law.

9. OTHER DEPARTMENTS CONSULTED

Environmental Health, Pikitup, Citizen Relationship and Urban Management (CRUM), Municipal Courts & Prosecution Units, Groups Legal & Contracts and JMPD participated in the review and amendment process of the Waste Management By-laws.

ANNEXURES

ANNEXURE A : SUPPLEMENTARY TEMPLATE

ANNEXURE B : COPY OF THE DRAFT WASTE MANAGEMENT BY- LAW

ANNEXURE C : REPORT ON THE SECTIONS AMENDED IN THE WASTE
MANAGEMENT BY-LAW

IT IS RECOMMENDED

- 1 That in terms of section 7(1) of the Rationalisation of Local Government Affairs Act, 1998, the Council declares its intention to amend the Waste Management by-law as set out in Annexure B.**
- 2 That Council approves the public participation for this by law.**

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- 3 That Secretary of Council publish the notice to the Provincial Gazette and four local newspapers to the effect that the council announces its intention in terms of paragraph one above and with a view to allowing the public to comment on such by-laws within a period not less than one month after publication of the notice.**
- 4 That the Section 79 on Environment, Infrastructure and Services Committee in consultation with the MMC: Environment, Infrastructure and Services and all interested parties, report to the council on the comments received in terms of paragraph 1 above with recommendations on the final draft of the by-law**

(ENVIRONMENT AND INFRASTRUCTURE SERVICES)

(Ms. M Mtshali)

(Tel: 072 440 1909)

(tc)

THE NEXT ITEM FOLLOWS THE ANNEXURE TO THIS ITEM

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ANNEXURE A: SUPPLEMENTARY TEMPLATE

What are the major benefits to the Communities of Johannesburg?

A Waste Management By-Laws provides for definitive objectives, strategies and plans and procedures for the management of Waste Services within the City. The overall objective of the by-laws is to regulate waste management activities in order to protect the health and well-being of communities while also protecting infrastructure systems and conserving environmental resources.

Which Communities will primarily benefit (if relevant state the region, ward, suburb, or socio economic group etc.)?

Citywide

If relevant, when will implementation take start?

The Waste Management By-Laws is required to be included in the City IDP for implementation. Implementation will start once the plan is approved by council.

If relevant, when will work be completed?

Public Participation is intended to be conducted from April to June 2025.

What is the total cost of implementation?

The cost implications for implementing the plan will be finalized once the plan is completed.

How will communities be informed of the contents of this report?

The Waste Management By-Laws will be shared with communities during the public participation events, available on the CoJ website and all Interested and Affected Parties on the EISD database will be notified in writing about the availability of the Waste Management By-laws By-Laws.

How can communities be involved in the implementation of this report?

Communities are urged to attend the public participation meeting and to provide comments on the plan

Who can be contacted to provide additional information and/or clarity?

Simphiwe Memela: Waste Management & Regulations on: 011 082-3592.

What other information can be given to assist Councillors to communicate the contents of this report to communities?

ANNEXURE B: Copy of the Draft Waste Management By-Law

ANNEXURE C: Report on the sections amended in the Waste Management By-Law.

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SECTIONS AMENDMENT AND REVIEW IN THE CITY OF JOHANNESBURG WASTE MANAGEMENT BY-LAWS 2025

The following report outlines the chapters and sections of the City of Johannesburg Waste By-Law 2021 that have been reviewed and amended in 2024. The changes aim to address operational and regulatory improvements in waste management practices. The specific sections amended are detailed below:

CHAPTER 3: Handling of different waste types

- **Section 18: Waste Management Plan & Fee**
 - This section instructs that owners building or renovating shall pay a deposit for cleaning to the City of Johannesburg.

CHAPTER 4: Integration of Waste Pickers

- **Section 37: Integration of Waste Pickers**
 - This section has been reviewed and amended to formalize the inclusion of waste pickers into the city's waste management system. The amendments focus on establishing guidelines for:
 - Registration of waste pickers.
 - PRO to enter into an MOU with the City of Johannesburg should they intend to work in Johannesburg.
 - Waste pickers can only sort their waste at designated sorting areas.
 - Waste pickers cannot litter when doing recycling.
- **Section 38: Application for Accreditation**
 - Amendments to this section introduce a clear process for waste pickers and related entities to apply for accreditation. Key highlights of the amendments include:
 - A simplified application procedure.
 - Eligibility criteria to ensure compliance with environmental and safety standards.
 - Periodic review of accreditations to maintain quality and adherence to city regulations.
 - Provision for an appeals process in case of application rejections.

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CHAPTER 9: Prohibition of Dumping and Abandoned Articles

- **Section 73: Prohibition of Dumping and Abandoned Articles**

- This section has been revised to strengthen measures against illegal dumping and the abandonment of waste. The amendments include:
 - Clear definitions of what constitutes illegal dumping and abandoned articles.
 - Giving the Waste Bylaw Unit impoundment authority of vehicles found conducting illegal dumping.
 - Stricter penalties for non-compliance, including fines and potential prosecution.
 - Enhanced monitoring and enforcement mechanisms.
 - Provisions for community reporting and whistleblower protections to encourage public participation in identifying violations.

These amendments reflect the City of Johannesburg's commitment to improving waste management practices, fostering sustainability, and promoting inclusivity within the waste management sector. The reviewed sections align with the city's broader goals of environmental conservation and public health protection.

For further information or detailed guidelines on the amended sections, please refer to the official updated CoJ Waste By-Law document.