

Swartland, South Africa

Dumping of Disused Vehicles and Rubbish

Legislation as at 19 April 2002

FRBR URI: /akn/za-wc015/act/by-law/2002/dumping-of-disused-vehicles-and-rubbish/eng@2002-04-19

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PDF created on 28 June 2024 at 12:52.

Collection last checked for updates: 28 June 2024.

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Swartland South Africa

Dumping of Disused Vehicles and Rubbish By-law, 2002

[Published in Western Cape Provincial Gazette 5859 on 19 April 2002](#)

Commenced on 19 April 2002

[This is the version of this document from 19 April 2002 and includes any amendments published up to 28 June 2024.]

[Repealed by [Waste Management](#) on 15 December 2011]

Notice is hereby given in terms of section 13 of the Municipal Systems Act, 2000 (Act 32 of 2000) that the Municipal Council of the Swartland Municipality has made the by-law set out in the schedule hereto:

1. Definitions

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

"**Council**" means the Council of Swartland Municipality

"**owner**" in relation to land or premises means the person in whom is vested the legal title thereto, provided that—

- (1) if such person is dead or insolvent, has assigned his/her estate for the benefit of his/her creditors, has been placed under curatorship by order of the court or is a company being wound up or under judicial management, the person in whom the administration of such land or premises is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be; or
- (2) if the council is unable to determine who such person is, the person who is entitled to the beneficial use of such property shall be deemed to be the owner thereof.

2. Accumulation of disused vehicles or other matter

- (1) No person, being the owner or occupier of any land or premises within the Municipality, shall use, or permit or cause to be used, such land or premises, for the dumping, depositing or accumulation of disused motor vehicles or other vehicles, or unseaworthy boats, machinery or the parts or bodies thereof, rubbish, waste materials or other matter without the prior written permission thereto of the Council.
- (2) Should any such permission be granted by the Council, the applicant shall comply with all reasonable requirements of the Council and with the following conditions:—
 - (a) Such land or premises shall be enclosed on all sides with a wall of a height of at least 1,8 metre;
 - (b) no such wall shall be erected unless and until plans and specifications thereof shall have been submitted to and approved of by the Council;
 - (c) the enclosed land or premises shall at all times be kept in a clean condition so as not to constitute or create a source of annoyance or nuisance to neighbours or danger to health.

3. Penalty

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.