

MUNICIPALITY OF BEAUFORT-WEST

Notice no. 146/2005

The Council of the Municipality of Beaufort West published the sub-joined by-law relating to refuse removal, for general notice.

BY-LAW RELATING TO REFUSE REMOVAL

Introduction

Whereas the Municipality of Beaufort West is vested with Legislative Authority in terms of the Constitution of the Republic of South Africa (Act 108 of 1996),

AND WHEREAS the Municipality has the right to determine its own by-laws relating to refuse removal;

Be it therefore enacted by the Municipality of Beaufort West as follows:-

1. Unless inconsistent with the context -

Agricultural land premises means property zoned as such in terms of a zoning scheme and includes premises to which an undetermined zoning has been attached.

Council means the council of the municipality;

Dispose means to get rid of, accumulate, dump, store or deposit;

"Engineer" means the official of the municipality in charge of refuse removal;

Hazardous waste means medical waste and any refuse, waste, matter or substance which may be hazardous or harmful to the environment, to persons or to other living organisms or which may cause pollution or which, in the opinion of the Council, constitute hazardous waste;

Head : Health Services means the official appointed in this capacity for the municipal area, or his representative;

"municipality" means the municipality of Beaufort West

Owner also means lessee, occupier, householder, the person in control of any premises, or any person who obtains a benefit from the premises or is entitled thereto;

Refuse means any fruit or vegetable peels, fruit or vegetable waste, general domestic waste as well as vegetable garden refuse which is of such size that it may be deposited in a refuse container, or any other matter which in the opinion of the Engineer constitutes refuse;

Refuse removal system means a system by means of which refuse, waste or hazardous waste is removed and disposed of by the municipality, a private contractor or a community based service provider;

Refuse container means an approved type of refuse bin, refuse bag, carton box or any other similar container;

Tariff Policy By-Law means the Tariff Policy By-Law accepted by the Municipality and promulgated in *Provincial Gazette 6160 of 20 August 2004*.

Trade premises means any premises zoned for other purposes than single residential purposes, agricultural purposes or undetermined in terms of a zoning scheme, but includes single residential premises where commercial activities are allowed in terms of an approval granted by the Council; and

Waste means any matter or substance which cannot be classified as refuse or hazardous waste, and includes such materials as car parts, spare parts, stones, rocks, sand, building materials, building rubble or other materials utilised in the erection of buildings, oils, lubricants, liquids or similar substances;

2. No person may dispose of refuse or waste in any manner unless it is-
 - (1) in accordance with the terms and conditions of a refuse removal system approved or provided by the Council;
 - (2) in accordance with an agreement entered into between the owner of premises and the Council, or;
 - (3) at or in a place or a container that the Engineer has set aside for such purpose, and then only in accordance with a notice which indicates the conditions subject to which refuse or waste may be so deposited.
3. No person shall-
 - (1) deposit any waste or hazardous waste in a refuse bin, street refuse bin or any container to be removed by the municipality in terms of Section 2;
 - (2) burn refuse, waste or hazardous waste.
 - (3) dispose of hazardous waste without the prior permission of the Engineer, and then only in accordance with the conditions and requirements specified in such approval.
4. (a) Where any refuse, waste or hazardous waste is accumulated, dumped, stored or deposited in any place, whether public or private, which is not in accordance with an approval issued by the Engineer, or, which in the opinion of the Engineer may be or become unsightly or constitute a hazard or a nuisance, the Engineer may in writing direct -
 - (i) the person who is directly or indirectly responsible for such accumulation, dumping, storing or depositing, and/or;
 - (ii) the owner of such refuse, waste or hazardous waste whether or not he is responsible for such accumulation, dumping, storing or depositing, and/or;
 - (iii) the owner of such land or premises, whether or not he is responsible for such accumulation, dumping, storing or depositing,

to cease such activity or to take such steps as the Engineer or the Head : Health Services may deem fit, within a period specified in the direction, to dispose of such refuse within 24 hours and waste or hazardous waste within 48 hours.

- (b) If the person or owner fails to comply with the direction, the Engineer may withdraw any approval and may take such steps as he or she may deem necessary to dispose of the refuse, waste or hazardous waste and recover the costs thereof from the person or owner.

5. The Head : Health Services may impose any condition or requirement in order to prevent, remove the cause of or allay any health hazard or nuisance.
6. On the date of the promulgation of this by-law, any refuse removal services undertaken by the municipality, will continue as was the case before the promulgation of the by-law.
7. The Council may provide, or arrange for the provision of, different refuse removal systems in specific areas demarcated by the Council.
8.
 - (1) When it becomes necessary to change an existing refuse removal system, enlarge or reduce a demarcated area, or introduce a new refuse removal system in any demarcated area, the Council shall enter into a process of informing the residents and/or organised commerce in the area.
 - (2) When the Council is satisfied that the persons who receive or will receive a refuse removal service have been adequately informed, the proposed changes or new system will be introduced at a date determined by the Council.
9. The Council may enter into agreements with private or community-based service providers for the rendering of refuse and waste removal services in any area demarcated by the Council.
10. Owners of premises where a body corporate is in existence, trade premises and agricultural land are responsible for making independent arrangements for the removal of refuse and waste.
11. In areas where a refuse removal service is provided by the municipality, the Engineer may enter into an agreement with a body corporate, the owner of trade premises or agricultural land for a refuse removal service and/or provision of refuse bins to the premises.
12. The Council determines the frequency and days on which refuse is removed.
13. In areas where the municipality provides a refuse removal service to residential premises, the Council will periodically make available adequate information in which particulars of the service is explained.
14. The Council may provide special or additional refuse containers or places where certain types of refuse or waste may be deposited, subject to such terms, conditions and fees as the Council may impose.
15. Only refuse may be deposited in refuse containers which are removed by the municipality.
16. In residential areas where only defined refuse containers are utilised-
 - (1) these containers may only be put out on the sidewalk on those days that refuse is removed;
 - (2) the refuse which is put out but not deposited in these containers, will not be removed;

- (3) these containers may not be filled to such an extent that they cannot close properly;
 - (4) only containers prescribed by Council may be utilised, and
 - (5) owners are responsible for the regular, thorough and effective cleansing of refuse containers, so as to prevent conditions favourable for fly breeding, odours, etc.
 - (6) the council determines the maximum number of refuse containers which may be put out on any day that refuse is removed; and
 - (7) the owner must ensure that sharp objects or other objects which may cause harm to workers and passers-by, do not protrude from the containers.
17. In areas where the municipality provides refuse containers, the following is applicable in addition to Section 16-
 - (1) containers will remain the property of the municipality;
 - (2) containers may not be utilised for any other purpose than for the depositing of refuse;
 - (3) nothing which may cause damage to a container may be deposited therein;
 - (4) containers may not be removed from the premises to which it had been allocated;
 - (5) the Council may hold the owner responsible for the cost of replacing a container if such container has been lost or damaged through negligence of the owner.
18. In areas where refuse is removed by means of bags supplied by the owner, only the type of bags prescribed by the Council may be utilised.
19. The Council determines and levies the charges and fees in respect of services rendered by the municipality in terms of the Tariff Policy By-law.
20. No person shall be entitled to exemption from or a reduction in charges determined by the municipality, merely on the grounds that such person makes limited use of the service rendered by the municipality.
21. Any person who contravenes or fails to comply with any provision of this by-law or with any order or notice lawfully issued thereunder shall be guilty of an offence and liable with conviction to a fine.