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LOCAL AUTHORITY NOTICE

CORRECTION NOTICE

RECTIFICATION OF NORTH WEST EXTRAORDINARY GAZETTE No. 6566 PUBLISHED ON 17 DECEMBER 2008

It is hereby notified for general information as follows:

Local Authority Notice No. 528 is hereby withdrawn and superseded by the following:

LOCAL AUTHORITY NOTICE 23

Local Municipality of Madibeng

WASTE MANAGEMENT BY-LAW

In terms of Section 13 (a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended, it is hereby made known that the Local Municipality of Madibeng has adopted a by-law relating to Waste Management at a meeting of its Council held on 30 September 2008, as scheduled hereunder.

SCHEDULE

WASTE MANAGEMENT BY-LAW, 2008 (No. 1 of 2008)

For a category B Municipality with an Executive Mayor system

[For a category B local municipality and a type of municipality as contemplated in sections 1(a)(iv) of the North West Municipal Structures Act, 2000 (Act No. 3 of 2000)]

To promote, as required in terms of section 24 of the Constitution of the RSA, 1996 (No. 108 of 1996), the achievement of a safe and healthy environment for the benefit of the residents in the area of jurisdiction of the municipality and to provide for procedures, methods and practices to regulate the management of waste, such as refuse removal and disposal, as well as matters incidental thereto.

Be it enacted by the Municipal Council of the Madibeng Local Municipality in terms of section 11 (3) (m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as follows:-

MADIBENG LOCAL MUNICIPALITY

WASTE MANAGEMENT BY-LAW (NO 1/2008)

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MADIBENG LOCAL MUNICIPALITY

WASTE MANAGEMENT BY-LAW (NO 1/2008)

PREAMBLE

The purpose of this by-law is to promote, as required in terms of section 24 of the Constitution of the RSA, 1996 (No. 108 of 1996), the achievement of a safe and healthy environment for the benefit of the residents in the area of jurisdiction of the municipality and to provide for procedures, methods and practices to regulate the management of waste, such as refuse removal and disposal, as well as matters incidental thereto.

Be it enacted by the Municipal Council of Madibeng Local Municipality in terms of section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as follows:

CHAPTER 1**1. Definitions**

“**abandoned**” means any waste having been placed on any side walk or public place and left unattended regardless of whether it is secured or contained in any way;

“**basic municipal services**” means a municipal service that is necessary to ensure an acceptable and reasonable quality of life and, if not provided, would endanger public health or safety or the environment;

“**bin**” means a standard type of refuse bin or container approved by the Municipality and “**container**” has the same meaning;

“**bin-liner**” means a plastic bag, as prescribed by the municipality, for placement inside a container with a conserving capacity not exceeding 0,1m³ (85 litres);

“**builder’s refuse**” means any waste or refuse resulting from or generated by the construction, renovation or demolition of a building or other structure or works on any premises;

“**bulk container**” means any container supplied by the municipality on a temporary basis in 3 or 6m³ sizes or on a permanent basis in 3, 5, 5, 6 or 9m³ sizes for rental by persons for use in disposing of refuse;

“**bulky refuse**” means any refuse, other than industrial refuse, which emanates from any premises and which by virtue of its mass, shape, size

or quantity cannot be conveniently accumulated in or readily removed from a container with a bin liner and excludes objectionable or builders' refuse;

"business refuse" means any refuse generated on any business premises, which can readily be removed by means of and without damaging the bin-liner but excludes garden, builder's bulky, industrial or objectionable refuse;

"charge" means the charge prescribed by the municipality by resolution;

"container" means a standard type of refuse container as approved by the municipality.

"council" means the Madibeng Local Municipality;

"domestic refuse" means any refuse or waste normally emanating from or incidental to the normal occupation of a dwelling, flat, church, hall, hostel, school, old age home or office but shall not include stones, soil, gravel, bricks, waste liquids, night soil, business, or industrial, bulky, garden, builder's or trade refuse;

"dry industrial refuse" means dry refuse generated as a result of manufacturing, maintenance, fabricating and dismantling activities and the activities of railway marshalling yards, but shall exclude builder's, special industrial or domestic refuse;

"garden refuse" means any refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, plants, flowers, weeds and other similar light matter but shall exclude pruned tree or shrub branches, tree stumps, stones, soil, gravel, bricks etc, and any other garden refuse in quantities of more than 2m³;

"medical waste" means all waste generated in the performance of the professional functions of medical practitioners, dentists and veterinarians, except infectious waste;

"municipality"

- (a) means the Madibeng Local Municipality as 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 or any employee thereof acting in connection with this by-law 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;
- (b) its successor in title; or

- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in this by-law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government : Municipal Systems Act, 2000; or
- (d) a service provider fulfilling a responsibility under this by-law, assigned to it in terms of section 81(2) of the Local Government : Municipal Systems Act 2000, or any other law, as the case may be.

"municipal service" means, a service that a municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community irrespective of whether –

- (a) such a service is provided, or to be provided, by the municipality through an internal mechanism contemplated in section 76 or by engaging an external mechanism contemplated in section 76; and
- (b) fees, charges or tariffs are levied in respect of such a service or not;

"objectionable refuse" means refuse which is toxic, dangerous, injurious or harmful or which may pollute the environment or which results from a manufacturing process or the pre-treatment for disposal purposes of any industrial or mining liquid waste, which in terms of the Municipality's Water & Sanitation By-law may not be discharged into a drain or sewer or which results from manufacturing, maintenance, fabricating and dismantling activities and the activities of railway marshaling yards, excluding builders refuse or domestic refuse;

"occupier" for the purposes hereof means the person who controls and resides in or who controls and otherwise uses immovable property and includes joint occupiers without regard to the title under which he, she or they occupies it;

"owner" means and includes:

- (a) the person in whom from time to time is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;
- (b) where the owner of the premises concerned is insolvent, deceased, has assigned his estate for the benefit of his creditors, has been placed under curatorship in terms of an order of court, is a closed corporation being wound up, or is a company being wound up or under judicial management, and includes the person in whom the

administration of such premises is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager as the case may be;

- (c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises; and
- (d) the lessee under any registered lease of land which is entered into for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in such lease or which is renewable from time to time at the will of the lessee indefinitely or for a period which together with the first period of such lease amounts in all to not less than ten years, whether or not such renewal is dependent on the periodical consent or permission of, or the periodical renewal of a licence by the State or any statutory licensing body;
- (e) in relation to
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; and
 - (ii) a section as defined in such Act, the person in whose name the relevant unit is registered under a sectional title deed, and includes the lawfully appointed representative of such a person;

and where the text so requires, includes the occupier of a property.

“recyclable waste” means waste set aside for purposes other than being disposed of by landfill or incineration;

“road reserve” means the verge and the roadway of a public road as defined in the Road Traffic Act, 29 of 1989, as amended;

“special industrial refuse” means refuse consisting of a liquid or sludge resulting from a manufacturing process or the pre-treatment for disposal purposes of any industrial liquid waste which may not be discharged into a drain or sewer in terms of the Municipality’s Water and Sanitation By-law;

“tariff” means the tariff of charges as determined from time to time by the municipality by resolution in terms of section 75A of the Local Government: Municipal Systems Act, No. 32 of 2000 as amended;

"trade refuse" means any trade material or trade waste as determined by the municipality and agreed to by the owner or occupier.

"waste management facility" means any facility where waste is taken for transfer, sorting into sub-elements for recycling, composting, incineration or final disposal;

"Waste removal contractor" means any person or company permitted in terms of these by-laws to transport waste.

CHAPTER 2

REMOVAL OF REFUSE

2. PROVISION OF REFUSE REMOVAL SERVICE

- 2(1) The municipality provides a service for the collection and removal of refuse at a tariff determined by resolution from time to time in terms of section 75A of the Local Government: Municipal Systems Act, 2000 (No. 32 of 2000), as amended: Provided that the rendering of a particular service in a particular area is subject to the approval of the municipality.
- 2(2) If required by the Municipality, the occupier of premises where refuse is generated, shall avail himself of the service provided by the Municipality for the collection and removal of such refuse.
- 2(3) The owner or occupier of the premises on which the refuse is generated, shall be liable for the payment of the tariff charges in respect of any service provided by the Municipality for the collection and removal of such refuse.
- 2(4) No other person other than the municipality or service provider appointed by it shall remove refuse from any premises or dispose of it in any manner whatsoever unless authorized by the municipality;

3. NOTICE TO MUNICIPALITY

- 3(1) The occupier of the premises, or if there is more than one occupier, the owner of such premises, shall within seven days after the commencement of the generation of refuse on a premises, notify the Municipality
- (a) that the premises is being occupied;

- (b) whether builders refuse or bulky refuse or business refuse or domestic refuse or objectionable refuse is being generated on the premises;
- (c) regarding the estimated volume of such refuse being generated.

3(2) The number of refuse bins required or deemed to be necessary on any premises shall be directed or decided upon by the Municipality.

4. PROVISION OF CONTAINERS

- 4(1) The Municipality shall determine the type and number of containers (which must have a close-fitting lid and two handles) required on a premises.
- 4(2) The owner of a premises shall be responsible for the supply of the predetermined number and type of containers, required by the Municipality.
- 4(3) If a container is supplied by the Municipality, such container shall be supplied free of charge, or at ruling prices or at a hiring tariff, as the Municipality may determine.
- 4(4) Where a container is supplied free of charge or at a hiring tariff by the Municipality, such container shall remain the property of the Municipality and the owner of the premises shall be liable to the Municipality for the loss of or damage to such container.
- 4(5) The municipality may, at anytime, remove some of the containers or deliver additional containers if in its opinion a lesser or greater number of containers is required on the premises.

5. PLACING OF CONTAINERS

- 5(1) The owner or occupier of premises shall provide sufficient space for the storage of the containers on the premises as approved by the Municipality.
- 5(2) The space provided in terms of section 5(1) shall be in such a position on the premises as will allow the storage of containers without their being visible from a street or public place, unless otherwise directed by the Municipality.
- 5(3) All containers with a conserving capacity not exceeding 0,1 m³, in which business or domestic refuse is placed, shall be equipped with bin liners of at least 950 x 750 mm and 25 micrometer thick or as

may be determined by the Municipality from time to time, and such bin liners shall be supplied by the occupant or owner, unless otherwise determined by the Municipality.

- 5(4) (a) Bin liners containing refuse, properly closed, shall be placed on the outside of the premises next to the fence on the street boundary, near the entrance or driveway entrance, only on the day of removal, as determined by the Municipality.
- (b) If the premises are not fenced, such bin liners shall be placed immediately outside the boundary of the premises.
- 5(5) If required by the Municipality, the place of collection shall be so located as to permit convenient access to and regress for the Municipality's refuse collection vehicles.
- 5(6) A sufficient area shall be provided to keep a special container for the storage of refuse as described in section 6 (1) (a) (i), apart from the space necessary for the storage of refuse not kept in a special container.
- 5(7) The Municipality may at its discretion indicate a position from where refuse may be removed more conveniently.
- 5(8) Notwithstanding any provision to the contrary, the Municipality may-
- (a) in the case of buildings erected, or buildings 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 refuse from the space provided in terms of section 6(1).

having regard to the avoidance of nuisance or the convenience of collection of refuse, indicate a position within or outside the premises where the container(s) shall be placed for the collection and removal of such refuse and such container(s) shall then be placed in such position at such times and for such periods as the Municipality may prescribe.

6. USE AND CARE OF CONTAINERS AND BIN LINERS

- 6(1) The occupier of premises, or in the case of premises being occupied by more than one occupant, 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 waste material 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, provided that the refuse remains on the premises and does not cause a nuisance;
 - (b) no hot ash, glass fragments or other business or domestic refuse which may cause damage to bin liners or injury to the Municipality's employees while carrying out their duties in terms of this By-law, is placed in bin liners before he/she has taken the necessary precautions 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 too difficult for the Municipality's employees to handle or carry, is placed in such bin liners;
 - (d) every container on the premises which is provided with a close-fitting lid, is covered except when refuse is being deposited therein or discharged therefrom, and that every container is kept in a clean and hygienic condition.
- 6(2) No container may be used for any purpose other than that for which it is supplied and no fire shall be lit in such container.
- 6(3) The bin liners containing refuse shall be removed by the Municipality only if such bin liners have been placed at the prescribed places, as provided for in section 5, at such intervals as the Municipality may deem necessary.
- 6(4) The Municipality shall not be liable for the loss of or for any damage to a container or bin liner.

CHAPTER 3

GARDEN REFUSE

7. REMOVAL AND DISPOSAL OF GARDEN REFUSE

- 7(1) The occupier or, in the case of premises occupied by more than one occupant, the owner of the premises on which the garden refuse is generated, shall ensure that such refuse be disposed of within a reasonable time after the generation thereof: Provided that garden refuse may be retained on the premises for the making of compost if it will not cause a nuisance or a health or fire hazard.
- 7(2) Subject to the provisions of section 2 (2) and 2(4), any person may remove and dispose of garden refuse.
- 7(3) Garden refuse shall, once it has been removed from the premises on which it was generated be deposited on a site designated by the Municipality as a disposal site for such garden refuse.
- 7(4) No person shall dump any garden refuse on sidewalks, roads, parks, public places, empty erven or any place not specifically designated for the disposal of refuse.

8. THE MUNICIPALITY'S SPECIAL SERVICE

- 8(1) At the request of the occupier or owner of any premises, the Municipality shall remove bulky garden and other bulky refuse from premises, provided that 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.
- 8(2) The Municipality may determine that certain garden refuse shall be placed and kept in bin liners in which event the stipulations of section 5 shall *mutatis mutandis* apply.

CHAPTER 4

BUILDERS REFUSE

9. RESPONSIBILITY FOR BUILDERS REFUSE

- 9(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 such refuse be disposed of in terms of section 10 within a reasonable time after the generation thereof: Provided that a reasonable time does not exceed 7 days.

9(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 charge.

10. DISPOSAL OF BUILDERS REFUSE

10(1) Subject to the provisions of subsection (2) all builders refuse shall be deposited at the Municipality's refuse disposal sites.

10(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.

10(3) No person shall dump any builders refuse on sidewalks, roads, parks, empty erven or any place not specifically designated for the disposal of builder's rubble.

10(4) Any consent given in terms of subsection 9(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 leveling of the site;
- (f) the control of dust;
- (g) other relevant factors.

CHAPTER 5

BULKY REFUSE

11. REMOVAL AND DISPOSAL OF BULKY REFUSE

11(1) The occupier or, in the case of premises occupied by more than one person, the owner of the premises on which bulky refuse is generated, shall ensure that such refuse be disposed of in terms of this Chapter within a reasonable time after the generation thereof.

11(2) Any person may remove and dispose of bulky refuse.

11(3) Bulky refuse shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the Municipality as a disposal site for such refuse.

12. THE MUNICIPALITY'S SPECIAL SERVICE

12(1) At a request of the owner or any occupier of any premises the Municipality shall remove bulky refuse from premises at the prescribed tariff, provided that the Municipality is able to do so with its refuse removal equipment.

CHAPTER 6

OBJECTIONABLE REFUSE

13. NOTIFICATION OF GENERATION OF OBJECTIONABLE OR SPECIAL INDUSTRIAL REFUSE

13(1) The owner or occupier of premises on which objectionable or special industrial refuse is generated, shall, inform the Municipality of the composition thereof, the quantity generated, how it is stored and how and when it will be removed.

13(2) If so required by the Municipality, the notification referred to in subsection (1) shall be sustained by an analysis certified by a qualified chemist or a person nominated by the Municipality.

13(3) The Municipality or any person authorized by the Municipality may enter premises at any reasonable time to ascertain whether objectionable or special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.

13(4) The owner or occupier of premises on which objectionable or special industrial refuse is generated, shall notify the Municipality of any changes in the composition and quantity of the objectionable refuse occurring thereafter.

14. STORING OF OBJECTIONABLE OR SPECIAL INDUSTRIAL REFUSE

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

14(2) Objectionable or special industrial refuse stored on premises shall be stored in such manner that it does not cause a nuisance or pollute the environment.

14(3) If objectionable or 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 or occupier of the premises to remove such refuse within a reasonable time and, if thereafter the refuse is not removed within such time, the Municipality may by itself or through a contractor remove it at the expense of the owner or occupier.

15. REMOVAL OF OBJECTIONABLE OR SPECIAL INDUSTRIAL REFUSE

15(1) No person shall remove or dispose of objectionable or special industrial refuse from the premises on which it was generated without, or otherwise than in terms of the written consent of the Municipality.

15(2) The Municipality may give its consent in terms of subsection (1) subject to such conditions as it may deem fit: Provided that in laying down conditions the Municipality shall have regard to-

- (a) the composition of the objectionable or special industrial refuse;
- (b) the suitability of the vehicle and container to be used;
- (c) the place where the refuse shall be deposited;
- (d) proof to the Municipality of such depositing.

15(3) Unless it is satisfied that the person applying for consent is competent and has the equipment to remove the objectionable or special industrial refuse and to comply with the conditions laid down by it, the Municipality shall not give its consent in terms of subsection (1).

15(4) The person referred to in section 13 (1) shall inform the Municipality, at such intervals as the Municipality may determine, having regard to the information which shall be given to it in terms of section 13 (1) of the removal of objectionable or special industrial refuse, the identity of the remover, the date of such removal, the quantity and the composition of the objectionable or special industrial refuse removed.

15(5) On contravention of this section, section 19 (3) shall be applicable *mutatis mutandis*.

CHAPTER 7**DISPOSAL SITES****16. PROCEDURE AT DISPOSAL SITES**

- 16(1) The municipality shall set aside and maintain a place or places as disposal sites where domestic, garden or builder's refuse may be deposited or dumped.
- 16(2) 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 at the authorized access only;
 - (b) in the manner required by the Municipality present the refuse for weighing, if the Municipality so requires;
 - (c) provide the Municipality with all particulars required in regard to the composition of the refuse;
 - (d) adhere to all instructions given to him by the Municipality with regard to access to the actual disposal point, the place where and the manner in which the refuse shall be deposited;
 - (e) pay the prescribed tariff charge in respect of the refuse deposited in the manner as determined by the Municipality from time to time.
 - (f) remove or in any manner interfere with refuse deposited at the disposal site thereto by the Municipality.
- 16(3) No person shall bring any intoxicating liquor onto a disposal site controlled by the Municipality.
- 16(4) No person shall enter a disposal site controlled by the Municipality for any purpose other than the depositing of refuse in terms of this by-law and then only at such times as the Municipality may from time to time determine.
- 16(5) Any person dumping domestic, garden or builder's refuse in any other place shall be guilty of an offence.

17. OWNERSHIP OF REFUSE

- 17(1) All refuse and bin liners removed by the Municipality and all refuse on disposal sites controlled by the Municipality shall be the property of the Municipality and no person who is not authorized by the Municipality to do so, shall remove or interfere therewith.
- 17(2) Only refuse generated on premises situated within the area of jurisdiction of the Municipality, may be deposited on its disposal sites.

CHAPTER 8

LITTERING, DUMPING AND ANCILLARY MATTERS

18. LITTERING

- 18(1) No person shall-
- (a) throw, drop, deposit or spill any refuse into or onto any public place, vacant stand, vacant erf, stream or watercourse;
 - (b) sweep any refuse into a gutter on a public place;
 - (c) allow any person under his control to do any of the acts referred to in paragraphs (a) and (b).
- 18(2) For the purposes of this section, a person shall be deemed to have allowed the acts referred to in subsection (1) of any persons under his control, unless the contrary is proved.

19. DUMPING

- 19(1) Subject to any provisions to the contrary contained in this by-law, no person shall abandon anything or allow anything under his control to be abandoned at a place to which it has been brought with the intention of abandoning it there.
- 19(2) Once it has been proved that such person left something or causes something to be left at a place of which he is not the owner or occupier, he shall be deemed to have contravened the provisions of subsection (1) unless, and until, the contrary is proved.
- 19(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable, on conviction, to a fine not

exceeding R3000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

20. PAVEMENTS

20(1) It shall be the duty of every owner or occupier of a shop or trade premises to ensure that the pavement in front of or abutting such shop or premises is kept clean and free of refuse or waste material emanating from such shop or premises or resulting from the delivery of goods to such shop or premises or from the supply or sale of goods to the public by the occupier of such shop or premises.

21. ABANDONED THINGS

21(1) Anything, other than a vehicle, shall be deemed to have been abandoned in terms of section 131 of the Road Traffic Act No. 93 of 1996, as amended, which is, having regard to such factors as the place where it was found, the period it has been left at such place and the nature and condition thereof, reasonably regarded by the Municipality as having been abandoned, may be removed and disposed of by the Municipality as it deems fit.

22. LIABILITY OF RESPONSIBLE PERSON

22(1) Where anything has been removed and disposed of by the Municipality in terms of section 20, the responsible person shall be liable to the Municipality for the payment of the tariff charge in respect of such removal and disposal.

22(2) For the purposes of subsection (1) the responsible person shall be-

- (a) the owner of the thing and shall include any person who is entitled to be in possession thereof by virtue of a hire purchase agreement or an agreement of lease at the time when it was abandoned or left in the place from which it was removed, unless he can prove that he was not involved in and did not know of its being abandoned or left in such place; or
- (b) any person by whom it was left in the place from which it was removed; or
- (c) any person who knowingly permitted that the thing be left in the place from which it was removed.

CHAPTER 9**CONSENT TO OPERATE AS A WASTE REMOVAL CONTRACTOR OR
TO OPERATE A WASTE MANAGEMENT FACILITY****23. CONSENT TO OPERATE AS A WASTE REMOVAL CONTRACTOR**

23(1) Notwithstanding anything to the contrary contained within these by-laws, no person shall operate as a waste removal contractor, as defined in Chapter 1 of these by-laws, unless written authority to operate as such has been obtained from the Municipality.

24. CONSENT TO OPERATE AS A WASTE MANAGEMENT FACILITY

24(1) Notwithstanding anything to the contrary contained within these by-laws, no person shall operate a waste management facility, as defined in Chapter 1 of these by-laws, unless written authority to operate as such has been obtained from the Municipality.

24(2) Waste management facilities established to sort waste for recycling purposes will be subject to the conditions determined from time to time by the Municipality. Such waste management facilities must be authorized in writing by the Municipality.

25. CONSENT TO USE THE SERVICES OF A WASTE REMOVAL CONTRACTOR

25(1) Notwithstanding anything to the contrary within these by-laws, no person shall use the services of a waste removal contractor unless written authority to use such a waste removal contractor has been obtained from the Municipality.

26. SUBMISSION OF WASTE INFORMATION

26(1) In the event that permission is granted in terms of sections 23, 24, or 25 above, the permit holder will be required to provide, on a monthly basis, information on waste generated, collected, recycled or disposed of to the Municipality for the establishment of the waste information system. Such information should include the source of generation, type of waste, the volume of waste, and method of disposal. The Municipality reserves the right to verify any information submitted in this regard.

27. APPLICATION FOR CONSENT

27(1) Application for consent in terms of the above shall be made in the prescribed form to the Municipality.

CHAPTER 10**GENERAL PROVISIONS****28 ACCESS TO PREMISES**

28(1) Where the Municipality provides a refuse removal service, the owner or occupier of premises shall grant the Municipality free access to the premises and shall ensure that nothing obstructs, frustrates or hinders the Municipality in the rendering of such service.

28(2) Where, in the opinion of the Municipality the rendering of a refuse collection service. to premises may cause damage to any property or injury to any person, the Municipality may as a condition of rendering such service. require the owner or occupier of such premises to indemnify the Municipality in writing in respect of any such damage or injury or any claims which may arise in respect thereof.

29. FREQUENCY OF REMOVAL AND NATURE OF REFUSE

29(1) Notwithstanding any provision to the contrary the Municipality shall determine the frequency of the removal and the nature of any refuse and will give residents written notice thereof.

30. ACCUMULATION OF REFUSE

30(1) Where any refuse accumulates on any premises so that it must be removed, the Municipality may remove such refuse and the owner or occupier of such premises shall be liable to the Municipality for the payment of the tariff charge for such removal and disposal.

31. APPLICATION FOR THE RENDERING OR TERMINATION OF SERVICE

31(1) An application for the rendering or termination of a service rendered in terms of this By-law, shall be made in writing or in any other manner as determined by the Municipality, by the owner or occupier of premises or their authorized agent.

31(2) Notwithstanding the provisions of subsection (1) a service for the removal of domestic or business refuse shall not be discontinued unless the Municipality has received a written notification from the owner of a premises that no such refuse is generated on the premises or unless it is obvious to the Municipality that no such refuse is generated on the premises.

32. CHARGES

- 32(1) Save where otherwise provided in this by-law, the person to whom a service mentioned in this by-law has been rendered by the Municipality, shall be liable to the Municipality for the payment of the tariff charges in respect of such service as disclosed in the Municipality's Tariff Approvals which is reviewable annually.
- 32(2) Monthly tariff charges shall be payable until receipt by the Municipality of the notice mentioned in section 25 or until the Municipality is satisfied that the generation of domestic or business refuse on the premises has ceased.
- 32(3) For the purpose of calculating the monthly tariff charges payable in terms of this by-law, "month" means a calendar month: Provided that a portion of a month shall be regarded as a full month.
- 32(4) The Municipality shall have the right at any time to levy tariff charges in respect of a service rendered to any premises in terms of this by-law, although the Municipality has not received an application to render such service from the owner or occupier of such premises.
- 32(5) Any person who fails to pay the tariff charges levied in respect of services rendered by the Municipality, shall be guilty of an offence.

33. OFFENCES AND PENALTIES

- 33(1) Apart from the provisions of section 19(3) any person who contravenes or fails to comply with any other provisions of this by-law shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 3 months or to both such fine and imprisonment.
- 33(2) In the event of a continuing offence, any person who contravenes or fails to comply with any provision of this by-law, shall be deemed to be guilty of a separate offence for every 24 hours or part of such period during which the offence continues, and shall be liable on conviction as set out in subsection (1) in respect of each such separate offence.
- 33(3) Any person found guilty of an offence under this by-law may be ordered by a competent court to pay such costs and expenses

suffered by the municipality as a result of his/her wrongdoing and subsequent rectification of the wrong.

34. APPLICATIONS FOR EXEMPTION FROM COMPLYING WITH PROVISIONS OF BY-LAW

34(1) A person or group of persons to whom certain hardships, could be created in complying with certain or all the provisions of this by-law, may apply in writing to the municipality to be exempted from complying with all or certain provisions of this by-law stating in details what hardship or impracticability would be created for them to comply with this by-law.

34(2) Upon receipt of such written applications for exemption the Municipal Manager or official delegated by him, will consider the circumstances set out in the application and either approve or reject the application. Exemptions granted will be valid for one year only whereafter the person or group of persons will be required to once more apply for a further period of exemption.

35. REPEAL OF BY-LAWS

35(1) Any by-law relating to waste management, refuse removal or disposal within the municipality or any of its predecessors or areas formerly existing under separate municipalities or other organs of state is repealed from the date of promulgation of this by-law.

**PM MAPULANE
MUNICIPAL MANAGER**

Civic Centre
Van Velden Street
P O Box 106
Brits
0250

Notice Number: 107/2008

Reference Number: (5/6/2/12)