

Final Draft for consideration by Council



CHAPTER 26

Removal of Refuse

KWADUKUZA



KWADUKUZA MUNICIPALITY

BYLAWS RELATING TO THE REMOVAL OF REFUSE

The Kwadukuza Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000) hereby publishes the bylaws as set forth hereafter as bylaws made by the Municipality which bylaws will come into effect on the first day of the month following the date of publication hereof.

1. Definitions

In these bylaws, unless inconsistent with the context:

“bulk refuse” means any material too large to be handled in regular refuse disposal bins or plastic refuse bags and includes, domestic appliances, furniture and tree cuttings;

“commercial refuse” means refuse similar in composition to domestic refuse and generated in restaurants, offices, banks, retail shops, supermarkets, hotels, kitchens, cafes, garages and filling stations, and other businesses, but excludes special refuse;

“domestic refuse” means general household waste produced on any residential premises, and includes kitchen waste, paper, packing materials, smaller household items, broken crockery, glass, ashes, cinders, food refuse, rags, bones, floor sweeping and animal droppings;

“garden refuse” means grass cuttings, weeds, hedge trimmings, plants, tree branches and logs;

“industrial refuse” means

- (a) material arising from use in packing, receiving, despatch and shipping in any type of industry and includes, paper, cardboard, wood, plastic, rags and metals; or
- (b) refuse peculiar to any industrial activity, and includes all raw materials used in and residues resulting from the process of such industry, but excludes special refuse;

“levy” and “charge” means the contribution payable by the occupier or owner, as the case may be, for the purposes of defraying the costs of the removal of all refuse. The amount payable, the type of contribution and the intervals at which it shall be payable, shall be determined by the Municipality and shall be



reflected in the Municipality's estimates in the case of a levy, or in the tariff of charges in the case of a tariff;

"Environmental Health Officer" means the person, from time to time, designated by the Municipality as such or his authorised representatives;

"Municipality" means the Kwadukuzi Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

"Municipal Manager" means the person appointed in terms of Section 82 of the Local Government Municipal Structures Act 1998, (Act 117 of 1998);

"municipal refuse bags" means a refuse bag of a kind and colour approved by the Municipality and bearing the mark of the Municipality;

"occupier" means the person who has the rights of residence on and control over, any premises;

"owner" means any person who is the registered owner of the property as reflected in the Municipality's valuation rolls from time to time;

"premises" means any vacant land upon which a building is situated, and includes the said building;

"refuse receptacle" means any receptacle, complying with the South African Bureau of Standards' specifications, for holding refuse;

"refuse bags" means a durable refuse bag suitable to be placed in a refuse receptacle;

"refuse of any nature" means all types of refuse including domestic refuse, garden refuse, commercial refuse, industrial refuse, special refuse or bulk refuse; and

"special refuse" means any refuse requiring special handling treatment and/or disposal procedures, and includes abattoir waste, minerals, oils, sludges, sand, stone excavated soils, builders' rubble, hazardous or radio-active waste, and medical waste, and any other matter so deemed by the Municipality from time to time.

2. Disposal of refuse

- (a) No person may dispose or allow the disposal of refuse of any nature in any way other than as prescribed in these bylaws without the written approval of the Environmental Health Officer;
- (b) No person may accumulate, store or allow the accumulation or storage of refuse of any nature on any property other than as prescribed in these bylaws without the written approval of the Environmental Health Officer.
- (c) The Environmental Health Officer may direct the occupier or owner of a property on which refuse of any nature is found to be accumulating or person deemed to be responsible for the disposal of refuse of any nature on any public place or vacant land to deal with the refuse as directed and any person failing to comply with such directive will be guilty of an offence.
- (d) In the event of the person directed to remove refuse in terms of paragraph (c) failing to deal with such refuse in the manner and within the timeframe directed, the Environmental Health Officer may arrange for the removal of such refuse and the Municipality may recover all costs in this regard from such person.

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- (a) The Municipality may arrange for the removal of all or a portion of any refuse from premises situated on properties within its area of jurisdiction.
 - (b) The Municipality may introduce different levels of refuse removal services in different service areas within the Municipality's area of jurisdiction.
 - (c) Where the Municipality select not to render a removal service in respect of bulk garden refuse, industrial refuse or special refuse, the Municipality may direct the occupier or owner, as the case may be, in writing to arrange at his/her own cost for the removal of such refuse and the disposal thereof at a dump site approved by the Municipality.
 - (d) Should the owner or occupier fail to comply with a directive as contemplated in clause (c), the Environmental Health Officer may arrange for the removal of such refuse and recover the costs thus incurred from the occupier or owner as the case may be.



4. (a) For the purpose of these bylaws, the Municipality may raise:
 - (i) an annual levy against the owner; and/or
 - (ii) a monthly charge payable by the occupier, on all premises in the service area which shall be payable regardless of whether or not the refuse removal service is actually utilized; and/or
 - (iii) recover the levy for the service through the sale of municipal refuse bags;
 - (iv) a fee per service; and/or
 - (v) a deposit for any permit issued in terms of these bylaws.
 - (b) The Municipality may differentiate in the levy, charge or fees between the different refuse removal service levels rendered in the respective service areas in terms of Section 74 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000).
 - (c) In a service area where a compulsory service has been introduced by the Municipality, the levy or monthly charge shall be payable by the occupier or owner, as the case may be, regardless of whether or not the refuse removal service is actually utilized.
5. **Care of receptacles and the use of disposal bags**
- (a) Every owner or occupier, as the case may be, shall where the service introduced for the service area so requires, provide and maintain, on the premises, a refuse receptacle in such condition as not to cause or constitute a nuisance, and shall cause all commercial and domestic refuse accumulated on such premises to be deposited therein.
 - (b) Every owner or occupier, as the case may be, shall, where the service introduced for the service area so requires, utilize standard plastic disposal bags or municipal refuse bags, as the case may be, for refuse removal.
 - (c) Every owner or occupier shall keep such bags in such condition as not to cause or constitute a nuisance and shall cause all commercial and domestic refuse accumulated on such premises to be deposited therein.
 - (d) Every owner or occupier, as the case may be, shall cause every receptacle to be continuously covered, save when refuse is being deposited in or removed therefrom.



- (e) No person, other than an authorised officer or servant of the Municipality shall interfere with or remove, from any premises, any refuse receptacle except to facilitate the removal of such refuse.

6. Separate refuse receptacles required for each trade, business or flat

- (a) Where more than one trade, business or occupation is carried on in one building, or where a building is divided into separately occupied flats or suites or apartments, the owner or occupier, as the case may be, of each business, flat or suite of apartments.
- (b) The Environmental Health Officer may waive or vary the requirements of this bylaw by reducing the number of refuse receptacles required in terms of paragraph (a) of this bylaw, provided such waiver or variation shall, in no way, affect the liability of such occupier or owner to pay for the individual services mentioned in paragraph (a).

7. Provision of extra refuse receptacles

In the event of the Environmental Health Officer being satisfied that the accumulation of refuse on any premises is too large to be dealt with by the normal removal service in the area, the owner or occupier of such premises, as the case may be, shall, if so required by the Environmental Health Officer, provide and maintain one or more extra receptacles and shall be liable for payment of the prescribed levy or fee proportionate to the number and type of receptacles required by the Environmental Health Officer.

8. Bin area to be provided

- (a) The Environmental Health Officer may direct the owner of any property on which more than one tenant or owner is accommodated to provide a bin area of a suitable size and construction on the property for the temporary storage of any refuse generated or accumulated on the property and must make suitable arrangements for the removal of all refuse from such bin area and removal thereof as prescribed in these bylaws.
- (b) The owner of any property on which a bin area has been provided for the temporary storage of refuse of any nature must keep such bin area in a sanitary condition at all times.



9. Location of refuse receptacles or bags for removal

The owner or occupier, as the case may be, shall:

- (a) in a service area where standard plastic disposal bag(s) or municipal refuse bags are used, place them on the street verge or pavement on the morning of the collection day;
- (b) in a service area where refuse receptacles or other approved receptacles are used, place such receptacles on the street verge or pavement on the morning of the collection day; and
- (c) if the refuse concerned is bulk refuse, industrial or special refuse, it shall be placed in such position as the Environmental Health Officer may determine and direct from time to time, in order to facilitate the removal of such refuse.

10. Liquid waste matter

No person shall, at any time or under any circumstances, deposit or cause or permit to be deposited any liquid waste matter of any kind in any refuse receptacle or refuse bag

11. Removal of industrial, special and bulk refuse

- (a) The owner or occupier, as the case may be, of any premises on which industrial, special or bulk refuse is produced or accumulated, shall package and deal with such refuse in a manner which the Environmental Health Officer may determine and direct from time to time.
- (b) Should the owner or occupier fail to deal with such industrial, special or bulk refuse as directed, the Environmental Health Officer may arrange for the removal of such refuse, and recover the costs thus incurred from the occupier or owner as the case may be.

12. Provision for the self-disposal of domestic refuse

- (a) Notwithstanding the foregoing provisions of these bylaws, owners or occupiers of premises whose boundary line is situated more than 100m from any road traversed by any refuse removal vehicle provided by the Municipality, may apply to the Environmental Health Officer for authority to bury their refuse on their premises, on their refuse on their premises, on the grounds of inaccessibility, in pits constructed at their expense to the satisfaction of the Environmental Health Officer. All owners or occupiers, to whom authority is given in terms of this



bylaw, shall be exempted from charges levied by the Municipality in respect of the refuse removal service, save that the Municipality is empowered to levy a charge for the processing of any application received, and for regular inspections of the pit, which shall be stated in the Municipality's tariff of charges.

- (b) The Environmental Health Officer may grant or refuse an application in his discretion and in granting such an application may impose such conditions as to the location and the digging of the pit, the disposal of the refuse therein and the measures to be taken to prevent any nuisance or health hazard which may emanate therefrom, as he may deem fit; provided that the Environmental Health Officer shall not refuse an application unless he has reasonable grounds for believing that the proposed pit will constitute a nuisance or health hazard or a source of pollution of any river, stream or water supply.
- (c) In granting such an application, the Environmental Health Officer shall issue to the applicant a certificate on which any conditions imposed by him in terms of these bylaws shall be endorsed. The abovementioned certificate shall be valid for such period as the Environmental Health Officer may determine or until its withdrawal or cancellation, whichever is the earlier.
- (d) The Environmental Health Officer may, at any time, by notice in writing, alter, amend or vary any condition endorsed on any certificate issued in terms of these bylaws or issue any written instruction to the holder of such a certificate to do or perform any act, matter or thing regarding a pit, the digging of a new pit or the disposal or handling of the refuse therein.
- (e) Should the holder of the certificate issued in terms of these bylaws fail to comply with any of the conditions endorsed thereon or with any written instruction from the Environmental Health Officer issued in terms of these bylaws, the Environmental Health Officer may, by notice in writing to the holder, require him to comply with any such conditions within such period as he may determine. Upon the failure of such holder to comply with the terms of such notice, the Environmental Health Officer may cancel or withdraw his certificate in which event such holder shall be obliged to revert to the use of the refuse removal service provided by the Municipality, subject to the conditions pertaining thereto.
- (f) The continued disposal of refuse in a pit after the cancellation of a certificate issued in terms of these bylaws shall be an offence and render the offender liable to prosecution.



- (g) The provision of this section of the bylaws shall not apply to the self-disposal of refuse where such self-disposal forms part of the service introduced by the Municipality in a service area.

13. Municipal refuse bags

No person may manufacture, reproduce, sell or dispose a municipal refuse bag without the prior approval of the Municipality.

14. Garden refuse

- (a) No person may place, store or dump any garden refuse or allow any person to do so, on any road, verge, public or private open space without the written approval of the Environmental Health Officer having been obtained.
- (b) The Environmental Health Officer may, subject to such conditions as it may deem fit, issue a permit to allow the temporary storing of garden refuse, on the verge or other suitable place for a limited period of time on payment of the deposit laid down in the Municipality's Tariff of Charges.
- (c) Should any person fail to comply with the conditions of any permit issued in terms of these bylaws for the temporary storage of garden refuse the deposit paid will be forfeited to the Municipality and the Environmental Health Officer may arrange for the removal of such refuse and the person to whom the permit was issued will be liable for all costs incurred for removal of all the garden refuse on the spot indicated on the said permit.
- (d) The Municipality may establish or approve garden refuse, transfer sites where garden refuse may be deposited for removal or landfill purposes subject to such conditions and on such days and during such hours as the Municipality may determine and display by notice on site.
- (e) No person may enter upon a site established or approved by the Municipality in terms of these bylaws for the disposal of garden refuse at any time other than the days and time indicated on the notice displayed or dispose of any refuse other than organic garden refuse on such site.

16. Offences and Penalties

Any person who:

Any person who contravenes any provision of these bylaws or who fails to comply with the requirements thereof shall be guilty of an offence and upon conviction shall be liable to the fines determined by a Chief Magistrate of the

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Magistrate's Court with jurisdiction in the area in which the offence has been committed or imprisonment as determined by a competent court.

17. Repeal of bylaws

All Municipal Bylaws, and amendments thereto, relating to Removal of Refuse made by the local authorities of Nkwazi/Zinkwazi Beach Transitional Local Council, KwaDukuza/ Stanger Transitional Local Council and Dolphin Coast Transitional Local Council, disestablished in terms of Provincial Notice No. 345 of 2000 in terms of section 12 of the Local Government: Municipal Structures Act, 1998: Establishment of Municipalities 9DC 29, KZ 291, KZ 292, KZ 293, KZ 294) as published on 19 September 2000, are hereby repealed.

