



NORTHERN PROVINCE
NOORDELIKE PROVINSIE
XIFUNDZANKULU XA N'WALUNGU
PROFENSE YA LEOBA
VUNDU LA DEVHULA

JOHANNESBURG BAR
LIBRARY

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
Kuranta ya Profense • Gazethe ya Vundu**

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

(Yi rhijistariwile tanihi Nyuziphepha)

(E ngwadisitšwe bjalo ka Kuranta)

(Yo redzhistariwa sa Nyusiphepha)

| | | | |
|----------------------|-------|-------------------|-------|
| Selling price: | R1,50 | Other countries: | R1,95 |
| Verkoopprys: | | Buitelands: | |
| Nxavo: | | Ematikweni mambe: | |
| Thekišo: | | Naga tša kante: | |
| Mutengo wa thengiso: | | Mañwe mashango: | |

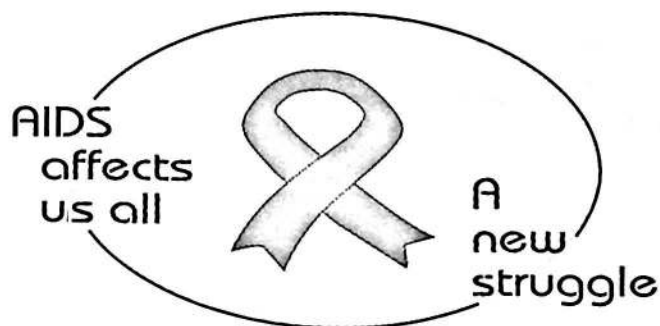
PIETERSBURG,

Vol. 11
Extraordinary
Ku katsa na Tigazete to
Hlawuleka hinkwato

24 MARCH 2004
24 MAART 2004
24 NYENYANKULU 2004
24 MATŠHE 2004
24 THAFAMUHWWE 2004

No. 984
Buitengewoon
Hu tshi katelwa na
Gazethe dza Nyingo

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPUNE**

0800 012 322

DEPARTMENT OF HEALTH



9771682456003

00984



CONTENTS • INHOUD

| <i>No.</i> | | <i>Page No.</i> | <i>Gazette No.</i> |
|--------------------------------|--|---------------------|------------------------|
| LOCAL AUTHORITY NOTICES | | | |
| 39 | Local Government: Municipal Structures Act (32/2000): Thulamela Municipality: Street Vending By-laws | 3 | 984 |
| 40 | do.: do.: Parking Area By-laws | 13 | 984 |
| 41 | do.: do.: Standard Street and Miscellaneous By-laws | 30 | 984 |
| 42 | do.: do.: Credit Control By-laws | 54 | 984 |
| 43 | do.: do.: Refuse and Sanitary By-laws | 78 | 984 |
| 44 | do.: do.: Solid Waste Disposal By-laws | 101 | 984 |

LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 39

**THULAMELA
MUNICIPALITY**

**STREET
VENDING
BY – LAWS**

NO: B1 OF 2004

THULAMELA MUNICIPALITY**STREET VENDING BY - LAWS**

The Municipal Council hereby, in terms of section 13 of the Local Government Municipality structures Act, 2000 (Act No. 32 of 2000) hereby publishes the following by – laws which have been approved by the Council:

DEFINITIONS

In these by – laws any word or expression to which a meaning has been assigned in the Business Act, 1991 (Act No. 71 of 1991), shall have such meaning unless the context indicates otherwise.

“**Act**” means the Business Act, 1991 (Act No. 71 of 1991), as amended;

“**Authorised officer**” means –

- (a) a traffic officer appointed under section 3 of the Road Traffic Act, 1996 (Act No.93 of 1996); or
- (b) a member of the force as defined in section 1 (1) of the South African Police Service Act, 1995 (Act No. 68 of 1995);
- (c) a peace officer as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

“**business**” means any act of selling or supplying of goods, animals or livestock and/or the rendering of any service;

“**carry on business**” means to display goods for sale by inviting others to come and buy the goods so displayed;

"council" means Thulamela Municipality Council whose members are elected in terms of section 22 of Act 1998 (Act 117 of 1998);

"foodstuff" means any article or substance ordinarily eaten or drunk by man or purporting to be suitable, or manufactured or sold, for human consumption and include any part or ingredient of any such article or substance, or any substance used or intended or destined to be used as a part or ingredient of any such article or substance.

"goods" means any movable property or commodity displayed on a street by any person for the purpose of carrying on business, and this includes any article, receptacle, vehicle or movable structure;

"lease" means a lease agreement as contemplated in section 3 (2) of this by - law;

"municipal area" means the area that falls under the jurisdiction of the Council;

"park" includes any square or other open or enclosed space to which the general public has right of access;

"permit" means official approval obtained from the Thulamela Municipality for the sale of prepared foodstuffs only;

"public road" means any road. Street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, side walk, lane vested in the Council and any other place where members of the public has access.

"premises" means land or any building or other structure and includes any train, boat, ship, aircraft, caravan, tent, or other vehicle;

"sell" includes to offer, advertise, keep, display, transmit, consign, convey or deliver for sale or to exchange, or to dispose of to any person in any manner whether, for a consideration or otherwise, and **'sold'** **'selling'** and **'sale'** have corresponding meanings.

“sidewalk” means that portion of verge intended for the exclusive use of pedestrians;

“stand” means a stand on a sidewalk or other area set apart and demarcated by the Council as contemplated in section 6A (3) (b) of the Act; a stand could be single marked module or a combination of modules;

“street vendor” means a person carrying on business, and includes a person to whom a stand has been leased or allocated in terms of section 3 of this by – law for as long as the person is carrying on the business of a street vendor on such stand;

“verge” means a verge as defined in section 1 of the National Road Traffic Act 93 of 1996.

2. PROHIBITATION ON CARRYING ON OF BUSINESS

1. No person shall in the municipal area of the Council carry on the business of a street vendor-

- (a) in a garden or park;
- (b) on a verge contiguous to
 - (i) a building belonging to or occupied by the State or the Council;
 - (ii) any place of worship, or
 - (iii) a building declared a national monument in terms of the National Monuments Act, 1969 (Act No. 28 of 1969);

- (c) in an area declared by the Council as prohibited area in terms of section 6A (2) of the Act, excluding a kiosk leased by virtue of an agreement as contemplated in section 3 of this by - laws;
 - (d) at a place where
 - (i) it causes an obstruction in front of a fire hydrant or an entrance to or exit from a building;
 - (ii) it causes an obstruction to vehicular traffic, or
 - (iii) it substantially obstructs pedestrians in their use of the sidewalk.
 - (e) on the half of a public road contiguous to a building used for residential purposes, if the owner or person in control or any occupier of the building objects to it.
 - (f) On a verge or pavement contiguous to a building in which business is carried out by any person who sells goods of the same or of a similar nature to goods being sold by the street vendor or hawker concerned without the consent of the person.
2. No person shall in the municipal area carry on the business of a street vendor in prepared foodstuffs unless such street vendor is in possession of a valid permit issued by the Council.

3. APPLICATION TO LEASE A KIOSK

1. Any person who intends carrying on business must apply to Council for the lease or allocation of a kiosk. Council shall consult with any organized business or other association whose interests may be affected thereby.
2. If such application is successful
 - (a) the applicant shall at all times comply with the rules laid down by Council;
 - (b) a token shall be issued to the applicant (hereinafter referred to as the street vendor) as proof of the person's right to occupy such stand for the purpose of carrying on the business;
 - (c) a street vendor shall, while carrying on business on the stand retain such token on his person to produce same to any authorised officer on request; and
 - (d) should the street vendor uses the services of an employee the employee shall at all times be in possession of the issued token. The provisions of subsection (c) shall apply to such an employee.
3. Any person who carries on the business of a street vendor on a stand and who is unable to produce a token upon request by the authorised officer shall be guilty of an offence.

4. (i) should the applicant be unsuccessful the reasons thereof shall be furnished in writing to the applicant upon the applicant's request.
- (ii) The request for the written reasons shall be made within the period of 10 days from the date upon which the decision by the Council was made.

4. OFFENCES

1. A street vendor who
- (a) places or stacks goods on a stand in a manner that constitutes a danger to any other person or is likely to injure any person or damage any property;
 - (b) attaches any goods by any means to any building structure, pavement, tree, parking meter, lamp pole, electricity pole, telephone pole, post box, traffic sign or bench;
 - (c) lights a fire on or near any stand;
 - (d) stores goods in a manhole or stormwater drain;
 - (e) disposes of any litter or spill any oil, fat and grease in a manhole, stormwater drain or any other place not intended for the disposal thereof;
 - (f) sells any animal or livestock without a permit; or

- (g) contravenes any provision of these By – laws or fails to comply herewith or with any other condition imposed in terms of these By – laws shall be guilty of an offence.

2. a street vendor who fails to

- (a). keep his/her stand including any goods used by him/her in carrying on a business in a good and neat condition.
- (b) take all necessary precautions to prevent spilling any litter including fat, oil and grease onto a public place, or any other place which the public has access; or
- (c) arrange or move his/her goods at the request of an authorised officer or a person whose lawful duties include the rendering of, or is related to the supply of essential public services so as to permit or facilitate the carrying out of such services, shall be guilty of the offence.

3. A street vendor in prepared foodstuffs who fails to comply with the requirements of the permit as contemplated in subsection 2 (2) shall be guilty of an offence.

5. IMPOUNDING AND REMOVAL

1. Any authorised officer may impound and/or remove any goods-
 - (a) which on reasonable grounds, he/she suspects is being used or is intended to be used or has been used in connection with the carrying on of the business of an unauthorised street vendor ;
 - (b) which he/she finds in a park or on a public road in which in his/her opinion constitutes infringement of these By – laws whether or not such goods are in the possession of or under control of any person at the time of such impoundment and removal.
2.
 - (a) An authorised officer acting by virtue of subsection 5 (1) shall issue a receipt to the person who appears to be in control of the goods concerned;
 - (b) Any goods contemplated in subsection 5 (1) (a) shall be marked in a suitable manner and kept in safe custody pending the institution of criminal proceedings.

6. PENALTIES

A person who fails to comply with the provisions of these By –laws shall be guilty of an offence and shall be liable on conviction to-

- (i) a fine not exceeding R1000.00 or imprisonment for a period not exceeding 6 months or to both such fine and imprisonment;
- (ii) an additional fine not exceeding R10.00 for every day on which the offence continues.

THULAMELA
MUNICIPALITY
PARKING AREA
BY – LAWS
NO: B2 OF 2004

THULAMELA MUNICIPALITY**PARKING AREA BY-LAWS**

The Municipal Council in terms of Section 13 of the local Government Municipal systems Act 32 of 2000 as amended publishes the by-laws set forth hereinafter, which have been approved by the Council.

PART 1**Definitions.**

1. For the purpose of these by-laws, unless the context otherwise indicates-

“demarcated parking place” means a parking place wherein a parking meter has been installed.

“demarcated space” means a space within which a vehicle is to be in terms of these by-laws by means of one or more white lines upon the surface of a parking area or a floor thereof.

“authorized employee” means any employee of the Council appointed by it for the purpose of controlling parking in parking areas and access thereto.

"parking period" means the period of a parking in a demarcated space on any one day which a vehicle is permitted to park in a parking area as prescribed in Schedule I hereto;

"Council" means the Thulamela Municipality Council within the meaning of Section 157 (2) & 3 of the Constitution of the Republic of South Africa.

"Pound" means any area or place set aside by the Council for the custody of vehicles removed from a parking area in terms of these by-laws.

"Motor Vehicle" means any self-propelled vehicle and includes: -

(a) a Trailer; and

(b) a vehicle having pedals and an Engine or an Electric motor as an integral part thereof or attached thereto and which is designed or adopted to be propelled by means of such pedals, engine or motor or both such pedals and engine or motor, but not include:

(i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian.

(ii) Any vehicle with a mass not exceeding 230 kilograms and specifically designed and constructed, and not merely, for

the use of any person suffering from some physical defect or disability and used solely by such person.

“demarcated parking place for motor cycles” means a parking place wherein a parking meter has been installed intended for the use of motor cycles only.

“motor cycle” means a self-propelled vehicle which has two wheels.

“park” means to keep a vehicle whether occupied or not, stationary for a period of time longer than is reasonably necessary for the Actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the persons in charge of such vehicle.

“parking meter” means a device for automatically registering and visibly recording the passage of time in accordance with the insertion of a coin therein, or in accordance with the insertion of a coin therein followed by it being put into operation in terms of Section 2, and shall include any post or fixture to which it is attached.

"parking period" means that period of parking in a demarcated parking place or demarcated place for motor cycles which is permitted by the insertion into a parking meter of such coin as the Council shall from time to time by resolution determine, and where applicable, the putting into operation of the parking meter in terms of Section 2;

"vehicle" means a device designated or adapted merely to travel on wheels or crawler tracks and include such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves slowly on the rails.

2. The charges payable for the use of parking areas shall be as prescribed in schedule II hereto.

PART II

PARKING METER PARKINGS

Conditions of parking.

3. No person shall park any vehicle or motor cycle, or cause any vehicle or motor cycle to be parked in any demarcated parking place for motor cycles unless there shall be at the same time inserted by him or on his behalf in the parking meter a

coin or coins as prescribed in terms of section 5 or any other relevant resolution of the Council, and if it is a parking meter which is not put into operation by the insertion of a coin only, unless such parking meter is thereafter put into operation by turning the handle attached thereto fully towards the right until it automatically registers and visibly shows the passage of time; Provided that: -

- (a) such coin or coins need only be inserted during such hours as the Council may by resolution prescribe and as shall be indicated by notice or sign in respect of every demarcated parking place but in any event not between 1 p.m. on Saturdays and 8 am on Mondays.
- (b) Subject to the provisions of sub-section (c), it shall be lawful without such payment to park a vehicle or motor cycle in a vacant demarcated parking place for motor cycles for such a part and such part only of any parking period a parking meter may indicate to be unexpired;
- (c) Where a person has ascertained that the parking meter of a demarcated parking place or demarcated parking place for motor cycles is not operating properly, he shall be entitled to leave a vehicle or a motor vehicle in that parking place shall in that parking place but shall in that case immediately inform the chief traffic officer by the quickest possible means of the facts, including the registration number, if any, of the said vehicle or motor cycle.

4. It shall be unlawful, either with or without the insertion of a fresh coin in the parking meter, and, where applicable the putting into operation again the parking meter in terms of section 2, to leave any vehicle or motor cycle in a demarcated parking place for motor cycles after the expiry of a parking period as indicated by the parking meter, or to return the vehicle or motor cycle to the said parking place within fifteen minutes of such expiry, or after such expiry to obstruct the use of that space for any other vehicle.
5. The insertion of a prescribed coin in a parking meter in terms of these by-laws, and where applicable, the putting into operation thereof in terms of Section 2, shall entitle the person inserting it to park a vehicle or a motor cycle in the appropriate demarcated parking place or demarcated parking place for motor cycles for the period corresponding with the payment so made: Provided that, notwithstanding the making of a section as aforesaid, nothing in this section shall entitle any person to ignore a road traffic sign prohibiting the parking of vehicles between specified hours.
6. The period during which a vehicle or a motor cycle may be parked in any demarcated parking place or demarcated parking place for motor cycles and the coin or coins to be inserted in respect of that period in the parking meter allocated to any such parking places shall be such as the Council may from time to time by resolution determine, and the said period and the coin to be inserted in respect thereof, shall at all times be clearly indicated on the parking meter itself.

7. It shall be unlawful: -

- (1) to insert or attempt to insert a parking meter any coin other than a valid coin of South African currency of a denomination as prescribed by the Council in terms of Section 5;
- (2) to insert or attempt to insert into parking meter any false or counterfeit coin or any foreign object.
- (3) To damage or deface, or to write or draw on, or to affix any handbill, poster, placard or other document, whether or not of an advertising nature, to a parking meter: Provided that advertising signs approved by the Council, may be attached to any parking meter pole, subject to conditions laid down by the Council.
- (4) in any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of the prescribed coin;
- (5) to jerk, knock, shake or in any way agitate a parking meter which is not working properly or at all, in order or make it do, or for any other purpose;

- (6) to deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any sign or notice erected for the purposes of these by-laws.
8. Every vehicle or motor cycle shall be so placed in a demarcated parking place or demarcated parking place for motor cycles, other than one which is at an angle to the kerb, that its near side wheels are not more than 450mm from the kerb, and shall in every demarcated parking place or demarcate parking place for motor cycles, be so placed that it is laterally within that space and that the driver's seat, or in the case of a motor vehicle with left-hand drive, the front passenger's seat, is opposite and close to the mark known as the driver's marker, painted as the driver's marker, painted on the surface of the road or, in the case of a one-way street in which parking on the right-hand side thereof is permitted on the footway or roadway.

Vehicle of Excessive Size

9. (1) Unless the Council indicates the contrary in a notice, which shall be displayed at the entrance to a parking area, no vehicle, which exceeds 6 m in length, shall be parked in a parking area.

(2) Where the parking of vehicle which exceeds 6 m in length, is by notice permitted, the charge payable for such parking shall be twice the charge prescribed for an ordinary vehicle in terms of Schedule I hereto and, where the total length exceeds 7m, three times such charge.

Monthly Tickets

10.(1) Notwithstanding anything to the contrary in these by-laws the Council may in respect of any parking area controlled by the issue on payment of the charge prescribed in terms of Schedule I hereto, issue a ticket entitling the holder to park a specified vehicle in that area for one calendar month or any lesser period stated herein, at the times stated on the ticket, if space is available, and such ticket shall not be transferred to any other person.

(2) The Council may issue to any of its officers a ticket entitling the holder, when using a vehicle on the business of the Council, to park it free of charge in such parking area as the ticket may specify, provided space is available.

(3) A ticket issued in terms of subsection (1) or (2) shall be affixed to the vehicle in respect on which it is issued in such manner and place that its written or printed context is clearly legible from the outside such vehicle.

Part III**MISCELLANEOUS****Closure of Parking areas.**

- 11(1) Notwithstanding anything to the contrary in these by-laws, the Council may at any time close any parking area or portion thereof temporarily or permanently and shall indicate the period of such closure by notice displayed at the entrance to the area closed or at the portion closed, as the case may be.
- (2) No person shall introduce a vehicle into or park or cause or permit a vehicle to be parked or to remain in any parking area or portion thereof while it is closed in terms of subsection (1).

Responsibility for offence.

12. Whenever a vehicle is parked in contravention of any provision of these by-laws it shall be presumed, until the contrary be proved, that it was so parked by the person shown in the records of the appropriate registering authority in terms of the National Road Traffic Act 93 of 1996 as the owner thereof.

Defective vehicles

13. No person shall park or cause any vehicle which is out of order or is for any reason incapable of movement to be parked or to be or remain on any parking area for the use of which no charge is prescribed in Schedule I hereto: Provided that no offence against this section shall be deemed to have been committed in respect of any vehicle which, after having been parked in a parking area, develops a mechanical defect which immobilizes it if the person in control of the vehicle proves that he took reasonable steps to have the vehicle repaired or removed as soon as is possible.
14. (1) No person shall in any parking area
- (a) park or cause or permit to be parked or caused to be remained, any vehicle other than a vehicle as defined in section 1.
 - (b) When called upon by an authorized employee to do so, fail or refuse to furnish him with his full and correct name and address;
 - (c) Offer or cause or allow any vehicle to be for hire for the conveyance of passengers or goods or both;

- (d) Clean, as or, save in emergency, work on or effect repairs to any vehicle or any part thereof;
- (e) Drive any vehicle recklessly or negligently or without reasonable consideration for the safety or convenience of other persons;
- (f) Drive any vehicle at more than 10 km/h;
- (g) Park a vehicle otherwise than in compliance with any notice or sign displayed therein or with an instruction or direction given to him by authorised officer or remove a vehicle otherwise than through an entrance thereto or exit therefrom, appointed for that purpose;
- (h) So park or load a vehicle or allow anything to be on it that obstructs other vehicles or persons or impedes their movement or is likely to do so;
- (i) Without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle, enter or climb upon such vehicle or set the machinery thereof in motion, or in any way tamper or interfere with its machinery or any other part of it with its fittings, accessories or contents;

- (j) Subject to the provisions of Section 7, so park any vehicle that any part of its projects across any white line forming a boundary of a demarcated space or that it is not entirely within the confines of such a space.
 - (k) Remove, obscure deface, damage or interfere with any notice, sign or marking erected or may by the Council or deal in like manner with other property belonging to it;
 - (l) Do any act or introduce anything which obstructs or is likely to obstruct the movement of persons and vehicles;
 - (m) With intent to defraud the Council, forge imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of the provisions of these by-laws;
- (2) A sign which the Council displays in a parking area and which conforms to a road-traffic sign prescribed by the National Road Traffic Act 93 of 1996, shall for the purpose of these by-law, bear the same significance as is given to that sign by that Act.
- (3) Unless one is the holder of a ticket issued in terms of section 10 entitling him to do so, no person shall park a vehicle or cause or permit it to be parked in any parking area before the beginning or after the expiry of the parking period prescribed for the parking area in terms of the provisions of Schedule I hereto.

Damage of vehicles

15. The Council shall not be liable for the loss of any vehicle or for its lawful removal from the area, or for damage to any vehicle or its fittings, accessories or contents while in a parking area or for such damage if is the consequence of it being moved in terms of section 16 or 17.

Authorized persons

16. No person shall, unless authorized thereto by the Council, enter or be in a parking area otherwise than for the purpose of parking a vehicle therein or lawfully removing it therefrom: Provided that this section shall not apply to a person whom the person in charge of a vehicle has permitted to be a passenger therein.

Obstruction

17. If a vehicle has been parked in such a position that in the opinion of an authorized employee it is likely to obstruct or impede the movement of other vehicles or persons in the parking area, he may cause it to be moved to another part of the area.

Abandoned vehicles.

18. Any vehicles which has been parked in the same place on a parking area for a continuous period of seven days or longer without being removed by the owner or

owner's representative, shall be deemed to be abandoned vehicle in terms of section 131 of the Road Traffic Ordinance, 21 of 1966, and in accordance with the procedure prescribed in section 131 of the said Ordinance. The Council shall be indemnified accordingly.

Refusal of Admission

19. (1) It shall be in the discretion of an authorized employee of the Council to refuse to admit to a parking area a vehicle with or without any load which by reason of its length, width or height is likely to cause damage to persons or property or to cause an obstruction or undue inconvenience.
- (2) Any person in control of a vehicle who, having been refused admission in terms of the provisions of subsection (1), proceeds to drive it into a parking area, shall be guilty of an offence.

PART IV

Offences.

20. Any person who contravenes or caused or permits a contravention of any provision of these by-law shall be guilty of an offence and liable, on conviction, to a fine not exceeding R100.00, and in respect of every day or part thereof during which the offences continues, he shall be guilty of separate offence and liable to a fine not

exceeding R50.00: Provided that the total fine payable in respect of any one such offence shall not exceed R100.00 in additions to the imposed for he original offence.

Schedule 1

PARKING AREAS WHEREIN PARKING IS CONTROLLED BY PARKING METER

| | | | |
|--------------------------------|----------------------------|--|--|
| DEMAR-CATED PARKING AREA | LIBRARY PARKING AREA | PARKING PERIODS | Charges shall be as prescribed by the Council from time to time Tickets shall be valid for parking periods set out in Schedule 1 |
| | | 07:00 – 18:00 07:00 – 13:00 MONDAYS – FRIDAY SATURDAY Without rights of return | |
| LIBRARY PARKING AREA | | PER DAY PER PARKING 50 ^c | PER MONTH PER VEHICLE R10 |

**THULAMELA
MUNICIPALITY
STANDARD
STREET AND
MISCELLANEOUS
BY – LAWS**

NO: B3 OF 2004

THULAMELA MUNICIPALITY**STANDARD STREET AND MISCELLANEOUS BY - LAWS**

The Municipal Council hereby, in terms of section 13 of the Local Government Municipality Systems Act 32 of 2000 as amended, publishes the following by - law which have been approved by the Council.

Definitions

1. In these by-laws, unless the context indicates otherwise-

“**council**” means Thulamela Municipality Council within the meaning of section 157 constitution Act 108 of 1996 of the Republic of South Africa.

“**public place**” shall include any road, street thoroughfare, bridge, over-head bridge, subway, foot pavement, foot-path side walk, lane, square, open space, garden park or enclosed space vested in a town.

“**Street**” includes any street, road or thoroughfare shown on the general plan of a township, agricultural holding or other division of land or in respect of which the public have acquired a prescriptive or other right of way;

“**side walk**” includes a portion of a verge intended for the exclusive use of the pedestrians;

And any other words or expression to which a meaning has been assigned in the National Road Traffic Act shall have that meaning.

Use of vehicle fore Primary Purpose of Advertising

2. No person shall operate or park on any street any vehicle or motor vehicle for the primary purpose of advertising without the prior written consent of the council.

Ropes across Street

3. No person shall place any rope, wire or pole across any street, or hand, or place anything whatsoever thereon without the previous consent of the council in writing.

Damage to advertising on Trees

4. (1) No person shall climb upon, or break or damage or in any way mark or paint on any tree in any street and no person shall, without the previous consent of the Council in writing, lop, top, cut down or remove any such tree.
2. No person shall display an advertisement on any tree in any street without the prior written consent of the council.

Barbed Wire and Dangerous Fencing

5. (1) No owner or occupier of land shall along any street or public place erect or cause, permit or suffer to be erected, or shall after 60 days after the promulgation of this by-law, have along such street or public place, any barbed-wire fence or any railing, paling, wall or other barrier which, by reason of spikes or otherwise by reason of the nature of its construction or design, is or may become a danger to any member of the public lawfully using such street or public place.
2. Without prejudice to the duties and liabilities imposed by subsection (1), the council may by notice, in writing, require the owner or occupier of land on which a fence, railing, paling, all or other barrier which exists in contravention of subsection (1), at the date of promulgation of this by-law or is erected at any time thereafter, to remove it within such period being not less than three weeks as the notice may specify, during

which the notice is not complied with, the said owner or occupier shall on conviction be liable to a fine not exceeding R5 000.00

Protection of Surface of Roadway and Sidewalk

6. No person shall place upon, offload on, or convey across a roadway or sidewalk materials or goods unless he shall have taken adequate precautions to protect the surface of such roadway or sidewalk against damage. Should damage be caused to such a roadway or sidewalk, such person who caused the said damage shall be liable for the repair costs of the said damage.

Cleanliness of streets and Public Places

- 7.(1) No person shall spill, drop or place or permit to be spilled, dropped or placed on any street or public place any matter or substance that may interfere with the cleanliness of such street or public place, or cause annoyance, danger or accident to persons, animals, vehicles or other traffic using such street, without removing the same or causing it to be removed from such street forthwith.
2. No person shall spit in or upon any street or public place.

Auction Sale or morning Market in Street

8. No person shall without a prior written consent of the Council hold any auction or morning market in any street, public place or side walk.

Exposure of any Article for sale in Street or Public Place

9. No person other than a licensed hawker, pedlar or street trader or a person lawfully entitled to trade in any street or public place without taking out a license, shall expose any article whatsoever in or upon or over any street or public place.

Article placed in Window Facing Street

10. No person shall place an article likely to cause injury or damage to any person or property if it were to fall, in any window or other superstructure near any street without sufficiently safeguarding it against falling into the street.

Playing in streets Forbidden

11. No person shall roll any hoop or fly any kite or throw stone or use any bow and arrow or by any means discharge any missile upon, over or across any street, or play any game thereupon or therein, or use any pushcart other than in the course of and for the purpose of a business.

Extinguishing Lamps and Damaging Public Property

12. (i) No person shall wilfully or negligently extinguish the light of any lamp being the property of the council, or in any manner interfere with such lamp, or deface, damage, remove, or in any way interfere with any municipal or public property or work in or along any street.
- (ii) Should damage done to lamps or any public property as a result of the negligent or willful conduct of any person; such person who caused the said damage shall be held liable for the repair costs of the said damage.

Shoeing, Cleaning and Repairing Forbidden in Streets

13. No person shall by himself or his servant in any street or public place shoe any animal except in the case of accident, or clean, dress, train, break or turn loose any cattle, or clean or repair any part of a vehicle or motor vehicle except in case of accident or breakdown, or wash, dry or bleach any article or thing whatsoever.

Excavations in streets

14. No person shall make or cause to be made any hole, trench, pit or excavation in any street or remove any soil, metal or macadam therefrom without a prior written consent of the Council.

Defacing, marking or painting streets

15. No person shall expect in the execution of his duty in any way deface, mark or paint any street or part thereof without the prior written consent of the council.

Sweeping Premises in or Near Streets

- 16(1) The occupier of premises adjoining any street shall not cause or permit.
- (a) any part of the sidewalk adjacent thereto to be swept unless and until such part shall have been adequately sprinkled with water;
 - (b) any dirt or refuse so swept to be thrown or in any way deposited in or upon any street;
2. Any contravention of subsection (1) by any servant, agent or representative of the occupier shall be deemed to be a contravention by the occupier.

Firing of a Fire-arm, air – gun or Air- pistol

17. No person shall without lawful cause fire a fire-arm, air-gun or air – pistol within the municipal area; Provided that this provision shall not apply in the case of-
- (a) a fire-arm during a bisley or target practice on a recognized shooting range;
 - (b) a fire-arm fired for the purpose of a sports meeting or practice; or
 - (c) a fire-arm, air-gun or air-pistol fired on land which is mainly used for agricultural purposes: Provided same does not endanger the public.

Words or gestures likely to cause Breach of Peace

18. No person shall use any threatening, abusive or insulting words or gestures or behaviour in any street or public place whereby breach of the peace is likely to be occasioned.

Dangerous animals, Reptiles or Insects

- 19.(1) No person shall without a permit issued by the council keep any wild or dangerous animal, reptile or insect which has inherent propensity to attack human beings or the keeping of which is likely to become a nuisance or injurious to the health of or is fraught with danger to any person.
2. Any animal, reptile or insect, the keeping of which is prohibited in terms of subsection (1), may, if found at large, be destroyed by any police officer or authorised officer of the council.

Singing or playing musical or noisy Instrument for Profit

20. No person shall for profit sound or play upon any musical or noisy instrument or sing in any street, side walk or public place, without a prior written consent of the council.

Disturbance of public Peace

- 21 (i) No person shall disturb the public peace in a street or public place, or on private premises by making noise or causing them to be made by shouting, quarrelling, fighting, singing or playing any type of musical or noise-creating instrument or gramophone or by means of a radio, loudspeaker or similar device, or by riotous, violent or immoral behaviour.
- (ii) Any contravention of subsection (1) by any servant agent or representative of the owner of the private premises shall be deemed to be a contravention by the owner of the private premise.

22. No person shall keep any animal or bird which disturb the public peace.

Advertising by Loudspeaker or Other device

23. (1) No person shall without prior written consent of the council, play or permit the playing of any gramophone, or use or permit the use of any loudspeaker or other device for the purpose of advertising on or adjacent to or which may be heard in any street or public place.

Public Gatherings and Processions Generally

24. (1) No person shall hold, convene address or organise any public gathering or procession in, at or on any street or public place or premises, being under the control of or belonging to the council without the prior written permission of the council: Provided that such permission may only be withheld for the reasons set out in this section.
- (2) Written application for permission to hold, convene or organise a gathering or procession which is due to commence shall-
- (a) contain the full names and addresses of holders, convenors or organisers of the proposed public gathering or procession;
 - (b) specify the date and time and place or route thereof and whether or not it is proposed to use bands, musical instruments, loudspeakers or similar devices.
- (3) In granting such permission, the council may impose such conditions and restrictions as it may deem necessary for the prevention of damage to property, obstruction of traffic, disturbances of the peace or interference with amenities of the public and generally for the maintenance of law and order, or such purpose and without prejudice to the generality of the foregoing, the council may at its discretion prohibit the use of bands, musical instruments, loudspeakers or similar devices and may, in addition, limit the holding of any such gathering or procession to specified places or areas and to particular times or periods.

- (4) The council may refuse such permission if it has reasonable grounds for believing that such public gathering or procession if held, is likely to result in public disturbances or riots, damage to property, obstruction to traffic or interference with the amenities and conveniences to the public generally or to provoke a feeling of hostility between different races.
- (5) Any person who hold, convenes, addresses or organises any public gathering or procession referred to in subsection (1) in respect of which the permission of the council has not been obtained and any person holding, convening, addressing or organising a public gathering or procession in respect of which such consent has been obtained, who fails to comply with any condition which may be imposed in terms of subsection (3) and any person who in any manner cause a disturbance or commits an offence while present at any public gathering or procession shall, if required to do so by any authorised officer of the council or police officer, forthwith leave such public place or premises.
- (6) Any person who holds, convenes, addresses or organises any public gathering or procession referred to in subsection (1) in respect of which the permission of the council has not been obtained and any person holding, convening, addressing or organising a public gathering or procession in respect of which such consent has been obtained, who fails to comply with any condition which may be imposed in terms of subsection (3), shall be guilty of an offence.
- (7) Any person present at any public gathering or procession who fails to leave such public place or premises on being so required in terms of subsection (5), or who has

been warned by a police officer or duly authorised officer of the council that the conditions of the gathering or procession are being contravened and who fails, on being so required by a police officer or duly authorised officer or the council, to leave such public place shall be guilty of an offence.

Advertising by means of Advertising Vehicles, Sandwich Boards or other Devices

25. (1) No person shall without the prior written consent of the council display or cause or allow to be displayed any advertisement by means of advertising vehicles, sandwich boards, lanterns flags, screens or other movable advertising devices in or along any street.
- (2) No person shall display any advertisement or cause or allow it to be displayed on any public motor vehicle in such manner as to be readily visible to any person not upon such vehicle. Provided that an advertisement may be so displayed on the sides and back of any bus.
- (3) The provision of subsection (1) and (2) shall not be deemed to prevent a public motor vehicle operator from advertising the transport service carried on by means of that vehicle on such vehicle.

Loitering in street

26. No person shall lie or sit on any street nor shall any person stand, congregate, loiter or walk, or otherwise act in such manner as to cause obstruction to traffic or to jostle or otherwise annoy any person using such street or loiter at or within 20 m of the

entrance of any place of public worship during the time of devine service or during the assembly thereat or departure therefrom of the congregation so as to obstruct or annoy any persons going to, attending at, or leaving such place of worship, and any person performing any of the aforementioned prohibited acts shall, upon request by a police officers or duly authorised officer of the council, discontinue to do so, failing which he shall be guilty of a contravention of these by-laws.

Loitering and Touting at Places of Public Entertainment

27. No person shall loiter or, except when forming part of a queue, congregate in any street within 20 m of the entrance to any place of public entertainment so as to obstruct or annoy persons proceeding to, or departing from such place of entertainment; neither shall any authorised person tout or disturb drivers of motor vehicles parking their motor vehicles at places of entertainment for the purpose of or under pretext of attending to same during the assembly thereat or the departure therefrom of the audience.

Indecent bahaviour

- 27.A No person shall in or in view of any street, or in any place of public gathering commit any indecent act or behave in an indecent manner by exposing his person or otherwise, or make use of any indecent gestures, or solicit, or provoke any person to commit any disorderly or indecent act.

Indecent Language or Representations

- 27.B No person shall sing any profane or indecent song or use any profane, filthy, indecent or obscene language, or write, paint, draw or in any way make any profane or obscene figures, writings, drawings or representations in or in view of any street or place of public gathering or within view or hearing of any person therein.

Prohibition in Connection with Obscene material

- 27.C No person shall expose to view, exhibit or play any gramophone record tape or recording or similar device, sell or distribute or offer for sale or distribution, any book, pamphlet, post card, photograph, placard, poster, handbill, picture drawing or representation of an obscene indecent, objectionable or undesirable nature, suggestive of indecency, or which may prejudicially affect public morals, peace, safety, good manners or decorum, in any street or in any place to which public is admitted with or without payment.

Gambling

- 27.D No person shall gamble or play game or pretended game of chance for money or other stakes in any street, park or open space, or in any public vehicle standing or parked on any street.

Soliciting

- 27.E (1) No person shall in or near any street in any way loiter or solicit or importune any other person for the purpose of prostitution or mendicancy.

- (2) No person shall in any street side walk or stop any other person for the purpose of solicit touting custom for any shop, hotel, place of entertainment, any motor vehicle permitted to be used for public transport or other business of function.

No Handbill or Advertisement on Vehicle without permission

28. (1) No person shall deposit or leave any circular, dodger, handbill or other advertisement on any vehicle in any street or public place without having obtained permission to do so from the person in charge of such vehicle.
- (2) For the purposes of this section any person found depositing or leaving any circular, dodger, handbill or other advertisement on a vehicle in a street or public place shall be presumed to have done so without the said permission unless he shall produce satisfactory evidence of such permission.

Tree Planting in Public Places

29. No person shall plant any tree or shrub in any street, without a prior written permission of the council

Street collections

Definitions

30. For purpose of section 30 up to and including section 37, unless the context otherwise indicates-

“Act” means the National Welfare Act, No 79 of 1995

“Collector” means the person appointed by a convenor to collect money for the purpose of a street collection which has been permitted under these by-laws,

"Convenor" means a person appointed under section 33(1) to act as convenor of a particular street collection and shall, where more than one person is so appointed include all such persons,

"Organisation" means any body of person, whether corporate or unincorporated,

"Street collection" means a collection of money in any public place for charitable or other object,

street-collection year means the period of twelve month from the first day of April in once year to the thirty first day of March in the following year.

Consent of the council

31. (1) No person other than a collector or a convenor shall solicit any gift of money in any public place.

(2) No street collection may be organised or held without the consent of the council granted on application duly made in accordance with the provision of these by-laws

(3) The council may in its discretion grant or refuse any application and shall not be obliged to furnish reasons for any decision it may make, but in granting or refusing any application it shall have regard to-

(a) the number of applications received by the closing date fixed in terms of section 32,

(b) the desirability of limiting in the interest of the public, the number of days on which street collections are permitted,

(c) the extent of public support for the various applications as evidenced by the amounts taken at previous collection,

(d) the financial resources of the applicant,

(e) whether or not any applicant organization is constituted to and does serve local needs primarily,

- (f) whether both a national organisation and a local organisation affiliated to it have applied for permission to hold street collection in the same street-collection year
 - (g) the objects for which the proceeds of any street collection are intended,
 - (h) the lateness of any application,
 - (i) any previous failure by an applicant to hold a street collection which had been permitted,
 - (j) any other circumstance or provisions of these by-laws, and
 - (k) any other circumstance or consideration which may seem to the council to be material or relevant to any application.
- (4) The council may accept any application that is lodged after the closing date and any application in respect of which the requirements of section 32 not been fully complied with.
- (5) The council may, on receipt of an application, call for other evidence of the financial standing of the applicant.
- (6) When granting permission for a street collection the council may prescribe the areas within which the collection may held, the area within which it may not be held and the points at which the collectors may not collect.

Application for Consent

32. (1) Every application for consent as required in terms of Section 31 shall be submitted on or before the 30 November or any other date of the calendar year immediately preceding the date upon which street-collection is to be held, and be

approved by the council, and shall be signed by the chairman or secretary of the applicant or if there be more than one applicant by the chairman or secretary of each or failing such person, by any other authorised officer, and be approved by the Council, and shall state on a form to be obtained from the council the particulars specified in subsection(3): Provided that any organisation, persons or group of persons to whom written permission to collect contributions has been granted under section 8 of the Act may make such an application at any time.

- (2) Every organization shall, before making an application in terms of this section, appoint an auditor,
- (3) The following particulars shall be stated on a form of application as mentioned in subsection(1):-
 - (a) The name of the organization on whose behalf the application is made;
 - (b) In order of priority, three dates (in the alternative) on which it is desired to hold the street collection;
 - (c) The object or objects for which the collection is to be made or of the funds to which the proceeds of the collection are to be applied;
 - (d) Where applications is made on behalf of two or more organizations to hold a street collection for their joint benefit, the proportions to hold a street collection for their joint benefit, the proportions in which they are to participate in the proceeds;
 - (e) Details of any deductions of any kind whatsoever which are to be made before the proceeds of the street collection are allocated to any organization, which is to participate therein; and

- (f) The name, address and professional qualifications of the auditor of each such organization.
- (4) Every application submitted in terms of this section shall be accompanied by-
- (a) the audited statement of accounts and balance sheet for the applicant's last financial year and such other financial year and such other financial details to be certified as correct by the auditor referred to in subsection (2) relating to the work of the organization during its last financial year as are necessary to establish the true state of the financial resources of the applicant;
 - (b) a copy of the previous annual report, if any, of the organization;
 - (c) two copies of the applicant's constitution, if not previously submitted;
 - (d) the written consent of the applicant to the deduction from the deposit made in terms of section 34 of all amounts owing to the council in terms of the section; and
 - (e) either any certificate of registration or a proof thereof issued to the organization under section 9(3) of the Act or any written permission granted to it or to any person or group of persons under section 8(1) of the Act or a certificate by the applicant that the organization is not a welfare organization as defined in section 1 of the Act.
- (5) Every consent given on an application made under this section shall be in writing under the hand of the Municipal Manager and shall be valid only in respect of the particular street-collection to which it relates.

Conveners and collectors

33. (1) Every organization shall, before undertaking a street collection permitted under

section 32, appoint in writing a person of the age of at least twenty one years to act convener and another such person as alternative to the convener to discharge such of the duties imposed on the convener under subsection (2) (C) as the convener may require.

(2) The duties of a convener shall be as follows:-

- (a) to issue to collectors appointed under subsection (3) all such directions as may be necessary to ensure compliance with the provisions of these by-laws relating to street collection in terms of these by-laws;
- (b) to take delivery of the collection boxes supplied by the council in terms of section 34, to issue them to such collectors as are able to establish their identity to the satisfaction of the convener and to return these boxes as required under that section; and
- (c) generally to supervise or cause to be supervised the conduct of the street collection.

(3) Every collector shall be appointed as such under a letter of authority, addressed to him at his residential or business address, specifying the date of the street collection for which he is appointed and bearing the signature of the convener, and at all times when he is collecting or carrying out any function of a collector he shall keep such letter of authority upon his person and produce it on the demand of any authorised officer of the council.

(4) No person shall be appointed a collector who-

- (a) is under the age of sixteen years;
- (b) has within the ten years immediately preceding the date of the street collection been convicted of any offence in connection with street collections; or

- (c) has within the five years immediately preceding the date of the street collection been convicted of any offence involving fraud or dishonesty of any kind.
- (5) Any convener who knowingly employs or engages as a collector any person referred to in subsection (4) or knowingly permits or allows any such person to be employed or engaged as a collector to the street collection for which such convener has been appointed, shall be guilty of an offence.
- (6) No collector shall solicit any gift of money save from a place on the sidewalk from time to time assigned to him by the convener: Provided that when the same applicant has obtained from the council its consent in terms of section 31 and section 24(1) to hold a procession of not less than twenty motor vehicles each of which is to carry a float or tableau, the provisions of this subsection shall not apply.
- (7) If any collector-
 - (a) furnish the convener who appoints him with a false name or a false address; or
 - (b) uses any collection box which has not been supplied by the council for the purposes of a street collection; or
 - (c) uses any collection box for the purposes of a street collection other than that for which it was supplied;
 - (d) contravenes the provisions of subsection (6); or
 - (e) accepts any money in any public place save by causing or permitting the donor to place it in the collection box supplied by the council; or
 - (f) opens such a box, removes the seal therefrom, or removes therefrom any of the money placed therein during a street collection; or

- (g) fails or neglects to keep continuously in his possession the collecting box supplied to him; or
- (h) fails or neglects to comply within seven days from the date of posting, with any demand made by the convener addressed to him at his correct residential; business or postal address and dispatched by prepaid registered post to him at his correct residential or business address requiring him to return the collection box supplied to him, or
- (i) fails on demand by any authorised officer of the council to produce his letter of authority as required as required as required in terms of subsection (3), he shall be guilty of an offence

Collection boxes

34. (1) No organization may in conducting a street collection, use any collection box which has not been supplied to it by the council for the purpose of that particular collection.
- (2) Before any such box is supplied by the council, the applicant shall deposit with the council Two Hundred Rands for every twenty boxes or part of that number of boxes so supplied and the applicant shall submit the written appointments of full name and the business and residential addresses of the convener and that of the alterate to the convener respectively.
- (3) The deposit made in terms of subsection (2) shall on the return of the boxes to the council be refunded to the applicant subject to the deduction of-

- (a) Ten rands for every box lost or returned damaged;
 - (b) A penalty of Twenty Rands a box for each working day by which the period laid down in subsection (4) for the return of boxes exceeded.
- (4) (a) Except where the council under the hand of the Municipal Manager otherwise agrees in writing, the convener shall return or cause to be returned to the council at or before 3.30 pm on the day of the street collection all boxes supplied for the said purpose.
- (b) The Council may, by letter under the signature of the Municipal Manager, specify a later date on which such boxes or such number of them as may be specified in the letter, may be returned.
- (5) Boxes not returned at or before 3.30 pm on the day of the street collection shall be return to the council before 10am on the next working day.

Flags and Badges

35. (1) No display card, armband, flag, badge or other article which will have to be exhibited or distributed to the public when conducting any street collection.
- (2) Application for the approval of the council in terms of subsection (1) shall be made in not less than 14 (fourteen) days before the day of the street collection.

Hours of Street Collection

36. Save where the council has otherwise permitted in writing, no street collection shall be begun before 7 am or be continued after 2.30 pm.

Returns to be submitted

- 37.(1) Before every street collection may take place the applicant shall submit to the council for its approval, to be signified in writing, the names and addresses of every person who will in any way be handling or conveying or for any reason have access to the money removed from the collection boxes after the street collection, accompanied by an undertaking that at no time will there be less than three of these persons on duty.
- (2) In later than seven days after the day on which the street collection was held, or within such extended time as the council may in writing allow, the convener shall submit to the council on a form supplied by the council statement showing in respect of each box issued the official number displayed thereon, the name, address and signature of the person to whom it was issued and the amount of money collected in it.
- (3) Not later than seven days after the date of the street collection or within such extended time as the council may in writing allow, the applicant shall notify the council, on a form to be supplied by it of the gross amount of money collected.

Penalties

37. Any person contravening any of the foregoing by-laws shall be guilty of an offence and liable on conviction, except where otherwise expressly stated, to a fine not exceeding R500.00.

THULAMELA MUNICIPALITY

CREDIT CONTROL BY – LAWS

NO: B4 OF 2004

CREDIT CONTROL BY-LAWS

The Municipal Council hereby, in terms of Section 13 of the Local Government Municipality Systems Act, 2000 (Act 32 of 2000) Read with Section 156 of the Republic of South Africa Act, 1996 (Act 108 of 1996) as amended, publishes the following regulation which have been approved by the Council.

1. DEFINITIONS

For the purposes of this by-law, unless the context indicates otherwise

"Apparatus" includes a building, structure, pipe pump, wire, cable, meter, machine or any fitting.

"Council" means Thulamela Municipal Council within the meaning of section 157 of the Constitution of the Republic of South Africa, Act, 1996 (Act 108 of 1996).

"Customer " means any occupier of any premises to which the council has agreed to supply or is actually supplying services, or if there is no occupier, then the owner of the premises.

"Customer Management" means the focusing on the client's needs in a responsive and pro-active way to encourage payment, thereby limiting the need for enforcement.

"Billing" means proper formal notification (invoicing) on a statement to each customer of amounts levied for assessment rates and services and the net accumulated balance of the account.

"Interest" constitutes a levy equal to service levies and is calculated at a rate determined by the Council on all service levies in arrears.

"Municipal Services" those services, rates and taxes reflected on the municipal account for which payment is required by Council.

"Municipal account" shall include levies or charges in respect of the following services and/or taxes.

- (a) Water consumption
- (b) Refuse removal
- (c) Sewerage services
- (d) Rates and taxes charged in relation to the value of the premises
- (e) Interest.

"Defaulter" means those persons owing the Council in respect of taxes and/or service charges for a period of more than 90 (ninety) days from the date of account.

"Finance Manager" means a person appointed by the Council to manage, inter alia, the Council's financial administration and debt collection of the Council debtors.

"Occupier" means any person who occupies any premise or part thereof, without regard to the title under which he or she occupies the said property.

"Owner" means –

- (a) the person in whom from time to time is vested the legal title to premises:
- (b) in a case where the person in whom the legal title is vested is insolvent or dead, or under any form of legal disability whatsoever, the person in whom the administration of 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 is unable to determine the identity of such person, person who is entitled to the benefit of such premises or a building thereon;

- (d) in the case of premises for which a lease of 30 years or more has been entered into, the Lessee thereof.
- (e) In relation to – a sectional title deed
 - (i) means owner in terms of sectional Titles Act, 1986 (Act 95 of 1986).
- (f) any legal person including but not limited to:
 - (i) a company registered in terms of the Companies Act, 1973 (Act 61 of 1973), Trust inter vivos, Trust mortis cause, a Close Corporation registered in terms of the Close Corporation Act, 1984 (Act 69 of 1984) or; a Voluntary Association.
 - (ii) any Department of State.
 - (iii) any Council or Board established in terms of any legislation applicable to Republic of South Africa.

“Person” shall include legal or juristic person.

“Premises” shall include any land, building, room, structure, tent, van, vehicle, stream, lake, dam, pool, drains, ditch (open, covered or enclosed) whether built on or not and whether public or private

2. General Provisions.

2.1 Notices and Documents

- (a) A notice or document issued by the Council in terms of these by-laws shall be deemed to be duly issued if it is signed by an officer authorized by the Council.

- (b) If a notice is to be served on a person in terms of this by-law, such service shall be effected by:
 - (i) delivery of the notice to him or her personally or his or her duly authorized agent.
 - (ii) By delivering the notice at his or her residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there;
- (c) if he or she has nominated an address for legal purposes, by delivering the notice to such an address;
- (d) prepaid registered or certified post addressed to his or her last known postal address.
- (e) In the event of a body corporate, by delivering it at the registered office or the business premises of such body corporate.
- (f) If service cannot be effected in terms of paragraphs (b) to (e) above, by affixing it to the principal door of entry to the premises, or placing it to a conspicuous place on the land to which it relates.

2.2 Authentication of documents

- (a) Every order, notice or other document requiring authentication by the Council shall be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorized officer of the Council, such authority being conferred by resolution of the Council or by a by-law or regulation.
- (b) Delivery of the authenticated document shall be deemed to be delivery of the original document.

2.3 Full and final settlement of an account.

- (a) The Finance Manager shall be at liberty to appropriate in his official capacity, monies received in respect of any of its municipal services it deems fit.
- (b) Where the exact amount due and payable to the Council has not been paid in full any lesser amount tendered to and accepted by any Council employee, except with the approval of the Finance Manager or his/her fully authorized delegate, shall not be deemed to be in final settlement of such amount.

The provisions in 2.3 (a) above shall prevail notwithstanding the fact that such lesser payment was tendered and/or accepted in full settlement provided the Finance Manager and/or his/her delegate shall consent to the acceptance of such lesser amount in writing.

2.4 INTEREST CHARGES

Subject to the provisions of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law relating to interest, the Council may by resolution of a two-thirds majority of the members of the Council, present in the Council meeting, charge and recover interest in respect of any arrear amount due and payable to the Council.

2.5 PROOF OF INDEBTEDNESS

A certificate reflecting the amount due and payable to the Council under the hand of the Finance Manager, or suitably qualified person authorized by the Finance

Manager, shall upon mere production thereof be accepted by any court of law as *prima facie* evidence of the indebtedness.

3. POWER OF COUNCIL TO RECOVER COSTS.

3.1 DISHONoured PAYMENTS

Where any payment made to the Council is later dishonored by the bank, the Council may levy such costs (including but not limited to the actual bank charges arising there from) and administration fees against an account of the defaulting debtor in terms of the Council's tariff provisions.

3.2 LEGAL FEES

All legal costs and/or disbursements, including attorney-and-own-client costs, incurred in the recovery of amount in arrears shall be levied against account of the debtor concerned.

3.3 COSTS TO REMIND DEBTORS OF ARREARS.

For any action taken in demanding payment from the debtor or reminding the debtor, by means of telephone, fax, email, letter or otherwise, that his/her payment are in arrear and/or over due, a penalty fee may be levied against the account of the debtor in terms of the Council's tariff provisions.

3.4 DISCONNECTION OF SERVICE

As a way of Compliance enforcement with any provision the Council may disconnect any service which the debtor has neglected or failed or ignored to pay to the Municipality.

3.5 DISCONNECTION FEES

Where any service is disconnected as a result of non-compliance with this by-law by the Customer, the Council shall be entitled to levy and recover the standard disconnection fee as determined by the Council from time to time from the user of the services.

3.6 ACCOUNTS

The municipality may-

- (a) consolidate any separate accounts of person liable for payments to the municipality;
- (b) credit any unspecified payment by such a person against any account of that person; and
- (c) implement any of the debt collection and credit control measures provided for in this by-law in relation to any arrears on any of the accounts of such a person.

4. SERVICE MANAGEMENT

4.1 No supply of services shall be given unless and until application has been made and a service agreement, in the Council's prescribed form in the format or as far as possible to the format reflected in Schedules 1A (Household Consumers) and 1B (Business Consumers), has been entered into and a deposit as security equal to an amount and in the form of either cash or a bank guarantee as determined by the Council from time to time, has been paid in full.

4.2 A 48 hours Notice of Intention to terminate the service agreement must be in writing by one party to the other.

5. ARREARS COLLECTION

5.1 Credit Control Policy

The Council shall have a written policy on credit control and debt collection which provides for:

- (a) Credit control procedures and mechanisms.
- (b) Debt collection procedures and mechanisms.
- (c) Provision for indigent debtors that is consistent with rates and tariff policies and any national policy on indigents
- (d) Interest on arrears.
- (e) Extension of time for payments of accounts.
- (f) Termination of services or the restriction of the provision of services when payments are in arrears.
- (g) In determination its policy the Council may differentiate between categories of Persons, Clients, Debtor's and Owners as it may deem appropriate.

5.2 Power to restrict or disconnect supply of services.

- (a) The Council may, restrict or disconnect the supply of water, gas and electricity, or discontinue any other service to any premises whenever a user of such service,
 - (i) fails to make full payment on the due date or fails to make acceptable arrangements for the repayment of any amount for services, rates or taxes;
 - (ii) fails to comply with a condition of supply imposed by the Council.
 - (iii) obstructs the efficient supply of electricity, water, gas or any other municipal services to another customer;
 - (iv) supplies such municipal services to a consumer who is not entitled thereto or permits such service to continue.

- (v) causes a situation which in the opinion of the council is a dangerous or a contravention of relevant legislation;
 - (vi) is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the insolvency Act, 1936 (Act 24 of 1936)
 - (vii) is placed under an administration order in terms of Section 74 of the Magistrate's Court Act, 1944 (Act 32 of 1944) in respect of use such service.
- (b) The Council shall reconnect and/or restore full levels of supply of any of the restricted or discontinued services only after the full amount outstanding and due, including the costs of such disconnection and reconnection, if any, has been paid in full or any other condition or conditions of the Council's credit Control Policy as it deems fit have been complied with.
- (c) The right of Council to restrict water to any premises or customer shall be subject to provisions of section 4 of the Water Services Act 1997 (Act 108 of 1997).
- (d) The right to restrict, disconnect or terminate service due to non-payment for any other services or assessment rate shall be in respect of any service rendered by Council, and shall prevail notwithstanding the fact that payment has been made in respect of any specific service and shall prevail notwithstanding the fact that the person who entered into agreement for supply of services with the Council and the owner are different entities or persons, as the case may be.

5.3 Power of entry and inspection

- (a) A duly authorized representative of the Council may for any purpose related to the implementation or enforcement of this by-law, at all reasonable times or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary, and for purpose of installing or repairing any meter

or service connection for reticulation, and or to disconnect, stop or restrict the provision of any service.

- (b) If the Council considers it necessary that work be performed to enable an officer to perform a function referred to in (a) above properly and effectively, it may :-
 - (i) by written notice require the owner or occupier of the premises at his or her own expense to do specified work within a specified period; or
 - (ii) if in its opinion the situation is a matter of urgency, without prior notice may conduct such work or cause it to be done at the expense of the owner.
- (c) If the work referred to in (b) above is carried out for the sole purpose of establishing whether a contravention of this by-law has been committed and no such contravention has taken place, the Council, shall bear the expense connected therewith together with that of restoring the premises to its former condition.

5.4 Arrangement to pay outstanding and due amount in consecutive installments.

- (a) A debtor may enter into a written agreement with the Council to repay any outstanding and due amount to the Council under the following conditions:
 - (i) the outstanding balance, costs and any interest thereon shall be paid in regular and consecutive monthly installment;
 - (ii) the written agreement has to be signed on behalf of the Council by a duly authorized officer.
- (b) should any dispute arise as to the amount owing by the owner or the occupier in respect of municipal services such person shall notwithstanding such dispute

proceed to make regular minimum payments based on the calculation of the average municipal accounts for the preceding three months prior to the arising of the dispute and taking into account as well as the annual amendments of tariffs of the Council until the dispute is resolved by the parties or by the court of law.

5.5 Reconnection of service.

The Finance Manager shall authorize the reconnection of services or reinstatement of service delivery after satisfactory payment and/or arrangement for payment has been made according to the Council's Credit Control Policy.

6. ASSESSMENT RATES

6.1 Amount due for assessment rates.

- (a) All assessment rates due by property owners are payable by the fixed date as determined by the Council.
- (b) Joint owners of property shall be jointly and severally liable for payment of assessment rates.
- (c) Assessment rates may be levied as an annual single amount, or in equal monthly installments.
- (d) Payment of assessment rates may not be deferred beyond the fixed date by reason of an objection to the valuation roll.

6.2 Claim on rental for assessment rates in arrears.

The Council may apply to Court for the attachment of any rent, due in respect of rateable property, to cover in part or in full any amount outstanding in respect of assessment rates for a period longer than three months after the fixed date.

6.3 Liability of Company Directors for assessment rates.

Where a company, closed corporation or a body corporate in terms of the Sectional Titles Act, 1986 (Act of 1986) is responsible for the payment of any arrears amount to the Council, the liability of such entity shall be extended to the directors or members thereof jointly and severally, as the case may be.

6.4 Disposal of Council's property and payment of assessment rates

- (a) The purchaser of Council's property is liable for the payment of assessment rates on the property in respect of the financial year in which the Purchaser becomes the new owner.
- (b) In the event that the Council repossesses the property, any outstanding and due amount in respect of assessment rates shall be recovered from the Purchaser.

6.5 Restraint on Transfer of property

- (a) A registrar of deed or other registration officer of immovable property may not register the transfer of property except on production to that registration officer a prescribed certificate.
 - (i) Issued by the Municipality;
 - (ii) which certifies that all amounts due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the three years, preceding the date of application for the certificate have been fully paid.

6.6 Assessment rates payable on municipal property

- (a) The lessee of municipal property is responsible for payment of any general assessment rates payable on the property for the duration of the lease, as if he is the owner of such property.

- (b) The Finance Manager may elect to include the assessment rates in respect of property in the rent payable by the lessees, instead of billing it separately as in the case of owners of properties.

7. RELAXATION, WAIVER AND DIFFERENTIATION

- 7.1 The Council may differentiate between different categories of ratepayers, users of services, customers, debtors, taxes, services, service standards and other matters.
- 7.2 The Council may, in specific instance and for a particular owner or customer, relax or waive in writing the requirements of provisions of this by-law.
- 7.3 Any such differentiation or relaxation shall be upon such conditions as it may deem fit to impose if it is of the opinion that the application or operation of that provision(s) of this by-law in the which will not be instance unreasonable.
- 7.4 Provided that such differentiation or relaxation does not amount to unfair discrimination.

8. REPORTING OF DEFAULTERS

The Council may in its discretion through a duly delegated officer report such persons who owe the Council monies to bodies that collect and ascertain such an information. The information that would be included in such a report shall, include full particulars of the defaulters and in case were the defaulting person is a legal person shall include information pertaining to the responsible officers of such legal person.

9. REPEAL OF COUNCIL CREDIT CONTROL BY-LAWS.

The provisions of any by-law relating to the control of credit by the Council are hereby repealed in so far as they relate to matters provided in this by-law, provided that such provisions shall be deemed not to have been repealed in

respect of any such by-law which has not been repealed and which is not repugnant to these by-laws on the basis as determined by the relevant by-laws.

10. OFFENCES

10.1 A person who-

- (a) Fails to give the access required by an officer in terms of this by-law;
- (b) Obstruct or hinders an officer in the exercise of his or her power or performance of functions or duties under this by-law;
- (c) Uses or interfere with Council equipment or consumption of services supplied;

Shall be guilty of an offence and on conviction liable to a fine not less than 100 but not exceeding R1 000.00 (One Thousand Rands) and in default of payment thereof to imprisonment not exceeding 6 (six) months.

SCHEDULE 1A

SECTION A: PERSONAL PARTICULARS KINDLY COMPLETE IN PRINT

| | | | | | |
|-----------------------------|--|---------------------|----------------|-------|-----------|
| Surname | | Preferred name | | Title | |
| Name in full (as in ID) | | | | | |
| Employer | | | Telephone | | |
| Address | | | Contact person | | |
| Home Telephone Number | | Language preference | English | | Afrikaans |
| Vehicle registration number | | Marital Status | | | |

| | | | |
|-----------------------------------|--------|----------------|------------|
| Pension Number | | Payment office | |
| Owner | Tenant | Buyer | Contractor |
| Date on which service is required | | | |

NB. The following documents must accompany this application:

1. In the case of duets, a duet sketch plan of the premises;
2. Copy of the identity document of the person handing in the application on behalf of the applicant;
3. In the case of minors, the prescribed letter of consent and undertaking by the legal parents/guardians; and
4. In the case of newly built buildings, a certificate of occupation and an electricity approval certificate.

Please mark the appropriate Block:

SECTION B: DATE OF OCCUPATION

OWNER: A copy of the offer to purchase or the deed of sale stipulating the date of occupation must be supplied.

TENANT: A copy of the lease agreement stipulating the date of occupation must be supplied.

Alternatively the following part can be completed for LEASED properties by Caretaker/agent/owner

I confirm that (the tenant has moved/will move into the premises on (date of occupation).

.....
SIGNATURE, CAPACITY AND STAMP TEL. NO. OF AGENT / OWNER /
CARETAKER

SECTION C: ACCOUNT PARTICULARS**APPLICATION FOR**

| | | | |
|-----------------|-----------------------|-------------|-------|
| Builder's Water | Builder's Electricity | Electricity | Water |
|-----------------|-----------------------|-------------|-------|

at the following premises

FLATS ONLY

| | |
|----------------------|--|
| Full name and Number | |
|----------------------|--|

| | | | | |
|------------------------|------|--|--------|--|
| Street name and Number | Town | | Suburb | |
|------------------------|------|--|--------|--|

HOUSES ONLY

| | |
|----------------------|--|
| Full name and Number | |
|----------------------|--|

| | | | | |
|------------------|------|--|--------|--|
| Erf descriptions | Town | | Suburb | |
|------------------|------|--|--------|--|

PLOTS ONLY

| | |
|-------------|----------|
| Plot Number | |
| Pole Number | District |

| | | |
|----------------------------|--|--|
| Postal address for account | | |
|----------------------------|--|--|

| | | | |
|----------------------|--|-----------|--|
| Suburb / Post Office | | Post Code | |
|----------------------|--|-----------|--|

SECTION D: References (Also applicable to immigrants)

| | | |
|----|---------------------------------|--|
| 1. | Spouses Name in full (as in ID) | |
| | Passport or identity number | |

| | | | | |
|----|-----------------------------|-----------|--------|-------|
| | Employer | Telephone | | |
| | Vehicle registration number | | | |
| 2. | School – going children | Name | School | Grade |
| | | | | |
| | | | | |
| | | | | |
| 3. | References (Non-resident) | 1. | 2. | |
| | Name | | | |
| | Residential Address | | | |
| | | | | |
| | Telephone (Code included) | | | |
| | Relationship | | | |

SECTION E: Declaration

1. I declare that the information furnished on this application form is true and correct.
2. I accept the conditions set out in the by-laws and regulations for the control of electricity and water .
3. I declare that, should any dispute whatsoever (Whether or not political) arise between me and the Council, I will continue to pay the monthly levies in full, if a levy is in dispute due to its abnormality, I undertake to still monthly pay an amount equal to the average of the previous 3 monthly levies for this particular levy until my enquiry has been addressed.
4. I accept that if the deposited amount is insufficient the deposit will be increased to the required amount as determined by the Council.
5. I accept liability for any tracing costs and/or legal costs incurred owing to my default on attorney and client scale.
6. I accept liability for any outstanding amounts in respect of the premises if Section B has not been completed correctly.
7. I declare that I will not be exempted from settling my account if I have not received the statement of account.

8. I accept that interest, at a rate which the Council may determine from time to time, will be charged on overdue amounts.
9. I accept liability for consumption on the premises until the date on which the Council receives a notice of cancellation of services from me, which notice must be received 48 hrs before the cancellation of services.
10. I accept that the Council has the authority to terminate a service due to non-payment of any other service rendered by the Council.
11. I accept that payments made by me will be allocated in the following order: -

- (i) Outstanding balances
- (ii) Outstanding balances
- (iii) Water
- (iv) Assessment rates and health services
- (v) Electricity

.....

SIGNATURE

DATE

For Office Use Only

| | | | |
|--------|------|---------------|--|
| | | | |
| NUMBER | DATE | DEBTOR NUMBER | |

Deposit received _____

Guarantee _____

Finalised by: _____ Checked by: _____ Occupational
certificate _____

Water certificate: _____ Electricity Certificate _____

SCHEDULE 1B

ACCOUNT AND SERVICE APPLICATION: BUSINESS CONSUMERS

(COMPANIES/CC'S/TRUST, ETC)

SECTION A: PARTICULARS OF BUSINESS**KINDLY COMPLETE IN****PRINT**

| | |
|------------------|--|
| Name of business | |
|------------------|--|

| | | | |
|---------------------------------|--|----------------|--|
| Registration number of business | | Contact person | |
|---------------------------------|--|----------------|--|

| | | | |
|------------------|--|---------------------------|--|
| Type of business | | Telephone number and code | |
|------------------|--|---------------------------|--|

| | | | | |
|------------------------------|--|---------------------|---------|-----------|
| Proxy: Full name and surname | | | | |
| ID/Passport Number of proxy | | Language preference | English | Afrikaans |

Directors / Members / Partners / Trustees

| Initials and Surname | Residential Address | Suburb | Telephone number and code |
|----------------------|---------------------|--------|---------------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

NB. The following documents must accompany this application:

1. Copy of the registration document of the business / copy of the founding statement of the trust.
2. Letter of authority in which the proxy is named.
3. Copy of the proxy identity document.
4. In the case of newly built buildings, a certificate of occupation and an electricity approval certificate.
5. Identity document of the person handling in the application.

Please mark the appropriate block

| Owner | Tenant | Buyer | Contractor |
|-----------------------------------|--------|-------|------------|
| Date on which service is required | | | |

SECTION B: DATE OF OCCUPATION

OWNERS : A copy of the purchase/deed of sale, specifying the date of occupation, must be supplied.

TENANTS : A copy of the lease agreement, specifying the date of occupation must be supplied.

Alternatively, the following part can be completed for LEASED properties by Agent/Owner/Caretaker.

I confirm that
 (the tenant) has moved/will move into the premises on (date of occupation)

Telephone number of Agent / Owner

.....

.....

.....

Signature, capacity and Stamp Tel No. of Agent / Owner / Caretaker

Date

Section C : Account particulars

Application for

| | | | |
|----------------|---------------------|-------------|-------|
| Business Water | Builder Electricity | Electricity | Water |
|----------------|---------------------|-------------|-------|

at the following premises

Flats Only

| | |
|-------------------------|--------|
| First name and number | |
| Streets name and number | Suburb |

Houses Only

| | |
|------------------------|--------|
| Street name and number | |
| Erf description | Suburb |

Plots Only

| | |
|-------------|----------|
| Plot number | District |
| | |

| | |
|-----------------------------|----------|
| Postal Address for accounts | |
| Suburb / Post Office | Postcode |

SECTION D: DECLARATION

1. We declare that the information furnished on this application is true and correct.
2. We accept the conditions set out in the by-laws and regulations for the control of electricity and water, as amended from time to time.
3. We declare that, should any dispute whatsoever whether political or not arise between us and the Council, we undertake to still monthly pay an amount equal to the average of the previous 3 monthly levies for this particular levy until our enquiry has been addressed.
4. We accept that if the deposited amounts is insufficient, the deposit will be increased to the required amount as determined by the Council.
5. We accept liability for any tracing costs and/or legal costs incurred owing to our default on attorney and client scale.
6. We accept liability for any outstanding amounts in respect of the premises if Part B has not been completed correctly.
7. We declare that we will not be exempted from settling our account if we have not received the statement of account.
8. We accept that interest, at a rate which the Council may determine from time to time, will be charged on overdue amounts.
9. We accept liability for consumption on the premises until the date on which the Council receives a notice of cancellation of services from us, which notice must be received 48 hrs before the cancellation of services.
10. We accept that the Council has the authority to terminate a service due to non-payment of any other service rendered by the Council.
11. We accept that payment made by us will be allocated in the following order: -
 - (i) Outstanding balances
 - (ii) Outstanding balances

**THULAMELA
MUNICIPALITY**

**REFUSE AND
SANITARY
BY – LAWS**

NO: B5 OF 2004

THULAMELA MUNICIPALITY

REFUSE AND SANITARY BY-LAWS

Municipal Council of the local Government Municipal systems Act 30 of 2000 as amended publishes the by-laws set forth hereinafter, which have been approved by the Council.

CHAPTER 1

Definitions

1. For the purposes of this by-law unless the context otherwise indicates –

“Binliner” means a plastic bag as prescribed by the Council which may be placed inside a container with a conserving capacity not exceeding 0,1 m³;

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

“bulky refuse” means refuse generated on any premises but which cannot by virtue of its mass, shape, size or quantity readily be removed by means of and without damaging the bin liner, excluding objectionable refuse;

“business refuse” means refuse generated on any premises but which can be readily be removed by means of and without damaging the bin liner, including

garden refuse but excluding builders refuse, bulky refuse, domestic refuse or objectionable refuse;

“container” means a refuse container as prescribed and approved by the Council and which may be supplied by the Council at a prescribed tariff or at ruling prices or at hiring charges;

“Council” means the Thulamela Municipality Council within the meaning of Section 157(2) and (3) of the Constitution of the Republic of South Africa’

“domestic refuse” means refuse which is normally generated on the premises of private dwelling-houses which are used solely for residential purposes, and which can readily be removed by means of and without damaging the binliner, including garden refuse.

“garden refuse” means refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, plants, flowers and other similar small and light matter that can readily be removed by means of and without damaging the binliner;

“Municipality” means Thulamela Municipality.

“Objectionable refuse” means refuse which is toxic, dangerous, injurious or harmful or which may pollute the environment or which results from a manufacturing process or the pre-treatment for disposal purposes of any industrial or mining liquid waste, which in terms of the council’s Drainage by-laws may not be discharged into a drain or sewer;

“occupier” shall include any person in Actual occupation of land or premises without regard to the title underwhich he occupies and in the cause of various tenants whether on his own account or as agent for any person entitled thereto or interested therein.

“occupier” in respect of premises held on the Sectional title Register opened in terms of Sectional Titles Act 95 of 1986, means the body corporate, as defined in the Act, in relation to such premises;

“public place” shall include any road, street, thoroughfare, bridge, over-head bridge, sub-way, foot pavement, footpath, side walk, cave, square, open space, garden, park or enclosed space nested in a town.

“owner” : shall include any person receiving the rent or profits of any land or premises from any tenant or occupier thereof, or who will receive such rents or

profits if such land or premises were let, whether on his own account or as Agent for any person entitled thereto or interested therein.

CHAPTER 2

REMOVAL OF REFUSE

The Council's Service

2. (1) The Council renders a service for the collection and removal of refuse at the tariff as from time to time determined by the Council: Provided that the rendering of a particular service and the number of removals per week is subjected to the approval of the Council.
- (2) The owner of the occupier of a premises on which refuse is generated, shall subject to the provisions of section 2(1) and 4(1), avail himself of the Council's service for the collection and removal of such refuse.
- (3) The owner of the premises on which the refuse is generated, shall be liable to the Council for the payment of the tariff charges in respect of any service rendered by the Council for the collection and removal of such refuse.

Notice to Council

3. (1) The occupier of premises, or if there is more than one occupant, the owner of such premises, shall within seven days after the date of commencement of the generation of refuse on such premises, notify the Council –

- (a) That the premises are being occupied;
 - (b) Whether builders refuse or bulky refuse or business refuse or domestic refuse or objectionable refuse is being generated on the premises.
 - (c) Regarding the estimated volume of such refuse being generated;
 - (d) Regarding the proposed method and frequency removal.
- (2) The owner or occupier of premises on which refuse is generated shall in a manner as determined by the Council, furnish the Council with all the particulars required by the Council in regard to the composition of the refuse.

Provisions of Containers

4. (1) The Council shall determine the type and number of containers required on premises.
- (2) The owner of premises shall be responsible for the supply of the predetermined number and type of containers, if required by the Council.
- (3) If a container is supplied by the Council, such container shall be supplied at ruling prices or at a hiring tariff, as the Council may determine.

- (4) Where a container is supplied at a hiring tariff by the Council, such container shall remain the property of the Council and the owner of the premises shall be liable to the Council for the loss or damage to such container.

Placing of Containers

5. (1) The owner or occupier of premises shall provide sufficient space for the storage of the containers on a place on the premises as approved by the council.
- (2) The space provided in terms of subsection (1) shall be in such a position on the premises as will allow the storage of containers without their being visible from a street or public place, unless otherwise determined by the Council.
- (3) All containers with a conserving capacity not exceeding 0.1 m³ shall be equipped with low density binliners at least 950 mm x 750 mm and 40 micrometer thick, or with high density liners at least 950 mm x 750 mm and 20 micrometer thick. Such binliners shall be supplied by the occupant or owner.
- (4) Binliners containing refuse, properly fastened, shall on the day of removal only, as determined by the Council, be placed inside the fence or boundary of the premises or such other position as may be determined by the council.

- (5) If required by the Council, the place of collection shall be so located as to permit convenient access to and from such place for the council's refuse collection vehicles.
- (6) A sufficient area shall be provided to keep a special container for the storage of refuse as described in section 6(1)(1)(i), apart from the space necessary for the storage of refuse not kept in a special container.
- (7) The Council may at its discretion indicate a position from where the refuse may be removed more conveniently.
- (8) Notwithstanding any provision to the contrary, the Council may –
 - (a) in the case of buildings erected, or buildings of which the building plans 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 refuse from the space provided in terms of subsection (1), having regard to the avoidance of nuisance or the convenience of collection of refuse, indicate a position within or outside the premises where the container(s) shall be placed for the collection and removal of such refuse

and such containers shall then be placed in such position at such times and for such periods as the council may prescribe.

Use and Care of Containers and BinLiners

6. (1) Every occupier of premises, or in the case of premises being occupied by more than one occupant, the owner of such premises, shall ensure that –
- (a) All the domestic or business refuse generated on the premises is placed and kept in binliners 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 waste material for recycling or, in the case of swill, for consumption;
 - (ii) from utilizing such domestic refuse as may be suitable for making compost, provided that the refuse remains on the premises and does not cause a nuisance.
 - (b) no hot ash, glass fragments or other business or domestic refuse which may cause damage to bin liners or injury to the Council's employees while carrying out their duties in terms of these by-laws, is placed in bin liners before he has taken the necessary precautions 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 such binliners too difficult for the Council's employees to handle or carry, is placed in such bin liners.
- (2) No container may be used for a purpose other than that for which it is supplied and no fire shall be lit therein.
- (3) The bin liners containing refuse shall be removed by the Council only if such bin liners have been placed at the prescribed places, as provided form in section 5, and at such intervals as the Council may deem necessary.
- (4) The Council shall not be liable for the loss of or for any damage to a container or bin liner.
- (5) The occupant of the premises shall be responsible for the cleaning and the hygiene of the refuse bin(s) on such premises occupied.

CHAPTER 3

GARDEN AND BULKY REFUSE

Removal and Disposal of Garden and Bulky Refuse

- 7. (1) the occupier or, in the case of premises occupied by more than one occupant, the owner of premises on which garden or bulky refuse is generated, shall ensure that such refuse be disposed of within a reasonable time after the generation thereof,

Provided that garden refuse may be retained on the premises for the making of compost if it will not cause a nuisance.

- (2) Subject to the provisions of section 2(2) any person may remove and dispose of garden or bulky refuse.
- (3) Garden or bulky refuse shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the Council as a disposal site for such refuse.

The Council's Special Service

- 8 (1) At the request of the owner or occupier of premises and after payment of the prescribed tariff charge has been made or the necessary permit has been obtained, the Council may, subject to the provisions of section 2(1) remove garden and bulky refuse from the premises.
- (2) The Council may determine the type and quantity of the containers which shall be used for the storage and removal of such refuse.

CHAPTER 4

BUILDERS REFUSE

Responsibility for Builders Refuse

9. (1) The owner of premises in which builders refuse is generated shall ensure that such refuse be disposed of in terms of section 10 within a reasonable time after the generation thereof.
- (2) Subject to the provision of section 2(2), any person may operated a builders refuse removal service. Should the Council provide such a service, it shall be done at the prescribed tariff charge and the provisions of section 8 shall apply mutatis mutandis.

Disposal of Builders Refuse

10. (1) Subject to the provisions of subsection (2), all builders refuse shall be deposited at the Council's refuse disposal sites.
- (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 site.

(3) Any consent given in terms of subsection (2) shall 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 following:

- (a) the safety of the public;
- (b) the environment of 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 site;
- (f) the control of dust;
- (g) the control of rodents;
- (h) other relevant factors.

CHAPTER 5

OBJECTIONABLE REFUSE

Notification of Generation of Objectionable Refuse

11. (1) The owner or occupier of premises on which objectionable refuse is generated, shall 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 subsections (1) shall be substantiated by an analysis certified by a qualified industrial chemist or a person nominated by the Council.
- (3) The Council or any person authorized by the Council may enter premises at any reasonable time to ascertain whether objectionable refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.
- (4) The Owner or occupier of premises on which objectionable refuse is generated, shall notify the Council of any changes in the composition and quantity of the objectionable refuse occurring thereafter.

Storing of Objectionable refuse.

- 12. (1) The person referred to in section 11(1) shall ensure that the objectionable refuse generated on the premises shall be kept and stored thereof in terms of subsection (2) until it is removed from the premises in terms of section 13.
- (2) Objectionable refuse stored in premises shall be stored in such a manner that it does not cause a nuisance or pollute the environment.

- (3) If objectionable refuse is not stored in terms of subsection (2) on the premises on which it is generated, the Council may order the owner or occupier of the premises to remove such refuse within a reasonable time, and, if thereafter the refuse is not removed within such time, the Council may by itself or through a contractor remove it at the expense of the owner or occupier.

Removal of Objectionable Refuse

13. (1) No person shall remove or dispose of objectionable refuse from the premise 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: Provided that in laying down condition the Council shall have regard to –

- (a) the composition of the objectionable refuse;
- (b) the suitability of the vehicle and container to be used;
- (c) the place where the refuse shall be deposited;
- (d) proof to the Council of such depositing.

- (3) Unless it is satisfied that the person applying for consent is competent and has the equipment to remove the objectionable refuse and to comply with the conditions laid down by the council, the Council shall not give its consent in terms of subsection (1).
- (4) The person referred to in section 11(1) shall inform the Council, at such intervals as the Council may determine, having regard to the information to be given to the Council in terms of section 11(1) of the removal of objectionable refuse, the identity of the remover, the date of such removal, the quantity and the composition of the objectionable refuse removed.

CHAPTER 6

Procedure at Disposal sites

14. (1) Any person who, for the purpose of disposing of refuse, enters a refuse disposal site controlled by the Council, shall –
- (a) enter the disposal site at an authorized access point only;
 - (b) give the Council all the particulars required in regard to the composition of the refuse;

- (c) follow all instruction given to him by the Council with regard to access to the actual disposal print, the place where and the manner in which the refuse should be deposited.
- (2) No person shall bring any intoxicating liquor onto a disposal site controlled by the Council.
- (3) No person shall enter a disposal site controlled by the Council for any purpose other than the depositing of refuse in terms of these by-laws and then only at such times as the Council may from time to time determine.

Ownership of Refuse

15. (1) All Refuse and bin liners removed by the Council and all the refuse on disposal sites controlled by the Council shall be the property of the Council and no person who is not authorized by the Council to do so, shall remove or interfere therewith.
- (2) Only refuse generated on premises situated within the municipality, may be deposited on the Council's disposal sites: Provided that written permission may be granted by an authorized official of the Council in this regard to institutions situated outside the municipality.

CHAPTER 7**LITTERING, DUMPING AND ANCILLARY MATTERS****Littering**

16. (1) No person shall –

- (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 gutter on a public place;
- (c) Allow any person under his control to do any of the acts referred to in paragraphs (a) and (b).

(2) for the purposes of this section a person shall be deemed to have allowed the acts referred to in subsection (1) of person under his control, unless the contrary is proved.

Dumping

17. (1) Subject too any provisions to the contrary contained in these by-laws, no person shall abandon anything or allow anything under his control to be abandoned at a place to which it has been brought with the intention of abandoning it there.

- (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 shall be deemed to have contravened the provisions of subsection (1) unless and until he proves the contrary.

Abandoned things.

18. Anything, other than a vehicle deemed to have been abandoned in terms of the parking area By-Law of Thulamela Municipality, which is, having regard to such factors as the place where it is found, the period it has been left at such place and the nature and condition thereof, reasonably regarded by the Council, as having been abandoned, may be removed and disposed of by the council as it may deem fit.

Liability of Responsible Person

19. (1) Where anything has been removed and disposed of by the Council in terms of section 18, the responsible person shall be liable to the Council for the payment of the tariff charge in respect of such removal and disposal.
- (2) For the purpose of subsection (1) the responsible person shall be –
- (a) the owner of the thing shall include any person who is entitled to be in possession thereof by virtue of a hire purchase agreement or an agreement of a lease at the

time when it was abandoned or left in the place from which it was removed, unless he can prove that he was not concerned in and did not know of it being abandoned or left in such place; or

- (b) any person by whom it was left in the place from which it was removed; or
- (c) any person who knowingly permitted that the thing be left in the place from which it was removed.

CHAPTER 8

GENERAL PROVISIONS

Access to Premises

20. (1) Where the Council provides a refuse removal service, the owner or occupier of premises shall grant the Council access to the premises and shall ensure that nothing obstructs, frustrates or hinders the Council in the rendering of such service.

(2) Where, in the opinion of the Council the rendering of a refuse collection service to a premises may cause damage to any property or injury to any person, the Council, may, as a condition of rendering such service require the owner or occupier of such premises to indemnify the Council in writing in respect thereof.

Frequency of Removal and Nature of Refuse.

21. Notwithstanding any provision to the contrary, the Council shall determine the frequency of the removal and the nature, of any refuse.

Accumulation of refuse

22. Where any refuse accumulates on any premises sy that, in the opinion of the Council it must be removed, the Council may remove such refuse and the owner or occupier of such premises shall be liable to the council for the payment of the tariff charge for such removal and disposal.

Application for the Discounting of a Service

23. (1) An Application for the discontinuing of a service rendered in terms of these by-laws, shall be made in writing or in any other manner a determined by the Council, by the owner or occupier or their authorized agent.
- (2) An Application for the discontinuing of a service rendered in terms of these bylaws, shall be made in writing or in any other manner as determined by the Council, by the owner or occupier of such premises to indemnity the Council in writing in respect thereof.

Frequency of removal and Nature of Refuse

21. Notwithstanding any provision to the contrary, the Council shall determine the frequency of the removal and the nature, of any refuse.

Accumulation of refuse

22. Where any refuse accumulates on any premises so that, in the opinion of the Council it must be removed, the Council may remove such refuse and the owner or occupier of such premises shall be liable to the council for the payment of the tariff charge for such removal and disposal.

Application for the Discontinuing of a Service

Application for the Discontinuing of a Service

23. (1) An Application for the discontinuing of a service rendered in terms of a service rendered in terms of these by-laws, shall be made in writing or in any other manner as determined by the Council, by the owner or occupier or their authorized agent.
- (2) Notwithstanding the provisions of subsection (1) a service for the removal of domestic or business refuse shall not be discontinued unless the Council has

received a written notification from the owner of a premises that no such refuse is generated on the premises or unless it is obvious to the Council that no such refuse is generated on the premises.

- (3) The Council shall have the right at any time to levy tariff charges in respect of a service rendered to any premises in terms of these by-laws, although the Council has not received an application to render such service from the owner or occupier of such premises.
- (4) Any person who fails to pay the tariff charges levied in respect of service rendered by the Council shall be guilty of an offence.

Offences and Penalties

- 23. 1. Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding R300.00 or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.
- 2. In the event of a continuing offence, any person who contravenes or fails to comply with any provision of these by-laws, shall deemed to be guilty of a separate offence for every 24 hours or part of such period during which the offence continues, and shall be liable as set out in subsection (1) in respect of each such separate offence.

**THULAMELA
MUNICIPALITY**

**SOLID WASTE
DISPOSAL
BY – LAWS**

NO: B6 OF 2004

THULAMELA MUNICIPALITY
SOLID WASTE DISPOSAL BY - LAW

CONTENTS

PART I

DEFINITION

PART II

SOLID WASTE GENERATION AND STORAGE

PART III

SOLID WASTE COLLECTION AND TRANSPORT

PART IV

WASTE SORTING PROCESSING

PART V

LANDFILL LOCATION STANDARDS

PART VI

LITTERING AND ABANDONED VEHICLES

PART VII

ENFORCEMENT

PART VIII

1. PENALTY

SOLID WASTE DISPOSAL BY - LAWS

The Municipal Council in terms of section 13 of the Municipal Structures Act 32 of 2000 read with Section 85 of the Local Government Municipal Structures Act 117 of 1998 as amended, publishes the by-laws set fourth hereinafter, which have been approved by the Council.

PART I

1. Definition

For the purpose of this by-law unless the context otherwise indicates;

“facility rules” means the rules established in a facility operating plan; the environment, i.e. household waste, builders rubbers, garden waste, and certain dry industrial and commercial wastes.

“hazardous waste” means any waste which by reason of chemical reactivity or toxic, explosive corrosive or other characteristic, cause danger or are likely to cause danger, to human health or the environment, whether along or in combination with other wastes;

“litter” means any food remnants, peel, paper, bottle, container, box, carton, package of any sort, scrap, dead animals, pieces of wood, planks, rags, cigarette butts, vehicle scrap and refuse of any kind, which is thrown, poured, dropped, abandoned, deposited or burnt upon any street, public place or unoccupied private plot, other than an approved refuse receptacle.

“littering” means the physical act, by a person, business or other entity or creating litter;

“local municipality” means a category “{B” municipal envisage in section 155 (1) (b) of the constitution;

“MEC” means a member of a provincial executive council;

“medical collecting vehicle” means a refuse compaction vehicle equipped with devices to load refuse storage receptacles;

“medical waste” means any waste generated by Hospitals, clinics, nursing homes, doctor’s offices, medical laboratories; research facilities and veterinarians which are infectious or potentially infectious. Medical waste is further defined to include the following categories: -

- (a) microbial including cultures and stocks of infectious waste and associates biological materials that can cause disease in humans;
- (b) human blood and blood products, including tissues, organs and body parts removed during surgery or autopsy;
- (c) contaminated animal waste including animal carcasses, body parts and bedding which have been exposed to infectious agents during medical research, pharmaceutical testing or production of biological materials;
- (d) isolation waste associated with animals or human beings known to be infected with **“highly”** communicable diseases;
- (e) contaminated and uncontaminated sharps including hypodermic needles, scalpels and broken glassware;

“minister” means national Minister of local government and housing;

“municipality” means Thulamela Municipality

“municipal waste disposal facility” means any facility or site which receives waste for treatment or disposal thereof and which is operated in terms of the permit obtained from the National Department of Water Affairs and Forestry or any other competent authority

or if such a facility is an incinerator, subject to registration or such permission as is required by law, and include a garden waste handling facility.

“Municipal Structural Act” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) unplanned, without plot designations;

“public place” shall include any road, street thoroughfare, bridge, over – head bridge, subway, foot pavement, footpath, side walk, cave, square, open space, garden park or enclosed space nested in a town.

“special waste” shall mean – waste consisting of a liquid, sludge or solid substance, resulting from a manufacturing process, industrial treatment or the pre – treatment for disposal purposes of any industrial liquid waste.

“waste” means any undesirable or superfluous matter, material, by – product or residue of any process or activity that has been discarded, accumulated or stored for the purpose of treatment, discarding or recycling and may be liquid or solid, may include products that contains a gaseous component and may originate from domestic, commercial, medical or industrial activities, but does not include any gas or gaseous product which may be regulated by national legislations.

Part II

SOLID WASTE GENERATION AND STORAGE

Provision of Refuse receptacles

2. (1) Every owner or occupier of a plot or premises shall provide sufficient and suitable refuse receptacles of the size and type stipulated below, for the reception and storage of refuse upon such premises.

- (2) Every receptacle shall cause such receptacles to be covered at all times except when refuse is being deposited in or discharged therefrom.
- (3) Every occupier shall cause all receptacles in use on his premises and cover thereof to be kept as clean as practicable and maintained in good order and condition .
- (4) Every owner of a plot containing four (4) or more residential or commercial units, shall provide an enclosure for the storage of individual refuse receptacles or a common refuse receptacle for all occupier of said plot. The enclosed storage area shall be located so as not cause public nuisance or be offensive to the occupiers of the plot and be accessible to refuse collection vehicles.
- (5) In areas served by mechanical collecting vehicles, the owner shall provide said common receptacle or receptacles and enclosures to the size and specifications required by the mechanical collecting vehicle. The common receptacle may be provided by the owner of the plot or the municipality or municipality's service provider, the cost of said receptacle may be recovered through a charged on the collection and disposal tariff.
- (6) The provision of paragraphs (1) through (4) shall take effect ninety (90) days from the effective date of this regulation. The provision of Paragraph (5) shall take effect upon reasonable notice, in the event that the municipality or municipality's service provider begins servicing the said plot with mechanical collecting vehicles, by - laws .
- (7) Any owner or occupier of a plot or premises who fails to abide by the provisions of this sections shall be subject to citation for creating a public nuisance and if

found guilty of creating a public nuisance shall be subject to a fine and penalty as prescribed within these by - laws.

Hazardous and trade waste generators

4. (1). Every owner or occupier of any plot or premises, on which hazardous or trade waste is generated, wishing to dispose of said waste at a municipal solid waste management facilities, shall make application in writing to the municipality or municipality's service provider for permission to do so and shall submit to the municipality the following information:

(a) the chemical composition, nature and volume of the waste;

(b) the number of employees to be utilised; and

(c) the health and safety plan for the workers.

(2) The owner or occupier of the premises whose hazardous or trade waste is generated must ensure that :

(i) The container in which the waste is stored is not kept in a public place except where so required for collection.

(ii) The waste is collected within a reasonable time after generation thereof.

Medical Waste Generators

5. (1) Within ninety (90) days of the effective date of this by - laws, all owners or occupiers of plots or premises which generate a medical waste in colour coded heavy duty plastic bags or other suitable colour coded containers prior to disposal as follows:-

- (a) all medical waste which has not been sterilised and rendered non-infectious shall be placed in heavy duty "red" plastic bags at the point of generation, regardless of whether the medical waste will be sterilised or disposed of in an unsterilised condition;
 - (b) all medical waste which has been sterilised by autoclave, microwave, chemical or other non-burning method, shall be placed in heavy duty "yellow" plastic bags prior to disposal;
 - (c) all sharps, whether sterilised or not, shall be placed in rigid, plastic containers clearly marked "Medical Waste – Sharps" in "red" lettering;
 - (d) ashes from the incineration of medical waste may be disposed of without special containers or markings
- (2) Within 180 days of the effective date of this regulation all medical waste shall be sterilised prior to disposal or processing facility using one of the following methods:-
- (a) autoclave
 - (b) microwave
 - (c) Chemical treatment
 - (d) Incineration
- (3) Sterilisation of medical waste may be performed on the premises where the medical waste was generated or at an off-site location. The above requirements for colour coded containers shall be strictly adhered to for all movement and transportation of medical waste either on the premises of generation or in transit to an off-site sterilisation or disposal facility.

- (4) Every owner or occupier of a plot or premises, where medical waste is generated, shall provide periodic training on proper medical waste handling procedures to all employees who may come in contact with medical waste.
- (5) Any owner or occupiers of premises, generating medical waste who fails to abide by the provisions of this section shall be subjected to citation for creating a public nuisance and if found guilty shall be subject to fine not less than R1000.00 but not exceeding R5000.00 or imprisonment.

Special Industrial Waste

6. (1) No person may carry on an activity which will generate a special industrial waste without notifying the municipality in writing, prior to the generation of such waste, of the composition of such waste, the estimated quantity to be generated, the method of storage, the proposed duration of storage, the manner in which it will be collected and disposal thereof and the identity of the person who will remove such waste: Provided that if such waste is being generated as a result of activities which commenced prior to the commencement of these by – laws, the generator must notify the council as contemplated in this subsection within 180 days of the commencement of these by – laws.
- (2) If so required by the council the notification referred to in subsection (1) must be accompanied by the analysis of the composition of the waste concerned, certified by the qualified industrial chemist.

- (3) Should there be any changes in respect to the generation, composition, quantity, method or location of disposal of the said waste, same should be referred to the council.
- (4) Any person carrying on an activity which warrants special industrial waste must ensure that such waste generated on the premises is kept and stored thereon until it is collected from the premises.
- (5) Such waste must be stored in such a manner that it does not become a nuisance or causes harm to human health or damage to the environment, and in accordance with the requirements of any applicable legislation relating to buildings.
- (6) Special industrial waste must be stored in an approved receptacle and/or the period not exceeding 90 days or any other maximum period stipulated by the Department of Water and Environmental Affairs.

PART III

SOLID WASTE COLLECTION AND TRANSPORT

7. (1) All refuse generated within a municipality area which are accessible by collection vehicles, shall be collected by municipality or its assigned agents or licensed private haulers. In general, for the purpose of this regulation domestic municipal refuse, shall not include hazardous waste, trade waste or special waste should any person wish to collect the hazardous waste a permit shall have to be obtained from the Municipality in accordance with this by – law. Collection

frequency shall be at least once per week in residential, commercial and industrial areas. Collection shall be in the manner and at the times designated by the municipality or its designated agent.

- (2) All occupiers of plots in areas provided with collection services at their plots are required to place their refuse receptacles at the street side in front of their plot prior to 7:00am on the assigned day(s) of collection as designated by the municipality or its agent. All empty receptacles shall be removed by the occupier of the plot from the street-side by 9:00pm on the day of collection.
- (3) Refuse being transported by any person over any street shall be securely tied or covered during transportation thereof. No person shall allow refuse to leak, spill, blow off or drop from any vehicle on any municipality street during loading, unloading or transportation of the said waste.

Use of skips and Common Containers

8. (1) In areas where the collection of individual refuse receptacles will cause a public nuisance, or disrupt a commercial or business area, the municipality, at their option, may provide skips or common containers to facilitate storage and collection of refuse. Occupiers of premises in area serviced by skips or common containers shall be responsible for transporting their plot or premises to the nearest skip or common container.

Unplanned Areas

9. (1) All waste generated by occupiers of premises located in unplanned areas may be collected by the municipality or its agent using skips or common receptacles placed along access routes to and from said unplanned developments. In areas where skips and common receptacles are provided it shall be the occupier's responsibility to transport the waste from their premises to the collection skips or common receptacles.
- (2) In an unplanned areas, or any other area where the municipality does not provide a collection service, the occupier of the plot in said area shall cause his refuse to be buried in pits located on the premises, or otherwise disposed of in regulation and include a set of facility rules which are by reference included as part of this regulations, carrying the same weight of jurisdiction, enforcement and penalties. All facility rules shall be adopted by the municipality and may and be received from time to time.

PART IV

WASTE SORTING PROCESSING

10. (1) Any person wishing to perform sorting of waste materials, for the purpose of recycling or composting at any municipal disposal or processing facility shall make application in writing to the municipality for permission to do so and shall submit the following information:

- (a) a description of material(s) he wishes to sort;
- (b) the anticipated volume of said materials;
- (c) a description of the manner of sorting so as not to disrupt the normal operation of the facility;
- (d) the number of employees to be utilised;
- (e) a description of storage containers to be used, their location and frequency of collection;
- (f) a health and safety plan for sorting workers including safety clothing and training;
- (g) all sorting activities shall conform to the facility operating plan and facility rule;

(2) Upon receipt and evaluation of an application for sorting at municipal disposal or sorting facility, the municipality may, upon written notice;

- (a) accept the application as submitted and issue a permit, or;
- (b) amend the application after consultation with the facility operator, or;
- (c) reject the application;
- (d) if in the judgement of the municipality, the sorting activity will increase operating cost such as additional security, the municipality may impose the tariff of sorting permit;

(3) A permit issued for sorting at a municipality facility shall be valid for a period of five (5) years and may be revised or revoked by the municipality, for cause, at any time during that period.

(4) Any person found doing waste sorting without the written permission from the council shall be guilty of an offence and upon conviction shall be liable to a fine or imprisonment or both.

SCAVENGING

11. (1) The unauthorised scavenging or separation of waste for materials or food waste for any purpose at any solid waste disposal or processing facility is strictly prohibited.
- (2) Any person wishing to perform scavenging or separation of waste for materials or food waste for materials at any solid waste disposal or processing facility shall make an application in writing to the council for the permission to do so and shall submit the following information,
- (a) The anticipated volume of the composition
 - (b) The number of employees to be utilised;
 - (c) A general description of the composition of any hazardous waste;
 - (d) The intended method of storage and transportation, including vehicle routine;
 - (e) The reason why the waste cannot be disposed of in the municipality facility;
 - (f) Any other information which the municipality may request regarding the nature and environmental impacts of the filling operation.
- (2) upon receipt and evaluation of an application for disposal or processing of solid waste, the council may, upon written notice;
- (a) accept the application as submitted and issue a permit, or
 - (b) amend the application after review and consultation, or;
 - (c) attach conditions to the nature of the waste if there is a threat to human health or the environment, including proof of insurance, spill prevention plans in the event of an accident during transportation or disposal;
 - (d) if in the judgement of the council, the disposal, processing or transportation of solid waste will create an undue impact on the environment or public health or constitute a public nuisance, the application may be rejected;

- (3) The council may levy a charge for the disposal, processing or transportation of solid waste within municipal boundaries.
- (4) Permit issued under this by-law will be for a period of three (3) years.
- (5) The municipality may revoke a permit issued under this by-law for failure to abide by the permit conditions.
- (6) Any person who fails to abide by the provision of this section shall be subject to citation for creating a public nuisance and if found guilty shall be subject to the fines and penalties as prescribed in these by - laws.

PART V

LANDFILL STANDARDS

GENERAL

- 12. (1) All Solid Waste Landfills shall be located, designed and operated in conformance with all national and provincial regulations, Solid Waste Landfills shall be located such that an emission or discharge from the facility will not not unduly harm the public health and have minimal impacts upon the environment.
- (2) All proposed landfill facilities shall complete an Environment Impact assessment, in accordance with the rules and procedures of the Department of Water Affairs and Forestry (DWAF).

PART VI

ABANDONED VEHICLES

13. (1) No person shall place, throw, discard or abandon any vehicle scrap upon any street or public place.
- (2) Upon notification of an abandoned vehicle or vehicle scrap, which has not been moved in at least thirty (30) days, the municipality shall make reasonable efforts to identify the owner of abandoned vehicle or vehicle scrap. Upon identification of the owner he/she shall be subject to citation and penalties as prescribed in these by - laws. The citation shall also include an order to the owner to remove said vehicle or vehicle scrap within the specified time failure upon which shall subject the owner to additional penalties.
- (3) Any vehicle or vehicle scrap, who's ownership cannot be reasonably determined, which has been removed by the municipality to an approved scrap yard or disposal facility, in the event that ownership has been determined, the municipality may recover the cost of removal from the owner of the said motor vehicle.

PART VII**ENFORCEMENT****Power of Enforcement**

14. (1) The municipality and their designated agents shall take all lawful, necessary and reasonable practical measures for;
- (a) prevention of littering of any street, public place or private plot as herein defined; and
 - (b) prevention of the occurrence of a public nuisance or condition liable to be injurious or dangerous to public health, and to take measures, including proceedings at law against any person causing or responsible for littering or the occurrence or continuation of public nuisance.
- (2) The municipality shall appoint municipal officers for the purpose of enforcing these by - laws.

Enforcement Procedure

15. (1) Any authorised enforcement officer who observe any person, business or other entity committing a littering offence or creating or continuing a public nuisance shall have authority to issue a citation for offence observed and to impose a fine in accordance with the schedule of penalties then in effect. The citation shall include the following: -
- (a) the regulation or law under which the citation was issued;
 - (b) the nature of the offence;
 - (c) the name and address of the person, business or entity receiving the citation;
 - (d) the name of the officer issuing the citation;

- (2) All penalties and fines established by these by - laws shall remain effect until changed by the council.

PART VIII

PENALTY

16. (1) All penalties and fines established by these by - laws shall be determined by the municipality and may be revised from time to time to reflect the effectiveness of the enforcement of these regulations and general inflation.
- (2) As of the effective date of these regulations the following penalties and fines shall apply: -
- (a) For the offence of littering:
- Upon citation and admission of guilt without appeal, a fine of R50.00
Upon citation, appeal and a finding of guilty by judicial court, a fine not to exceed R300.00
- (b) For the offence of creating or continuing a public nuisance:
- Upon citation and admission of guilt without appeal, a find or R50.00
Upon citation, appeal and a finding of guilty by judicial court, a fine not to exceed R300.00
- (c) In addition to the above fines, a judicial court, upon a finding of guilty of either littering or continuing a public nuisance, may impose additional fines or penalties, not less than R300.00 including imprisonment, based on the severity of the offence and for repeat offences.

Dog ate your Gazette?
... read it online



www.SA Gazettes.co.za
.....

A new information Portal keeping you up to date with news, legislation, the Parliamentary programme and which is the largest pool of SA Gazette information available on the Web.

- Easily accessible through the www!
 - Government Gazettes - from January 1994
 - Compilations of all Indexes pertaining to the past week's Government Gazettes
 - All Provincial Gazettes - from September 1995
 - Parliamentary Bills - as of January 1999
- Available in full-text, with keyword searching
- Sabinet Online scans, formats, edits and organize information for you. Diagrams and forms included as images.
- No stacks of printed gazettes - all on computer. Think of the storage space you save.
- Offers Bill Tracker - complementing the SA Gazettes products.

For easy electronic access to full-text gazette info, subscribe to the SA Gazettes from Sabinet Online. Please visit us at www.sagazettes.co.za

Sabinet
 *Online*