

eThekweni, South Africa

Refuse Removal By-law, 2002

Legislation as at 17 October 2002

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eThekweni South Africa

Refuse Removal By-law, 2002

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1. Definitions

For the purposes of these By-laws, unless the context otherwise indicates

"**builder's refuse**" means refuse generated by demolition, excavation or building activities on premises;

"**bulky refuse**" means refuse which cannot by virtue of its mass, shape, size or temporary extraordinary generation conveniently be stored in a refuse receptacle or container, but shall not include builder's refuse or special domestic refuse;

"**Head of Department**" means the person appointed as such by the Council from time to time or authorised to act in that capacity, and any other officer of the Council nominated by it to discharge all or part of the functions of the Head of Department under these By-laws to the extent of such nomination;

"**City Medical Officer of Health**" means the person who from time to time holds the position as such either substantively or in an acting capacity from the Council and includes any Deputy City Medical Officer of Health;

"**Council**" means eThekweni Municipality;

"**disposal facility**" means a site for the disposal of refuse which is owned by the Council or has been approved for the purpose by the Municipality;

"**domestic refuse**" means refuse of a kind normally produced or generated on residential premises, and the manure or dung of any animal or bird kept as a domestic pet, but shall not include sand, earth, liquid matter, garden refuse or the carcass of any animal or special domestic refuse;

"**garden refuse**" means refuse which is generated as a result of normal gardening activities on any premises, such as grass cuttings, leaves, plants, flowers, weeds, clippings of trees, hedges or fences and other similar small and light matter;

"**industrial refuse**" means refuse in solid form which is generated as a result of activities carried on in a "factory" but shall not include builder's refuse, special industrial refuse or trade refuse;

"**occupier**" includes any person in actual occupation of premises without regard to the title under which he occupies, if any;

"**owner**" means—

- (a) the person in whom from time to time is vested the legal title to 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 his property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (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 the premises or a building or buildings thereon;
- (d) in a case where such premises have been leased for a period of 30 years or longer, 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](#)), the developer or the body corporate in respect of the common property; or
- (ii) a section as defined in such 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;

"refuse container" means a container other than a refuse receptacle and whether wheeled or otherwise, designed for the temporary storage and removal of refuse which is supplied by the Council in terms of section [3 \(4\)](#) or by a contractor approved in terms of section [2 \(3\)](#);

"refuse receptacle" means a receptacle which complies with either South African Bureau of Standards specification 493-1973: Steel refuse bins or 1310-1980: Refuse bins of polymeric materials, both as published by General Notice No. 463 of 9 July 1982;

"residential premises" means premises occupied for the purposes of human habitation, but excludes an accommodation establishment as defined in section I of the Hotels Act, 1965 ([Act 70 of 1965](#));

"special domestic refuse" means refuse discarded from residential premises which cannot by virtue of its mass, shape or size be conveniently stored in a refuse receptacle or container;

"special industrial refuse" means refuse, consisting of a liquid or sludge, resulting from industrial operations which in terms of the Council's Sewerage By-laws may not be discarded into a sewer without the consent of the Head of Department, which consent has been refused;

"tariff charge" means the appropriate charge as set out in the tariff of charges adopted by resolution of the Council from time to time;

"trade refuse" means refuse generated in the course of the conduct of a business in terms of the Licences and Business Acts. ([Provincial Notice No. 97 of 1985](#))

2. Collection and removal of refuse

- (1) The occupier of every premises upon which refuse is generated or, in the case of premises which are occupied by more than one person, the owner of such premises, shall in compliance with these By-laws make provisions for the temporary storage of such refuse and for its collection and removal therefrom, either by the Council or, subject to subsections [\(2\)](#), [\(8\)](#) and [\(11\)](#), by a refuse removal contractor approved in terms of subsection [\(3\)](#), and failure to do so shall be a contravention of these By-laws.
- (2) The service provided by the Council for the collection and removal of refuse shall be used in respect of premises on which domestic refuse or both domestic and trade refuse is generated and such service may be used in respect of premises on which trade refuse or industrial refuse is generated; provided that the Council shall not be obliged to collect and remove industrial refuse and the Head of Department may by written notice to the occupier of premises give directions as to its disposal.
- (3) Subject to the provisions of subsection [\(2\)](#), trade refuse and industrial refuse may be collected and removed from premises by a contractor approved in writing by the Head of Department for the purpose, which approval may be withdrawn by the Head of Department at any time. Application for approval as a refuse removal contractor shall be made to the Head of Department on the form prescribed by him.
- (4) Approval contemplated by subsection [\(3\)](#) may be granted or refused at the discretion of the Head of Department and shall be subject to such conditions, whether as to period of validity, the type of refuse which may be dealt with thereunder, or otherwise, as the Head of Department may impose.
- (5) No person shall hold himself out to be, or act as a refuse removal contractor who has not been approved as such in terms of subsection [\(3\)](#) or whose approval has expired or been withdrawn and no refuse removal contractor shall contravene any condition imposed in terms of subsection [\(4\)](#).

- (6) No person shall employ as a refuse removal contractor a person who has not been approved as such in terms of subsection (3).
- (7) A person who intends to engage the services of an approved refuse removal contractor shall notify the Head of Department in writing of that fact and shall likewise notify the Head of Department whenever such engagement is terminated.
- (8) The Head of Department may, if refuse is not being collected and removed to his satisfaction from any premises by an approved refuse removal contractor, by written notice to the owner or occupier of those premises require him to terminate the services of such contractor and to use the service provided by the Council for the collection and removal of refuse with effect from a date specified in such notice.
- (9) In the event of the occupier or owner of premises having notified the Head of Department in terms of subsection (7), such occupier or owner shall ensure that such refuse is collected and removed in terms of the provisions of these By-laws within a reasonable time after the generation thereof.
- (10) A person approved in terms of subsection (3) may not remove refuse from premises unless the occupier or owner of such premises has notified the Head of Department in writing that he has entered into a contract with such person for the removal of such refuse and that the Council should not provide a service to the premises for its removal.
- (11) Notwithstanding anything in these By-laws to the contrary, the occupier of premises may himself remove or cause to be removed by his employees industrial refuse generated thereon to a disposal site.
- (12) Whenever there is a change in the occupation or ownership of premises, the new occupier or owner, as the case may be, who will be liable, in terms of subsection (1), to comply with the requirements of that subsection, shall forthwith notify the Head of Department in writing of such change and furnish him with such particulars as he may require.
- (13) The occupier or owner of premises, as the case may be, who is liable to comply with the requirements of subsection (1) shall notify the Head of Department in writing of any change in the nature of the use to which such premises are put or any change in the nature, mass or volume of the refuse generated thereon which in any way affects the application of these By-laws or the tariffs for any service rendered by the Council in terms thereof.
- (14) The occupier or owner of premises, as the case may be, who is liable to comply with the requirements of subsection (1) shall be liable to the Council for the tariff charge for any service rendered by it in respect of the collection and removal of refuse in terms of these By-laws.
- (15) Every occupier of new premises or premises on which the generation of domestic or trade refuse is about to be commenced, or in the case of premises being occupied by more than one person, the owner of such premises shall, prior to the commencement of the generation of such refuse, notify the Council in writing—
 - (a) that the premises are being occupied; and
 - (b) whether trade refuse or domestic refuse or both is or are to be generated on the premises.
- (16) Any person who is aggrieved by a decision of the Head of Department under subsection (3) or (4) of this section may appeal to the Council or the Committee of the Council to which this function has been lawfully delegated and the decision of the Council or such committee shall be final and binding ([Provincial Notice No. 97 of 1985](#)).

3. Refuse receptacles

- (1) Subject to the provisions of subsection (4), every occupier or owner referred to in section 2 (1) shall provide on his premises such number of refuse receptacles

as is adequate for the purpose of the temporary storage of all refuse, other than garden, special domestic and special industrial refuse, as may be generated on his premises pending its removal in terms of these By-laws.

- (2) The occupier or owner referred to in subsection (1) shall ensure that refuse receptacles provided by him in terms of that subsection—
 - (a) are maintained in a sound and serviceable condition and that receptacles which are no longer capable of being so maintained are replaced by him; and
 - (b) are kept on the appropriate refuse storage area provided in terms of Council's Building law.
- (3) Whenever the Head of Department or the City Medical Officer of Health is of the opinion that a person has not complied with the provision of this section he may cause a written notice to be served on such person calling upon him to comply with such provisions within a period specified in the notice.
- (4) The Council may at its sole discretion supply refuse containers to premises if, having regard to the quantity of refuse generated on the premises concerned, the suitability of such refuse for storage in such containers and the accessibility of the refuse storage area to the Council's refuse collection vehicles, it considers such containers more appropriate for the storage and removal of refuse than receptacles referred to in subsection (1).
- (5) No container supplied by the Council in terms of subsection (4) may be used for any purpose other than the storage of trade, domestic industrial or garden refuse and no fire shall be lit in such container.
- (6) The provisions of these By-laws shall mutatis mutandis apply to wheeled refuse containers supplied in terms of subsection (4) as if they were receptacles referred to in subsection (1), provided that they shall remain the property of the Council and may at any time either be replaced or removed by it. In the event of their removal for a purpose other than one of a temporary nature, the occupier or owner of the premises concerned, as the case may be, shall forthwith comply with the requirements of subsection (1).
- (7) The occupier or owner of premises shall be responsible for the safekeeping of any refuse containers supplied to his premises in terms of subsection (4) and shall be liable to the Council for the loss thereof or any damage thereto except such as has been caused by the Council's employees.

4. Duties of owner or occupier

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 trade refuse generated on the premises is placed and kept in refuse receptacles or refuse containers for removal by the Council or by a refuse removal contractor approved by the Head of Department in terms of section 2(3) and that all other refuse, other than garden refuse, is placed and kept in containers approved by the Head of Department for the purpose until it is removed in terms of these By-laws; provided that the provisions of this subsection shall not prevent any occupier, or owner as the case may be—
 - (i) with the prior written consent of the Head of Department, from selling or otherwise disposing of corrugated cardboard, paper, glass or other material being an element of trade refuse, for recycling in a manufacturing process or, with the prior written consent of the City Medical Officer of Health, from using swill for animal consumption; and
 - (ii) from utilising such domestic refuse as may be suitable for making compost, provided that the refuse remains on the premises and all reasonable steps are taken to avoid a nuisance or health hazard;
- (b) no hot ash, unwrapped glass fragments or other refuse which may cause damage to refuse receptacles or refuse containers or disposable plastic bags supplied by the Council under section

6 or which may cause injury to the persons or vehicles employed in removing the refuse from the premises is placed in refuse receptacles or refuse containers before he 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 refuse receptacles or disposal plastic bags supplied by the Council under section 6 unreasonable difficult for the Council's employees to handle or carry, is placed therein;

[Editorial Note: Wording as per original Provincial Gazette. It is suggested that the phrase "unreasonable difficult" is intended to be "unreasonably difficult".]

- (d) every refuse receptacle and wheeled refuse container on the premises is properly covered by means of the lid or other covering supplied therewith so as to prevent any nuisance or health hazard, save when refuse is being deposited therein or discharged therefrom, and that every receptacle or container is kept in a clean and hygienic condition; and
- (e) all refuse which is to be removed to a disposal site and has toxic or other harmful properties is suitably treated by a person approved by the Head of Department and to the Head of Department satisfaction.

5. Collection and removal of refuse

- (1) The Head of Department shall from time to time determine the day or days upon which refuse which is to be removed by the Council in terms of these By-laws will be collected in the various areas of the City.
- (2) On the day or days which have been determined in terms of subsection (1) for a particular area every owner or occupier, as the case may be, of premises within that area to whom a wheeled refuse container has been supplied in terms of section 3 (4) or to whom disposable plastic bags have been supplied in terms of section 6 shall, unless otherwise directed by the Head of Department, place such container or any bag or bags containing refuse immediately inside the boundary of the premises and adjacent either to the pedestrian or the vehicular access to the premises from a street.
- (3) Notwithstanding the provisions of these By-laws, the owner or occupier, as the case may be, of premises on which industrial refuse is generated or of premises used for keeping equine or bovine animals for the purpose of business or trade shall when required by the Head of Department in writing to do so and in accordance with such directions as he may give from time to time, remove such refuse or cause the same to be removed either to a disposal facility or to an incinerator at the discretion of the Head of Department or to be disposed of in such other manner as may be approved by the Head of Department and in any event as often as may be necessary to prevent any nuisance or danger to health arising therefrom and shall also comply with any notice to remove such refuse which may be served upon him under the hand of the City Medical Officer of Health in terms of section 14; provided that the Head of Department may on written application by the owner or occupier agree to collect and remove solid refuse from such premises having regard to the nature and quantities thereof.
- (4) No owner or occupier, as the case may be, of any premises shall, unless permitted to do so by the Head of Department in terms of the proviso hereto, deposit or allow to be deposited any refuse other than domestic refuse in any refuse receptacle or container the contents of which are removable free of charge by the Council; provided however, that where any such owner or occupier has made arrangements for the removal by the Council of an assessment quantity of any such other refuse on payment of the tariff charge, he may be permitted by the Head of Department in writing to deposit such assessed quantity of other refuse in the receptacle provided for the reception of domestic refuse.
- (5) The owner or occupier of any premises on which bulky and loose refuse of any kind is produce, kept, or accumulated shall, when required thereto under notice in writing from the Head of Department, tie up securely or cause to be tied up securely such refuse into bales or bundles of convenient size.

6. Supply of disposable plastic bags

- (1) Except when a refuse container has been supplied in terms of section 3(4), the Council shall at its own cost provide the owner or occupier, as the case may be, of premises upon which domestic refuse is generated with two disposable plastic bag's per week provided in terms of section 3(1).
- (2) On each occasion that refuse is collected by the Council in terms of these By-laws, the Council will supply two new disposable plastic bags per week for the full disposable plastic bags which is removed.
- (3) No owner or occupier to whom one or more disposable plastic bags have been supplied in terms of this section shall deposit or cause or permit to be deposited any refuse in a refuse receptacle except in such bags.

7. Access to premises

- (1) The occupier or owner of premises to which the council provides a refuse removal service, as the case may be, shall grant the council convenient access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Council and its employees in the carrying out of its service.
- (2) If in the opinion of the Head of Department the collection or removal of refuse from any premises is likely to result in damage to the premises or the Council's property, or injury to the refuse collectors or any other person, it may as a condition of rendering a refuse collection service in respect of the premises, require the owner or occupier to indemnify it in writing in respect of any such damage or injury to any claims arising therefrom.

8. Accumulation of refuse

Where any refuse accumulates on premises so as to constitute a nuisance or so as to render it likely that a nuisance will be created thereby, the Council may make a special removal of such refuse and the owner or occupier shall be liable in respect of such special removal to pay the tariff charge therefor.

9. Removal and disposal of garden, special domestic and bulky refuse

- (1) The occupier or, in the case of premises occupied by more than one person, the owner of premises on which garden, special domestic or bulky refuse is generated shall ensure that such refuse is disposed of in terms of this section within a reasonable time after the generation thereof; provided that garden refuse may be retained on the premises for the making of compost,
- (2) Any person may remove and dispose of his own garden, special domestic and bulky refuse.
- (3) Garden, special domestic and bulky refuse shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the Council as a disposal facility for such refuse against payment of the tariff charge; provided that the owner or any occupier of the premises on which garden refuse was generated may deposit such refuse by means of a vehicle not exceeding one ton pay load capacity at such a site free of charge.
- (4) At the request of the owner or any occupier of premises the Council may at the tariff charge remove garden, special domestic and bulky refuse from premises, provided that the Council is able to do so with its refuse removal equipment.

10. Responsibility for builder's refuse

- (1) The owner of premises on which builder's refuse is generated and the person engaged in the activity which caused such refuse to be generated shall ensure that—
 - (a) such refuse is disposed of in terms of section 11 within a reasonable time after the generation thereof; and

- (b) until such time as builder's refuse is disposed of in terms of section 11 and subject to the provisions of section 37 of the Council's Building By-laws, such refuse together with the containers used for the storing or removal thereof, is kept on the premises on which it was generated.
- (2) Builder's refuse may be removed by the builder himself or by a contractor approved by the Head of Department in terms of section 2 (3).

11. Disposal of builder's refuse

- (1) Subject to the provisions of subsection (2) hereof all builder's refuse shall be deposited at the Council's disposal sites and the person depositing the refuse shall be liable to pay the tariff charge therefor.
- (2) Builder's refuse may, with the written consent of the Head of Department, be deposited at a place other than the Council's disposal sites for the purpose of reclamation of land.
- (3) Any consent given in terms of subsection (2) shall be subject to such conditions as the Head of Department may deem necessary; provided that in giving or refusing his consent or in laying down conditions the Head of Department 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) other relevant factors.

12. Refuse suitable for use

Notwithstanding anything contained in these By-laws, no charge shall be payable in respect of the depositing at a disposal site of refuse approved of by the Head of Department as being suitable for top cover, road surfacing or other purposes connected with such site.

13. Powers of the City Medical Officer of Health to require refuse to be specially dealt with

- (1) If the City Medical Officer of Health is of the opinion that, in order to avoid any health hazard or nuisance arising, special measures for the collection, temporary storage or disposal of any refuse should be adopted or that such refuse should be specially treated to render the same inoffensive or non-injurious to health he must serve written notice on the occupier of any premises or in the case of vacant land, the owner thereof, to carry out any of the aforesaid measures as he may stipulate in his notice and within such time as he may stipulate.
- (2) The owner or occupier of any premises shall, on being served with a notice to that effect signed by the City Medical Officer of Health—
 - (a) either remove any refuse which is likely to be offensive or injurious to health from such premises and dispose thereof in such a manner as may be stipulated in such notice; or
 - (b) when permitted by the terms of such notice treat any refuse on such premises so as to render it innocuous and inoffensive and so as to prevent infestation thereof by flies, mosquitoes, rats and other vermin.
- (3) Any owner or occupier who refuses to carry out the measures specified in a notice given under this section or who fails to comply therewith within the time specified in the notice shall be guilty of an

offence and the City Medical Officer of Health may arrange for such measures to be carried out at the expense of the person on whom the notice was served.

14. Removal of refuse or offensive matter along the street

- (1) Any person removing or conveying any refuse or other offensive matter or any builder's refuse shall remove the same by means of a properly constructed and enclosed vehicle and in such manner as will prevent any nuisance arising from such conveyance or the escape of the contents therefrom; provided that no refuse shall be conveyed from any premises along a street or public place in order to gain access to a refuse storage area located elsewhere on the same premises except in the case of premises in respect of which the plan or plans approved in terms of the Building By-laws prior to the date of promulgation of these By-laws reveals that the only possible means of gaining access to the said refuse storage area is along a street or public place.
- (2) The City Medical Officer of Health may serve a written notice upon any person restricting or stipulating the means to be adopted and specifying the times during which refuse may be conveyed through or along any street or public place if he is of the opinion that the conveyance of such refuse is likely to be objectionable or give rise to nuisance. Any person who fails to comply with the requirements of subsection (1) of this section or with any notice given under this subsection shall be guilty of an offence.

15. Notification of generation of special industrial refuse

- (1) The occupier of premises on which special industrial refuse is generated shall inform the Head of Department in writing of the composition thereof, the quantity generated, how it is stored, and how and when and by whom and to which place, it will be removed.
- (2) If so required by the Head of Department the notification referred to in subsection (1) shall be substantiated by an analysis certified by a duly qualified industrial chemist.
- (3) Subject to the provisions of section 192 of the Local Authorities Ordinance, 1974 ([Ordinance No. 25 of 1974](#)), any officer or servant of the Council and any other person duly authorised by the Head of Department 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) Having notified the Head of Department in terms of subsection (1), the person mentioned in that subsection shall notify the Head of Department in writing of any change in the composition and quantity of the special industrial refuse occurring thereafter.

16. Storing of special industrial refuse

- (1) The person referred to in section 15 (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 17.
- (2) Special industrial refuse stored on premises shall be stored in such a manner that it cannot 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 was generated the Head of Department may in writing order the person referred to in section 15 (1) or, in the case of vacant land, the owner thereof to remove such refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Council may by itself or through a contractor remove it at the expense of such person or the owner, as the case may be.

17. Removal of special industrial refuse

- (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 Head of Department.

- (2) The Head of Department may give his consent in terms of subsection (1), subject to such conditions as he may deem fit. In laying down conditions the Head of Department shall have regard to—
 - (a) the composition of the special industrial refuse;
 - (b) the suitability of the vehicle and container to be used; and
 - (c) the place where the refuse will be deposited.
- (3) The Head of Department shall not give his consent in terms of subsection (1) unless he is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial refuse and to comply with the conditions laid down by the Head of Department.
- (4) The person referred to in section 15 (1) shall inform the Head of Department, at such intervals as the Head of Department may stipulate, of the removal of special industrial refuse, the identity of the remover, the date of such removal, and the quantity and the composition of the special industrial refuse removed.

18. Liquid waste

Subject to any directions that may be given under section 5 (3), no person shall deliver to or discharge at a disposal site any liquid refuse or cause the same to be done, except with the prior written permission of the Head of Department and in accordance with such conditions as may be imposed by him.

19.

No person shall deliver to or discharge at a municipal disposal site the following liquid refuse—

- (a) inflammable refuse, i.e refuse which will ignite when exposed to a naked flame;
- (b) putrescible refuse;
- (c) refuse which will chemically attack the disposal facilities; and
- (d) refuse which separately or in admixture with other refuse will create a health hazard or a nuisance.

20.

Any costs as determined by the City Treasurer which may be incurred by the Council in remedying damage or in abating any nuisance caused by the discharge of liquid refuse at a disposal site in contravention of the provision of these By-laws or any condition imposed upon the grant of permission under section 18 and the amount of any legal liability or costs incurred by the Council in respect of any claim arising from any such nuisance shall be borne by and be recoverable from the owner of such refuse.

21. Conduct at disposal site

- (1) Every person who, for the purpose of disposing of refuse enters a disposal facility controlled by the Council, shall—
 - (a) enter the disposal facility at an authorised access point indicated as such;
 - (b) present the refuse for weighing in the manner required by the Council's official having authority at such site;
 - (c) give to such official all the particulars required in regard to the composition of the refuse;
 - (d) follow all instructions given to him in regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited; and

- (e) provide the said official with full information as to the person who is liable to pay the tariff charge for the refuse deposited to enable an account to be rendered to him,

provided that the provisions of paragraphs (b), (c) and (e) above shall not apply to a person who, in terms of section 9(3), has entered a disposal site for the purpose of disposing of garden refuse.

- (2) No person shall bring any intoxicating liquor onto a disposal site controlled by the Council.
- (3) No person shall enter a disposal site controlled by the Council for any purpose other than the disposal of refuse in terms of these By-laws and then only at such times and between such hours as the Council may from time to time determine.
- (4) No person shall cause or allow a vehicle in his charge to remain at a disposal site for longer than is necessary for the discharge of refuse and if for any reason a vehicle becomes incapable of leaving the site under its own power the person having charge of that vehicle shall take immediate steps to prevent any obstruction on the site by the vehicle and to remove it from the site, failing which the Council's official having authority at the site may take such steps or cause them to be taken at the cost of the owner of the vehicle and neither the Council nor any employee of the Council shall incur liability to the owner for any loss or damage which may be suffered by him as a result of such action.

22. Ownership of refuse

All refuse removed by the Council and all refuse on disposal sites controlled by the Council shall be the property of the Council and no person who is not duly authorised by the Council to do so shall remove or interfere therewith.

23. Offences and penalties

- (1) Any person who—
 - (a) contravenes or fails to comply with any provision of these By-laws; or
 - (b) contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these By-laws; or
 - (c) fails to comply with the terms of any notice served upon or given to him in terms of these By-laws,

shall be guilty of an offence and liable for a fine or imprisonment for a period not exceeding six months or for both such fine and imprisonment.

- (2) Failure to comply with the terms of any conditions or notice referred to in subsection (1) (b) or (c) above shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which he fails to comply with such terms.

24. Repeals

The following By-laws and all amendments thereto are hereby repealed—

- (a) By-laws relating to Cleansing Services thereto of the former Borough of New Germany (as amended) published in Official Gazette No. 321 dated 29 August 1985.
- (b) By-laws relating to Cleansing Services thereto of the former Borough of Westville (as amended) published in Official Gazette No. 26 of 1992 dated 27 February 1992.
- (c) By-laws relating to Cleansing Services thereto of the former Borough of Queensburgh (as amended) published in Official Gazette No. 136 of 1980 dated 27 March 1980.

- (d) By-laws relating to Refuse Services thereto of the former Borough of Kloof (as amended) published in Official Gazette No. 162 of 1991 dated 6 June 1991.
- (e) By-laws relating to Refuse Services thereto of the former South Local Authority (as amended) published in Official Health By-law Gazette No. 409 of 1962 dated 4 October 1962.
- (f) By-laws relating to Refuse Services thereto of the former Borough of Umhlanga (as amended) published in terms of section 268 of the Local Authorities Ordinance, 1974 ([Ordinance No. 25 of 1974](#))