Drakenstein, South Africa

Refuse Removal By-law, 2007

Legislation as at 16 March 2007

Note: By-law **repealed** on 2020-05-29 by Integrated Waste Management.

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Refuse Removal By-law, 2007
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Repealed

Drakenstein
South Africa

Refuse Removal 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[Repealed on 29 May 2020 by Integrated Waste Management]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 of 2000) as ammended, 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 the residents in the area of jurisdiction of the municipality.

• To provide for procedures, methods and practices to regulate the dumping of refuse and the removal thereof.

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:—

"**charges**" means the tariff for the removal of refuse, whether one, two or three removals per week;

"**collection point**" means a point provided by the managing body in collaboration with the municipality, on the sidewalk adjacent to or near the group development premises from which refuse has to be removed;

"**dumping site**" means an area where dumping is allowed as determined and designated by the municipality;

"**group development**" means a high-density residential development with common property or facilities and which is managed by a home owners association, body corporate or other managing body;

"**managing body**" means a body or person responsible for the management of a group development and includes a home owners association or a body corporate;

"**municipality**" means the Municipality of Drakenstein established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Acttll7 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 subdelegated to such political structure, political office-bearer, councillor, agent or employee;

"**owner**" also means lessee, occupier, resident or any person who obtains a benefit from the premises or is entitled thereto and also includes any insolvent estate, executor, administrator, trustee, liquidator judicial manager;

"**permit**" also means to allow intentionally, negligently or in any other manner whatsoever;

"**premises**" means any land, whether vacant, occupied or with buildings thereon, forming part of a piece of land laid out as a township, irrespective of being proclaimed as a township;

"**refuse**" includes—

(a) "**business refuse**" which means any matter or substance arising out of the use of business premises but does not include waste, hazardous waste, material, domestic refuse or garden refuse;

(b) "**domestic refuse**" which means any fruit or vegetable peels, fruit or vegetable waste, general domestic waste as well as garden refuse which is of such size that it may be deposited in a refuse bin or any other matter which in the opinion of the municipality constitutes refuse;

(c) "**garden refuse**" which means refuse originating from a gardening activity such as grass cutting, leaves, plants flowers or similar refuse of such size that it can be placed in a refuse bin;

(d) "**hazardous waste**" which means any waste, matter or substance which may be hazardous or harmful to the environment and residents or which may pollute the environment including medical waste, asbestos, motor oils or lubricants, or any other waste, matter or substance which in the opinion of the municipality constitutes hazardous waste;

(e) "**materials**" which means any stone, rock, sand, building materials or building rubble or any other type of composite or artificial materials such as plastic pipes and similar materials as well as materials which are utilised in the erection of buildings or structures or any other materials which in the opinion of the municipality constitute materials;

(f) "**waste**" which means any matter or substance which cannot be classified as hazardous waste, refuse or materials such as parts of cars, spare parts, motor oils or lubricants or oils and similar substances, materials, liquids, etc;

"**refuse bin**" means a mobile container with a capacity as determined by the municipality;

"**removal day**" means the day fixed by the municipality for the removal of refuse and depending on the case may be one, two or three removals, per week;

"**residential premises**" mean premises which are zoned for residential purposes in terms of the zoning scheme;

"**services account**" means the official account rendered by the municipality to the owner of premises.

2. Compulsory use of service

(1) No one except the municipality or a person authorised by the municipality; may remove any refuse from any premises or dispose thereof.

(2) Each owner of premises must make use of the service provided by the municipality for the removal or disposal of refuse, in respect of refuse originating from such premises.

(3) The tariff as fixed by the municipality shall be payable to the municipality by the owner, irrespective whether the service is being used, or not.

3. Refuse bins

(1) The municipality provides one refuse bin per residential premises after the owner of the premises has concluded a written agreement with the municipality, but may in cases—

(a) where the municipality is of the opinion that more than one refuse bin is needed; or

(b) where the owner applies in writing for more than one refuse bin;

supply more than one refuse bin per residential premises provided that the costs of such additional refuse removal service be paid by the owner and any additional removal costs in respect ofthe additional containers) is for the account ofthe owner.

(2) In respect of a group development the municipality may provide less than one refuse bin per owner subject to the following conditions—

(a) a central refuse collection point must be provided by the managing body;

(b) the managing body must apply in writing for the reduction of refuse bins issued to the development;

(c) the reduced number of bins must be approved by the municipality; and

(d) the managing body shall be held liable for payment of the account for refuse removal.

4. Removal

(1) The municipality shall provide the number of refuse bins which are supplied with a serial number, at request of the owner of a premises other than a residential premises, provided that—

(a) the owners shall be responsible for making alternative arrangements to the satisfaction of the municipality, for the removal of refuse from the premises;

(b) the municipality may prescribe special refuse bins, in which specific refuse must be dumped or stored;

(c) the municipality shall remove refuse on the day of removal, directly from the collection point; and

(d) a minimum service fee of one bin once per week per premises shall be payable where the owner makes acceptable alternative arrangements for the remainder of the refuse.

(2) The municipality shall only remove refuse that has been deposited in refuse bins, as approved by municipality and on the removal days as may be amended by municipality from time to time.

(3) (a) Only domestic refuse may be deposited in refuse bins.

(b) No person shall—

(i) deposit or permit to be deposited any waste, hazardous waste and/or material in a refuse bin;

(ii) deposit or permit to be deposited any refuse in a refuse bin in such a manner as to cause the lid of the refuse bin not to close properly;

(iii) put out, accumulate, dump, store or deposit in any manner whatsoever waste, hazardous waste, materials or refuse next to or on a refuse bin, in a road, or on a sidewalk or in any other place or permit it to be put out, accumulated, dumped, stored or deposited in any manner whatsoever next to or on a refuse bin in a road or on a sidewalk or in any other place.

(c) The municipality may, if a hazard or health hazard exists or may possibly arise, impose any reasonable condition, regarding the handling, storage or removal of refuse bins, or anything in connection therewith.

(d) If the owner requires morn refuse removals he may apply to enter into a written agreement with the municipality for additional refuse removals subject to the conditions and at the times and tariffs determined by the municipality.

(e) The municipality may provide an additional garden refuse removal service for garden refuse which cannot be deposited in a refuse bin and special arrangements must be made with the municipality, subject to the payment of the tariff and compliance with the conditions determined by the municipality.

5. Utilisation of refuse bin(s)

(1) Any refuse bin provided by the municipality shall remain the property of the municipality, except where, as provided in section 4(b), a bin is purchased.

(2) The owner shall keep the refuse bins on his premises in a clean and neat condition and shall not use any refuse bin for any purpose other than for the depositing of refuse.

(3) The municipality shall not remove refuse unless the refuse bin has on the removal day been placed on the sidewalk in front of the premises to which it has been allocated.

(4) The owner shall return refuse bins to his premises not later than nightfall on the day of the refuse removal.

(5) The owner shall not deposit or permit to be deposited any refuse in a refuse bin which may cause such bin to be damaged or destroyed in any manner whatsoever.

(6) A refuse bin shall be replaced as and when it is necessary, provided that where such refuse bin has to be replaced as a result of theft or damage caused through the negligence of the owner, such owner shall be held liable for the cost of replacing such refuse bin.

(7) No person shall remove a refuse bin from any premises to which it has been allocated or destroy or damage it, or permit it to be removed, destroyed or damaged.

6. Prohibition on accumulation and dumping

(1) No person shall accumulate, dump, store or deposit or permit the accumulation, dumping, storage or depositing of any refuse, hazardous waste, materials and/or waste on any land or premises, including the owner's residential site, or in any public place or street, provided that a person who has obtained the written approval of the municipality to do so at a specific place shall comply with the conditions of such approval.

(2) Only refuse and materials generated on residential premises and refuse from premises contemplated in section 4 may be dumped at the dumping site—

(a) on production by the owner of his services account to the official of the municipality or the person acting on behalf of the municipality in charge of access control at the dumping site; and

(b) upon payment of the tariff and at such times as the municipality may fix.

(3) No person shall burn refuse, hazardous waste, materials and/or waste or cause refuse, hazardous waste, materials and/or waste to be burnt without the written approval of the municipality and then only in accordance with the conditions and requirements specified in such approval.

7. Pavements

It shall be the duty of every licensee or occupant of a shop or trade premises to ensure that the pavement in front of or abutting the premises is kept clean and free of refuse or material originating from such premises or resulting from the delivery of good to such premises.

8. Enforcement

Where any object or thing of whatever description which is not defined in the definitions constitutes refuse, is unsightly or is likely to create an obstruction, a hazard or a nuisance is accumulated, dumped, stored or deposited on or in any land, place, premises or refuse bin(s) or in any street or public place, except where allowed in terms of this by-law, the municipality may serve a written notice on—

(a) the person who is directly or indirectly responsible for such accumulation, dumping, storing or depositing; and/or

(b) the owner of such waste, hazardous waste, refuse, materials, object or thing, whether or not he is responsible for such accumulation, dumping, storing or depositing; and/or

(c) the owner of such land or premises, whether or not he is responsible for such accumulation, dumping, storing or depositing;

in which such a person or owner, as the case may be, shall be required to do away with, destroy or remove such refuse, hazardous waste, materials, waste, object or thing to the satisfaction of the municipality on or before a date determined in such notice and failing to comply with such a notice, such owner shall be guilty ofan offence and the municipality may dispose, destroy or remove such waste at the expense of any one or more persons or owners referred to in (a), (b) and (c) of this section.

9. Substances in refuse bin

No one shall deposit any article or substance, except waste, in a refuse bin for removal.

10. Charges

(a) The municipality shall fix the charges payable to it for the removal or disposal of waste and dumping or depositing of waste at the dumping site.

(b) The charges as fixed by the municipality shall be due and payable by the occupier who is supplied with the refuse removal service or failing which by the owner of the premises.

(c) The charges due shall be payable and recoverable in terms of the credit control and debt collection policy and by-law adopted by the municipality.

11. Offences and penalties

Any person who contravenes any provisions of this by-law or fails or refuses to comply with any order or notice issued by the municipality in accordance with this by-law shall be guilty of an offence and on conviction be liable to—

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

(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.

12. Repeal of by-laws

The by-laws listed in the schedule hereto are hereby repealed to the extent indicated in the third column thereof.

13. Short title and commencement

This by-law shall be known as the By-law relating to Refuse Removal and shall come into operation on the date of publication thereof in the *Provincial Gazette*.

Repealed

Schedule

By-laws of the disestablished municipality of Paarl		
PN No.	**Short title**	**Extent of repeal**
624/1972	Removal of Refuse	The whole
By-laws of the disestablished municipality of Wellington		
93/1983	Refuse and Sanitation	The whole
By-laws of the disestablished municipality of Tulbagh (made applicable to Gouda)		
640/1980	Removal of Refuse	The whole