



GA-SEGONYANA LOCAL MUNICIPALITY

REFUSE REMOVAL, ILLEGAL DUMPING AND USAGE OF MUNICIPAL LANDFILL SITE BY-LAWS

Preamble

The Ga - Segonyane Local 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 amended, has made the By-Law set out in the schedule below:

Purpose of By-Law

- To provide refuse removal, collection and disposal of waste for the benefit of residents within the area of jurisdiction of the municipality;
- To provide for the procedures, methods and practices to regulate collection, dumping of refuse and the management of disposal sites.

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Definitions

1. In this By-law, words used in the masculine gender include the feminine; the singular includes the plural and vice versa; the English 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 Ga – Segonyana Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), 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.

Control of disposal site

2. 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.

Access to disposal site

3. (1) No person shall enter the disposal site or shall be on such a site except on such day 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.

Off-loading of refuse and rubbish etc.

4. (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 of a 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 or packaged in a specific manner before being dumped or deposited.
- (6) The municipality shall determine the days when and hours during which dumping may be done.
- (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.

Prohibition on dumping of offensive matter

5. (1) The municipality reserves the right to prohibit the dumping of any offensive or toxic matter at a disposal site.
- (2) No hazardous or Medical waste is accepted in the dumping site (additional input).

Ownership of refuse

6. 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
7. 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.

Charges

8. 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.

Littering, dumping and abandoning of waste and waste material

9. Littering

(1). No person may:-

- (a) throw, drop, deposit, spill or in any other way discard any litter into or onto a public place, land, vacant erf, stream, street or road, or on any place to which the general public has access, except in a container provided for that purpose or at a disposal site controlled by the municipality:
- (b) allow any other person under his or her control to commit any of the acts contemplated in sub paragraph (a), and, for the purpose of this subsection, employers or principals are liable for the acts of their employees or agents, provided that where an employee or agent contravenes the provisions of sub paragraph (a) he or she is liable as if he or she were the employer or principal.
- (c) Any person engaged in the transportation of waste material must take all the reasonable steps to prevent any spillage or littering from vehicle used to transport waste by providing adequate coverage,

not over-filling of the loading area and/or ensuring that loading area is equipped with a suitable load cage, etc.

- (2). A person reasonably suspected by a law enforcement officer or an Environmental Management Inspector of having contravened the provisions of subsection (1) is liable in terms of these by-laws. A fine for illegal dumping will be imposed in the account for rates and taxes when billing is done.
- (3) Should a person be convicted of contravening the provisions of this section, he or she must, notwithstanding any penalty imposed on him or her, dispose of the waste as directed by the Municipality or, alternatively, the Municipality may dispose of the waste itself at the expense of that person.
- (4) Subject to the provisions of the by-laws pertaining to Temporary Advertisements and Outdoor Advertising –
 - (a) a person is not permitted to distribute any flyers, pamphlets, stickers or handbills at street corners, traffic lights, sidewalks, stop streets or any open or public place without the Municipality's prior written consent; and
 - (b) a placard or advertisement must not be displayed or placed on a lamp pole, traffic sign, pole or fence by a person without the Municipality's prior written consent.

10. Unauthorised disposal and abandoning

- (1) A person must not dispose of waste or waste material at any place or on any premises other than as provided for in terms of these by-laws.

- (2) A person reasonable suspected by a law enforcement officer or an Environmental Management Inspector of having contravened the provisions of subsection (1) is liable in terms of these by-laws.
- (3) subject to the provisions of any other law, the Municipality has the right to remove and dispose of any abandoned waste or waste material in any way it deems appropriate under the prevailing circumstances.
- (4) The Municipality is not liable for any damages, costs or claims that arise out of or that are in any way connected to any action taken in terms of sub paragraph (3).
- (5). Should a person be convicted of contravening the provisions of this section, he or she must, notwithstanding any penalty imposed on him or her, dispose of the abandoned waste or waste material as directed by the Municipality or, alternatively, the Municipality may dispose of the waste or waste material itself at the expense of that person.

Penalties

11. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable to –
 - (1) a fine in terms of the municipal schedule of fines;
 - (2) imprisonment upon conviction, or to both such fine and such imprisonment;
 - (3) 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

- (4) 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.

Repeal of By – Laws

12. All the By-Laws which was previously applicable and related to by-laws on Refuse Removal, Illegal Dumping and Usage of Municipal Landfill Site by-laws are hereby repealed.

Short Title

13. This by-law shall be known as the Ga - Segonyana Local Municipality: Refuse Removal, Illegal Dumping and Usage of Municipal Landfill Site By-Laws and takes effect on the date of publication in the *Provincial Gazette*.