

1/3/1/9

**Provincial Gazette
Extraordinary**

**Buitengewone
Provinsiale Koerant**

6102

6102

Monday, 1 March 2004

Maandag, 1 Maart 2004

Registered at the Post Office as a Newspaper

As 'n Nuisblad by die Poskantoor Geregistreer



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INHOUD

(*Reprints are obtainable at Room 9-06, Provincial Building, 4 Dorp Street, Cape Town 8001.)

(*Herdrukke is verkrygbaar by Kamer 9-06, Provinsiale-gebou, Dorpstraat 4, Kaapstad 8001.)

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Name of next of kin	Naam van naasbestaande
Name of applicant	Naam van aansoeker
.....
Undertaker	Ondernemer
Note—To be attached to burial order and presented at the office of the Municipality before burial can take place in accordance with section 12. 6292	Opmerking — Moet by begrafnisorder aangeheg en by die kantoor van die munisipaliteit ingedien word voordat die teraardebestelling ooreenkomstig artikel 12 kan plaasvind. 6292

**WITZENBERG MUNICIPALITY:
BY-LAW RELATING TO THE CONTROL OF
DISPOSAL SITES**

(9-2004)

Purpose of By-Law

- To promote the achievement of a safe and healthy environment for the benefit of residents within the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices to regulate the dumping of refuse and the management of disposal sites.

Definitions

1. In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the Afrikaans text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates:—

“attendant”, means an employee of the municipality or agent of the municipality duly authorised to be in charge of the disposal site;

“municipality” means the Municipality of Witzenberg established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“disposal site” means any site set aside by the municipality for this purpose and which can be identified as such by means of a notice to this effect at or near to the entrance of the site, and;

“offensive matter” means such matter, including fluids, that may be classified as such by the municipality from time to time.

Control of disposal site

2. The municipality may control a disposal site, or may appoint agents or may contract some other person or body to control, manage and operate a disposal site on behalf of the municipality in accordance with the provisions of this by-law and the provisions of any other legislation that may be applicable.

Access to disposal site

3. (1) No person shall enter the disposal site or shall be on such a site except on such days and at such times as shall be fixed by the municipality from time to time. A notice setting forth the days and hours during which a disposal site will normally be open for the dumping of refuse, shall be displayed by the municipality in a clearly visible place at or near the entrance to the disposal site.

WITZENBERG MUNISIPALITEIT:**VERORDENING INSAKE DIE BEHEER OOR
STORTINGSTERREINE**

(9-2004)

Doel van Verordening

- Om die verwesenliking van 'n veilige en gesonde omgewing te bevorder tot voordeel van inwoners binne die regsgebied van die munisipaliteit;
- Om voorsiening te maak vir prosedures, metodes en praktyke om die storting van vullis en die bestuur van stortingsterreine te reguleer.

Woordbepaling

1. In hierdie verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Afrikaanse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, beteken:—

“hinderlike stowwe”, enige sodanige stowwe, insluitende vloeistowwe, wat van tyd tot tyd as sulks deur die munisipaliteit geklassifiseer word;

“munisipaliteit” die munisipaliteit van Witzenberg gestig in terme van Artikel 12 van die Munisipale Struktuwewet, 117 van 1998, Provinsiale Kennisgewing 487 gedateer 22 September 2000 en sluit in enige politieke struktuur, politieke ampsbekleeder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleeder, raadslid, agent of werknemer;

“opsigter” enige werknemer van die munisipaliteit of agent van die munisipaliteit wat behoorlik gemagtig is om beheer uit te oefen oor die stortingsterrein;

“stortingsterrein” enige terrein wat vir dié doel deur die munisipaliteit afgesonder is en wat as sulks geïdentifiseer kan word deur middel van 'n kennisgewing te dien effekte by of naby die ingang van die terrein.

Beheer oor stortingsterrein

2. Die munisipaliteit kan 'n stortingsterrein beheer of mag enige ander persoon of liggaam kontrakteer om 'n stortingsterrein namens hom ooreenkomstig die bepalinge van hierdie verordening en die bepalinge van enige ander wetgewing wat toepaslik mag wees, te beheer, te bestuur en te bedryf.

Toegang tot stortingsterrein

3. (1) Geen persoon mag 'n stortingsterrein binnegaan of op so 'n terrein wees nie, behalwe op die dae en tye wat van tyd tot tyd deur die munisipaliteit bepaal mag word. 'n Kennisgewing wat die dae en tye vermeld wanneer 'n stortingsterrein gewoonlik oop sal wees vir die storting van vullis, sal deur die munisipaliteit op 'n duidelike sigbare plek by of naby die ingang van die stortingsterrein, vertoon word.

- (2) Only persons wishing to dump refuse who have paid the prescribed fees or who are in possession of a written permission issued by the municipality which permits them to dump such refuse at a disposal site and persons having obtained the written consent of the municipality to recycle any materials or objects on such a site, shall be entitled to enter the disposal site or to be on the site.
- (3) Notwithstanding anything to the contrary contained in this by-law, any employee of the municipality or anybody acting on behalf of the municipality and duly authorised thereto, may enter a disposal site at any time in exercising his or her duties.
- (4) Any person making use of the disposal site or entering the disposal site, do so at his or her own risk and the municipality accepts no responsibility for the safety of such person or any damages or losses sustained by such person.
- (5) Anybody who enters a disposal site or who is found on such a site in contravention of the provisions of this section shall be guilty of an offence.

Off-loading of refuse and rubbish, etc.

4. Any person who wishes to dump refuse or rubbish or any other obsolete object or thing of whatsoever nature, at a disposal site, shall off-load such refuse or rubbish or obsolete object or thing at such a place within the borders of the disposal site as the attendant may direct. Any person who disregards the reasonable instructions of the attendant shall be guilty of an offence.

Prohibition on dumping of offensive matter

5. The municipality reserves the right to prohibit the dumping of any offensive or toxic matter at a disposal site.

Ownership of refuse

6. Refuse, rubbish, obsolete objects or any other material or waste of whatsoever nature, dumped at a disposal site, becomes the property of the municipality and no person who is not duly authorised by the municipality to do so shall remove or interfere with such refuse, rubbish, objects or any other material or waste.

Charges

7. The municipality may from time to time fix the charges payable to the municipality for the dumping of any refuse, rubbish, obsolete objects or any other material or waste at any disposal site under the control of the municipality.

Penalties

8. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—
 - (1) a fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;
 - (2) in the case of a continuing offence, an additional fine or an additional period of imprisonment, or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
 - (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure. 6293

- (2) Slegs persone wat vullis wil stort en wat die voorgeskrewe tariewe betaal het of wat in besit is van 'n toestemmingsbrief uitgereik deur die munisipaliteit wat toestemming aan hul verleen om sodanige vullis by 'n stortingsterrein te stort en persone wat skriftelike toestemming van die munisipaliteit verkry het om enige materiaal of voorwerpe op so 'n terrein te herwin, sal geregtig wees om die stortingsterrein binne te gaan of daarop te wees.
- (3) Niteenstaande enigiets andersduidends vervat in hierdie verordening, mag 'n werknemer van die munisipaliteit of enigiemand wat namens die munisipaliteit optree en behoorlik aldus gemagtig is, 'n stortingsterrein te eniger tyd binnegaan ter uitvoering van sy of haar pligte.
- (4) Enige persoon wat van die stortingsterrein gebruik maak of die stortingsterrein binnegaan doen dit op sy of haar eie risiko en die munisipaliteit aanvaar geen aanspreeklikheid vir die veiligheid van so 'n persoon of enige skade of verliese wat so 'n persoon mag opdoen nie.
- (5) Iedereen wat 'n stortingsterrein binnegaan of op so 'n terrein aangetref word, strydig met die bepalings van hierdie artikel, sal skuldig wees aan 'n misdryf.

Aflaai van vullis, rommel, ens.

4. Enige persoon wat vullis of rommel of enige ander uitgediende voorwerp of ding van welke aard ook al by 'n stortingsterrein wil stort, moet sodanige vullis of rommel of uitgediende voorwerp of ding op sodanige plek binne die grense van die stortingsterrein aflaai soos wat die opsigter mag aandui. Enige persoon wat die redelike opdragte van die opsigter verontagsaam, sal skuldig wees aan 'n misdryf.

Verbod op die storting van hinderlike stowwe

5. Die munisipaliteit behou die reg voor om die storting van enige hinderlike of toksiese stowwe by 'n stortingsterrein te verbied.

Eiendomsreg op vullis

6. Vullis, rommel, uitgediende voorwerpe of enige ander materiaal of afval wat by 'n stortingsterrein gestort word, word die eiendom van die munisipaliteit en niemand wat nie behoorlik deur die munisipaliteit daartoe gemagtig is nie, mag sodanige vullis, rommel, uitgediende voorwerp of enige ander materiaal of afval verwyder of hom of haar daarmee bemoei nie.

Gelde

7. Die munisipaliteit mag van tyd tot tyd die gelde vasstel wat aan die munisipaliteit betaalbaar is vir die storting van vullis, rommel, uitgediende voorwerpe of enige ander materiaal of afval by enige stortingsterrein onder beheer van die munisipaliteit.

Strafbepaling

8. Iedereen wat enige bepaling van hierdie verordening oortree of nalaat om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met—
 - (1) 'n boete of gevangenisstraf, of sodanige boete of sodanige gevangenisstraf of beide sodanige boete en sodanige gevangenisstraf;
 - (2) in die geval van 'n voortdurende misdryf, met 'n addisionele boete, of 'n addisionele tydperk van gevangenisstraf, of sodanige addisionele boete of sodanige addisionele gevangenisstraf, of beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur, en
 - (3) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim. 6293