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PROVINCIAL NOTICES

[NO. 55 OF 2009]

REMOVAL OF RESTRICTIONS ACT, 1967 (ACT NO. 84 OF 1967): BLOEMFONTEIN, EXTENSION 55: REMOVAL OF RESTRICTIONS: ERF 8135 (UNIVERSITAS)

Under the powers vested in me by section 2 of the Removal of Restrictions Act, 1967 (Act No. 84 of 1967), I, M.J. Mafereka, Member of the Executive Council of the Province responsible for Local Government and Housing, hereby alter

- * the conditions of title in Deeds of Transfer T21675/2003 and T23946/2002 pertaining to Erf 8135, Bloemfontein, Extension 55, (Universitas) by the removal of restrictive conditions (a) and (b) on page 3 in the said Deed of Transfer.

[NO. 56 OF 2009]

REMOVAL OF RESTRICTIONS ACT, 1967 (ACT NO. 84 OF 1967): VREDE: REMOVAL OF RESTRICTIONS: ERF 1008

Under the powers vested in me by section 2 of the Removal of Restrictions Act, 1967 (Act No. 84 of 1967), I, M.J. Mafereka, Member of the Executive Council of the Province responsible for Local Government and Housing, hereby alter the conditions of title in Deed of Transfer T2791/2008, pertaining to erf 1008, Vrede, by the removal of the unnumbered restrictive condition under paragraph 3 of condition 2A on page 3 and the unnumbered restrictive condition under paragraph 4 of condition B on page 4 in the said Deed of Transfer.

TOWNSHIPS BOARD NOTICE

It is hereby notified for general information in terms of section 30 read with section 27 of the Townships Ordinance, 1969 (Ordinance No. 9 of 1969) that the following applications have been received by the Free State Townships Board and the relevant plans, documents and information are available for inspections in the Lebohang Building, Room 1222, 12th Floor, 84 St Andrew's Street, Bloemfontein and the offices of the relevant Local Authority.

Persons who wish to object to the proposed amendments or who wish to be heard or make representations in this regard, are invited to communicate in writing (accompanied by address and telephone numbers) with the Secretary of the Free State Townships Board, P.O. Box 211, Bloemfontein, 9300, so that objections/representations with comprehensive reasons do not reach the above-mentioned office later than 16:00 on Friday, 6 March 2009.

PROVINSIALE KENNISGEWINGS

[NO. 55 VAN 2009]

WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET NO. 84 VAN 1967): BLOEMFONTEIN, UITBREIDING 55: OPHEFFING VAN BEPERKINGS: ERF 8135 (UNIVERSITAS)

Kragtens die bevoegdheid my verleen by artikel 2 van die Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967), wysig ek, M.J. Mafereka, Lid van die Uitvoerende Raad van die Provinsie verantwoordelik vir Plaaslike Regering en Behuising, hierby

- * die titelvoorwaardes in Transportaktes T21675/2003 en T23946/2002 ten opsigte van Erf 8135, Bloemfontein, Uitbreiding 55, (Universitas) deur die opheffing van beperkende voorwaardes (a) en (b) op bladsy 3 in die genoemde Transportakte.

[NO. 56 VAN 2009]

WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET NO. 84 VAN 1967): VREDE OPHEFFING VAN BEPERKINGS: ERF 1008

Kragtens die bevoegdheid my verleen by artikel 2 van die Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967), wysig ek, M.J. Mafereka, Lid van die Uitvoerende Raad van die Provinsie verantwoordelik vir Plaaslike Regering en Behuising, hierby die titelvoorwaardes in Transportakte T2791/2008, ten opsigte van erf 1008, Vrede, deur die opheffing van die ongenommerde beperkende voorwaarde onder paragraaf 3 van voorwaarde 2A op bladsy 3 en die ongenommerde beperkende voorwaarde onder paragraaf 4 van voorwaarde B op bladsy 4 van die genoemde Transportakte.

DORPERAADSKENNISGEWING

Ingevolge artikel 30 saamgelees met artikel 27 van die Ordonnansie op Dorpe, 1969 (Ordonnansie No. 9 van 1969), word hiermee vir algemene inligting bekend gemaak dat die volgende aansoeke deur die Vrystaatse Dorperaad ontvang is en die betrokke planne, dokumente en inligting ter insae lê in die Lebohang Gebou, Kamer 1222, St Andrewstraat 84, Bloemfontein, en by die kantore van die betrokke Plaaslike Owerhede.

Persone wat beswaar wil maak teen die voorgestelde wysigings of wat verlang om in verband daarmee gehoor te word of vertoë in verband daarmee wil indien, word uitgenooi om met die Sekretaris van die Vrystaatse Dorperaad, Posbus 211, Bloemfontein, 9300, skriftelik in verbinding te tree, (vergesel met adres en telefoonnummers) sodat besware/vertoë met volledige redes, bogenoemde kantoor bereik nie later nie as 16:00 op Vrydag, 6 March 2009.

a) BAINSVLEI: AMENDMENT OF THE TOWN-PLANNING SCHEME

The amendment comprises the insertion of the new zonings "General Residential 1" and "General Residential 2", to Part 3, Table C of the Town-Planning Scheme to read as follows:

a) BAINSVLEI: WYSIGING VAN DIE DORPSAANLEGSKEMA:

Die wysiging behels die invoeging van die nuwe sonerings "Algemene Woon 1" en "Algemene Woon 2" tot Deel 3, Tabel C, van die Dorpsaanlegskema om as volg te lees:

Use zone	How indicated on map	Purposes for which land may be used	Purposes for which land in a use zone may be used within the approval of the Municipal Council
"General Residential 1" Plot 3, Quaggafontein Small Holdings, Bainsvlei	Hatched Orange (Marked 1)	Dwelling houses, residential buildings, intermediate residential buildings and group housing schemes The following restrictions on development will be applicable: Coverage: 50% with restrictions on 60 units/ha including garages and carports Height: Maximum of 2 Storeys Parking: 1½ parking bays per housing unit Street: 15m Side Building line: 2.5m	Places of public worship, places of instruction, community halls, institutions, restaurants, cafes and hotels
"General Residential 2" Plot 4, Quaggafontein Small Holdings, Bainsvlei	Hatched Orange (Marked 2)	Dwelling houses, residential buildings, intermediate residential buildings and group housing schemes The following restrictions on the development will be applicable: Coverage: 33.33% Height: Maximum of 2 Storeys Parking: 1½ parking bays per unit Street: 15m Side Building line: 2.5m	Places of public worship, places of instruction, community halls, institutions, restaurants, cafes and hotels

Gebruiksonne	Hoe op kaart aangewys	Doeleindes waarvoor grond gebruik mag word	Doeleindes waarvoor grond in 'n gebruiksonne met goed-keuring van die Munisipale Raad gebruik mag word
"Algemene Woon 1" Hoewe 3, Quaggafontein Kleinhoewes, Bainsvlei	Oranje arsering (Gemerik 1)	Woonhuise, residensiële geboue, tussenwonings en groepbehuisings skemas Die volgende ontwikkeling-beperkings sal van toepassing wees: Dekking: 50% met beperking van 60 eenhede/ha, ingesluit motorhuise en motor afdakke Hoogte: Maksimum 2 verdiepings Parkering: 1½ parkeerplekke per wooneenheid Straat: 15m Sy Boulyn: 2.5m	Plekke vir openbare godsdiensoefening, onderligplekke, gemeenskap-sale, inrigtings, restaurante, kafees en hotelle
"Algemene Woon 2" Hoewe 4, Quaggafontein Kleinhoewes, Bainsvlei	Oranje arsering (Gemerik 2)	Woonhuise, residensiële geboue, tussenwonings en groepbehuisings skemas Die volgende ontwikkelingbeperkings sal van toepassing wees: Dekking: 33,33% Hoogte: Maksimum van 2 verdiepings Parkering: 1½ parkeerplekke per wooneenheid Straat: 15m Sy Boulyn: 2.5m	Plekke vir openbare godsdiensoefening, onderligplekke, gemeenskap-sale, restaurante, kafees en hotelle

The above-mentioned amendment is necessary in order to make township establishment possible.

b) BAINSVLEI: AMENDMENT OF THE TOWN-PLANNING SCHEME

The amendment comprises the insertion of the new zoning "General Residential 1", to Clause 23, Table E of the Town-Planning Scheme to read as follows:

Use zone	How indicated on map	Purposes for which land may be used	Purposes for which land in a use zone may be used with the approval of the Municipal Council
"General Residential 1" Plots 3 and 4, Quaggafontein Small Holdings, Bainsvlei	Orange marked "S"	General Residential 1 Coverage: 50 % with restrictions on 60 units/ha (excluding garages and carports)	None
		General Residential 2 Coverage: 33.33% (excluding garages and carports)	

The above-mentioned amendment is necessary in order to make township establishment possible.

c) BAINSVLEI: AMENDMENT OF THE TOWN-PLANNING SCHEME

The amendment comprises the insertion of the number "2" after the zoning "General Residential" to read as "General Residential 2" and the inclusion of a new zoning namely "General Residential 1", to Part 3, Clause 9 (b), Table C of the Town-Planning Scheme to read as follows:

Bogemelde wysiging is nodig ten dorpsstigting moontlik te maak.

b) BAINSVLEI: WYSIGING VAN DIE DORPSAANLEGSKEMA:

Die wysiging behels die invoeging van die nuwe sonering "Algemene Woon 1" tot Klousule 23, Tabel E, van die Dorpsaanlegskema om as volg te lees:

Gebruiksone	Hoe op kaart aangewys	Doeleindes waarvoor grond gebruik mag word	Doeleindes waarvoor grond in 'n gebruiksone met goedkeuring van die Munisipale Raad gebruik mag word
"Algemene Woon 1" Hoewes 3 en 4, Quaggafontein, Kleinhoewes, Bainsvlei	Oranje gemerk "S"	Algemene Woon 1 Dekking: 50% met beperking van 60 eenhede/ha (uitgesluit motorhuise en motor afdakke)	Geen
		Algemene Woon 2 Dekking: 33.33% (uitgesluit motorhuise en motor afdakke)	

Bogemelde wysiging is nodig ten dorpsstigting moontlik te maak.

c) BAINSVLEI: WYSIGING VAN DIE DORPSAANLEGSKEMA:

Die wysiging behels die invoeging van die syfer "2" na die sonering "Algemene Woon" om te lees "Algemene Woon 2" en die invoeging van 'n nuwe sonering naamlik "Algemene Woon 1", tot Deel 3, Klousule 9(b), Tabel C, van die Dorpsaanlegskema om as volg te lees:

Use zone	Proposes for which buildings may be erected and land may be used	Purpose for which buildings may be erected and land may be used only with the municipal council's permission	Purposes for which buildings may not be erected or land may not be used	Colour on scheme map
General Residential 1 Plots 3 and 4, Quaggafontein Small Holdings, Bainsvlei	Dwelling houses, residential buildings, intermediate residential buildings and group housing scheme	Places of public worship, places of instruction, community halls, institutions, restaurants, cafes and hotels	All purposes not stipulated in column 2 and 3	Hatched heavy shade of red brown
General Residential 2	Dwelling houses, residential buildings, intermediate residential buildings and group housing scheme	Places of public worship, places of instruction, community halls, institutions, restaurants, cafes and hotels	All purposes not stipulated in column 2 and 3	Hatched medium shade of red brown

Gebruik-sone	Doelindes waarvoor geboue opgerig en grond gebruik mag word	Doelindes waarvoor geboue opgerig en grond gebruik mag word met die munisipale raad se toestemming	Doelindes waarvoor geboue nie opgerig en grond gebruik mag word nie	Kleur op skemakaart
Algemene woon 1 Hoewes 3 en 4, Quaggafontein kleinplase, Bainsvlei	Woonhuise, residensiele geboue, tussen wonings en groepsbehuisings skemas	Plekke vir openbare godsdiensoefening, onderrigplekke, gemeenskapsale, inrigtings, restaurant, kafees en hotelle	Alle doelindes nie genoem in kolom 2 of 3	Donker rooi bruin arseening
Algemene woon 2	Woonhuise, residensiele geboue, tussen wonings en groepsbehuisings skemas	Plekke vir openbare godsdiensoefening, onderrigplekke, gemeenskapsale, inrigtings, restaurant, kafees en hotelle	Alle doelindes nie genoem in kolom 2 of 3	Medium rooi bruin arseening

The above-mentioned amendments are necessary in order to enable the applicant to make township establishment possible.

Bogemelde wysigings is nodig ten einde dorpsstigting moontlik te maak.

TOWNSHIPS BOARD NOTICE

It is hereby notified for general information in terms of section 18 of the Townships Ordinance, 1969 (Ordinance No. 9 of 1969) that the following applications have been received by the Free State Townships Board and the relevant plans, documents and information are available for inspections in the Lebohang Building, Room 1210, 12th Floor, 84 St Andrew's Street, Bloemfontein and the offices of the relevant Local Authority.

Persons who wish to object to the proposed amendments or who wish to be heard or make representations in this regard, are invited to communicate in writing (accompanied by address and telephone numbers) with the Secretary of the Free State Townships Board, P.O. Box 211, Bloemfontein, 9300, so that objections/representations with comprehensive reasons do not reach the above-mentioned office later than **16:00 on Friday, 20 March 2009**.

a) BAINSVLEI: (REFERENCE A12/1/2/7)

Amend the General Plan of Bainsvlei by the cancellation of Plots 3 and 4, Quaggafontein Small Holdings, Bloemfontein (Bainsvlei), in order to make township establishment possible.

DORPERAADSKENNISGEWING

Ingevolge artikel 18 van die Ordonnansie op Dorpe, 1969 (Ordonnansie No. 9 van 1969), word hiermee vir algemene inligting bekend gemaak dat die volgende aansoeke deur die Vrystaatse Dorperaad ontvang is en die betrokke planne, dokumental en inligting ter insae lê in die Lebohang Gebou, Kamer 1210, 12de Vloer, St Andrewstraat 84, Bloemfontein, en by die kantore van die betrokke Plaaslike Owerhede.

Persone wat beswaar wil maak teen die voorgestelde wysigings of wat verlang om in verband daarmee gehoor te word of vertoë in verband daarmee wil indien, word uitgenooi om met die Sekretaris van die Vrystaatse Dorperaad, Posbus 211, Bloemfontein, 9300, skriftelik in verbinding te tree, (vergesel met adres en telefoonnummers) sodat besware/vertoë met volledige redes, bogenoemde kantoor bereik nie later nie as **16:00 op Vrydag, 20 Maart 2009**.

a) BAINSVLEI: (VERWYSING A12/1/2/7)

Wysig die Algemene Plan van Bainsvlei deur die rojering van Hoewes 3 en 4, Quaggafontein, Bloemfontein (Bainsvlei), ten einde dorpsstigting moontlik te maak.

TOWNSHIPS BOARD NOTICE

BLOEMFONTEIN (BAINSVLEI): LAND DEVELOPMENT ON PLOTS 3 AND 4, QUAGGAFONTEIN SMALL HOLDINGS: 8 ERVEN AND STREETS

It is hereby notified for general information in terms of the provisions of section 9(1) of the Townships Ordinance, 1969 (Ordinance No. 9 of 1969), that application has been made for permission to establish a town on Plots 3 and 4, Quaggafontein Small Holdings, Bainsvlei, Administrative District of Bloemfontein.

The application, relevant plans, documents and information will be available for inspection during office hours at the office of the Secretary of the Townships Board, Room 1216, Lebohang Building, 84 St. Andrew Street, Bloemfontein for a period of 30 days from the date of publication hereof, i.e. **20 February 2009**.

Any person has an interest in the matter and who wishes to object to the granting of the application or who desires to be heard, or wants to make representations concerning the matter, must communicate in writing with the Secretary of the Townships Board at the above-mentioned address, or P.O. Box 211, Bloemfontein, within a period of 30 days from the date of publication hereof, i.e. **20 March 2009**.

SECRETARY: TOWNSHIPSBOARD

REMOVAL OF RESTRICTIONS ACT, 1967 (ACT NO. 84 OF 1967)

It is hereby notified in terms of section 3(6) of the above-mentioned Act that the following applications have been received by the Head of the Department: Local Government and Housing and will lie for inspection at Office 1210, twelfth floor, Lebohang Building, 84 St Andrew's Street, Bloemfontein and the offices of the relevant Local Authorities.

Any person who wishes to object to the granting of an application, may communicate in writing with the Head of the Department: Local Government and Housing, Spatial Planning Directorate, Land Use Management Component, at the above address or P.O. Box 211, Bloemfontein, 9300. Objection(s) stating comprehensive reasons, in duplicate, must reach this office not later than **16:00 on Friday, 20 March 2009**. The postal address, street address and telephone numbers(s) of objectors must accompany written objections.

DORPERAADSKENNISGEWING

BLOEMFONTEIN (BAINSVLEI): DORPSTIGTING OP HOEWES 3 EN 4, QUAGGAFONTEIN KLEINHOEWES: 8 ERWE EN STRATE

Ingevolge die bepalings van artikel 9(1) van die Ordonnansie op Dorpe, 1969 (Ordonnansie No. 9 van 1969), word hiermee vir algemene inligting bekend gemaak dat aansoek gedoen is om toestemming vir die stigting van 'n dorp op Hoewes 3 en 4, Quaggafontein Kleinhoewes, Bainsvlei, Administratiewe Distrik Bloemfontein.

Die aansoek tesame met die betrokke planne, dokumente en inligting lê gedurende kantoorure ter insae in die kantoor van die Sekretaris, Dorperaad, Kamer 1216, Lebohang Gebou, St. Andrewstraat 84, Bloemfontein, vir 'n tydperk van 30 dae van publikasie hiervan, naamlik **20 Februarie 2009**.

Enige persoon wat 'n belang by die saak het en wat teen die toestaan van die aansoek beswaar wil maak of wat verlang om in die saak gehoor te word of vertoë in verband daarmee wil indien, moet binne 30 dae na die datum van plasing hiervan; naamlik **20 Maart 2009** skriftelik met die Sekretaris van die Dorperaad by bovermelde adres of Posbus 211, Bloemfontein, in verbinding tree.

SEKRETARIS: DORPERAAD

WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET NO. 84 VAN 1967)

Hierby word ingevolge artikel 3(6) van die bogenoemde Wet bekend gemaak dat die volgende aansoeke deur die Departementshoof: Plaaslike Regering en Behuising ontvang is en ter insae lê in kamer 1210, twaalfde vloer, Lebohang Gebou, St Andrewstraat 84, Bloemfontein en by die kantore van die betrokke Plaaslike Besture.

Enige persoon wat teen die toestaan van die aansoeke beswaar wil maak, kan met die Departementshoof: Plaaslike Regering en Behuising, Direktoraat Ruimtelike Beplanning, Grondgebruik Bestuur Komponent, Posbus 211, Bloemfontein, 9300 skriftelik in verbinding tree. Besware met volledige redes in tweevoud, moet hierdie kantoor nie later nie as **16:00 op Vrydag, 20 Maart 2009** bereik. Beswaarmakers se pos-en straatadres en telefoonnommer(s) moet skriftelike besware vergesel.

a) BAINSVLEI: (REFERENCE A12/1/9/1/2/7 (40/07))

Plot 3, Quaggafontein Small Holdings, Bloemfontein (Bainsvlei), (as indicated on the diagram which accompanied the application and which is available at the above-mentioned addresses), for the removal of restrictive conditions (b) and (c) on page 2 in Deed of Transfer T7691/2007 pertaining to the said plot, conditions (2) and (3) on page 2 in Deed of Transfer T30935/2006 pertaining to Plot 4, Quaggafontein Small Holdings, Bloemfontein (Bainsvlei), as well as the amendment of the Town-Planning Scheme of Bainsvlei by the rezoning of Plots 3 and 4, Quaggafontein Small Holdings, Bloemfontein (Bainsvlei) from "Holding" to the zonings "General Residential 1" and "General Residential 2" as indicated on the township establishment plan, in order to make township establishment possible.

b) BAINSVLEI: (REFERENCE A12/1/9/1/2/7)

Subdivision 15 (a Subdivision of Subdivision 3) of the farm Knocknacree No. 1111, 15 Venter Avenue, Bainsvlei (Bloemfontein), for the removal of restrictive conditions C.(a), C.(b), C.(c) and C.(d) on page 3 in Deed of Transfer T3243/1980, pertaining to the said farm, in order to enable the applicant to erect a second dwelling on the property.

c) BLOEMFONTEIN: (REFERENCE A12/1/9/1/2/13)

Erf 5133, 7 Mocke Street, Bloemfontein, Extension 33 (Dan Pienaar) for the removal of restrictive conditions a), b), c) and d) on page 2 in Deed of Transfer T10514/2008 pertaining to the said erf, in order to enable the applicant to build a second dwelling on the erf.

d) BLOEMFONTEIN: (REFERENCE A12/1/9/1/2/13)

Erf 5704, 40 Montgomery Street, Bloemfontein, (Wilgehof) for the removal of restrictive condition A.(b) on page 2 in Deed of Transfer T15991/1993 pertaining to Erf 5704, Bloemfontein, (Wilgehof), in order to enable the applicant to erect a second dwelling on the said erf.

e) BLOEMFONTEIN: (REFERENCE A12/1/9/1/2/13)

Erf 9412, 8 Graves Street, Bloemfontein, Extension 54, (Hospital Park) for the removal of restrictive condition 2.(b) and 2.(c) on page 2 in Deed of Transfer T16209/2008 pertaining to Erf 9412, Bloemfontein, Extension 54, (Hospital Park), in order to enable the applicant to erect a second dwelling on the said erf.

a) BAINSVLEI: (VERWYSING A12/1/9/1/2/7 (40/07))

Hoewe 3, Quaggafontein Kleinplase, Bloemfontein (Bainsvlei), (soos aangetoon op die diagram wat die aansoek vergesel het en wat by bogemelde adresse beskikbaar is) vir die opheffing van beperkende voorwaardes (b) en (c) op bladsy 2 in Transportakte T7691/2007 ten opsigte van die gemelde hoewe, voorwaardes (2) en (3) op bladsy 2 in Transportakte T30935/2006 ten opsigte van Hoewe 4, Quaggafontein Kleinplase, Bloemfontein (Bainsvlei), asook die wysiging van die Dorpsaanlegskema van Bainsvlei deur die hersonerings van Hoewes 3 en 4, Quaggafontein Kleinhoewes, Bloemfontein (Bainsvlei) vanaf "Hoewe" na die sonerings "Algemene Woon 1" en "Algemene Woon 2" soos aangetoon op die dorpstigingsplan, ten einde dorpstiging moontlik te maak.

b) BAINSVLEI: (VERWYSING A12/1/9/1/2/7)

Onderverdeling 15 ('n Onderverdeling van Onderverdeling 3) van die plaas Knocknacree No. 1111, Venterlaan 15, Bainsvlei (Bloemfontein), vir die opheffing van beperkende voorwaardes C.(a), C.(b), C.(c) en C.(d) op bladsy 3 in Transportakte T3243/1980, ten opsigte van die gemelde plaas, ten einde die applikant in staat te stel om 'n tweede woning op die eiendom op te rig.

c) BLOEMFONTEIN: (VERWYSING A12/1/9/1/2/13)

Erf 5133, Mockestraat 7, Bloemfontein, Uitbreiding 33 (Dan Pienaar) vir die opheffing van beperkende voorwaardes a), b), c) en d) op bladsy 2 in Transportakte T10514/2008 ten opsigte van gemelde erf, ten einde die applikant in staat te stel om 'n tweede woning op die erf op te rig.

d) BLOEMFONTEIN: (VERWYSING: A12/1/9/1/2/13)

Erf 5704, Montgomerystraat 40, Bloemfontein, (Wilgehof) vir die opheffing van beperkende voorwaarde A.(b) op bladsy 2 in Transportakte T15991/1993 ten opsigte van Erf 5704, Bloemfontein, (Wilgehof), ten einde die applikant in staat te stel om 'n tweede woning op die genoemde erf op te rig.

e) BLOEMFONTEIN: (VERWYSING A12/1/9/1/2/13)

Erf 9412, Gravesstraat 8, Bloemfontein, Uitbreiding 54, (Hospitaalpark) vir die opheffing van beperkende voorwaardes 2.(b) en 2.(c) op bladsy 2 in Transportakte T16209/2008 ten opsigte van Erf 9412, Bloemfontein, Uitbreiding 54, (Hospitaalpark), ten einde die applikant in staat te stel om 'n tweede woning op die genoemde erf op te rig.

f) BLOEMFONTEIN: (REFERENCE: A12/1/9/1/2/13)

Erf 8555, 12 Rindl Street, Bloemfontein, Extension 55, (Universitas) for the removal of restrictive condition b. on page 2 in Deed of Transfer T17590/2008 pertaining to Erf 8555, Bloemfontein, Extension 55, (Universitas), in order to enable the applicant to erect a second dwelling on the said erf.

g) BLOEMFONTEIN: (REFERENCE A12/1/9/1/2/13)

Erf 6165, 9 Gordon Smit Crescent, Bloemfontein, Extension 46 (Dan Pienaar), for the removal of restrictive condition b) on page 2 in Deed of Transfer T26800/2006 to enable the applicant to erect a second dwelling on the said erf.

h) BLOEMFONTEIN: (REFERENCE A12/1/9/1/2/13)

Erf 7218, 69 Gladstone Road, Bloemfontein, Extension 52, (Bayswater) for the removal of restrictive condition A.(b) on page 2 in Deed of Transfer T1766/2001 pertaining to Erf 7218, Bloemfontein, Extension 52, (Bayswater), in order to enable the applicant to erect a second dwelling on the said erf.

i) BLOEMFONTEIN: (REFERENCE A12/1/9/1/2/13 (02/2009))

Proposed Subdivision 1 of Erf 19508, 22 Kellner Street, Bloemfontein, (Westdene) for the amendment of the Town Planning Scheme of Bloemfontein by the rezoning of the proposed Subdivision 1 of Erf 19508, Bloemfontein, (Westdene) from "General Residential 2" to "Restricted Business 1", in order to enable the applicant to utilize the said erf for office purposes.

j) BLOEMSPRUIT: (REFERENCE A12/1/9/1/2/14)

Plot 115, Lakeview Small Holdings, Bloemfontein (Bloemspuit), [as indicated on the diagram that accompanied the application and which is available at the above-mentioned addresses], for the removal of restrictive conditions b) and c) on page 3 in Deed of Transfer T29644/2007 pertaining to the said plot, in order to subdivide the property into 4 portions.

k) BLOEMSPRUIT: (REFERENCE A12/1/9/1/2/14)

Plot 11, Campbellton Small Holdings, 11 The Bend Avenue, Bloemfontein (Bloemspuit), for the removal of restrictive conditions C.(a), C.(b) and C.(c) on page 2 in Deed of Transfer T3379/2008 pertaining to the said plot, in order to subdivide the property into 4 portions.

f) BLOEMFONTEIN: (VERWYSING A12/1/9/1/2/13)

Erf 8555, Rindlstraat 12, Bloemfontein, Uitbreiding 55, (Universitas) vir die opheffing van beperkende voorwaarde b. op bladsy 2 in Transportakte T17590/2008 ten opsigte van Erf 8555, Bloemfontein, Uitbreiding 55, (Universitas), ten einde die applikant in staat te stel om 'n tweede woning op die genoemde erf op te rig.

g) BLOEMFONTEIN: (VERWYSING A12/1/9/1/2/13)

Erf 6165, Gordon Smitsingel 9, Bloemfontein, Uitbreiding 46 (Dan Pienaar), vir die opheffing van beperkende voorwaarde b) op bladsy 2 in Transportakte T26800/2006 ten einde die applikant in staat te stel om 'n tweede woning op die genoemde erf op te rig.

h) BLOEMFONTEIN: (VERWYSING A12/1/9/1/2/13)

Erf 7218, Gladstoneweg 69, Bloemfontein, Uitbreiding 52, (Bayswater) vir die opheffing van beperkende voorwaarde A.(b) op bladsy 2 in Transportakte T1766/2001 ten opsigte van Erf 7218, Bloemfontein, Uitbreiding 52, (Baywater), ten einde die applikant in staat te stel om 'n tweede woning op die genoemde erf op te rig.

i) BLOEMFONTEIN: (VERWYSING A12/1/9/1/2/13 (02/2009))

Voorgestelde Onderverdeling 1 van Erf 19508, Kellnerstraat 22, Bloemfontein, (Westdene) vir die wysiging van die Dorpsaanlegskema van Bloemfontein deur die hersonering van die voorgestelde Onderverdeling 1 van Erf 19508, Bloemfontein, (Westdene) vanaf "Algemene Woon 2" na "Beperkte Besigheid 1", ten einde die applikant in staat te stel om die genoemde erf vir kantoordoeleindes aan te wend.

j) BLOEMSPRUIT: (VERWYSING A12/1/9/1/2/14)

Hoewe 115, Lakeview Kleinplase, Bloemfontein (Bloemspuit), [soos aangetoon op die diagram wat die aansoek vergesel het en wat by bogemelde adresse beskikbaar is], vir die opheffing van beperkende voorwaardes b) en c) op bladsy 3 in Transportakte T29644/2007 ten opsigte van die gemelde hoewe, ten einde die eiendom in 4 gedeeltes onder te verdeel.

k) BLOEMSPRUIT: (VERWYSING A12/1/9/1/2/14)

Hoewe 11, Campbellton Kleinplase, The Bend Laan 11, Bloemfontein (Bloemspuit), vir die opheffing van beperkende voorwaardes C.(a), C.(b) en C.(c) op bladsy 2 in Transportakte T3379/2008 ten opsigte van die gemelde hoewe, ten einde die eiendom in 4 gedeeltes onder te verdeel.

l) BLOEMSPRUIT: (REFERENCE A12/1/9/1/2/14)

Plot 199, Lakeview Small Holdings, Bloemfontein (Bloemspruit), [as indicated on the diagram that accompanied the application and which is available at the above-mentioned addresses], for the removal of restrictive conditions 2.(b) and 2.(c) on page 3 in Deed of Transfer T180606/2008 pertaining to the said plot, in order to subdivide the property into 4 portions.

m) HOOPSTAD: (REFERENCE A12/1/9/1/2/68)

Erf 695, 8 Lyell Street, for the removal of restrictive conditions 1.a), b), c), 2.d) to 2.g) on pages 2 and 3 in Deed of Transfer T17738/2008 pertaining to erf 695, Hoopstad, in order to enable the applicant to utilize the existing outbuilding for the purposes of medical consulting rooms.

n) JACOBSDAL: (REFERENCE A12/1/9/1/2/69)

Erf 185, 57 Palier Street, Jacobsdal, for the removal of restrictive conditions A.(b) and A.(c) on page 2 in Deed of Transfer T31650/2005 to enable the applicant to sell the four (4) existing townhouses on the said erf, by means of the opening of a sectional title scheme.

l) BLOEMSPRUIT: (VERWYSING A12/1/9/1/2/14)

Hoewe 199, Lakeview Kleinplase, Bloemfontein (Bloemspruit), [soos aangetoon op die diagram wat die aansoek vergesel het en wat by bogemelde adresse beskikbaar is], vir die opheffing van beperkende voorwaardes 2.(b) en 2.(c) op bladsy 3 in Transportakte T180606/2008 ten opsigte van die gemelde hoewe, ten einde die eiendom in 4 gedeeltes onder te verdeel.

m) HOOPSTAD: (VERWYSING A12/1/9/1/2/68)

Erf 695, Lyellstraat 8, Hoopstad, vir die opheffing van beperkende voorwaardes 1.a), b), c), 2.d) tot 2.g) op bladsye 2 en 3 in Transportakte T17738/2008 ten opsigte van erf 695, Hoopstad, ten einde die applikant in staat te stel om die bestaande buitegeboue vir die doeleindes van mediese spreekkamers aan te wend.

n) JACOBSDAL: (VERWYSING A12/1/9/1/2/69)

Erf 185, Palierstraat 57, Jacobsdal, vir die opheffing van beperkende voorwaardes A.(b) en A.(c) op bladsy 2 in Transportakte T31650/2005 ten einde die applikant in staat te stel om die vier (4) bestaande meenthuse op die eiendom te verkoop deur middel van die opening van 'n deeltitel skema.

LOCAL GOVERNMENT NOTICES

BY-LAWS FOR THE TSWELOPELE LOCAL MUNICIPALITY

PUBLICATION OF BY-LAWS :REFUSE REMOVAL

SCHEDULE

To provide for a refuse removal service in the municipality; and for matters connected therewith.

Contents

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Definitions

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

"bin" means a standard type of refuse bin with a capacity of 0,1 cubic meters or 85 litres as approved by the Municipality and which can be supplied by the Municipality.

The bin may be constructed of galvanised iron, rubber or polythene;

"bin liner" means a plastic bag approved by the Municipality which is placed inside a bin with a maximum capacity of 0,1 cubic meters. These bags must be of a dark colour, 950 mm x 750 mm in size, of low density minimum 40 micrometer diameter or 20 micrometer diameter high density;

"builders refuse" means refuse generated by demolition, excavation or building activities on premises;

"bulky garden refuse" means refuse such as tree stumps, branches of trees, hedge stumps and branches of hedges and any other grade refuse of quantities more than 2 cubic meters;

"bulky refuse" means refuse which emanates from any premises, excluding industrial refuse, and which cannot by virtue of its mass, shape, size or quantity be conveniently accumulated or removed in a refuse bin with a bin liner;

"business refuse" means refuse generated by the use of premises other than a private dwelling-house used solely as a residence, but shall not include builders refuse, bulky refuse, domestic refuse or industrial refuse;

"domestic refuse" means refuse normally originating from a building used for dwelling purposes, including flats, hospitals, schools, hostels, compounds, benevolent societies, churches and halls situated on private property and which can be easily removed without damaging the bin liner;

"garden refuse" means refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, plants and flowers;

"Municipality" means the Tswelopele Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"occupier" means any person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

"owner" means -

(a) the person in whom from time to time is vested the legal title to the premises;

(b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, manager, liquidator or other legal representative;

(c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of such premises or a building thereon;

(d) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;

(e) in relation to -

(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property; or

(ii) a section as defined in that Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

(f) any legal person including, but not limited to -

(i) a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), a trust *inter vivos*, a trust *mortis causa*, a close corporation registered in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984), a voluntary association;

(ii) any Department of State;

(iii) any municipality or board established in terms of any legislation applicable in the Republic of South Africa;

(iv) any embassy or other foreign entity;

"public place" means any road, street, square, park, recreation ground, sport ground, sanitary lane or open space which has —

- (a) in connection with any subdivision or layout of land into erven, lots of plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots of plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (b) at any time been dedicated to the public;
- (c) been used without interruption by the public for a period of at least 30 years expiring after 31 December 1959; or
- (d) at any time been declared or rendered as such by the Municipality or other competent authority;

"special industrial refuse" means refuse, consisting of a liquid or sludge, resulting from a process or the pre-treatment for disposal purposes of any industrial liquid waste, which in terms of the Municipality's By-laws may not be discharged into a drain or sewer; and

"tariff" means the tariff of charges as determined from time to time by the Municipality.

Removal of refuse

- 2. (1) The Municipality shall provide a service for the collection and removal of business and domestic refuse from premises at the tariff determined by the Municipality.
- (2) The occupier of the premises on which business or domestic refuse is generated, shall avail himself or herself of the Municipality's service for the collection and removal of such refuse, except where special exemption is granted by the Municipality.
- (3) The owner of the premises on which business or domestic refuse is generated, shall be liable to the Municipality for all charges in respect of the collection and removal of refuse from such premises.

Notice to the Municipality

- 3. The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises on which business refuse or domestic refuse is generated, shall within seven days after the commencement of the generation of such refuse notify the Municipality-

- (a) that the premises is being occupied;
- (b) whether business refuse or domestic refuse is being generated on the premises.

Provision of refuse bins or container units

- 4. (1) The Municipality shall determine the type and number of containers required on a premises.
- (2) If a container is supplied by the Municipality, such container shall be supplied free of charge, or at the ruling prices, or at a hiring tariff, as the Municipality may determine;
- (3) If required by the Municipality, the owner of a premises shall be responsible for the supply of a pre-determined number and type of containers.
- (4) The Municipality may supply container units to a premises if, having regard to the quantity of business refuse generated on the premises concerned, the suitability of such refuse for storage in refuse bins, and the accessibility of the space provided by the owner of the premises in terms of section 5 to the Municipality's refuse collection vehicles, if it considers container units more appropriate for the storage of the refuse than refuse bins: Provided that container units shall not be supplied to the premises unless the space provided by the owner of the premises in terms of section 5 is accessible to the Municipality's refuse collection vehicles for container units.

Positioning of refuse bins, container units, etc.

- 5. (1) The owner of the premises shall provide adequate space on the premises for the storage of the refuse bins supplied by the Municipality in terms of section 4 or for the equipment and containers mentioned in section 7(1).
- (2) The space provided in terms of subsection (1) shall -
 - (a) be in such a position on the premises as will allow the storage of refuse bins without the bins being visible from a street or other public place;
 - (b) where domestic refuse is generated on the premises —
 - (i) be in such a position as will allow the collection and removal of refuse by the Municipality's employees without hindrance;
 - (ii) be not more than 20 m from the entrance to the premises, used by the Municipality's employees;
 - (c) if required by the Municipality, be so located as to permit convenient access to and egress from such space for the Municipality's refuse collection vehicles;
 - (d) be sufficient to house any receptacle used in the sorting and storage of the refuse contemplated in subsections 6(1)(a)(i) and 7(9), as well as any such refuse not being stored in a receptacle: Provided that this requirement shall not apply in the case of buildings erected, or the building plans whereof have been approved, prior to the coming into operation of this By-law.
- (3) The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises shall place the refuse bins supplied in terms of section 4, in the space provided in terms of subsection (1) and shall at all times keep them there.
- (4) Notwithstanding anything to the contrary in subsection (3) contained-
 - (a) in the case of buildings erected, or of which the building plans have been approved prior to the coming into operation of this By-law; and
 - (b) in the event of the Municipality, in its opinion being unable to collect and remove business refuse from the space provided in terms of subsection (1), the Municipality may, having regard to the avoidance of nuisance and the convenience of collection of refuse, indicate a position within or outside the premises where the refuse bins shall be placed for the collection and removal of such refuse and such refuse bins shall then be placed in such position at such times and for such periods as the Municipality may determine.

Use and care of containers and bin liners

6. (1) Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises shall ensure that-

(a) all the domestic or business refuse generated on the premises is placed and kept in bin liners for removal by the Municipality: Provided that the provisions of this subsection shall not prevent any occupier or owner, as the case may be —

(i) who has obtained the Municipality's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption;

(ii) from utilising such domestic refuse as may be suitable for making compost;

(b) no hot ash, unwrapped glass or other business or domestic refuse which may cause damage to bin liners or which may cause injury to the Municipality's employees while carrying out their duties in terms of this By-law, is placed in bin liners before he or she has taken such steps as may be necessary to avoid such damage or injury;

(c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render such bin liners unreasonably difficult for the Municipality's employees to handle or carry, is placed in such bin liners;

(d) every container on the premises is covered, save when refuse is being deposited therein or discharged there from, and that every container is kept in a clean and hygienic condition;

(e) no person deposits refuse in any other place than in the containers provided for that purpose.

(2) No container may be used for any purpose other than the storage of business, domestic or garden refuse and no fire shall be lit in such container.

(3) In the event of a container having been delivered to premises in terms of subsection 4(4), the occupier of such premises shall, 24 hours before the container is likely to be filled to capacity, inform the Municipality thereof.

(4) The owner of premises to which bins or container units have been supplied in terms of section 4 or 11, shall be liable to the Municipality for the loss thereof and for any damage caused thereto, except for such loss or damage as maybe caused by the employees of the Municipality.

(5) Plastic bin liners with domestic or garden refuse, or both, shall be properly closed and be placed outside the property next to the fence and near the entrance or access road before 07:00 on the day determined by the Municipality for removal of refuse.

Compaction of refuse

7. (1) Should the quantity of domestic or business refuse generated on premises be such that, in the opinion of the Municipality, the major portion of such refuse is compactable, or should the owner or occupier of premises wish to compact such refuse, such owner or occupier, as the case may be, shall increase the density of that portion of such refuse as is compactable by means of approved equipment designed to shred or compact refuse and shall put the refuse so treated into an approved plastic, paper or other disposable container or into a compaction unit container, and the provisions of section 4 shall not apply to such compactable refuse.

(2) The capacity of the plastic, paper or other disposable container referred to in subsection (1) shall not exceed 0,1 cubic meters.

(3) After the refuse, treated as contemplated in subsection (1), has been put into a plastic paper or other disposable container, such container shall be placed in a container or container unit.

(4) Insofar as the provisions of subsection (1) make the compaction of domestic or business refuse compulsory, such provisions shall not apply until a period of 6 months has elapsed from the date of the serving of a notice to this effect by the Municipality.

(5) "Approved" for the purpose of subsection (1), shall mean approved by the Municipality, regard being had to the suitability of the equipment or container for the purpose for which it is to be used, as well as the reasonable requirements of the particular case from a public health, storage and refuse collection and removal point of view.

(6) The containers mentioned in subsection (1) shall be supplied by the owner or the occupier, as the case may be.

(7) If the container referred to in subsection (1) is made of steel, such container shall, after the collection thereof and after it has been emptied by the Municipality, be returned to the premises.

(8) The Municipality shall remove and empty the containers referred to in subsection (1) at such intervals as the Municipality may deem necessary in the circumstances.

(9) The provisions of this section shall not prevent any owner or occupier of premises, as the case may be, after having obtained the Municipality's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption.

Removal and disposal of garden refuse, bulky garden refuse and other bulky refuse

8. (1) The occupier, or in the case of premises occupied by more than one person, the owner of premises on which garden refuse, bulky garden refuse or other bulky refuse is generated, shall ensure that such refuse be disposed of in terms of this by-law within a reasonable time after the generation thereof.

(2) Any person may remove and dispose of garden refuse, bulky garden refuse or other bulky refuse.

(3) Garden refuse, bulky garden refuse or other bulky refuse removed from the premises on which it was generated, shall be disposed of on a site designated by the Municipality as a disposal site for such refuse.

The Municipality's special service

9. At the request of the owner or any occupier of any premises, the Municipality shall remove bulky garden refuse and other refuse from premises, if the Municipality is able to do so with its refuse removal equipment. All such refuse shall be placed within 3 m of the boundary loading point, but not on the sidewalk.

Responsibility for builders refuse

10. (1) The owner of premises on which builders refuse is generated and the person engaged in the activity, which causes such refuse to be generated, shall ensure that

-
- (a) such refuse be disposed of on the terms of section 12 within a reasonable time after the generation thereof;
- (b) until such time as builders refuse is disposed of, such refuse, together with the containers used for the storing or removal thereof, be kept on the premises on which it was generated.
- (2) Any person may operate a builders refuse removal service. Should the Municipality provide such a service, it shall be done at the prescribed tariff.

Containers

11. (1) If containers or other receptacles used for the removal of builders refuse, bulky refuse or other waste material from premises can, in the opinion of the Municipality, not be kept on the premises, such containers or other receptacles may, with the written consent of the Municipality, be placed in the roadway for the period of such consent.

(2) Any consent given in terms of subsection (1), shall be subject to such conditions as the Municipality may deem necessary: Provided that in giving or refusing its consent or in laying down conditions, the Municipality shall have regard to the convenience and safety of the public.

(3) Every container or other receptacles used for the removal of builders refuse shall -

- (a) have clearly marked on it the name and address or telephone number of the person in control of such container or other receptacle;
- (b) be fitted with reflecting chevrons or reflectors, which shall completely outline the front and the back thereof; and
- (c) be covered at all times, other than when actually receiving or being emptied of such refuse, so that no displacement of its contents or dust nuisance may occur.

Disposal of builders refuse

12. (1) Subject to the provisions of subsection (2), all builders refuse shall be deposited at the Municipality's refuse disposal sites, after the person depositing the refuse has paid the tariff charge therefore.

(2) For the purpose of reclamation of land, builders refuse may, with the written consent of the Municipality, be deposited at a place other than the Municipality's refuse disposal sites.

(3) Any consent given in terms of subsection (2), shall be subject to such conditions as the Municipality may deem necessary: Provided that in giving or refusing its consent or in laying down conditions, the Municipality shall have regard to —

- (a) the safety of the public;
- (b) the environment of the proposed disposal site;
- (c) the suitability of the area, including the drainage thereof;
- (d) the expected manner and times of depositing of refuse at the site;
- (e) the levelling of the site;
- (f) the control of dust; and
- (g) any other relevant factors.

Notification of generation of special industrial refuse

13. (1) The person engaged in the activity, which causes special industrial refuse to be generated, shall inform the Municipality of the composition thereof, the quantity generated, how it is stored and how and when it will be removed.

(2) If so required by the Municipality, the notification referred to in subsection (1), shall be substantiated by an analysis certified by a qualified industrial chemist.

(3) Subject to the provisions of this By-law, any person duly authorised by the Municipality, may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.

(4) The person mentioned in subsection (1), shall notify the Municipality of any changes in the composition and quantity of the special industrial refuse that may occur from time to time.

Storing of special industrial refuse

14. (1) The person referred to in section 13(1), shall ensure that the special industrial refuse generated on the premises is kept and stored thereon in terms of subsection (2), until it is removed from the premises in terms of section 15.

(2) Special industrial refuse stored on premises, shall be stored in such a manner that it does not become a nuisance or pollute the environment.

(3) If special industrial refuse is not stored in terms of subsection (2) on the premises on which it is generated, the Municipality may order the owner of the premises and the person referred to in subsection 13(1), to remove such refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Municipality may remove it at the owner's expense.

Removal of special industrial refuse

15. (1) No person shall remove special industrial refuse from the premises on which it was generated without or otherwise than in terms of the written consent of the Municipality.
- (2) The Municipality may give its consent in terms of subsection (1), subject to such conditions as it may deem fit. In laying down conditions, the Municipality shall have regard to —
- (a) the composition of the special industrial refuse;
 - (b) the suitability of the vehicle and container to be used;
 - (c) the place where the refuse shall be dumped; and
 - (d) proof to the Municipality of such dumping.
- (3) The Municipality shall not give its consent in terms of subsection (1), unless it is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial refuse and complies with the conditions laid down by the Municipality.
- (4) The person referred to in subsection 13(1), shall inform the Municipality, at such intervals as the Municipality may stipulate, having regard to the information to be given to the Municipality in terms of subsection 13(1), of the removal of special industrial refuse, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial refuse removed.
- (5) Should any person be caught in the act of contravening the provisions of this section, such person shall dispose of the refuse removed by him or her as directed by the Municipality.

Conduct at disposal sites

16. (1) Any person who, for the purpose of disposing of refuse, enters a refuse disposal site controlled by the Municipality shall -
- (a) enter the disposal site only at an authorised access point;
 - (b) give the Municipality all the particulars required in regard to the composition of the refuse; and
 - (c) follow all instructions given to him or her in regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.
- (2) No person shall bring intoxicating liquor onto a disposal site controlled by the Municipality.
- (3) No person shall enter a disposal site controlled by the Municipality for any purpose other than the disposal of refuse in terms of this By-law and then only at such times as the Municipality may from time to time determine.

Ownership of refuse

17. (1) All refuse removed by the Municipality and all refuse at disposal sites controlled by the Municipality shall be the property of the Municipality and no person who is not authorised by the Municipality to do so, may remove or interfere therewith.
- (2) Only refuse which is generated on premises within the Municipality's area of jurisdiction may be disposed of on the Municipality's refuse disposal sites.

Littering and dumping

18. No person shall -
- (a) throw, discard, deposit or spill any refuse of any nature into or onto any public place, vacant stand, vacant erf, stream or watercourse;
 - (b) sweep any refuse into a gutter on a public place; or
 - (c) allow any persons under his or her control to do any of the acts referred to in paragraphs (a) and (b).

Abandoned things

19. (1) Anything, other than a vehicle, left in a public place, and which may, having regard to —
- (a) the place where it was left;
 - (b) the period that it was left; and
 - (c) its nature and condition, be regarded as abandoned, may be removed and disposed of by the Municipality.
- (2) If the identity of the owner of the abandoned thing is known to the Municipality, the Municipality may recover the costs concerning the removal and disposal of such thing, if any, from the owner.
- (3) For the purpose of subsection (1), a shop trolley shall be deemed not to be a vehicle.

Access to premises

20. (1) Where the Municipality provides a refuse collection service, the occupier of premises shall grant the Municipality access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Municipality in the carrying out of its service.
- (2) Where, in the opinion of the Municipality, the collection or removal of refuse from any premises is likely to result in damage to the premises or the Municipality's property, or injury to the refuse collectors or any other person, it may, as a condition for the provision of a refuse collection service to the premises, require the owner or occupier to indemnify it, in writing, in respect of any such damage or injury or any claims arising out of either.

Accumulation of refuse

21. If any category of refuse defined in this By-law accumulates on premises so as to constitute or so as to render it likely that a nuisance will be created thereby, the Municipality may make a special removal of such refuse and the owner shall be liable in respect of such special removal to pay the tariff charge therefore.

Charges

22. (1) Save where otherwise provided in this By-law, the person to whom any service mentioned in this By-law has been rendered by the Municipality, shall be liable to the Municipality for the tariff charge in respect thereof.

(2) Services rendered by the Municipality in respect of which a monthly tariff charge is prescribed, shall only be discontinued by the Municipality after receipt of a written notification from the owner or occupier of the premises to which the services are rendered, that the generation of domestic or business refuse on the premises has ceased, or when it has become obvious to the Municipality that the generation of such refuse on the premises has ceased.

(3) Monthly tariff charges shall be payable until receipt by the Municipality of the notice mentioned in subsection (2), or when it has become obvious to the Municipality that the generations of such refuse on the premises has ceased.

Penalty clause

23. Any person who contravenes or fails to comply with any provision of this By-law shall be guilty of an offence and liable on conviction to a fine or, in default of payment, to imprisonment not exceeding 6 months, or to both a fine and such imprisonment.

Repeal of laws and savings

24. (1) Any by-laws relating to Refuse Removal adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case maybe.

Short title and Commencement

25. This By-law shall be called the Refuse Removal By-Laws, No: 3 of 2009 and takes effect on the date of publication hereof.

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CHAPTER 1

INTERPRETATION, PRINCIPLES AND OBJECTS

Definitions and interpretation

1. (1) In these By-laws, unless the context otherwise indicates-

“**approved**”, in relation to bins, bin liners, containers, receptacles and wrappers means approved by the Council for the collection and storage of waste;

“**authorised official**” means any official of the Council who has been authorised by the Council to administer, implement and enforce the provisions of these By-laws;

“**bin**” means an approved receptacle for the storage of less than 1,5 cubic metres of waste which may be supplied by the Council to premises in terms of these By-laws;

“**bin liner**” means an approved loose plastic or other suitable material liner for use in the interior of a bin;

“**building waste**” means all waste produced during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rock displaced during such construction, alteration, repair or demolition;

“bulky waste” means business waste or domestic waste which by virtue of its mass, shape, size or quantity is inconvenient to remove in the routine door-to-door municipal service provided by the Council;

“business waste” means waste, other than hazardous waste, healthcare risk waste, building waste, industrial waste, garden waste, bulky waste, recyclable waste and special industrial waste, generated on premises used for non-residential purposes;

“commercial service” means any service, excluding the municipal service, relating or connected with accumulating, collecting, managing, recycling, sorting, storing, treating, transporting, disposing, buying or selling of waste or any other manner of handling waste;

“container” means an approved receptacle with a capacity greater than 1,5 cubic metres for the temporary storage of waste in terms of these By-laws;

“Council” means -

a) the Local Municipality of Tswelopele established in terms of the Local Government: Municipal Structures Act, 1998, (Act 117 of 1998) as amended, exercising its legislative and executive authority through its Municipal Council; or

b) its successor in title; or

c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or

d) except for the purposes of Chapters 6 and 8, a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Systems Act, 2000, or any other law; as the case may be;

“damage to the environment” means any pollution, degradation or harm to the environment whether visible or not;

“dailies” means putrescible waste generated by hotels, restaurants, food shops, hospitals, and canteens that must be collected on a daily basis, to prevent the waste from decomposing and presenting a nuisance or an environmental or health risk;

“domestic waste” means waste generated on premises used solely for residential purposes and purposes of public worship, including halls or other buildings used for religious purposes, but does not include business waste, building waste, garden waste or bulky waste;

“dump” means placing waste anywhere other than an approved receptacle or a place designated as a waste handling facility or waste disposal facility by the Council;

“environment” means the surroundings within which humans exist made up of-

(a) the land, water and atmosphere of the earth,

(b) micro-organisms, plant and animal life,

(c) any part or combination of (a) and (b) and the interrelationships among and between them, and

(d) the physical, chemical aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

“environmental emergency” means any unexpected or sudden occurrence resulting from any act or omission relating to waste which may cause or has caused serious harm to human health or damage to the environment, regardless of whether the potential for harm or damage is immediate or delayed;

“garden service” means the provision of gardening services by a licensee including the cutting of grass, pruning of trees or any other horticultural activity including landscaping, in respect of any domestic, business, commercial or industrial premises;

“garden waste” means waste generated as a result of normal domestic gardening activities, including grass cuttings, leaves, plants, flowers and other similar small and light organic matter, but does not include tree branches with a diameter thicker than 40 mm at any point of its length, bulky waste, building waste or any waste generated as a result of garden service activities;

“garden waste handling facility” means a waste handling facility in or on which garden waste or any other recyclable waste is received and temporarily stored;

“hazardous waste” means waste containing, or contaminated by, poison, any corrosive agent, any flammable substance having an open flash-point of less than 90 deg C, an explosive, radioactive material, any chemical or any other waste that has the potential even in low concentrations to have a significant adverse effect on public health or the environment because of its inherent toxicological, chemical and physical characteristics;

“health care risk 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;

“industrial waste” means waste generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include building waste, business waste, dailies, special industrial waste, hazardous waste, health care risk waste or domestic waste;

“land reclamation” means the planned and engineered disposal of inert or other appropriate waste for the purpose of constructing any facility or changing the natural features of any piece of land;

“level of service” means the frequency of the municipal service and the type of service point;

“licensee” means any person who has obtained a licence in terms of Chapter 6;

“litter” means any object or matter which is discarded by a person in any place except in an approved receptacle provided for that purpose or at a waste handling facility or waste disposal facility;

“local community” in relation to the Council means that body of persons comprising-

(a) the residents in the municipal area,

(b) the ratepayers of the Council,

(c) any civic organisation and non-governmental, private sector or labour organisation or body which is involved in local affairs within the municipal area, and

(d) visitors and other people residing outside of the municipal area who, because of their presence in that area, make use of services or facilities provided by the Council;

"municipal manager" means the municipal manager appointed in terms of section 82(1)(a) of the Structures Act;

"municipal service" means the municipal service relating to the collection of waste, including domestic waste, business waste and dailies, provided exclusively by the Council in accordance with Chapter 3 of these By-laws, and which in the case of business waste extends only to waste deposited in bin liners, bins and 240 litre wheeled bins;

"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;

"occupier" includes any person in actual occupation of land or premises without regard to the title under which he or she occupies, and, in the case of premises let, includes the person receiving the rent payable by the lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein;

"owner" includes any person who has the title to land or premises or any person receiving the rent or profits of land or premises, or who would receive such rent or profits if such land or premises were let, whether for his own account or as an agent for any person entitled thereto or interested therein and in relation to premises on a sectional title register opened in terms of section 12 of the Sectional Titles Act, 1986 (Act No. 95 of 1986), means the body corporate as defined in that Act;

"pollution" means any change in the environment caused by –

(a) any substance; or

(b) noise, odour, dust or heat, emitted from any activity, including the storage or treatment of any waste or substance, construction and the provision of any service, whether engaged in by any person or an organ of state;

if that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of a natural or managed ecosystem, or on material useful to people, or will have such an effect in the future;

"premises" means an erf or any other portion of land, including any building thereon or any other structure utilised for business, industrial, agricultural or residential purposes;

"prescribed fee" means a fee determined by the Council by resolution in terms any applicable legislation;

"public place" includes any public building, public road, overhead bridge, subway, pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space, vested in the Council, and any road, place or thoroughfare however created which is in the undisturbed use of the public or which the public has the right to use or the right to access;

"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 and includes –

(a) the verge of any such road, street or thoroughfare;

(b) any bridge or drift traversed by any such road, street or thoroughfare; and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"radioactive material" means any substance consisting of, or containing, any radioactive nuclide, whether natural or artificial;

"radioactive waste" means any radioactive material which is, or is intended to be, disposed of as waste;

"recyclable waste" means waste which has been separated from the waste stream, and set aside for purposes of recycling;

"recycling" means the use, re-use or reclamation of material so that it re-enters an industrial process rather than becoming waste;

"resident", in relation to the municipal area, means a person who is ordinarily resident within that area;

"SANS Codes" means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice as contemplated in Government Notice No. 1373 published in Government Gazette 24002, dated 8 November 2002 in terms of the Standards Act, 1993 (Act No. 29 of 1993);

"special industrial waste" means waste consisting of a liquid, sludge or solid substance, resulting from a manufacturing process, industrial treatment or the pre-treatment for disposal purposes of any industrial or mining liquid waste;

"storage" means the storage of waste for a period of less than 90 days;

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"sustainable development" means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to procure that development serves present and future generations;

"Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"target" means any desired air quality, water quality or waste standard contained in any legislation;

"verge" means a verge as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"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 liquid or solid, may include products that contain a gaseous component and may originate from domestic, commercial, medical or industrial activities, but does not include any gas or gaseous product which may be regulated by national legislation;

"waste disposal facility" means any facility or site which receives waste for treatment or disposal thereof, and which is operated in terms of a permit obtained from the National Department of Water Affairs and Forestry or any other competent authority or if such a facility is an incinerator, subject to registration or such permission as is required by law, and includes a garden waste handling facility;

“**waste generator**” means any person who generates or produces waste;

“**waste handling facility**” means any facility on or in which waste is accepted, accumulated, handled, recycled, sorted, stored or treated prior to its transfer for treatment by way of incineration or for final disposal;

“**waste stream**” means a type of waste, including building waste; business waste; bulky waste; dailies; domestic waste; garden waste; hazardous waste; health care risk waste; industrial waste; recyclable waste and special industrial waste;

“**workplace**” means any place within the municipal area on or in which or in connection with which, a person undertakes the municipal service or a commercial service;

“**wrapper**” means a plastic or other approved material covering that totally encloses bales or slugs of compacted waste.

(2) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Systems Act, or any other law, been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

Principles

2. (1) The Council has the responsibility to ensure that all waste generated within the municipal area is?

(a) collected, disposed of or recycled in accordance with these By-laws; and

(b) that such collection, disposal or recycling takes account of the waste management hierarchy set out in subsection (2).

(2) The underlying principle of these By-laws is to establish a waste management hierarchy in the following order of priority:

(a) Avoidance, waste minimisation and waste reduction;

(b) re-use;

(c) recycling, reprocessing and treatment; and

(d) disposal.

(3) Any authorised official must, as far as reasonably possible, take into account the hierarchy specified in subsection (2).

Main objects

3. (1) The main objects of these By-laws are?

(a) the regulation of the collection, disposal, treatment and recycling of waste;

(b) the regulation of the provision of the municipal service by a service provider and commercial services by licensees; and

(c) enhancing sustainable development.

(2) In pursuing the main objects of these By-laws, and in particular the object set out in subsection (1)(c), the Council must-

(a) endeavour to minimise the consumption of natural resources;

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

(c) encourage waste separation to facilitate re-use and recycling;

(d) promote the effective resourcing, planning and delivery of the municipal service and commercial services;

(e) endeavour to achieve integrated waste planning and services on a local basis;

(f) promote and ensure an environmentally responsible municipal service and commercial service; and

(g) endeavour to ensure compliance with the provisions of these By-laws.

CHAPTER 2

WASTE MANAGEMENT INFORMATION SYSTEM

Establishment of an information system

4. (1) The Council must establish and maintain a waste management information system which records how waste is managed within the municipal area.

(2) The information system may include any information relating to or connected with the management of waste within the municipal area.

Purpose of the information system

5. (1) The purpose of the information system referred to in section 4, is for the Council to-

(a) record data relating to the implementation of the local waste plan and the management of waste in the municipal area;

(b) record information held by the Council in relation to any of the matters referred to in section 6(1);

(c) furnish information upon request or as required by law to the national government;

(d) gather information and undertake strategic planning regarding potential and actual waste generators, service providers and licensees; and

(e) provide information to waste generators, service providers, licensees and the local community in order to –

(i) facilitate monitoring of the performance of the Council, service providers and licensees, and, where applicable, waste generators;

(ii) stimulate research; and

(iii) assist the Council to achieve the main objects of these By-laws specified in section 3.

Provision of information

6. (1) The Council may, subject to the provisions of any other law including the common law, require any waste generator, licensee, service provider or person involved in or associated with the provision of the municipal service or any commercial service within the municipal area to furnish information to the Council which may reasonably be required for the information system, and which may concern-

- (a) significant sources of waste generation and the identification of the generators of waste;
- (b) quantities and classes of waste generated;
- (c) management of waste by waste generators;
- (d) waste handling, waste treatment and waste disposal facilities;
- (e) population and development profiles;
- (f) reports on progress in achieving waste management targets;
- (g) the management of radioactive waste;
- (h) any information which has been compiled in accordance with section 27(2)(d);
- (i) markets for waste by class of waste or category; and
- (j) any other information required by legislation, regulations or guidelines.

(2) The Council may determine when and how often information must be furnished.

CHAPTER 3**MUNICIPAL SERVICE****Part 1: Providing access to municipal services****Duty to provide access to municipal service**

7. (1) The Council has a duty to the local community progressively to ensure efficient, affordable, economical and sustainable access to the municipal service.

(2) The duty referred to in subsection (1) is subject to –

- (a) the obligation of the members of the local community to pay the prescribed fee, for the provision of the municipal service, which must be in accordance with any nationally prescribed norms and standards for rates and tariffs; and
- (b) the right of the Council to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of the municipal service.

(3) The Council must take the following factors into account in ensuring access to the municipal service:

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

The provision of the municipal service

8. (1) The Council must as far as reasonably possible and subject to the provisions of these By-laws, provide for the collection of domestic waste, business waste and dailies on a regular basis and at a cost to end users determined in accordance with the prescribed fee.

(2) In relation to the municipal service, the Council may determine-

- (a) the quantities of waste that will be collected;
- (b) which residential or commercial premises require an increased frequency of the municipal service for reasons of health, safety or environmental protection;
- (c) the maximum amount of waste that may be placed for collection without the provision of an additional service or payment of an additional prescribed fee; and
- (d) requirements for the provision of waste storage areas and access to such areas in respect of premises which are constructed or reconstructed after the commencement of these By-laws.

(3) The Council may provide, or instruct a generator of waste to provide, an approved receptacle for the storage of domestic waste, business waste and dailies pending collection or the Council may provide such receptacle which remains the property of the Council.

(4) In providing the municipal service, the Council may determine or designate-

- (a) collection schedules;
- (b) locations for placing approved receptacles for collection;
- (c) which types of waste generated by the occupier of any premises are separable for the purposes of recycling and the conditions for their separation, storage or collection; and
- (d) which waste items are unsuitable for collection because they do not constitute domestic waste, and if waste is determined to be unsuitable for collection, a process for collection of such waste should be recommended to the owner of the waste.

(5) The Council may require a generator of dailies or business waste to compact that portion of the waste that is compactable, if the quantity of dailies or business waste generated on premises requires daily removal of more than the equivalent of eight 240-litre bins and if, in the opinion of the Council, the major portion of such waste is compactable.

(6) An occupier of premises may elect to compact any volume of waste referred to in subsection (5), and place it into an approved receptacle or wrapper, provided-

(a) the capacity of the wrapper does not exceed 85 litres and the mass of the wrapper and contents does not exceed 35 kilograms; and
 (b) after the waste has been compacted and put into the wrapper, it is placed in an approved receptacle and stored so as to prevent damage to the wrapper or any nuisance arising until it is collected.

(7) Any approved receptacle used in terms of subsection (6) may be collected, emptied and returned to the premises by the Council at such intervals as it may consider necessary.

(8) The Council may at any time review any decision taken by it in terms of subsection (4).

(9) The Council must in writing notify every generator of domestic waste, business waste and dailies of any decision taken in terms of subsection (2) or (3) relating to his or her premises.

(10) Non-receipt of a notice contemplated in subsection (9), does not affect the application of any provision of these By-laws nor the liability to pay any prescribed fee provided for in these By-laws.

Part 2: Using municipal service

Obligations of generators of domestic waste, business waste and dailies

9. (1) Any person generating domestic waste, business waste and dailies, other than waste which has been designated by the Council as recyclable as contemplated in section 8(4)(c), must place such waste, in an approved receptacle.

(2) No person may allow an animal in his or her control to interfere with, overturn or damage a receptacle, which has been placed for collection.

(3) The occupier of premises must ensure that -

(a) no hot ash, unwrapped glass or other domestic waste, business waste or dailies which may cause damage to approved receptacles or which may cause injury to the Council's employees while carrying out their duties in terms of these By-laws, is placed in an approved receptacle before suitable steps have been taken to avoid such damage or injury;

(b) no material, including any liquid, which by reason of its mass or other characteristics is likely to render an approved receptacle unreasonably difficult for employees of the Council to handle or carry, is placed in an approved receptacle;

(c) every approved receptacle on the premises is kept closed save when waste is being deposited in it or discharged from it, and every approved receptacle is kept in a clean and hygienic condition;

(d) no approved receptacle delivered by the Council is used for any purpose other than the storage of domestic waste, business waste and dailies and, in particular, that no fire is lit in such receptacle;

(e) an approved receptacle is placed outside the entrance to the premises before a time and on a day of the week specified by the Council by written notice to the owner or occupier of the premises, except where, on written application to the Council, the Council has indicated in writing that it is satisfied that a person is physically infirm or otherwise incapable of complying with the notice;

(f) an approved receptacle, placed in accordance with paragraph (e) is not damaged and properly closed so as to prevent the dispersal of its contents; and

(g) dailies are not placed in a receptacle or compactor where they are able to contaminate another waste stream.

(4) The owner or occupier of premises must provide space and any other facility considered necessary by the Council on the premises for the storage of approved receptacles.

(5) The space provided in terms of subsection (4), must -

(a) be in a position on the premises which will allow the storage of any approved receptacle without it being visible from a public road or public place;

(b) if dailies are generated on premises -

(i) be in a position which will allow the collection and removal of that waste by the Council's employees without hindrance; and

(ii) not be more than 20 metres from the entrance to the premises used for the collection of waste by the Council;

(c) be so located as to permit convenient access to and egress from such space for the Council's waste collection vehicles;

(d) comply with any further requirements imposed by the Council by written notice to the owner or occupier of the premises; and

(e) be constructed in accordance with the requirements of any applicable legislation relating to buildings.

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

(7) Notwithstanding the provisions of subsection (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 By-laws;

or

(b) in the event of the Council being unable to collect and remove waste from the space provided in terms of subsection (4), the Council may, having regard to the avoidance of a nuisance and the convenience of collection of waste, indicate a position within or outside the premises concerned where approved receptacles must be placed for the collection and removal of waste and such receptacles must then be placed in that position at such times and for such period as the Council may require.

Liability to pay for municipal service

10. (1) The owner of premises is liable to pay to the Council the prescribed fee for the provision of the municipal service, and is not entitled to exemption from, or reduction of the amount of such fee by reason of not making use, or of making a partial or limited use, of the municipal service.

(2) (a) A prescribed fee becomes due and payable on the due date for payment stipulated in the account.

(b) Non-receipt of an account does not relieve the person concerned of the liability to pay a prescribed fee before or on the due date.

CHAPTER 4**COMMERCIAL SERVICES****Part 1: Provision of commercial services by licensees and flow control****Provision of commercial services by licensees**

11. (1) Except in the case of garden waste, only a licensee may provide a commercial service.

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

Provision for Council co-ordination of waste disposal

12. (1) The Council may by a notice published in the Free State Provincial Gazette, direct that a category of waste be disposed of at a particular waste disposal facility or waste handling facility.

(2) No person may dispose of a category of waste at a waste disposal facility or waste handling facility which is not designated for receipt of that category of waste in a notice in terms of subsection (1) or designated by the Council under other empowering legislation prior to the commencement of these By-laws.

Part 2: Business, industrial and recyclable waste**Storage of business, industrial and recyclable waste**

13. (1) The owner or occupier of premises on which business, industrial or recyclable waste is generated, must ensure that until such time as such waste is collected by a licensee 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.

Collection and disposal of industrial, business and recyclable waste

14. (1) The owner or occupier of premises generating business, industrial or recyclable waste must ensure that-

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

(b) the waste is collected by a licensee within a reasonable time after the generation thereof; and

(c) that the service rendered by the licensee is only in respect of that portion of the business, industrial or recyclable waste authorised in the licence concerned.

(2) A licensee must dispose of business, industrial and recyclable waste at an appropriately permitted waste handling facility or waste disposal facility in compliance with the provisions of section 12(2) and 23.

Part 3: Garden waste and bulky waste**Storage, collection and disposal of garden waste and bulky waste**

15. (1) The owner or occupier of 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 garden waste is generated and not composted or on which bulky waste is generated must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.

(3) Any person or licensee may remove garden waste and bulky waste, provided once such waste has been collected from the premises on which it was generated, it is deposited at a garden waste handling facility in accordance with the provisions of section 23.

(4) (a) At the written request of the occupier of premises, the Council may deliver an approved receptacle to the premises for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste.

(b) The provisions of section 9, read with the necessary changes, apply to an approved receptacle delivered in terms of paragraph (a).

(5) If, in the course of providing the municipal service, the Council is of the opinion that it would cause inconvenience to members of the public not, at the same time, to remove garden and bulky waste, the Council 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.

Part 4: Building waste**Generation of building waste**

16. (1) The owner or occupier of premises on which building waste is generated, must ensure that -

(a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;

(b) the premises on which the building waste is generated, does not become unsightly or cause a nuisance as a result of accumulated building waste;

(c) any building waste which is blown off the premises, is promptly retrieved; and

(d) pursuant to any instruction from the Council, any structure necessary to contain the building waste is constructed.

Storage of building waste

17. (1) The Council may, subject to the provisions of subsection (2), determine conditions to place a receptacle for the storage and removal of building waste on a verge.

(2) Every receptacle used for the storage and removal of building waste must -

- (a) have clearly marked on it the name, address and telephone number of the person in control of that receptacle;
- (b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
- (c) be covered at all times other than when actually receiving, or being emptied of, waste so that no displacement of its contents can occur.

Collection and disposal of building waste

18. (1) The owner or occupier of premises on which building waste is generated, must ensure that the waste is disposed of by a licensee.

(2) All building waste must be disposed at a waste disposal facility designated for that purpose by the Council in terms of section 12, unless the Council has given written consent for the building waste to be used for the purpose of land reclamation or for recycling.

Part 5: Special industrial, hazardous or health care risk waste**Generation of special industrial, hazardous or health care risk waste**

19. (1) No person may carry on an activity which will generate special industrial, hazardous or health care risk waste, without notifying the Council in writing, prior to the generation of such waste, of the composition of such waste, the estimated quantity to be generated, the method of storage, the proposed duration of storage, the manner in which it will be collected and disposed of, and the identity of the licensee who will remove such waste: Provided that if such waste is being generated as a result of activities which commenced prior to the commencement of these By-laws, the generator must notify the Council as contemplated in this subsection within 180 days of the commencement of these By-laws.

(2) If so required by the Council, the notification referred to in subsection (1) must be substantiated by an analysis of the composition of the waste concerned, certified by an appropriately qualified industrial chemist.

(3) The person referred to in subsection (1), must notify the Council in writing of any change occurring with respect to the generation, composition, quantity, method or location of disposal of the special industrial, hazardous, or health care risk waste.

Storage of special industrial, hazardous or health care risk waste

20. (1) Any person carrying on an activity which generates special industrial, hazardous or health care risk waste, must ensure that such waste generated on the premises is kept and stored thereon until it is collected from the premises.

(2) Special industrial, hazardous or health care risk waste stored on premises, must be stored in such a manner that it does not become a nuisance or causes harm to human health or damage to the environment, and in accordance with the requirements of any applicable legislation relating to buildings.

(3) Special industrial, hazardous or health care risk waste must be stored in an approved receptacle and for a period not exceeding 90 days or any other maximum period stipulated by the Department of Water and Environmental Affairs, Gauteng provincial government or Council, before collection.

Collection and disposal of special industrial, hazardous or health care risk waste

21. (1) Only a licensee may transport special industrial, hazardous and health care risk waste and must do so in accordance with the requirements of the conditions of the licence issued to him or her under Chapter 6 as well as in the relevant SANS codes, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness, and documentation relating to the source, transportation and disposal of such waste, and subject to the requirements of any other legislation.

(2) A licensee licensed to collect and dispose of special industrial, hazardous or health care risk waste, must inform the Council at intervals stipulated in the licence issued under Chapter 6, of each removal of special industrial, hazardous or health care risk 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 of.

(3) A licensee must dispose of special industrial, hazardous or health care risk waste at a waste disposal facility designated by the Council as a waste disposal facility and in accordance with the provisions of section 23.

CHAPTER 5**TRANSPORTATION AND DISPOSAL OF WASTE****Transportation of waste**

22. (1) No person may-

- (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;
- (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 suitable net; and
- (d) cause or permit any waste being transported in or through the municipal area to become detached, leak or fall from a vehicle transporting it, except at a waste disposal facility.

(2) Subject to the provisions of subsection (1), all transportation of waste must comply with the National Road Traffic Act, 1996 (Act No. 93 of 1996).

Disposal of waste

23. (1) (a) Waste generated in the municipal area must be disposed of at a waste disposal facility where such disposal is permitted by the Council.

- (b) In disposing of waste, a licensee must comply with the provisions of section 12(2) and with the provisions of any other law regulating the disposal of waste.
- (2) No person may burn waste either in a public or private place, for the purpose of disposing of that waste.
- (3) No person may incinerate waste either in a public or private place, except in an incinerator at a place where the relevant national or Free State provincial authorities permit such incineration, or at a place designated by the Council for that purpose.
- (4) Notwithstanding the provisions of subsection (1), a person may dispose of those forms of recyclable waste specified by the Council in a notice in terms of section 12 at a designated garden waste handling facility, but may do so only if all such waste is brought to the facility in a vehicle able to carry a maximum load of one tonne or less.
- (5) The disposal of waste at any waste disposal facility is, in addition to any condition imposed by the National Department of Water Affairs and Forestry, subject to such conditions as the Council 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 Council considers necessary to ensure the environmentally sound management of waste.
- (6) Every person who enters a waste disposal facility must -
- (a) enter a waste disposal facility at an access point determined by the person in charge of the waste disposal facility;
 - (b) at the request of the person in charge of a waste disposal facility, provide the Council or that person with any information regarding the composition of the waste disposed of or to be disposed of; and
 - (c) comply with any instruction by the person in charge of a waste disposal facility in regard to access to, the actual place where, and the manner in which, waste must be deposited.
- (7) No person may-
- (a) bring any liquor or intoxicating or narcotic substance onto a waste disposal facility or enter such facility under the influence of liquor or such substance;
 - (b) enter a waste disposal facility for any purpose other than the disposal of waste in terms of these By-laws, unless authorised to do so by the person in charge of the waste disposal facility or the Council and then only at such times and subject to such conditions as the Council or such person may impose;
 - (c) dispose of waste at a waste disposal facility where the disposal of the waste concerned is not permitted; or
 - (d) light a fire on a waste disposal facility without the prior written consent of the person in charge of that facility.
- (8) Any person who contravenes subsection (7)(c) is liable for all costs reasonably incurred by the Council in removing or otherwise dealing with the waste concerned.
- (9) The person in charge of a waste disposal facility may at any time require a vehicle or a container on a vehicle brought into the waste disposal facility for the purposes of disposing of waste, to be weighed at a weighbridge.
- (10) The person in charge of a waste disposal facility or an authorised official may, at a waste disposal facility, inspect the content and nature of waste to be disposed of or processed and may take samples and test any waste found on any vehicle to ascertain its composition.
- (11) 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 a member of the Local Municipality of Tswelopele
- (12) No person may store waste for more than 90 consecutive days, unless the person has a permit in respect of the premises concerned for a waste disposal facility from the Department of Water and Environmental Affairs in terms of section 20(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989).

CHAPTER 6 LICENSEES

Licence requirements

24. (1) Subject to the provisions of section 32, no person may collect or transport any of the following waste streams listed in subsection (2) without having obtained from the Council, and being in possession of a licence authorising such collection and transportation:
- (a) business (bulk containerised) waste;
 - (b) industrial waste;
 - (c) special industrial waste;
 - (d) hazardous waste;
 - (e) recyclable waste
 - (f) health care risk waste; and
 - (g) building waste.
- (2) A licence issued under this Chapter -
- (a) is incapable of cession or assignment without the prior written consent of the Council;
 - (b) is valid only for the category of waste specified therein; and
 - (c) expires one year after the date of issue subject to the provisions of sections 28(4) and 32(2).

Licence applications

25. (1) An application for a licence to provide a commercial service must be
- (a) made in writing on a form prescribed by the Council and accompanied by the documentation specified in that form; and
 - (b) accompanied by the prescribed fee.
- (2) The Council must consider each application, having regard to the following:
- (a) The applicant's compliance, where relevant, with the National Road Traffic Act, 1996, and with these By-laws;
 - (b) the environmental, health and safety record of the applicant; and
 - (c) the nature of the commercial service to be provided.
- (3) Before considering an application made in terms of subsection (1), the Council may require the applicant to furnish such information as it may require.
- (4) After considering the application in terms of subsection (2), the Council must either—
- (a) approve the application by issuing a licence subject to any condition it may impose; or
 - (b) reject the application.
- (5) If the Council fails to consider and grant or reject a licence application within 60 days of its receipt of the application, it must inform the applicant in writing that the period for consideration is extended and must inform the applicant of the date by which a decision will be made.

Suspension and revocation of licences

26. (1) A licence issued under this Chapter may be suspended or revoked by the Council on the grounds that the licence holder—
- (a) has failed to comply with any provision of these By-laws;
 - (b) has failed to comply with any provision of any national or Free State provincial legislation which regulates the collection, transportation or disposal of waste;
 - (c) has failed to comply with any licence condition contemplated in section 25(4)(a); or
 - (d) on any other ground which the Council considers relevant, which is fair and reasonable in the circumstances.
- (2) A licence may only be suspended or revoked after -
- (a) the licence holder has been given written notice that the Council is considering the suspension or revocation of the licence; and
 - (b) after the licence holder has been given a period of 30 days after service of the notice to make representations to the Council as to why the licence should not be suspended or revoked.
- (3) The Council must -
- (a) make a decision within 14 days of receipt of the representations contemplated in subsection (2)(b), if any, or within 14 days after the licence holder informed the Council that he or she does not wish to make representations, or if no representations are received, within 14 days of the expiry of the period referred to in subsection (2)(b); and
 - (b) inform the licence holder of its decision in writing within seven days of making it.
- (4) Subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the Council may not disclose any confidential commercial information submitted as part of a licence application procedure to any person other than a Council official requiring such information to perform his functions for the purposes of these By-laws.

Licence terms and conditions

- 27 (1) When issuing a licence under this Chapter, the Council may, subject to the provisions of subsection (2), impose any reasonably necessary condition in furthering national, Free State provincial or Council, waste management policy.
- (2) Any licence issued under this Chapter must:
- (a) specify the licence period contemplated in section 24(2)(c) and the procedure for renewal of the licence;
 - (b) specify every category of waste which the licence holder may collect and transport;
 - (c) contain a requirement that the licence holder must comply with, and ensure compliance by his or her employees, agents and sub-contractors, with these By-laws and applicable national and Free State provincial legislation; and
 - (d) require the licence holder to keep monthly written records on a form prescribed by the Council of the quantities of each category of waste collected and transported during the licence period.

Renewal of licences

28. (1) A licence holder who wishes to renew his or her licence must apply to renew the licence concerned at least 90 days prior to the expiry of the existing licence.
- (2) The Council must consider and grant or reject a licence renewal application within 60 days of the receipt of the application subject to the provisions of section 25(3) and in accordance with section 25(4).
- (3) If the Council fails to consider and grant or reject a licence renewal application within 60 days, it must inform the applicant in writing that the period for consideration is extended and must inform the applicant of the date by which a decision will be made.
- (4) A licence in respect of which application for renewal has been made in terms of subsection (1), remains valid until a final decision has been made in respect of that application.

Display of licences

29. (1) Upon issuing a licence under this Chapter, the Council must issue to the licence holder a numbered sticker for each vehicle to be used for the purpose concerned confirming that the licence holder is authorised to collect and transport the category of waste specified on the sticker.
- (2) The stickers must vary in colour for each category of waste.
- (3) The licence holder must affix such sticker to each vehicle to be utilised to provide the service and display the sticker at all times.
- (4) Waste for processing or disposal at a waste disposal facility will be only be received at such facility from a contractor who is licensed and on whose vehicle a sticker required in terms of subsection (3), is displayed.

Prohibited conduct

30. No licence holder may -

- (a) intentionally or negligently operate in contravention of any condition of the licence concerned;
- (b) intentionally or negligently fail or refuse to give information, 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 these By-laws, by any act or an omission of his or her employee acting in the 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, the suitability of the vehicle to be dependant on the waste stream contemplated in section 24(1), to be collected or transported, as specified in the National Road Traffic Act, 1996.

Exemptions

31. The Council may, having regard to the main objects of these By-laws contemplated in section 3(1), and its local waste plan, by notice in the Free State Provincial Gazette, exempt any type of commercial service from any provision of this Chapter to the extent and subject to the terms specified in such notice.

Transitional provisions

32. (1) Any person who is at the commencement of these By-laws lawfully providing a commercial service for which a licence is required under this Chapter, must within 90 days of such commencement, make application for a licence in terms of section 25, failing which such person's right to provide such service lapses.
- (2) If an application is submitted in terms of subsection (1), the applicant may continue to provide the commercial service in respect of which the application has been made until a final decision has been taken in respect of that application.

CHAPTER 7**ACCUMULATING WASTE, LITTERING, DUMPING AND ABANDONED ARTICLES****Accumulating waste**

33. Every owner and occupier of premises must keep those premises clean and free from any waste which is likely to cause a nuisance, harm to human health or damage to the environment.

Duty to provide facilities for litter

34. (1) The Council, or owner in the case of privately owned land, must take reasonable steps to ensure that a sufficient number of approved receptacles are provided for the discarding of litter by the public, on any premises to which the public has access.
- (2) The Council, or owner of privately owned land, must ensure that every receptacle provided in terms of subsection (1), is -
- (a) maintained in good condition;
- (b) suitably weighted or anchored so that it cannot be inadvertently overturned;
- (c) constructed in such a manner as to ensure that it is weatherproof and animal proof;
- (d) of a suitable size so that the receptacles on the premises are capable of containing all litter likely to be generated on the premises;
- (e) placed in a location convenient for the use by users and occupants of the premises to discourage littering or the accumulation of waste; and
- (f) emptied and cleansed periodically to ensure that no receptacle or its contents become a nuisance.

Prohibition of littering

35. (1) No person may -

- (a) cause litter;
- (b) sweep any waste into a gutter, onto a road reserve or onto any other public place;
- (c) 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
- (d) allow any person under his or her control to do any of the acts referred to in paragraph (a), (b) or (c).
- (2) Notwithstanding the provisions of subsection (1), the Council, 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.

Prohibition of dumping and abandoning articles

36. (1) No person may deposit or permit the depositing of any waste, whether for gain or otherwise, upon any land or in any building of which he is the owner or occupier except if such deposit is made in accordance with the provisions of these By-laws.
- (2) Subject to any provision to the contrary contained in these By-laws, no person may 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 person may dump waste.
- (4) Any article, other than a motor vehicle deemed to have been abandoned as contemplated in regulation 320 of the National Road Traffic Regulations, 2000, made under the National Road Traffic Act, 1996, 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 (6), disposed of by the Council as it deems fit.
- (5) The Council may remove and, subject to the provisions of subsection (6), 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.
- (6) If an article contemplated in subsection (4) or (5), 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.

CHAPTER 8**AUTHORISED OFFICIALS****Identification documents**

37. (1) An authorised official must, upon appointment, be issued with an identification document by the Council which must state the name and powers and function of that official, and include a photograph of the official.
- (2) An authorised official, exercising his powers or performing his functions and duties for the purposes of these By-laws, must present an identification document issued in terms of subsection (1) on demand by a member of the local community.

Powers of authorised officials

38. (1) In addition to the powers, functions and duties an authorised official or designated officer has by virtue of his appointment as such, an authorised official, may with the consent of the owner or person in charge of a vehicle or other mode of conveyance, search that vehicle or other mode of conveyance found in any place other than on premises not belonging to the Council.
- (2) If consent is not obtained in terms of subsection (1), a vehicle or other mode of conveyance may be searched or stopped and searched, only pursuant to a warrant issued by a justice of the peace as contemplated in sections 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963).
- (3) (a) If, in the opinion of an authorised official, any search of a vehicle or other mode of conveyance, in terms of subsection (1) or (2), gives rise to the reasonable apprehension that the presence of waste in or on such vehicle or other mode of conveyance is a serious and immediate danger to human health or to the environment, the authorised official must instruct the owner or person in control of the vehicle concerned in writing to take the steps specified in that instruction which, in the opinion of such official or officer, are necessary to mitigate harm to human health or damage to the environment.
- (b) In the event of a refusal or failure to comply with an instruction given in terms of paragraph (a), the authorised official concerned may report the matter to the Municipality with a view to seizure of the vehicle concerned in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

Powers to question

39. (1) For the purposes of administering, implementing and enforcing the provisions of these By-laws, an authorised official may require a licensee or any other person to disclose information, either orally or in writing, and either alone or in the presence of a witnesses, on any matter to which these By-laws relate and require that the disclosure be made on oath or affirmation.
- (2) An authorised official may for the purposes of subsection (1) be accompanied by an interpreter and any other person reasonably required to assist that official or officer.

CHAPTER 9**MISCELLANEOUS****Ownership**

44. (1) The person holding a permit to operate a waste disposal facility becomes the owner of all waste upon disposal thereof at that facility.
- (2) A person who generates domestic waste is the owner thereof until it is collected by the Council 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 person may no longer be the owner thereof.

Serving of documents

45. A notice, instruction, order or other document which has to be served for the purposes of these By-laws, 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 16 years of age and apparently in charge of the premises at the addressee's last known address.

Offences and penalties

46. Any person, who –

- (a) contravenes or fails to comply with any provisions of these By-laws;
- (b) fails to comply with any notice or order issued or condition imposed in terms of or for the purposes of these By-laws; or
- (c) fails to comply with any lawful instruction given in terms of 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, is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months and in the case of a continuing offence, to a further fine not exceeding R50 or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

Repeal of by-laws

47. Any by-laws relating to waste management adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws.

Short title and Commencement

48. These By-laws are called the Waste Management By-laws, No. 1 of 2009 and takes effect on the date of publication hereof.

BY-LAWS FOR THE TSWELOPELE LOCAL MUNICIPALITY

PUBLICATION OF BY-LAWS :DUMPING AND LITTERING BY-LAWS

SCHEDULE**DUMPING AND LITTERING BY-LAW****DEFINITIONS**

1. In this by-law, unless the context indicates otherwise—

“**council**” means the Tswelopele Local Municipality or its successor(s) in-law or any officer employed by the Council or any committee designated by the Council, acting by virtue of a delegated authority vested in him/her or it by the Council in connection with these By-laws.

“**dump**” means to dispose of waste in any manner other than a manner permitted by law and includes, without derogating from the generality of the foregoing, to deposit, discharge, spill or release waste, whether or not the waste is in a container or receptacle, in or at any place whatsoever, whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments and sewage and storm water systems. The act of “littering”, which retains its ordinary meaning, is excluded from the definition of “dump”;

“**municipality**” means the Tswelopele Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“**person**” includes a natural person, company, closed corporation, trust, association and partnership;

“**waste**” means any matter, whether liquid or solid or a combination thereof, which is a by-product, emission, residue or remainder of any product, process or activity and which has been discarded, but excludes any radioactive matter.

DUMPING AND LITTERING

2. (1) No person may—

- (a) litter or cause or permit littering of waste;
- (b) dump or cause or permit the dumping of waste.

(2) If the provisions of subsection (1) are contravened, Council may direct, by way of a written notice in terms of subsection (5), any or all of the following persons—

- (a) any person who committed, or who directly or indirectly caused or permitted, the contravention;
- (b) the generator of the waste, whether or not the generator is responsible for the contravention;
- (c) the owner of the land or premises where the contravention took place, if the owner failed to take the steps set out in subsection (3);
- (d) the person in control of, or any person who has or had, at the time of the contravention, a right to use, the land or premises where the contravention took place, if that person failed to take the steps set out in subsection (3);
- (e) any person who negligently failed to prevent the contravention from taking place, to cease the contravention in a specified time, or to prevent a further contravention or the continuation of the contravention, and to take whatever steps Council considers necessary to clean up or remove the waste, to rehabilitate the affected facets of the environment and to ensure that the waste, and any contaminated material which cannot be cleaned or rehabilitated, is disposed of lawfully.

(3) A person who owns land or premises, or who is in control of or has a right to use land or premises, may not use or permit the use of the land or premises for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for this purpose.

(4) Council may issue notices—

(a) for the purposes of giving directions in terms of subsection (2);

(b) for compelling persons to comply with their obligations under subsections (3); and

(c) for any other purpose under this by-law, and may, in the notice, specify a reasonable time within which the directions given in the notice must be complied with.

(5) In addition, or as an alternative to, the steps set out in subsection (2), or if a person fails to comply with directions given in a notice issued under subsection (4), Council may itself take whatever steps it considers necessary to clean up or remove the waste, to rehabilitate the premises or place and affected facets of the environment at which the waste has been dumped and to ensure that the waste, and any contaminated material which cannot be cleaned or rehabilitated, is disposed of lawfully. Council may then recover the costs of taking these steps from any of the persons listed in subsection (2), who shall be jointly and severally liable therefore.

(6) The costs claimed under subsection (5) must be reasonable and may include, but are not limited to, labour, administrative, overhead, investigation and prosecution costs.

OFFENCES

3. Any person who—

(1) contravenes section 2(1)(a);

(2) contravenes section 2(1)(b);

(3) contravenes section 2(3);

(4) fails to comply with the terms of any notice issued under section 2(4);

(5) obstructs Council when Council is taking steps under section 2(5), is guilty of an offence.

PENALTIES AND CONVICTIONS

4. (1) Any person guilty of an offence under section 3(1) is liable to a fine or imprisonment for a period not exceeding 60 days, or to both a fine and such imprisonment.

(2) Any person guilty of an offence under sections 3(2), 3(3), 3(4) and 3(5) is liable to a fine or imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

(3) A court shall, on a second and on subsequent convictions of a person guilty of an offence under section 3 (2) of this by-law, impose a sentence of a fine or imprisonment for a period not less than one year, or of both a fine and such imprisonment; provided that if the court is satisfied that substantial and compelling circumstances exist which justify the imposition of a lesser sentence, the court shall enter those circumstances on the record of the proceedings and may impose such a lesser sentence.

(4) A court convicting a person of a first offence under this by-law may impose a sentence of community service in place of a fine or imprisonment.

(5) A court may, when considering sentence, take into account as aggravating circumstances that, inter alia—

(a) a convicted person has delayed in complying with the terms of any notice or directions given to the person under this by-law;

(b) a financial advantage was or would have been gained by a convicted person in consequence of the commission of the offence.

(c) The dumped waste posed a potential or actual threat to public health, public safety or the environment.

(6) If a person is convicted of an offence under this by-law which has caused damage to or loss of property or which has had an adverse impact on the environment then, in addition to any other sentence it imposes, the court may—

(a) if the property belongs to another person, and on the application of the injured person or the prosecutor acting on the instructions of the injured person, order the convicted person to pay the injured person compensation for the damage or loss in accordance with section 300 of the Criminal Procedure Act, 51 of 1977;

(b) order the convicted person to, at his or her cost, and to the satisfaction of the Council, repair the damage and/or make good the loss and/or rehabilitate the environment.

(7) If a person is convicted of an offence under this by-law, the court may, in addition to any other punishment which it imposes, issue an order compelling the person to comply, within a period determined by the court, with the relevant provisions of this by-law or, where applicable, with the relevant provisions of any notice issued under this by-law.

(8) If—

(a) a manager, agent or employee does or omits to do an act which it was his or her task to do or refrain from doing and which, under this by-law, is an offence for the employer to do or refrain from doing; and

(b) the act or the omission of the manager, agent or employee took place because the employer failed to take all reasonable steps to prevent the act or omission, then the employer is guilty of the offence and proof of the act or omission by the manager, agent or employer is prima facie evidence that the employer is guilty under this subsection; provided that no penalty other than a fine shall be imposed if a conviction is based on this subsection.

REPEAL OF BY-LAWS

5. Any by-laws relating to dumping and littering adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these bylaws.

Short title and Commencement

6. This By-law shall be called the Dumping and littering By -Laws. No: 2 of 2009 and takes effect on the date of publication hereof.