

# Provincial Gazette

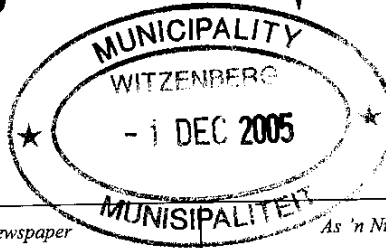
# Provinsiale Koerant

6307

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1/31/27

**29. Repeal of By-laws**

The following by-laws published by Witzenberg Municipality are hereby repealed in so far as it has been made applicable to Witzenberg Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 1998:

- (a) By-law relating to the Keeping of Animals — PN 14/2004 dated 1 March 2004;
- (b) By-law relating to the Keeping of Bees — PN 15/2004 dated 1 March 2004;
- (c) By-law relating to the Keeping of Dogs — PN 16/2004 dated 1 March 2004;
- (d) By-law relating to the Keeping of Poultry — PN 17/2004 dated 1 March 2004;
- (e) By-law for the Prevention of Nuisances — PN 18/2004 dated 1 March 2004.

**30. Short title and commencement**

This by-law shall be known as the By-law relating to Public Nuisances and the Keeping of Animals and shall come into operation on the date of publication thereof in the Provincial Gazette.

14 October 2005

31608

**WITZENBERG MUNICIPALITY****BY-LAW RELATING TO REFUSE REMOVAL****Purpose of By-law**

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

**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:—
  - “charges” means the tariff for the removal of refuse, irrespective of the number of removals;
  - “dumping site” means an area where dumping is allowed as determined and designated by the municipality;
  - “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;
  - “owner” also means lessee, occupier, resident or any person who obtains a benefit from the premises or is entitled thereto and also includes any insolvent estate, executor, administrator, trustee, liquidator judicial manager;
  - “permit” also means to allow intentionally, negligently or any other manner whatsoever;
  - “premises” means any land, whether vacant, occupied or with buildings thereon;
  - “refuse” includes—

**29. Herroeping van Verordeninge**

Die volgende verordeninge afgekondig deur Witzenberg Munisipaliteit word hiermee herroep vir sover dit van toepassing gemaak is op Witzenberg Munisipaliteit deur die magtiging vir die uitvoering van funksies en bevoegdhede in terme van art. 84(3) van die Strukturewet, 117/1998:

- (a) Verordening insake die Aanhou van Diere — PK 14/2004 gedateer 1 Maart 2004;
- (b) Verordening insake die Aanhou van Bye — PK 15/2004 gedateer 1 Maart 2004;
- (c) Verordening insake die Aanhou van Honde — PK 16/2004 gedateer 1 Maart 2004;
- (d) Verordening insake die Aanhou van Pluimvee — PK 17/2004 gedateer 1 Maart 2004;
- (e) Verordening insake die Voorkoming van Oorlaste — PK 18/2004 gedateer 1 Maart 2004.

**30. Kort titel en aanvang**

Die verordening sal bekend staan as die Verordening insake Openbare Oorlaste en die Aanhou van Diere en tree in werking op die datum waarop dit in die Provinsiale Koerant gepubliseer word.

14 Oktober 2005

31608

**WITZENBERG MUNISIPALITEIT****VERORDENING INSAKE VULLISVERWYDERING****Doel van Verordening**

- Om die verwesenliking van 'n gesonde en veilige omgewing tot voordeel van die inwoners binne die regsgebied van die munisipaliteit te bevorder;
- Om voorsiening te maak vir prosedures, metodes en praktyke om die storting van vullis en die verwydering van vullis 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:—
  - “diensterekening” die amptelike rekening, wat die munisipaliteit maandeliks aan die eienaar van 'n perseel lewer;
  - “eigenaar” ook huurder, okkupeerder, bewoner of enige persoon wat voordeel uit die perseel verkry of daarop geregtig is en dit omvat ook enige insolvente boedel, eksekuteur, administrateur, trustee, likwidateur of geregtelike bestuurder;
  - “gelde” die tarief vir die verwydering van vullis ongeag die hoeveelheid verwyderings;
  - “munisipaliteit” die munisipaliteit van Witzenberg gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, Provinsiale Kennisgewing 487 gedateer 22 September 2000 en sluit in enige politieke struktuur, politieke ampsbekleder, 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 ampsbekleder, raadslid, agent of werknemer;
  - “perseel” enige grond, hetsy onbebou, ge-okkupeer of met geboue daarop;
  - “stortingsterrein” 'n gebied deur die munisipaliteit bepaal en aangewys waar vullisstortings mag plaasvind;

**"business refuse"** which means any matter or substance arising out of the use of business premises but does not include waste, hazardous waste, material, domestic refuse or garden refuse;

**"domestic refuse"** which means any fruit or vegetable peels, fruit or vegetable waste, general domestic waste as well as garden refuse which is of such size that it may be deposited in a refuse bin or any other matter which in the opinion of the municipality constitutes refuse;

**"garden refuse"** which means refuse originating from a gardening activity such as grass cutting, leaves, plants flowers or similar refuse of such size that it can be placed in a refuse bin;

**"hazardous waste"** which means any waste, matter or substance which may be hazardous or harmful to the environment and residents or which may pollute the environment including medical waste, asbestos, motor oils or lubricants, or any other waste, matter or substance which in the opinion of the municipality constitutes hazardous waste;

**"materials"** which means any stone, rock, sand, building materials or building rubble or any other type of composite or artificial materials such as plastic pipes and similar materials as well as materials which are utilised in the erection of buildings or structures or any other materials which may be classified as materials;

**"waste"** which means any matter or substance which cannot be classified as hazardous waste, refuse or materials such as parts of cars, spare parts, motor oils or lubricants or oils and similar substances, materials, liquids, etc;

**"refuse bin"** means a mobile container with a capacity of 240 litres, or alternatively plastic bags, which the municipality makes available to each premises or as required by the municipality;

**"removal day"** the day or days fixed by the municipality for the removal of refuse;

**"residential premises"** means premises which are zoned for residential purposes in terms of the municipality's zoning scheme;

**"services account"** means the official account rendered by the municipality to the owner of premises;

#### Compulsory use of service

2. (1) No one except the municipality or a person authorised by the municipality; may remove any refuse from any premises or dispose thereof.
- (2) Each owner, excluding the owners of farms and smallholdings must make use of the service provided by the municipality for the removal or disposal of refuse, in respect of refuse originating from such premises.
- (3) The tariff as fixed by the municipality is payable to the municipality by the owner, irrespective whether the service is being used, or not.

#### Refuse bins

3. The municipality provides one refuse bin, supplied with a serial number, or plastic bags per residential premises after the owner of the premises has concluded a written agreement with the municipality, but may in cases—
  - (a) where more than one refuse bin is needed, or
  - (b) where the owner applies in writing for more than one refuse bin,

supply more than one refuse bin per residential premises provided that the costs of such additional refuse removal service be paid by the owner and any additional removal costs in respect of the additional container(s) is for the account of the owner.

**"toelaat"** ook op opsetlike, nalatige of welke wyse ook al toe te laat;

**"verwyderingsdag"** die dag of dae deur die munisipaliteit munisipaliteit bepaal vir die verwydering van vullis;

**"vullis"** ook—

**"afval"** enige stof of voorwerp wat nie as gevaarhoudende afval, vullis of materiaal geklassifiseer kan word nie, soos motordele of onderdele, motorolies of smeermiddels of olies en soortgelyke stowwe, materiale, vloeistowwe, ens;

**"besigheidsafval"** enige stof of voorwerp wat ontstaan deur die gebruik van 'n besigheidsperseel, maar dit omvat nie afval, gevaarhoudende stowwe, materiaal, huisvullis en tuinafval nie;

**"huisvullis"** enige vrugte- of groenteskille, groente- of vrugte-afval, algemene huisboudelike afval asook tuinafval van sodanige grootte dat dit in 'n vullishouer geplaas kan word of enige ander voorwerp wat na die mening van die munisipaliteit vullis uitmaak;

**"materiale"** enige klippe, sand, boumateriale of bourommel of enige ander tipe saamgestelde of kunsmatige materiale soos plastiekpype of soortgelyke materiale, asook materiale wat gebruik word vir die oprigting van geboue of strukture of toebehoort tot die geboue of strukture of enige ander materiale wat as materiale geklassifiseer kan word;

**"tuinafval"** afval wat ontstaan as gevolg van tuinmaakbedrywighede soos sny van gras, biare, plante, blomme en dergelyke afval van sodanige grootte dat dit in 'n vullishouer geplaas kan word;

**"vullishouer"** die mobiele houer met 'n inhoudsmaat van 240 liter of alternatiewelik plastieksakke wat deur die munisipaliteit aan elke perseel beskikbaar gestel word of soos deur die munisipaliteit vereis word;

**"woonperseel"** 'n perseel wat vir woondoeleindes gesoneer is ingevolge die munisipaliteit se soneringskema;

#### Verpligte gebruik van diens

2. (1) Niemand, uitgesonderd die munisipaliteit of 'n persoon deur die munisipaliteit daartoe gemagtig, mag enige vullis vanaf enige perseel verwyder of daarmee wegdoen nie.
- (2) Elke eienaar, uitgesluit die eienaars van plase en kleinhoues, moet gebruik maak van die diens wat deur die munisipaliteit voorsien word vir die verwydering en wegdoen van vullis, ten opsigte van vullis wat afkomstig is van sodanige perseel.
- (3) Die gelde soos deur die munisipaliteit vasgestel is deur die eienaar betaalbaar aan die munisipaliteit, ongeag of van die diens gebruik gemaak word, al dan nie.

#### Vullishouers

3. Die munisipaliteit verskaf een vullishouer, wat van 'n reeksnommer voorsien is, of plastieksakke per woonperseel nadat die eienaar van die perseel 'n skriftelike ooreenkoms met die munisipaliteit aangegaan het, maar kan in gevalle—
  - (a) waar meer as een vullishouer nodig is; of
  - (b) waar die eienaar skriftelik om meer as een vullishouer aansoek doen;

meer as een vullishouer aan 'n woonperseel verskaf op voorwaarde dat die koste van sodanige addisionele vullisverwyderingsdiens deur die eienaar betaal word en enige addisionele verwyderingskoste ten opsigte van die addisionele houer(s) vir die rekening van die eienaar is.

**Removal**

4. (1) The municipality provides the number of refuse bins with a serial number, or the type of refuse bin that is normally supplied, at request of the owner of a premises other than a residential premises, provided that—
- owners are responsible for making alternative arrangements for the removal of refuse from the premises;
  - the municipality may prescribe special refuse bins, in which specific refuse must be dumped or stored;
  - the municipality removes refuse on the day of removal, directly from the premises of the owner,

and further provided that in case the owner of such premises concludes a written agreement with the municipality for the removal of refuse or the provision of refuse bins to the premises, the services be delivered on the conditions, and at the cost and times which have been agreed upon in writing.

- The municipality shall on the removal day only remove refuse that has been deposited in refuse bins as approved by municipality.
  - Only domestic refuse may be deposited in refuse bins.
5. (1) No person shall—
- deposit or permit to be deposited any waste, hazardous waste or material in a refuse bin;
  - deposit or permit to be deposited any refuse in a refuse bin in such a manner as to cause the lid of the refuse bin not to close properly;
  - put out, accumulate, dump, store or deposit in any manner whatsoever waste, hazardous waste, materials or refuse next to or on a refuse bin, in a road, or on a sidewalk or in any other place or permit it to be put out, accumulated, dumped, stored or deposited in any manner whatsoever next to or on a refuse bin in a road or on a sidewalk or in any other place.
- The municipality may, if a hazard or health hazard exists or may possibly arise, impose any reasonable condition, regarding the handling, storage or removal of refuse bins, or anything in connection therewith.
  - If the owner requires more refuse removals he may apply to enter into a written agreement with the municipality for additional refuse removals subject to the conditions and at the times and tariffs determined by the municipality.
  - The municipality may provide an additional garden refuse removal service for garden refuse which cannot be deposited in a refuse bin and special arrangements must be made with the municipality subject to the payment of the tariff and compliance with the conditions determined by the municipality.

**Utilisation of refuse bin(s)**

6. (1) Any refuse bin provided by the municipality shall remain the property of the municipality, except where, as provided in section 4(1), a bin is purchased.
- The owner shall keep the refuse bins on his premises in a clean and neat condition and shall not use any refuse bin for any purpose other than for the depositing of refuse.
  - The municipality will not remove refuse unless the refuse bin has on the removal day been placed on the sidewalk in front

**Verwydering**

4. (1) Die munisipaliteit verskaf die aantal vullishouers wat van 'n reeksnommer voorsien is, of die tipe vullishouer wat normaalweg voorsien word, op versoek van die eienaar van 'n perseel anders as 'n woonperseel, met dien verstande dat—
- eienaars daarvoor verantwoordelik is om alternatiewe reëlings te tref vir die verwydering van vullis vanaf die perseel;
  - die munisipaliteit spesiale vullishouers kan voorskryf waarin spesifieke vullis gegooi of opgeberg moet word;
  - die munisipaliteit vullis op 'n verwyderingsdag direk van die eienaar se perseel verwyder;

en met dien verstande verder dat indien die eienaar van so 'n perseel 'n skriftelike ooreenkoms met die munisipaliteit aangaan vir die verwydering van vullis of die voorsiening van vullishouers aan die perseel, die diens gelewer word op die voorwaardes, koste en tye waartoe skriftelik ooreengekom word.

- Die munisipaliteit verwyder op die verwyderingsdag slegs vullis wat geplaas is in vullishouers soos deur die munisipaliteit goedgekeur.
  - Slegs huisvullis mag in vullishouers geplaas word.
5. (1) Niemand mag enige—
- afval, gevaarhoudende afval of materiale in 'n vullishouer plaas of toelaat dat dit daarin geplaas word nie;
  - vullis in 'n vullishouer plaas of toelaat dat dit daarin geplaas word op so 'n manier dat die deksel van die vullishouer nie behoorlik kan toemaak nie;
  - afval, gevaarhoudende afval, materiale of vullis langs of bo-op 'n vullishouer in 'n pad of op 'n sypaadjie of op enige ander plek uitsit, ophoop, stort, opberg of op welke wyse ook al plaas nie, of toelaat dat dit langs of bo-op 'n vullishouer, in 'n pad of op 'n sypaadjie of op enige ander plek uitgesit, opgehoop, gestort opgeberg of op welke wyse ook al geplaas word nie.
- Die munisipaliteit kan, indien daar 'n gevaar of gesondheidsgevaar bestaan of moontlik kan ontstaan, enige redelike voorwaarde stel met betrekking tot die hantering, berging of verwydering van vullishouers of enigiets wat daarmee verband hou.
  - Indien die eienaar meer vullisverwydering verlang, kan hy aansoek doen om 'n skriftelike ooreenkoms met die munisipaliteit aan te gaan vir addisionele vullisverwyderings op die voorwaardes en tye en teen die tariewe wat die munisipaliteit mag bepaal.
  - Die munisipaliteit kan 'n diens voorsien ten opsigte van addisionele tuinvullisverwydering wat nie in die vullishouer geplaas kan word nie en spesiale reëlings vir die verwydering daarvan moet met die munisipaliteit getref word wat onderworpe is aan die betaling van die tariewe en die nakoming van die voorwaardes wat die munisipaliteit bepaal.

**Gebruik van vullishouer(s)**

6. (1) Enige vullishouer wat deur die munisipaliteit verskaf is, bly die eiendom van die munisipaliteit, behalwe waar 'n vullishouer, soos bepaal in artikel 4(1), aangekoop word.
- Die eienaar moet die vullishouers op sy perseel in 'n skoon en netjiese toestand hou en mag 'n vullishouer vir geen ander doel, behalwe vir die plasing van vullis daarin, gebruik nie.
  - Die munisipaliteit verwyder nie vullis tensy die vullishouer op die verwyderingsdag op die sypaadjie voor die perseel

of the premises to which it has been allocated.

- (4) The owner shall not deposit or permit to be deposited any refuse in a refuse bin which may cause such bin to be damaged or destroyed in any manner whatsoever.
- (5) A refuse bin shall be replaced as and when it is necessary, provided that where such refuse bin has to be replaced as a result of theft or damage caused through the negligence of the owner, such owner may be held liable for the cost of replacing such refuse bin.
- (6) No person shall remove a refuse bin from any premises to which it has been allocated or destroy or damage it, or permit it to be removed, destroyed or damaged.

#### Prohibition an accumulation and dumping

7. (1) No person shall accumulate, dump, store or deposit or permit the accumulation, dumping, storage or depositing of any refuse, hazardous waste, materials or waste on any land or premises, including the owner's residential site, or in any public place or street, provided that a person who has obtained the prior written approval of the municipality to do so at a specific place shall comply with the conditions of such approval. This prohibition shall also apply in respect of an owner's residential premises where it may create a nuisance, hazard or health hazard.
- (2) Only refuse and materials generated on residential premises may be dumped at the dumping site—
  - (a) on production by the owner of his services account to the official of the municipality or the person acting on behalf of the municipality in charge of access control at the dumping site; and
  - (b) upon payment of the tariff and at such times as the municipality may fix.
- (3) No person shall burn refuse, hazardous waste, materials and or waste or cause refuse, hazardous waste, materials or waste to be burnt without the prior written approval of the municipality and then only in accordance with the conditions and requirements specified in such approval.
- (4) No person shall deposit or permit to be deposited any hazardous waste in any refuse bin, permit it to be removed, or to be dumped or cause to be dumped at a dumping site without the prior written approval of the municipality and then only in accordance with the conditions and requirements specified in such approval.

#### Pavements

8. It shall be the duty of every owner of business premises to ensure that the pavement in front of or abutting the premises is kept clean and free of refuse or material originating from such premises or resulting from the delivery of good to such premises.

#### Dumping sites

9. (1) The municipality may set aside any dumping site or any part of a dumping site where only a particular kind of refuse may be deposited or dumped.
- (2) The municipality may limit the type or size of vehicle from which waste may be dumped or deposited at any dumping site.
- (3) The municipality may limit the quantity of waste in general or the quantity of a particular type of waste which may be dumped or deposited at any dumping site.
- (4) The municipality may require that any waste to be dumped or deposited at a dumping site shall be dumped or deposited at a particular place or in a specified manner only or that it be

waaraan dit toegeken is geplaas is nie.

- (4) Die eienaar mag geen vullis in die vullishouer(s) plaas of toelaat dat dit daarin geplaas word wat tot gevolg kan hê dat die vullishouer(s) op welke wyse ook al beskadig of vernietig kan word nie.
- (5) 'n Vullishouer word vervang wanneer dit nodig is, met dien verstande dat waar die vullishouer vervang moet word as gevolg van diefstal of skade veroorsaak deur die nalatigheid van die eienaar, sodanige eienaar aanspreeklik gehou sal word vir die koste van die vervanging van die vullishouer.
- (6) Niemand mag 'n vullishouer vanaf die perseel waaraan dit toegeken is, verwyder, dit vernietig of beskadig nie, of toelaat dat dit verwyder, vernietig of beskadig word nie.

#### Verbod op ophoping en storting

7. (1) Niemand mag enige vullis op enige grond of perseel, insluitende die eienaar se woonperseel, of in enige openbare plek of straat ophoop, stort, opberg of plaas of toelaat dat dit opgehoop, gestort, opgeberg of geplaas word nie met dien verstande dat 'n persoon wat die skriftelike goedkeuring van die munisipaliteit vooraf verkry het om dit op 'n bepaalde plek te doen, die voorwaardes van sodanige goedkeuring moet nakom. Hierdie verbod geld ook ten opsigte van 'n eienaar se woonperseel waar die vullis 'n oorlas, gevaar of gesondheidsgevaar kan skep.
- (2) Slegs vullis en materiale afkomstig vanaf woonpersele mag op die stortingsterrein gestort word:
  - (a) as die eienaar sy diensterekening toon aan die werknemer van die munisipaliteit of die persoon wat namens die munisipaliteit toegangsbeheer op die stortingsterrein reël; en
  - (b) teen betaling van die tarief en op die tye wat die munisipaliteit bepaal.
- (3) Geen persoon mag vullis verbrand of veroorsaak dat vullis verbrand word sonder die vooraf verkreeë skriftelike goedkeuring van die munisipaliteit nie en dan slegs in ooreenstemming met die voorwaardes en vereistes vervat in sodanige goedkeuring om dit te verbrand.
- (4) Niemand mag enige gevaarhoudende afval in 'n vullishouer plaas of toelaat dat dit daarin geplaas word, toelaat dat dit verwyder word of op 'n stortingsterrein stort of veroorsaak dat dit gestort word, sonder die voorafverkreeë skriftelike goedkeuring van die munisipaliteit nie en dan slegs in ooreenstemming met die voorwaardes en vereistes in sodanige gespesifiseer.

#### Sypaadjies

8. Dit is die plig van elke eienaar van 'n sakeperseel om toe te sien dat die sypaadjie voor of aangrensend aan die perseel, skoon en vry gehou word van vullis wat van sodanige perseel afkomstig is of wat voortspruit uit die lewering van goedere aan sodanige perseel.

#### Stortingsterreine

9. (1) Die munisipaliteit kan enige stortingsterrein of enige gedeelte van 'n stortingsterrein aanwys waarop slegs 'n besondere vullis gestort of geplaas mag word.
- (2) Die munisipaliteit kan die tipe of grootte voertuig beperk waaruit vullis gestort of geplaas mag word by enige stortingsterrein.
- (3) Die munisipaliteit kan 'n beperking stel op die hoeveelheid vullis in die algemeen of die hoeveelheid van 'n besondere tipe vullis wat gestort of geplaas mag word by enige stortingsterrein.
- (4) Die munisipaliteit kan vereis dat enige vullis wat by 'n stortingsterrein gestort of geplaas moet word, net op 'n besondere plek of op 'n voorgeskrewe wyse gestort of

treated, wrapped or packaged in a specific manner before being dumped or deposited.

- (5) The municipality shall determine the days when and hours during which dumping may take place at any dumping site.
- (6) Any requirement imposed in terms of this by-law shall be indicated to the public by means of an appropriate notice erected at the entrance of the dumping site concerned. Any instruction issued by an official of the municipality or a person acting on behalf of the municipality in charge of access control at the dumping site, shall be strictly complied with.

#### Ownership of Refuse

10. All refuse removed by the municipality and all refuse on dumping sites controlled by the municipality shall be the property of the municipality and no person who is not duly authorised thereto by the municipality, shall remove or interfere with such refuse.

#### Enforcement

11. Where any object or thing of whatever description which is not defined in the definitions constitutes refuse, is unsightly or is likely to create an obstruction, a hazard or a nuisance, is accumulated, dumped, stored or deposited on or in any land, place, premises or refuse bin(s) or in any street or public place, except where allowed in terms of this by-law, the municipality may serve a written notice on—
  - (a) the person who is directly or indirectly responsible for such accumulation, dumping, storing or depositing;
  - (b) the owner of such waste, hazardous waste, refuse, materials, object or thing, whether or not he is responsible for such accumulation, dumping, storing or depositing; or
  - (c) the owner of such land or premises, whether or not he is responsible for such accumulation, dumping, storing or depositing.

in which case such a person or owner shall be required to do away with, destroy or remove such refuse, hazardous waste, materials, waste, object or thing on or before a date determined in such notice and failing to comply with such a notice, such owner shall be guilty of an offence and the municipality may dispose, destroy or remove such waste at the expense of any one or more persons or owners referred to in sub-sections (a) to (c).

#### Substances in refuse bin

12. No one shall deposit any article or substance, except waste, in a refuse bin for removal.

#### Charges

13. The municipality may fix the charges payable to it for the removal or disposal of waste and dumping or depositing of waste at the dumping site.
  - (a) The charges shall be due and payable by the occupier who is supplied with the refuse removal service or failing which by the owner of the premises;
  - (b) The minimum charge for refuse removal at business premises shall be payable by the owner of the premises whether the premises is used for business purposes or not.
  - (c) Charges due shall be recovered in terms of the credit control and debt collection policy adopted by the municipality.

geplaas mag word of dat dit behandel, omhul of verpak moet word op 'n voorgeskrewe wyse voor storting of plasing.

- (5) Die munisipaliteit bepaal die dae waarop en ure waartydens storting van vullis by enige stortingsterrein mag plaasvind.
- (6) Enige vereiste opgelê ingevolge hierdie verordening word vir die publiek aangetoon by wyse van 'n geskikte kennisgewing opgerig by die ingang van die betrokke stortingsterrein. Enige opdragte van 'n werknemer van die munisipaliteit of 'n persoon wat namens die munisipaliteit optree, wat toegangsbeheer op die stortingsterrein reël wanneer afval by so 'n terrein gestort of geplaas word, moet stiptelik nagekom word.

#### Eiendomsreg op vullis

10. Alle vullis wat die munisipaliteit verwyder het en alle vullis op die stortingsterreine waarvoor die munisipaliteit beheer uitoefen, is die eiendom van die munisipaliteit en niemand wat nie behoorlik deur die munisipaliteit daartoe gemagtig is, mag sodanige vullis verwyder of hom daarmee bemoci nie.

#### Toepassing

11. Waar enige voorwerp of ding van watter aard ook al wat nie in die omskrywing omskryf word nie as vullis geklassifiseer kan word, onooglik is of waarskynlik 'n versperring sal uitmaak of 'n gevaar of oorlas kan skep, opgehoop, gestort, opgeberg of geplaas is op of in enige grond, plek, perseel of vullishouer(s) of in enige straat of openbare plek behalwe soos toegelaat ingevolge hierdie verordening, kan die munisipaliteit 'n skriftelike kennisgewing beteken aan—
  - (a) die persoon wat regstreeks of onregstreeks vir sodanige ophoping, storting, opberging of plasing verantwoordelik is;
  - (b) die eienaar van sodanige vullis, voorwerp of ding ongeag of hy vir sodanige ophoping, storting, opberging of plasing verantwoordelik is of nie; of
  - (c) die eienaar van sodanige grond of perseel ongeag of hy vir sodanige ophoping, storting, opberging of plasing verantwoordelik is of nie,

waarin van sodanige persoon of eienaar, na gelang van die geval, vereis word om sodanige vullis, voorwerp of ding weg te doen, te vernietig of te verwyder voor of op 'n datum in sodanige kennisgewing en indien hy in gebreke bly is sodanige eienaar skuldig aan 'n misdryf en kan die munisipaliteit self sodanige vullis wegdoen, vernietig of verwyder op koste van enige een of meer van die persone of eienaars in subartikels (a) tot (c) genoem.

#### Stowwe in vullishouer

12. Niemand mag enige artikel of stof, behalwe vullis, in 'n vullishouer vir verwydering plaas nie.

#### Gelde

13. Die munisipaliteit stel gelde vas wat aan hom betaalbaar is vir die verwydering of wegdoen van vullis en storting of plasing van vullis op die stortingsterrein.
  - (a) Die gelde vasgestel is verskuldig en betaalbaar deur die okkuperder wat van die vullisverwyderingsdiens voorsien word of as hy in gebreke bly, deur die eienaar van die eiendom soos omskryf in die woordbepaling;
  - (b) Die minimum heffing vir vullisverwydering by sakepersele is deur die eienaar van sodanige perseel betaalbaar ongeag of die perseel vir besigheidsdoeleindes gebruik word.
  - (c) Gelde verskuldig sal gevorder word ingevolge die kredietbeheer- en skuldinvorderingsbeleid soos deur die munisipaliteit aanvaar.

**Offences and penalties**

14. Any person who contravenes any provisions of this by-law or fails or refuses to comply with any order or notice issued by the municipality in accordance with this by-law shall be guilty of an offence and on conviction be liable 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 result of such contravention.

**Repeal**

15. The By-law relating tot Refuse Removal published under PN 23/2004 dated 12 March 2004, is hereby repealed.

**Short title and commencement**

16. This by-law shall be known as the By-law relating to Refuse Removal and shall come into operation on the date of publication thereof in the Provincial Gazette.

14 October 2005

31609

**WITZENBERG MUNICIPALITY****RULES OF ORDER FOR THE CONDUCT OF MEETINGS OF THE MUNICIPALITY OF WITZENBERG****PART 1: DEFINITIONS**

1. In these regulations, unless inconsistent with context—
- “**committee**” means a committee established by council in terms of sections 79 or 80 of the Municipal Structures Act;
- “**council**” means the municipal council of Witzenberg;
- “**code**” means the code of conduct for councillors set out in the Systems Act;
- “**Constitution**” means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);
- “**MEC**” means the member of the Executive Council responsible for local government in the province of the Western Cape;
- “**meeting**” means the meetings of the municipal council;
- “**member**” means a member of the municipal council;
- “**motion**” means a motion of which written notice is given by a member but shall not include a motion as contemplated in sections 32 and 32, and order motions as set out in Section 38;
- “**municipal manager**” means the person appointed by council in terms of the Structures Act;
- “**party**” means a party referred to in the Structures Act;
- “**rules**” means the provisions of this by-law;
- “**secretary**” means the person responsible for taking down the minutes at a meeting;
- “**speaker**” means a member elected as such in terms of the Structures Act;

**Strafbepaling**

14. Iedereen wat enige van die bepalings van hierdie verordening oortree of versuim of weier om te voldoen aan enige bevel of kennisgewing wat kragtens hierdie verordening deur die munisipaliteit uitgereik is, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met—
- (1) 'n boete of gevangenisstraf, of óf sodanige boete of sodanige gevangenisstraf óf 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 óf 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.

**Herroeping**

15. Die Verordening insake Vullisverwydering afgekondig per PK 23/2004 gedateer 12 Maart 2004, word hiermee herroep.

**Kort titel en inwerkingtrede**

16. Hierdie verordening heet die Verordening insake Vullisverwydering en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

14 Oktober 2005

31609

**WITZENBERG MUNISIPALITEIT****ORDEREËLS VIR DIE HOU VAN VERGADERINGS VAN DIE WITZENBERG MUNISIPALITEIT****DEEL 1: WOORDOMSKRYWING**

1. In hierdie reëls, tensy dit uit die samehang anders blyk, beteken—
- “**Grondwet**” die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996);
- “**kode**” die gedragskode vir raadslede soos in die Stelselwet uiteengesit;
- “**komitee**” 'n komitee deur die raad ingestel ingevolge artikels 79 of 80 van die Strukturewet;
- “**lid**” 'n lid van die munisipale raad;
- “**LUR**” die lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering in die provinsie die Wes-Kaap;
- “**mosie**” 'n mosie waarvan kennis deur 'n lid gegee is, maar nie ook 'n mosie soos in artikels 31 en 32 en ander mosies ingevolge artikel 38 beoog nie;
- “**munisipale bestuurder**” die persoon deur die raad aangestel ingevolge die Strukturewet;
- “**party**” 'n party in die Strukturewet bedoel;
- “**raad**” die munisipale raad van die Munisipaliteit Witzenberg;
- “**reëls**” die bepalings van hierdie ordereëls;
- “**sekretaris**” die persoon verantwoordelik vir die afneem van die notule by 'n vergadering;
- “**speaker**” 'n lid as sulks verkies ingevolge die Strukturewet;
- “**Stelselwet**” die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000);