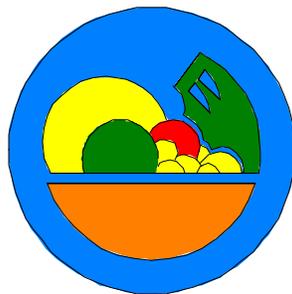




Umnotho Development

REFUSE BY-LAW

v June 2004



Greater Tzaneen
Municipality

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CHAPTER 1

1. Definitions

1.1 For the purposes of these by-laws, unless the context otherwise indicates -

“**bin**” means a standard type of refuse bin with a capacity of 0,1m³ or 85 litre as approved by the Council and which may be supplied by the Council. The bin may be constructed of galvanized iron, rubber or polythene;

“**bin liner**” means a plastic bag approved by the Council which is placed inside a bin with a maximum capacity of 0,1m³. These bags must be of a dark colour 950mm x 750mm in size of low density minimum thickness 40 micrometer or 20 micrometer high density;

“**builders refuse**” means refuse generated by demolition, excavation or building activities on premises;

“**bulky garden refuse**” means such refuse as tree-stumps, branches of trees, shrubs, hedge-stumps and branches of hedges and any other garden refuse of quantities more than 2m³;

“**bulky refuse**” means refuse which emanates from any premises, excluding industrial refuse, and which cannot by virtue of its mass, shape, size or quantity be conveniently accumulated or removed in a refuse bin with a bin liner;

“**business refuse**” means refuse generated by the use of premises other than a private dwelling-house used solely as a residence, but shall not include builders refuse, bulky refuse, domestic refuse or industrial refuse;

“**contaminated animal carcasses, body parts and bedding**” means contaminated carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals, or the in vivo testing of pharmaceuticals;

“contaminated sharps” means discarded sharps, such as but not limited to hypodermic needles, syringes, Pasteur pipettes, broken glass, and scalpel blades, which have come into contact with infectious or possible infectious agents during use in patient care or treatment or in medical research or industrial laboratories;

“container” means a receptacle of larger volume than a bin, and of a structure and material determined by Council;

“Council” means the Council of the Greater Tzaneen Local Municipality, established in terms of section 12 of the Local Government: Municipal Structures Act, no 117 of 1998;

“cultures and stocks of infectious agents and associated biologicals” means specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals and live or attenuated vaccines and culture dishes and devices used to transfer, inoculate and mix cultures;

“domestic refuse” means refuse normally generated by the use as a residence of a private dwelling-house, and including flats, hospitals, schools, hostels, compounds, benevolent societies, churches and halls situated on private property and which can be easily removed without damaging the bin liner;

“dry industrial refuse” means dry refuse generated as a result of manufacturing, maintenance, fabricating and dismantling activities and the activities of railway marshalling yards, but shall not include builders refuse, special industrial refuse or domestic refuse;

“garden refuse” means refuse such as grass cuttings, leaves, plants and flowers which is generated as a result of normal gardening activities;

“human blood and blood products” means waste such as serum, plasma and other blood components;

“infectious waste” means waste capable of producing or transferring an infectious disease;

“isolation waste” means waste generated by hospitalized patients isolated to protect others from communicable diseases;

“miscellaneous contaminated wastes” means wastes from surgery and autopsy, such as but not limited to soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads and gloves, and contaminated laboratory wastes such as but not limited to specimen containers, slides and cover slips, disposal gloves, laboratory coats and aprons, and dialysis unit waste such as but not limited to tubing filters, disposable sheets, towels, gloves, aprons and laboratory coats, and contaminated equipment such as but not limited to equipment used in patient care, medical and industrial laboratories, research and in the production and testing of certain pharmaceuticals.

“occupier” means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

“owner” means –

- (a) the person to whom from time-to-time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the Council or its authorized agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;

- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to –
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No 95 of 1986), the developer or the body corporate in respect of the common property, or
 - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

“pathological waste” means waste consisting of tissues, organs, body parts and body fluids that are removed during surgery and autopsy;

“public place” means such place to which the public has access, with or without the payment of money;

“special industrial refuse” means refuse, consisting of solid liquid or sludge matter, resulting from a manufacturing process or the pre-treatment for disposal purposes of any industrial waste, which may be determined to the environment or in the case of liquid matter, to the Council’s drainage system;

“tariff” means the tariff of charges as determined from time-to-time by the Council in terms of section 10 G (7) of the Local Government Transition Act, 1993.

CHAPTER 2 REMOVAL OF REFUSE

2. The Council's Service

2. (1) The Council shall provide a service for the collection and removal of business and domestic refuse from premises at the tariff charge.
- (2) The occupier of premises on which business or domestic refuse is generated, must avail himself or herself of the Council's service for the collection and removal of such refuse, except where special exemption is granted.
- (3) The owner of the premises in which the business or domestic refuse is generated, will be liable to the Council for all charges in respect of the collection and removal of refuse from such premises.

3. Notice To Council

3. (1) The occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises, on which business refuse or domestic refuse is generated, must within seven days after the commencement of the generation of such refuse notify the Council –
 - (a) that the premises are being occupied;
 - (b) whether business refuse or domestic refuse is being generated on the premises.

4. Provision Of Refuse Bins

4. (1) The Council will determine the number of bins required on a premises.

- (2) If a bin is supplied by the Council, such bin will be supplied at the prescribed tariff.
- (3) If required by the Council, the owner of a premises will be responsible for the supply of the pre-determined number and type of bins.
- (4) The Council may at the tariff determined deliver container units to premises if, having regard to the quantity of business refuse generated on the premises concerned, the suitability of such refuse for storage in bins, and the accessibility of the space provided by the owner of the premises in terms of section 5, to the Council's refuse collection vehicles, Council considers container units more appropriate for the storage of refuse than bins: Provided that container units shall not be delivered to the premises unless the space provided by the owner of the premises in terms of section 5 is accessible to the Council's refuse collection vehicles for container units.

5. Place of Bins

5. (1) The owner of the premises must provide adequate space on the premises for the storage of the bins or containers delivered by the Council in terms of section 4 or for the equipment and receptacle mentioned in section 7 (1).
- (2) The space provided in terms of sub section (1) must –
 - (a) Be in such a position on the premises as will allow the storage of bins or containers without their being visible from the street or a public place;
 - (b) Where domestic refuse is generated on the premises –

- (i) be in such a position as will allow the collection and removal of refuse by the Council's employees without hindrance;
 - (ii) be not more than 10m from the entrance to the premises, used by the Council's employees
 - (c) If required by the Council, be so located as to permit convenient access to and egress from such space for the Council's refuse collection vehicles;
 - (d) Be sufficient to house any receptacle used in the sorting and storage of the refuse contemplated in sections 6 (1) (a) (i) and 7 (9), as well as any such refuse not being stored in a receptacle: Provided that this requirement shall not apply in the case of buildings erected, or buildings the building plans whereof have been approved, prior to the coming into operation of these by-laws.
- (3) The occupier of the premises, or in the case of premises being occupied by more than one person the owner of such premises, must place the bins or containers delivered in terms of section 4 in the space provided in terms of subsection (1) and shall at all times keep them there.
- (4) Notwithstanding anything to the contrary in subsection (3) contained –
- (a) in the case of buildings erected, or buildings the building plans whereof have been approved prior to the coming into operation of these by-laws; and
 - (b) in the event of the Council, in its opinion, being unable to collect and remove business refuse from the space provided in terms of subsection (1);

the Council may, having regard to the avoidance of nuisance and the convenience of collection of refuse, indicate a position within or outside the premises where the bins shall be placed for collection and removal of such refuse and such bins or containers shall then be placed in such position at such times and for such periods as the Council may prescribe.

6. Use And Care Of Containers And Bin Liners

6. (1) Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises must ensure that—
- (a) all the domestic or business refuse generated on the premises is placed and kept in such bin liners for removal by the Council: Provided that the provisions of this subsection shall not prevent any occupier, or owner, as the case may be –
 - (i) who has obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption;
 - (ii) from utilizing such domestic refuse as may be suitable for making compost.
 - (b) no hot ash, unwrapped glass or other business or domestic refuse which may cause damage to bin liners or which may cause injury to the Council's employees while carrying or handling bin liners, is placed in bin liners before he or she has taken such steps as may be necessary to avoid such damage or injury;

- (c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render bin liners, unreasonably difficult for the Council's employees to handle or carry, is placed in such bin liners;
 - (d) every container on the premises is covered, save when refuse is being deposited therein or discharged therefrom, and that every container is kept in a clean and hygienic condition;
 - (e) no person deposits refuse in any other place than in the bins or containers provided for that purpose.
- (2) No bin or container may be used for any purpose other than the storage of business, domestic or garden refuse and no fire shall be lit in such container.
 - (3) In the event of a container having been delivered to premises in terms of section 4 (4), the occupier of such premises shall, 24 hours before the container is likely to be filled to capacity, inform the Council thereof.
 - (4) The owner of premises to which bins or container units have been delivered in terms of section 4 or 11, shall be liable to the Council for the loss thereof and for all damage caused thereto except for such loss or damage as may be caused by the employees of the Council.
 - (5) Plastic bin liners with domestic or garden refuse, or both, must be properly closed and be placed outside the property next to the fence and near the entrance or access road before 07h00 on the day determined by the Council for removal of refuse.

7. Compaction Of Refuse

7. (1) Should the quantity of domestic or business refuse generated on premises be such that, in the opinion of the Council, the major portion of such refuse is compactable, or should the owner or occupier of premises wish to compact such refuse, such owner or occupier, as the case may be, shall increase the density of that portion of such refuse as is compactable by means of approved equipment designed to shred or compact refuse and shall put the refuse so treated into an approved steel, plastic, paper or other disposable receptacle or into a compaction unit receptacle, and the provisions of section 4 shall not apply to such compactable refuse, but shall remain applicable to all other refuse.
- (2) The capacity of the steel, plastic, paper or other disposable receptacle referred to in subsection (1) shall not exceed 0,1m³.
- (3) After the refuse, treated as contemplated in subsection (1) has been put into a steel, plastic, paper or other disposable receptacle, such receptacle shall be placed in a bin or container unit.
- (4) Insofar as the provisions of subsection (1) make the compaction of domestic or business refuse compulsory, such provisions shall not apply until a period of 6 months has elapsed from the date of the serving of a notice to this effect by the Council.
- (5) "Approved" for the purpose of subsection (1) will mean approved by the Council, regard being had to the suitability of the equipment or container for the purpose for which it is to be used, as well as the reasonable requirements of the in regard to public health, storage and refuse collection and removal.
- (6) The steel, plastic, paper or other disposable receptacle mentioned in subsection (1) shall be supplied by the owner or the occupier, as the case may be.

- (7) If the container referred to in subsection (1) is made of steel, such container shall, after the collection thereof and after it has been emptied by the Council, be returned to the premises.
- (8) The Council will remove and empty the containers referred to in subsection (1) at such intervals as the Council may deem necessary in the circumstances.
- (9) The provisions of this section do not prevent any owner or occupier of premises, as the case may be, after having obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption.

CHAPTER 3

GARDEN AND BULKY GARDEN REFUSE AND OTHER BULKY REFUSE

8. Removal And Disposal Of Garden And Bulky Refuse

8. (1) The occupier or, in the case of premises occupied by more than one person, the owner of premises on which bulky garden or other bulky refuse is generated, must ensure that such refuse be disposed of in terms of this Chapter within a reasonable time after the generation thereof.
- (2) Any person may remove and dispose of bulky garden refuse or other bulky refuse.
- (3) Bulky garden or other bulky refuse removed from the premises on which it was generated, must be deposited on a site designated by the Council as a disposal site for such refuse.

9. THE COUNCIL'S SPECIAL SERVICE

At the request of the owner of any occupier of any premises, the Council will at the prescribed tariff remove bulky garden and other refuse from premises, provided that the Council is able to do so with its refuse removal equipment. All such refuse shall be placed within 3m of the boundary loading point, but not on the sidewalk.

CHAPTER 4 BUILDERS REFUSE

10. Responsibility For Builders Refuse

10. (1) The owner of premises on which builders refuse is generated and the person engaged in the activity which causes such refuse to be generated must ensure that –
- (a) such refuse be disposed of in terms of section 12 within a reasonable time after the generation thereof, but at any rate within 30 days from being notified by Council to remove such refuse;
 - (b) until such time as builders refuse is disposed of in terms of section 12 and subject to the provisions of section 12 (2) such refuse together with the containers used for the storing or removal thereof, be kept on the premises on which it was generated.
- (2) Any person may operate a builders refuse removal service. Should the Council provide such a service it shall be done at the tariff charge.

11. Containers

11. (1) If containers or other receptacles used for the removal of builders refuse, bulky refuse of other waste material from premises can in the opinion of the Council not be kept on the premises, such containers or other receptacles may with the written consent of the Council be placed in the roadway for the period of such consent.
- (2) Any consent given in terms of subsection (1) will be subject to such conditions as the Council may deem necessary: Provided that in giving or refusing its consent or in laying down conditions the Council shall have regard to the convenience and safety of the public.
- (3) The written consent of the Council referred to in subsection (1) will only be given on payment of the tariff charge for the period of such consent.
- (4) Every container or other receptacle used for the removal of builders refuse, must –
- (a) have clearly marked on it the name and address or telephone number of the person in control of such container or other receptacle;
 - (b) be fitted with reflecting chevrons or reflectors which shall completely outline the front and the back thereof; and
 - (c) be covered at all times other than when actually receiving or being emptied of such refuse, so that no displacement of its consent or dust nuisance occur.

12. Disposal Of Builders Refuse

12. (1) Subject to the provisions of subsection (2) all builders refuse must be deposited at the Council's refuse disposal sites after the person depositing the refuse has paid the tariff charge therefore.

- (2) For the purpose of reclamation of land, builders refuse may with the written consent of the Council be deposited at a place other than the Council's refuse disposal sites.
- (3) Any consent given in terms of subsection (2) will be subject to such conditions as the Council may deem necessary: Provided that in given or refusing its consent or in laying down conditions the Council shall have regard to –
- (a) the safety of the public;
 - (b) the environmental impact on the proposed disposal site;
 - (c) the suitability of the area including the drainage thereof;
 - (d) the expected manner and times of depositing of refuse at the site;
 - (e) the leveling of the site;
 - (f) the control of dust;
 - (g) other relevant factors.

CHAPTER 5

SPECIAL INDUSTRIAL REFUSE

13. Notification Of Generation Of Special Industrial Refuse

13. (1) A person engaged in an activity which causes special industrial refuse to be generated must inform the Council of the composition thereof, the quantity generated, how it is stored and how and when it will be removed.

- (2) If so required by the Council, the notification referred to in subsection (1) must be substantiated by an analysis certified by a qualified industrial chemist.
- (3) The Council or any person duly authorized by the Council may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.
- (4) Having notified the Council in terms of subsection (1), the person mentioned in subsection (1) must notify the Council of any changes in the composition and quantity of the special industrial refuse occurring thereafter.

14. Storing Of Special Industrial Refuse

14. (1) The person referred to in section 13 (1) must ensure that the special industrial refuse generated on the premises is kept and stored thereon in terms of subsection (2) until it is removed from the premises in terms of section 15.
- (2) Special industrial refuse stored on premises must be stored in such manner that it does not become a nuisance, pollute the environment or is dangerous or may become dangerous to any person, property or the environment.
- (3) If special industrial refuse is not stored in terms of subsection (2) on the premises on which it is generated, the Council may order the owner of the premises and the person and the referred to in section 13 (1) to remove such refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Council may by itself or through a contractor remove it at the owner's expense.

15. Removal Of Special Industrial Refuse

15. (1) No person may remove special industrial refuse from the premises on which it was generated without, or otherwise than in terms of, the written consent of the Council.
- (2) The Council may give its consent in terms of subsection (1), subject to such conditions as it may deem fit, having regard to –
- (a) The composition of the special industrial refuse;
 - (b) By the suitability of the vehicle and container to be used;
 - (c) The place where the refuse shall be dumped; and
 - (d) Proof to the Council of such dumping.
- (3) The Council will not give its consent in terms of subsection (1), unless it is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial refuse and to comply with the conditions laid down by the Council.
- (4) The person referred to in section 13 (1) must inform the Council, at such intervals as the Council may stipulate, having regard to the information to be given to the Council in terms of section 13 (1), of the removal of special industrial refuse, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial refuse removed.
- (5) Should any person be caught in the act of contravening the provisions of this section, such person must dispose of the refuse removed by him or her as directed by the Council.

- (6) Nothing in this Chapter shall be so construed as to diminish or substitute any requirement, obligation or duty imposed upon a person in regard to the handling, storage, removal, transport or disposal of special industrial refuse in terms of any legislation applicable to the substance of such refuse.

CHAPTER 6 DISPOSAL SITES

16. Conduct At Disposal Sites

16. (1) Any person who, for the purpose of disposing of refuse enters a refuse disposal site controlled by the Council must –
- a) enter the disposal site only at an authorized access point;
 - b) give the Council all the particulars requested in regard to the composition of the refuse; and
 - c) follow all instructions given to him or her in regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.
- (2) No person may bring intoxicating substances onto a disposal site controlled by the Council.
- (3) No person may enter a disposal site controlled by the Council for any purpose other than the disposal of refuse in terms of these by-laws and then only at such times as the Council may from time-to-time determine.

17. Ownership Of Refuse

17. (1) All refuse removed by the Council and all refuse on or at disposal sites controlled by the Council will be the property of the Council and no person who is not authorized by the Council to do so, may remove or interfere therewith.
- (2) Only refuse which is generated on premises within the Council's area of jurisdiction may be disposed of on the Council's refuse disposal sites.

CHAPTER 7

LITTERING, DUMPING AND ANCILLARY MATTERS

18. Littering

18. (1) No person may –
 - (a) throw, let fall, deposit or spill any refuse into or onto any public place vacant stand, vacant erf, stream or watercourse;
 - (b) sweep any refuse into a gutter or onto a public place;
 - (c) allow any persons under his control to do any of the acts referred to in paragraph (a) and (b).

19. Dumping

19. (1) Subject to any provisions to the contrary in these by-laws contained, no person may abandon anything or allow anything under his or her control to be abandoned at a place other than a disposal site of the Council.
- (2) Once it has been proved that such person left a thing or allowed a thing to be left at a place of which he is not the owner or occupier, he or she

will be deemed to have contravened the provisions of subsection (1), unless and until he or she proves the contrary.

- (3) Any person who contravenes the provisions of subsection (1), will be guilty of an offence.

20. Abandoned Things

Anything, other than a vehicle deemed to have been abandoned in terms of section 131 of the Road Traffic Act 1989, which is, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition of such thing, reasonably regarded by the Council as having been abandoned, may be removed and disposed of by the Council as it may deem fit.

21. Liability Of Responsible Person

21. (1) Where anything has been removed and disposed of by the Council in terms of section 20, the person responsible will be liable to pay to the Council the tariff charge in respect of such removal and disposal.
- (2) For the purposes of subsection (1) the person responsible is –
- (a) The owner of the thing, and shall include any person who is entitled to be in possession of the thing under any title; or
 - (b) Any person by whom it was put in the place aforesaid.

CHAPTER 8 INFECTIOUS WASTE

22. Storage Of Infectious Waste

22. (1) All infectious waste must be placed at the point of generation into a container approved by the Council.
- (2) The container used for the storage of sharp objects must be constructed of such a material that the object cannot pierce the container. The container must be fitted with a safe and hygienic lid which must be sealed after use.
- (3) The container used for the disposal of other infectious waste must be constructed of a suitable material, preventing the leakage of the contents. The container must be fitted with a safe and hygienic lid which must be sealed after use.
- (4) All containers must be adequately labeled and marked with the universal bio-hazardous waste symbol.

23. Transport Of Infectious Waste

23. (1) All containers of infectious waste must be sealed at the point of generation.
- (2) The vehicle transporting infectious waste must be clearly marked indicating infectious waste in transit.
- (3) The vehicle used for the transport must be so designed that the drivers cab is separated from the load area. The load area must be enclosed with suitable sealable, lockable doors.

- (4) All loads being carried must be invoiced, indicating the premises from which the infectious waste was generated and the premises where the waste will be disposed of.

24. Removal And Disposing Of Infectious Waste

24. (1) The Council may remove infectious waste from the premises of generation and dispose thereof in a safe, sanitary and supervised manner, and the owner of such premises shall be liable to the Council for payment of the tariff charges in respect of such services.
- (2) Approved private contractors may remove and dispose of infectious waste after written consent has been granted to such contractor by the Council.
- (3) Infectious waste may be disposed of in an approved high temperature pollution free incinerator on the premises of origin after written consent has been granted by the Council.
- (4) The burning temperatures in the primary and secondary chambers of the incinerator will exceed 800 degrees C and 1 000 degrees C respectively and also have rapid cooling to prevent carcinogenic chemicals from entering the atmosphere.

CHAPTER 9 GENERAL PROVISIONS

25. Access To Premises

25. (1) Where the Council provides a refuse collection service, the occupier of premises must grant the Council access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing

obstructs, frustrates or hinders the Council in the carrying out of its service.

- (2) Wherein the opinion of the Council the collection or removal of refuse from any premises is likely to result in damage to the premises or the Council's property, or injury to the refuse collectors or any other person, it may, require the owner or occupier to indemnify it in writing in respect of any such damage or injury or any claims arising out of either.

26. Accumulation Of Refuse

When any category of refuse defined in Chapter 1 of these by-laws accumulates on premises so as to constitute or so as to render it likely that a nuisance will be created thereby, the Council may make a special removal of such refuse and the owner shall be liable in respect of such special removal to pay the tariff charge therefore.

27. Charges

27. (1) Save where otherwise provided in these by-laws, the person to whom any service mentioned in these by-laws has been rendered by the Council shall be liable to the Council for the tariff charge in respect thereof.
- (2) Services rendered by the Council in respect of which a monthly tariff charge is prescribed, will only be discontinued by the Council after receipt of a written notification from the owner or occupier of the premises to which the services are rendered that the generation of domestic or business refuse on the premises has ceased, or when it has become obvious to the Council that the generation of such refuse on the premises has ceased.

- (3) Monthly tariff charges are payable until receipt by the Council of the notice mentioned in subsection (2), or when it has become obvious to the Council that the generation of such refuse on the premises has ceased.
- (4) Any person who fails to pay the tariff charge in respect of services rendered by the Council will be guilty of an offence.

28. Penalties

Any person, persons or institution, who fails to comply with these by-laws will be guilty of an offence and upon conviction liable to a fine of at least R2 000-00 or two imprisonment for a period not exceeding 12 months.

29. Refuse By-Laws

29. These by-laws will be known as the Refuse By-Laws.