

Swartland, South Africa

Control of Disposal Sites

Legislation as at 19 April 2002

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Control of Disposal Sites

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Swartland South Africa

Control of Disposal Sites By-law, 2002

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[Repealed by Waste Management on 15 December 2011]

1. Definitions

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

"**attendant**" means an employee of the council or agent of the council duly authorised to be in charge of the disposal site;

"**council**" means the council of the Swartland Municipality;

"**disposal site**" means any site set aside by the council for this purpose and which can be identified as such by mean of a notice to this effect at or near to the entrance of the site, and;

"**offensive matter**" means such matter, including fluids, that may be classified as such by the council from time to time.

2. Control of disposal site

The council may control a disposal site through its employees or agents or may contract some other person or body to control, manage and operate a disposal site on behalf of the council in accordance with the provisions of this by-law and the provisions of any other legislation that may be applicable.

3. Access to disposal site

- (1) No person shall enter the disposal site or shall be on such a site except on such days and at such times as shall be fixed by the council from time to time. A notice setting forth the days and hours during which a disposal site will normally be open for the dumping of refuse, shall be displayed by the council in a clearly visible place at or near the entrance to the disposal site.
- (2) Only persons wishing to dump refuse who have paid the prescribed fees or who are in possession of a written permission issued by the council which permits them to dump such refuse at a disposal site and persons having obtained the written consent of the council to recycle any materials or objects on such a site, shall be entitled to enter the disposal site or to be on the site.
- (3) Notwithstanding anything to the contrary contained in this by-law, any employee of the council or anybody acting on behalf of the council and duly authorised thereto, may enter a disposal site at any time in exercising his or her duties.
- (4) Any person making use of the disposal site or entering the disposal site, do so at his or her own risk and the council accepts no responsibility for the safety of such person or any damages or losses sustained by such person.
- (5) Anybody who enters a disposal site or who is found on such a site in contravention of the provisions of this section shall be guilty of an offence.

4. Off-loading of refuse and rubbish etc.

Any person who wishes to dump refuse or rubbish or any other obsolete object or thing of whatsoever nature, at a disposal site, shall off-load such refuse or rubbish or obsolete object or thing at such a place within the borders of the disposal site as the attendant may direct. Any person who disregards the reasonable instructions of the attendant shall be guilty of an offence.

5. Prohibition on dumping of offensive matter

The council reserves the right to prohibit the dumping of any offensive or toxic matter at a disposal site.

6. Ownership of refuse

Refuse, rubbish, obsolete objects or any other material or waste of whatsoever nature, dumped at a disposal site, become the property of the council and no person who is not duly authorised by the council to do so shall remove or interfere with such refuse, rubbish, objects or any other material or waste.

7. Charges

The council may from time to time fix the charges payable to the council for the dumping of any refuse, rubbish, obsolete objects or any other material or waste at any disposal site under the control of the council.

8. Penalties

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding—

- (1) a fine of one thousand Rands or imprisonment for a period of six months or either such fine or such imprisonment or both such fine and such imprisonment;
- (2) in the case of a continuing offence, an additional fine of fifty Rands or an additional period of imprisonment of ten days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the local authority as a result of such contravention or failure.