



MAKHADO MUNICIPALITY

Vision: A dynamic hub for socio-economic development by 2050

Mission: To ensure effective utilization of economic resources to address socio-economic imperatives through mining, agriculture and tourism

Reference: 16/4/1/1
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**FROM: MAKHADO LOCAL MUNICIPALITY
OFFICE OF THE MUNICIPAL MANAGER
DEPARTMENT OF COMMUNITY SERVICES: WASTE MANAGEMENT DIVISION**

TO: ALL BUSINESS OWNERS, SHOP OWNERS, OCCUPIERS AND OPERATORS WITHIN MAKHADO TOWN

SUBJECT: NOTICE REGARDING POOR HOUSEKEEPING, LITTERING AND NON-COMPLIANCE WITH WASTE MANAGEMENT REQUIREMENTS

Dear Business Owner/ Operator

Makhado Local Municipality, through its Waste Management Office, recently conducted a site inspection of businesses and commercial premises within and around Makhado Town as part of its ongoing monitoring of waste management, environmental cleanliness and compliance with the Municipal Waste Management By-law. During the inspections, the Municipality observed a number of instances of poor housekeeping, littering and inadequate management of waste around business premises. In some instances, businesses were found to have accumulated waste around their premises, while other businesses cleaned their surroundings but left the collected waste unattended outside the premises, resulting in the waste being scattered by wind, animals, pedestrians and other activities.

The Municipality is concerned that some businesses appear to operate under the misconception that the Municipality is solely responsible for keeping the immediate surroundings of individual businesses clean. This is not the case.

1. RESPONSIBILITY OF BUSINESS OWNERS AND OCCUPIERS

All business owners, occupiers, tenants, managers and persons responsible for commercial premises have a responsibility to ensure that their premises and the immediate areas under their control are maintained in a clean, hygienic and orderly condition at all times.



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Makhado Municipality Waste Management By-law places a general duty of care on every person generating waste. Section 5(1) provides that every person has a duty to manage waste generated through their activities in a manner that does not cause harm to human health or damage to the environment. The By-law further requires that waste be managed in a manner that does not create a nuisance through noise, odour or visual impacts.

Accordingly, businesses are expected to:

- Keep their premises and immediate surroundings clean and free from litter.
- Sweep and clean the areas immediately adjacent to their business premises.
- Collect all waste generated through their business activities.
- Prevent waste from accumulating on pavements, roads, gutters, road reserves and other public areas.
- Ensure that waste collected during cleaning is properly placed inside an approved waste receptacle.
- Prevent waste from being blown or scattered into surrounding areas.
- Ensure that employees and persons working under their control comply with proper waste management practices.
- Maintain good housekeeping throughout the operating hours of the business and after closing.
- Promptly clean up any waste or litter originating from their business activities.

2. PROPER STORAGE OF BUSINESS WASTE

Businesses must ensure that all general waste generated on their premises is stored in an approved receptacle provided or approved by the Municipality. Section 9(1) of the Makhado Municipality Waste Management By-law specifically provides that any person or owner of premises where general waste is generated must ensure that such waste is stored in a receptacle provided or approved by the Municipality.

The By-law further requires that the receptacle:

- Be kept within the premises, where applicable, while awaiting collection;
- Be placed outside the premises on the agreed collection date in a location accessible to municipal officials or the authorised service provider;
- Prevent pollution and harm to the environment;
- Be covered or closed to prevent waste from being blown away;
- Prevent access or tampering by animals;



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- Prevent nuisance, odours, visual impacts and the breeding of vectors;
- Prevent accidental spillage or leakage; and
- Be maintained in a suitable and safe condition.

Businesses must therefore not place loose bags, boxes, refuse or other waste on pavements or outside their premises and leave such waste unattended while waiting for collection.

3. AVAILABILITY AND CONDITION OF WASTE BINS

Where a business does not have an appropriate wheelie bin, skip bin or other approved waste receptacle, it is the responsibility of the business owner or occupier to ensure that an appropriate receptacle is available for the storage of waste. Businesses are further required to notify the Municipality where a municipal receptacle is damaged or rendered unfit and arrange for its replacement as required by the By-law. The Municipality will provide or facilitate waste collection services in accordance with the applicable service arrangements. However, the collection service does not relieve the waste generator of the responsibility to properly store, contain and manage waste before collection.

4. PLACEMENT OF WASTE FOR COLLECTION

The Municipality's responsibility is to collect properly stored waste in accordance with the applicable municipal waste collection schedule. Businesses are therefore required to ensure that their approved receptacles are made accessible for collection on the scheduled collection day. The By-law provides that the Municipality may only collect waste stored in approved receptacles and may set the collection day of the week.

Businesses must consequently ensure that:

- Waste is placed in the approved receptacle;
- The receptacle is accessible to the municipal collection vehicle;
- The receptacle is placed out for collection on the scheduled collection day;
- Waste is not placed on the street days before collection;
- Waste is not left loose on the pavement;
- Overflowing waste is not permitted; and
- After collection, the receptacle is returned to an appropriate location within the premises.



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5. PROHIBITION OF LITTERING

Businesses are reminded that littering is prohibited under Section 18 of the Makhado Municipality Waste Management By-law. Section 18 provides, among other things, that no person may cause litter or sweep waste into a gutter, road reserve or other public place. It also prohibits conduct that results in waste being spilled or falling onto the ground around a receptacle. Accordingly, sweeping waste from a shop or business premises onto the street, pavement, gutter or road is not an acceptable waste management practice. Businesses must collect the waste after sweeping and place it directly into an approved receptacle.

6. PREVENTION OF NUISANCE

Section 19 of the By-law requires any person handling waste to take reasonable measures to prevent nuisance, injury, harm, damage, annoyance or inconvenience to persons and the environment. The Municipality may issue a written notice requiring the holder of waste to clean waste causing a nuisance at their own cost.

This means that businesses cannot allow accumulated waste, overflowing bins, scattered refuse, offensive odours or other waste-related conditions to negatively affect neighbouring businesses, pedestrians, customers or the general environment. Where necessary, the Municipality may issue a formal notice requiring the responsible business to remedy the situation.

7. ILLEGAL DUMPING AND UNAUTHORISED DISPOSAL

Businesses are further reminded that Section 21 of the By-law prohibits unauthorised disposal or dumping of waste. No person may dump, accumulate, place, deposit, leave or cause or allow waste to be dumped or left in public places, drains, watercourses, roads, streets, pavements, roadside areas, open spaces or on private or municipal land without the required permission.

Businesses must therefore not:

- Dump waste next to their premises;
- Leave waste on vacant municipal land;
- Dispose of waste in stormwater drains;
- Place waste in gutters;
- Dump waste on pavements or road reserves;
- Transfer business waste to unauthorised areas; or



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- Allow employees, contractors or other persons acting on behalf of the business to engage in illegal dumping.

8. RESPONSIBILITY FOR EMPLOYEES AND CLEANING STAFF

Business owners and managers are requested to ensure that their employees, cleaners, contractors and other persons working under their direction understand and comply with proper waste management practices. The general duty of care in Section 5 specifically extends to waste generated through the activities of persons working under another person's direction.

Businesses should therefore establish simple internal housekeeping procedures, including:

- Daily sweeping and cleaning;
- Designated waste storage areas;
- Proper use of wheelie bins and skip bins;
- Daily inspection of the surroundings;
- Immediate removal of scattered waste;
- Proper handling of cardboard, packaging and other commercial waste; and
- Supervision of cleaning staff and other employees.

9. MUNICIPAL INSPECTIONS AND ENFORCEMENT

The Municipality will continue conducting inspections of businesses within Makhado Town and other commercial areas to monitor compliance with waste management requirements. Where non-compliance is identified, the Municipality may take appropriate enforcement action in accordance with the Waste Management By-law.

Section 30 provides for the issuing of a notice of contravention where an offence has been committed. Such notice may specify the particulars of the contravention and the applicable penalty. Furthermore, Section 32 provides that a person who contravenes or fails to comply with a provision of the By-law or fails to comply with a notice issued under the By-law, commits an offence and may, upon conviction, be liable to a fine, imprisonment or both, including consequences for continuing offences. Businesses are therefore strongly urged to correct any identified shortcomings immediately and ensure continuous compliance.



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10. IMMEDIATE ACTION REQUIRED FROM ALL BUSINESSES

All business owners, managers and occupiers are hereby requested to take the following immediate actions:

- Clean the entire area surrounding your business premises.
- Remove all accumulated litter and loose waste.
- Ensure that all waste is placed inside an approved wheelie bin, skip bin or other approved receptacle.
- Do not leave waste bags, boxes or loose refuse unattended outside the premises.
- Ensure that sufficient waste storage capacity is available for the amount of waste generated by the business.
- Ensure that bins are properly closed or covered where applicable.
- Place bins outside the premises only on the scheduled collection day or as required by the municipal collection arrangement.
- Ensure that bins are accessible to the municipal collection vehicle.
- Prevent waste from being blown, scattered or removed from the receptacle by animals.
- Ensure that employees and cleaning personnel understand their waste management responsibilities.
- Do not sweep waste into streets, gutters, stormwater drains or public spaces.
- Do not dump waste on vacant land or other unauthorised areas.
- Report damaged municipal bins to the Waste Management Office and arrange for appropriate replacement.
- Maintain good housekeeping continuously and not only when an inspection is anticipated.

11. MUNICIPALITY'S ROLE IN WASTE COLLECTION

The Municipality recognises its responsibility to provide an effective waste collection service and to collect waste in accordance with the applicable collection schedule and service arrangements. However, municipal waste collection does not mean that the Municipality is responsible for cleaning and maintaining the immediate surroundings of individual businesses.

The responsibility for waste generated by a business begins with the waste generator. The business must properly store and contain its waste and maintain its premises and immediate surroundings in a clean and hygienic condition. The Municipality's role includes the collection and transportation of properly stored waste



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in accordance with the applicable municipal service arrangements. This shared responsibility is essential to maintaining a clean, healthy, safe and attractive Makhado Town.

12. COOPERATION REQUESTED

The Municipality calls upon all businesses to cooperate with the Waste Management Office and to regard proper housekeeping and waste management as an integral part of responsible business operations. A clean business environment benefits not only the business owner and customers but also neighbouring businesses, residents, visitors and the broader Makhado community.

The Municipality will continue with inspections, awareness activities and enforcement measures to promote compliance and address persistent littering, illegal dumping and poor housekeeping. All businesses are therefore advised to take this notice seriously and to ensure full compliance with the Makhado Municipality Waste Management By-law.

Failure to comply with the By-law may result in the issuing of a notice of contravention and further enforcement action as provided for by the applicable legislation.

Your cooperation in keeping Makhado Town Clean, Safe and Environmentally healthy is highly appreciated.

Yours faithfully,

Mr. KM Nemaname

Municipal Manager

Date: 21 August 2017