

Knysna, South Africa

Control over Refuse Removal and Disposal Sites

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Control over Refuse Removal and Disposal Sites

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Knysna South Africa

Control over Refuse Removal and Disposal Sites By-law, 2006

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In terms of and under the provisions of section 156 of the [Constitution of the Republic of South Africa, 1996 \(Act 108 of 1996\)](#), the Knysna Municipality, enacts as follows:—

1. Definitions

- (1) In these By-laws, except as otherwise expressly provided or unless the context otherwise requires—

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

"bin-liner" means a plastic bag, as prescribed by the Municipality, for placement inside a container;

"container" means a standard type of refuse container as approved by the Municipality;

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

"domestic refuse" means any refuse or waste normally emanating from or incidental to the normal occupation of a dwelling, flat, hotel, boarding-house, restaurant, guest house, hospital, school, cafe, shop, old age home or office but shall not include stones, soil, gravel, bricks, waste liquids, night soil, or industrial, builder's or trade refuse;

"garden refuse" means any refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, trees, plants, flowers, weeds and other similar light matter;

"hazardous waste" means medical waste and any refuse, waste, matter or substance which may be hazardous or harmful to the environment, to persons or to other living organisms or which may cause pollution;

"industrial refuse" means any refuse generated as a result of manufacturing, maintenance, production and dismantling activities;

"Municipality" means the Municipality of Knysna established in terms of section 12 of the Municipal Structures [Act, 117 of 1998](#), and includes any political structure, political office bearer, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee;

"owner" also means lessee, occupier, householder, director of a company, member of a close corporation, the person in control of any premises, or any person who obtains a benefit from the premises or is entitled thereto and includes the person administering an estate as curator, executor, proxy, trustee or administrator of a person in whom the legal title in immovable property is vested and who is insolvent, dead or of unsound mind;

"refuse" means any fruit or vegetable peels, fruit or vegetable waste, general domestic waste as well as vegetable garden refuse which is of such size that it may be deposited in a refuse bag or refuse bin;

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

"Tariff By-law" means the Tariff By-law adopted by the Municipality in terms of section 75 of the Local Government; Municipal Systems Act, 2000 ([Act 32 of 2000](#));

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

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

- (2) In these By-laws words used in the masculine gender include the feminine, the singular includes the plural and vice versa. The English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates.

2. Municipality to remove refuse

No person may dispose of refuse or waste in any manner unless it is—

- (a) in accordance with the terms and conditions of a refuse removal system approved or provided by the Municipality;
- (b) in accordance with an agreement entered into between the owner of premises and the Municipality, or;
- (c) at or in a place or a container that the Municipality has set aside for such purpose, and then only in accordance with a notice which indicates the conditions subject to which refuse or waste may be so deposited.

3. Accumulation and removal of domestic refuse

- (a) The Municipality may require every owner of a property to provide on such property a container with a capacity determined by the Municipality, constructed of a material approved by the Municipality and with a closefitting lid and two handles for the accumulation of domestic refuse.
- (b) The owner or occupier of any property shall ensure that all domestic refuse generated on such property shall be accumulated only in a container.
- (c) If the Municipality is of the opinion that more than one container for the accumulation of domestic refuse is essential on a particular property, it may, according to the quantity of domestic refuse normally accumulated on such property, require the occupier thereof to provide as many containers as it may determine on such property.
- (d) If a container used by an owner or occupier does not comply with the requirements of the Municipality, it may instruct such owner or occupier to obtain and use some other suitable container complying with its requirements.
- (e) The Municipality may, where it considers it necessary or desirable of its own accord supply containers to particular classes of owners or occupiers, or to particular classes of properties or in particular areas, in which event the cost of such containers shall be recovered from the owners or occupiers of the properties concerned.
- (f) All containers shall be equipped with bin-liners, unless the Municipality determines otherwise.

- (g) The Municipality may, generally or in particular, issue instructions to owners and occupiers on the manner in which or the arrangements according to which refuse or bin-liners shall be placed in containers, be removed there from, be tied and thereafter be placed or deposited for removal, and any disregard of such instructions shall constitute a contravention of these by-laws.
- (h) No material, including any liquid which, by reason of its mass or other property is likely to render such bin liners or containers difficult for the Municipality's employees to handle or carry, shall be placed in such bin liners or containers.
- (i) The Municipality shall remove the containers or bin-liners, or both, at such intervals as the Municipality may deem necessary but only if such containers or bin liners, or both, have been placed or deposited at the prescribed places as determined by the Municipality.
- (j) The Municipality shall not be liable for the loss of or for any damage to a container or bin liner.
- (k) In any case where the occupier of a property is not also the owner, the Municipality may hold the owner himself, instead of the occupier, liable for compliance with the provisions of these by-laws.
- (l) The Municipality may, in specific cases, impose different requirements for the removal and disposal of refuse and the owner or occupier of immovable property, as the case may be, to which such requirements relate shall be obliged to comply with the aforesaid directions of the Municipality.
- (m) The Municipality may prescribe policy with regard to the reclamation of refuse in which case directions may be issued in terms of which certain types of refuse shall be separated and disposed of.

4. Littering

No person shall—

- (1) throw, drop, deposit or spill any refuse into or onto a public place, street, vacant stand, vacant erf, stream or water-course, or
- (2) sweep any refuse into a gutter on a public place or into any public street.

5. Pavements

It shall be the duty of every owner or occupier of a shop or trade premises to ensure that the pavement in front of or abutting such shop or premises is kept clean and free of refuse or waste material emanating from such shop or premises or resulting from the delivery of goods to such shop or premises or from the supply or sale of goods to the public by the occupier of such shop or premises.

6. Garden refuse

- (1) Garden refuse may be removed from property where it accumulates according to any arrangements which the owner or occupier of such property desires to make, provided that, should any accumulation of garden refuse not be removed and should such accumulation constitute a nuisance or danger to public health or an unnecessary fire hazard to nearby property, the Municipality may order such owner or occupier by written notice to cause such accumulation to be removed within a specified period. If it has sufficient facilities available, the Municipality may in its discretion and on application from the owner or occupier of property remove garden refuse from such property at the cost of the owner or occupier and subject to such terms and conditions as the Municipality may determine.
- (2) No garden refuse may be dumped, kept or stored in or on any sidewalk or vacant ground.

7. Removal of bulky and industrial refuse

- (1) The occupier or, in the case of premises occupied by more than one person, the occupiers of premises in which bulky or industrial refuse is generated, shall ensure that such refuse is disposed of in terms of these by-laws within a reasonable period after the generation thereof.
- (2) Bulky and industrial refuse shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the Municipality as a disposal site for such refuse.
- (3) The Municipality does not accept any responsibility for the removal of bulky or industrial refuse.

8. Builder's refuse

Builder's refuse which may have accumulated in the course of the construction, alteration, renovation or demolition of any structure or works shall be removed from the property concerned according to suitable arrangements to be made by the owner of such property with the Municipality. If there is any undue delay in the removal of such refuse after the completion of the works involved, the Municipality may direct, by written notice to such owner, that the refuse be removed within a specified time to an approved disposal site.

9. Trade refuse

The Municipality may enter into an agreement with the owner or occupier of any premises for the removal of trade refuse by the Municipality at a charge fixed by the Municipality.

10. Disposal sites

- (1) The Municipality shall set aside and maintain a place or places where domestic, garden and builder's refuse shall be deposited or dumped. Any person dumping domestic, garden and builder's refuse in any other place shall be guilty of an offence.
- (2) The Municipality may, from time to time, determine tariffs for the dumping of refuse at a dumping or disposal site.

11. Ownership of refuse

All refuse removed by the Municipality and all refuse on disposal sites controlled by the Municipality shall be the property of the Municipality, and no person who is not duly authorised by the Municipality to do so, shall remove or in any manner interfere with such refuse.

12. Abandoned objects

Any object other than a vehicle deemed to have been left or abandoned anywhere in terms of the National Road Traffic Act, 1996 ([Act 93 of 1996](#)), which is, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition thereof, be reasonably regarded by the Municipality as having been abandoned, may be removed and disposed of by the Municipality in a manner as it may deem fit.

13. Disposal

No person shall—

- (a) deposit any waste or hazardous waste in a refuse bin, street refuse bin or any bag to be removed by the Municipality;
- (b) burn refuse, waste or hazardous waste;

- (c) dispose of hazardous waste without the prior permission of the Municipality, and then only in accordance with the conditions and requirements specified in such approval.

14. Compliance with instructions issued by Municipality

- (1) Where any refuse, waste or hazardous waste is accumulated, dumped, stored or deposited in any place, whether public or private, which is not in accordance with an approval issued by the Municipality, or which may be or become unsightly or constitute a hazard or a nuisance, the Municipality may in writing direct—
 - (a) the person who is directly or indirectly responsible for such accumulation, dumping, storing or depositing, and/or;
 - (b) the owner of such refuse, waste or hazardous waste whether or not he is responsible for such accumulation, dumping, storing or depositing, and/or;
 - (c) the owner of such land or premises, whether or not he is responsible for such accumulation, dumping, storing or depositing,to cease such activity or to take such steps as the Municipality may deem fit, within a period specified in the direction, to dispose of such refuse, waste or hazardous waste.
- (2) If the person or owner fails to comply with the direction, the Municipality may withdraw any approval and may take such refuse, waste or hazardous waste and recover the costs thereof from the person or owner.

15. Health hazards and nuisances

The Municipality may impose any condition or requirement in order to prevent, remove the cause of or allay any health hazard or nuisance.

16. System changes

- (1) The Municipality may provide, or arrange for the provision of, different refuse removal systems in specific areas demarcated by the Municipality.
- (2) When it becomes necessary to change an existing refuse removal system, enlarge or reduce a demarcated area, or introduce a new refuse removal system in any demarcated area, the Municipality shall enter into a process of informing the residents and/or organised commerce in the area.
- (3) When the Municipality is satisfied that the persons who receive or will receive a refuse removal service have been adequately informed, the proposed changes or new system will be introduced at a date determined by the Municipality.

17. Bodies corporate, trade premises and agricultural land

- (1) Owners of premises where a body corporate is in existence, trade premises and agricultural lands are responsible for making independent arrangements with the Municipality for the removal of refuse and waste by the Municipality.
- (2) The Municipality may enter into an agreement with a body corporate, the owner of trade premises or agricultural land for a refuse removal service and/or provision of refuse bins to the premises.

18. Removal of refuse in bin-liners

In areas where refuse is removed by means of bin-liners—

- (a) refuse which is not in bin-liners, will not be removed;

- (b) refuse may only be put out on the sidewalk on those days that refuse is removed;
- (c) the owner must ensure that the bin-liners are placed in such a position that the contents are secured, as the contents of damaged bin-liners will not be removed;
- (d) the Municipality determines the maximum number of bin-liners which may be put out on any day that refuse is removed; and
- (e) the owner must ensure that sharp objects or other objects which may cause harm to passers-by, do not protrude from the bin-liners.

19. Charges and fees

- (1) The Municipality determines and levies the charges and fees in respect of services rendered by the Municipality in terms of the Tariff By-law.
- (2) No person shall be entitled to exemption from or a reduction in charges determined by the Municipality, merely on the grounds that such person makes limited use of the service rendered by the Municipality.

20. Offences and penalties

Any person who contravenes or fails to comply with any provision of this by-law or with any order or notice lawfully issued thereunder shall be guilty of an offence and liable on conviction to a fine.

21. Repeal of by-laws

Any by-law relating to refuse removal and disposal adopted by the Municipality or any Municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

22. Short title and commencement

This by-law shall be known as the By-law for Control over Refuse Removal and Disposal Sites and shall come into operation on the date of publication thereof in the *Provincial Gazette*.