Drakenstein, South Africa

Control of Waste Disposal Sites By-law, 2007

Legislation as at 16 March 2007

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Repealed

Drakenstein
South Africa

Control of Waste Disposal Sites By-law, 2007

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[Repealed on 29 May 2020 by Integrated Waste Management]

Drakenstein Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of2000) as amended, has made the By-law set out in the schedule below:

Purpose of By-law

• To promote the achievement of a safe and healthy environment for the benefit of residents within the area of jurisdiction of the municipality.

• To provide for procedures, methods and practices to regulate the dumping of refuse and the management of disposal sites.

1. Definitions

In this By-law, words used in the masculine gender include the feminine; the singular includes the plural and vice versa; the Afrikaans text shall prevail in the event of an inconsistency between the different texts; and, unless the context otherwise indicates:—

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

"**municipality**" means the Municipality of Drakenstein established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), Provincial Notice 488 dated 22 September 2000 and includes any political structure, political office-bearer, councillor, duly authorised agent thereof 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;

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

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

2. Control of disposal site

The municipality may control a disposal site, or may appoint agents or may contract some other person or body to control, manage and operate a disposal site on behalf of the municipality 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 municipality 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 municipality 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 municipality which permits them to dump such refuse at a disposal site and persons having obtained the written consent of the municipality 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 municipality or anybody acting on behalf of the municipality and duly authorised thereto, may enter a disposal site at any time in exercising his duties.

(4) Any person making use of the disposal site or entering the disposal site, do so at his own risk and the municipality shall accept 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.

(1) 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.

(2) The municipality may set aside any disposal site or any part of a disposal site where only a particular kind of refuse may be deposited or dumped.

(3) The municipality may limit the type or size of vehicle from which waste may be dumped or deposited at any disposal site.

(4) The municipality may limit the quantity of waste in general or the quantity ofa particular type of waste which may be dumped or deposited at any disposal site.

(5) The municipality may require that any waste to be dumped or deposited at a disposal site shall be dumped or deposited at a particular place or in a specified manner only or that it be treated, wrapped orpackaged in a specific manner before being dumped or deposited.

(6) The municipality shall determine the days when and hours during which dumping may take place at any disposal site.

(7) Any requirement imposed in terms of this by-law shall be indicated to the public by means of an appropriate notice erected at the entrance of the disposal site concerned.

(8) Any person who disregards the reasonable instructions of the attendant shall be guilty of an offence.

5. Prohibition on dumping of offensive matter

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

Repealed

7. Charges

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

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—

(1) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;

(2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to 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 municipality as result of such contravention or failure.