

BYLAWS RELATING TO THE REMOVAL OF REFUSE FOR NYANDENI MUNICIPALITY

1. DEFINITIONS

%authorized official+ means an official of the Council to whom it has delegated a duty, function or power under these bylaws in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such official;

%Council+ means the Council of the Nyandeni Municipality and its successors in law, and includes the Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any official to whom the Executive Committee has delegated any powers and duties with regards to these bylaws;

%refuse receptacle+ means any receptacle, complying with the South African Bureau of Standards specifications, for holding refuse;

%refuse bag+ means a durable refuse bag suitable to be placed in a refuse receptacle;

%refuse of any nature+ means all types of refuse including domestic refuse, garden refuse, commercial refuse, industrial refuse, special refuse or bulk refuse; and

%special refuse+ means any refuse requiring special handling treatment and / or disposal procedures, and includes abattoir waste, minerals, oil, sludges, sand, stone excavated soils, builders rubble, hazardous or radio-active waste, and medical waste, and any other matter so deemed by the Council from time to time.

2. DISPOSAL OF REFUSE

1.
 - (a) No person may dispose or allow the disposal of refuse of any nature in any way other than as prescribed in these bylaws without the written approval of the authorized official.
 - (b) No person may accumulate, store or allow the accumulation or storage of refuse of any nature on any property other than as prescribed in these bylaws without the written approval of the authorized official.
 - (c) The authorized official may direct the occupier or owner of a property on which refuse of any nature is found to be accumulating or person deemed to be responsible for the disposal of refuse of any nature on any public place or vacant land to deal with the refuse as directed and any person failing to comply with such directive will be guilty of an offence.
 - (d) In the event of the person directed to remove refuse in terms of paragraph (c) failing to deal with such refuse in the manner and within the time frame directed, the authorized official may arrange for the removal of such refuse and the Council may recover all costs in this regard from such person.
2.
 - (a) The Council may arrange for the removal of all or a portion of any refuse from premises situated on properties within its area of jurisdiction.
 - (b) The Council may introduce the different levels of refuse removals services in different service areas within the Council's area of jurisdiction.
 - (c) Where the Council selects not to render a removal service in respect of bulk garden refuse, industrial refuse or special refuse, the Council may direct the occupier or owner, as the case may be, in writing to arrange at his/her own cost for the removal of such refuse and the disposal thereof at a dump site approved by the Council.
 - (d) Should the owner or occupier fail to comply with a directive as contemplated in clause (c), the authorised official may arrange for the removal of such refuse and recover the costs thus incurred from the occupier or owner as the case may be.

3. (a) For the purposes of these bylaws, the Council may raise-
 - (i) an annual levy against the owner; and/or
 - (ii) a monthly charge payable by the occupier, on all premises in the service area which shall be payable regardless of whether or not the refuse removal service is actually utilized; and/or
 - (iii) recover the levy for the service through the sale of municipal refuse bags;
 - (iv) A fee per service; and/or
 - (v) A deposit for any permit issued in terms of these bylaws.
- (b) The Council may differentiate in the levy, charge or fees between the different refuse removal service levels rendered in the respective service areas.
- (c) In a service area where a compulsory service has been introduced by the Council, the levy or monthly charge shall be payable by the occupier or owner, as the case may be, regardless of whether or not the refuse removal service is actually utilized.

3. CARE OF RECEPTACLES AND THE USE OF DISPOSAL BAGS

- (a) Every owner or occupier, as the case may be, shall, where the services introduced for the service area so requires, provide and maintain, on the premises, a refuse receptacle in such condition as not to cause or constitute a nuisance, and shall cause all commercial and domestic refuse accumulated on such premises to be deposited therein;
- (b) Every owner or occupier, as the case may be, shall, where the service introduced for the service area so requires, utilize standard plastic disposal bags or municipal refuse bags, as the case may be, for refuse removal;
- (c) Every owner or occupier shall keep such bags in such condition as not to cause or constitute a nuisance and shall cause all commercial and domestic refuse accumulated on such premises to be deposited therein.
- (d) Every owner or occupier, as the case may be, shall cause every receptacle to be continuously covered, save when refuse is being deposited in or removed therefrom.
- (e) No person other than an authorized official or employees of the council, shall interfere with or remove, from any premises, any refuse receptacle except to facilitate the removal of such refuse.

4. SEPARATE REFUSE RECEPTACLES REQUIRED FOR EACH TRADE, BUSINESS OR FLAT

- (a) Where more than one trade, business or occupation is carried on in one building, or where a building is divided into separately occupied flats or suites of apartments, the owner or occupier, as the case may be, of each business premise, separate flat or suite of apartments, shall provide and maintain separate refuse receptacles in respect of each such trade or business, flat or suite of apartments.
- (b) The authorized official may waive or vary the requirements of this bylaw by reducing the number of refuse receptacles required in terms of paragraph (a) of this bylaw, provided such waiver or variation shall, in no way, affect the liability of such occupier or owner to pay for the individual services mentioned in paragraph (a).

5. PROVISION OF EXTRA REFUSE RECEPTACLES

In the event of the authorized official being satisfied that the accumulation of refuse on any premises is too large to be dealt with by the normal removal service in the area, the owner or occupier of such premises, as the case may be, shall, if so required by the authorized official, provide and maintain one or more extra receptacles and shall be liable for payment of the

prescribed levy or fee proportionate to the number and type of receptacles required by the authorized official.

6. BIN AREA TO BE PROVIDED

- (a) The authorized official may direct the owner of any property on which more than one tenant or owner is accommodated to provide a bin area of a suitable size and construction on the property for the temporary storage of any refuse generated or accumulated on the property and must make suitable arrangements for the removal of all refuse from such bin area and removal therefore as prescribed in these laws.
- (b) The owner of any property on which a bin area has been provided for the temporary storage of refuse of any nature must keep such bin area in a sanitary condition at all times.

7. LOCATION OF REFUSE RECEPTACLES OR BAGS FOR REMOVAL

The owner or occupier, as the case may be, shall-

- (a) in a service where a standard plastic disposal bag(s) or municipal refuse bags are used place them on the street verge or pavement on the collection day;
- (b) in a service area where refuse receptacles or other approved receptacles are used, place such receptacles on the street verge or pavement on the morning of the collection day; and
- (c) if the refuse concerned is bulk refuse, individual or special refuse, it shall be placed in such a position as the authorized official may determine and direct from time to time, in order to facilitate the removal of such refuse.

8. LIQUID WATER MATTER

No person shall, at any time or under any circumstances, deposit or cause or permit to be deposited any liquid waste matter of any kind in any refuse receptacle or refuse bag.

9. REMOVAL OF INDUSTRIAL, SPECIAL AND BULK REFUSE

- (a) The owner or occupier, as the case may be, of any premises on which industrial, special or bulk refuse is produced or accumulated, shall package and deal with such refuse in a manner which the authorized official may determine and direct from time to time.
- (b) Should the owner or occupier fail to deal with such industrial, special bulk refuse as directed, the authorized official may arrange for the removal of such refuse, and recover the costs thus incurred from the occupier or owner as the case may be.

10. PROVISION FOR THE SELF-DISPOSAL OF DOMESTIC REFUSE

- (a) Notwithstanding the foregoing provisions of these bylaws, owners or occupiers of premises whose boundary line is situated more than 100 m from any road traversed by any refuse removal vehicle provided by the Council, may apply to the authorized official for authority to bury their refuse on their premises, on the grounds of inaccessibility, in pits constructed at their expense to the satisfaction of the authorized official. All owners or occupiers, to whom authority is given in terms of this bylaw, shall be exempted from charges levied by the Council in respect of the refuse removal service, save that the Council is empowered to levy a charge for the processing of any application received, and for regular inspections of the pit which shall be stated in the Council's tariff of charges.
- (b) The authorized official may grant or refuse an application in his discretion and in granting such an application may impose such conditions as to the location and the digging of the pit, the disposal of the refuse therein and the measures to be taken to prevent any nuisance or health hazard which may emanate therefrom, as he may deem fit: provided that the authorized official shall not refuse an application unless he

has reasonable grounds for believing that the proposed pit will constitute a nuisance or health hazard or a source of pollution of any river, stream or water supply.

- (c) In granting such an application, the authorized official shall issue to the applicant a certificate on which any conditions imposed by him in terms of these bylaws shall be endorsed. The abovementioned certificate shall be valid for such period as the authorised official may determine or until its withdrawal or cancellation, whichever is the earlier.
- (d) The authorized official may, at any time, by notice in writing, alter, amend or vary any condition endorsed on any certificate issued in terms of these bylaws or issue any written instruction to the holder of such a certificate to do or perform any act, matter or thing regarding a pit, the digging of a new pit or the disposal or handling of the refuse therein.
- (e) Should the holder of the certificate issued in terms of these bylaws fail to comply with any of the conditions endorsed thereon or with any written instruction from the authorized official issued in terms of these bylaws, the authorized official may, by notice in writing to the holder, require him to comply with any such conditions within such period as he may determine, upon the failure of such holder to comply with the terms of such notice, the authorized official may cancel or withdraw his certificate in which event such holder shall be obliged to revert to the use of the refuse removal service provided by the Council, subject to the conditions pertaining thereto.
- (f) The continued disposal of refuse in a pit after the cancellation of a certificate issued in terms of these bylaws shall be an offence and render the offender liable to prosecution.
- (g) The provision of this section of the bylaws shall not apply to the self-disposal of refuse where such self-disposal forms part of the service introduced by the Council in a service area.

11. GARDEN REFUSE

- (a) No person may place, store or dump any garden refuse or allow any person to do so, on any road, verge, public or private open space without the written approval of the authorized official having been obtained.
- (b) The authorized official may, subject to such conditions as it may deem fit, issue a permit to allow the temporary storage of garden refuse, on the verge or other suitable place for a limited period of time on payment of the deposit laid down in the Council's Tariff of Charges.
- (c) Should any person fail to comply with the conditions of any permit issued in terms of these bylaws for the temporary storage of garden refuse the deposit paid will be forfeited to Council and the authorized official may arrange for the removal of such refuse and the person to whom the permit was issued will be liable for all costs incurred for the removal of all the garden refuse on the spot indicated on the said permit.
- (d) The Council may establish or approve garden refuse, transfer sites where garden refuse may be deposited for removal or landfill purposes subject to such conditions and on such days and during such hours as the Council may determine and displayed by notice on site.
- (f) No person may enter upon a site established or approved by the Council in terms of these bylaws for the disposal of garden refuse at any time other than the days and time indicated on the notice displayed or dispose of any refuse other than organic garden refuse on such site.

12. TARIFF OF CHARGES

The tariff of charges approved by the Council for refuse removal services in effect on the date of publication of these bylaws will remain effective until amended by the Council from time to time.

13. OFFENCES AND PENALTIES

- (a) Any person who-
 - (i) contravenes any provision of these bylaws, which contravention is not expressly stated to be an offence;
 - (ii) contravenes any condition or restriction imposed upon the granting of any application, approval, authority, consent or permission in terms of these bylaws; or
 - (iii) fails to comply with the terms of any notice served upon him or instruction to him in terms of these bylaws, shall be guilty of an offence.
- (b) Any person who contravenes any of these bylaws shall be guilty of an offence and liable, upon conviction, to a fine-
 - (i) not exceeding one thousand rands (R1 000) or imprisonment for a period not exceeding one year or both such fine and imprisonment in the case of a first conviction, and
 - (ii) in the case of a second or subsequent conviction for the same offence, a fine not exceeding two thousand rands (R2 000) or imprisonment for a period not exceeding two years or both such fine and imprisonment.

14. CONFLICT OF LAWS

If there is any conflict between these bylaws and any other bylaws of the council, these bylaws will prevail.