

LOCAL GOVERNMENT ACT
(Cap. 40:01)

SOUTHERN DISTRICT COUNCIL (REFUSE) BYE-LAWS, 2018
(Published on 2nd February, 2018)

ARRANGEMENT OF BYE-LAWS

BYE-LAWS

1. Citation
2. Application
3. Interpretation
4. Accessibility of refuse receptacle
5. Responsibility to remove refuse
6. Accumulation of refuse
7. Deposit of refuse
8. Fees for collection of refuse
9. Penalties

SCHEDULE

IN EXERCISE of the powers conferred by sections 44 and 45 of the Local Government Act, and after consultation with the community living within the Council area, and with the approval of the Minister of Local Government and Rural Development, the Southern District Council hereby makes the following Bye-laws —

1. These Bye-laws may be cited as the Southern District Council (Refuse) Bye-Laws, 2018. Citation
2. These Bye-laws shall apply to all areas within the jurisdiction of the Southern District Council. Application
3. In these Bye-laws, unless the context otherwise requires — Interpretation
 - “authorised officer” means the Council Secretary or any other officer of the Council authorised in writing by the Council Secretary to perform duties under these Bye-laws;
 - “Council” means the Southern District Council;
 - “designated waste management facility” means a waste management facility identified by the Council as a place where waste shall be deposited for disposal;
 - “owner” in relation to immovable property, means the person or his agent receiving the rent or profits of any land or premises from the occupier thereof or any person who occupies or holds land in accordance with the terms of an agreement;
 - “premises” includes any yard, field, garden or land, whether enclosed or open;
 - “refuse” includes any waste, filth, rubbish, trash, rubble, garbage, excrement, waste product from any source, derelict vehicles or tyres, and any matter which may be offensive, or a nuisance or injurious or dangerous to health or favours the breeding of flies or mosquitoes or harbouring of rodents or substances and any combination thereof which are discarded or accumulated by any person; and

Cap. 65:06
Accessibility
of refuse
receptacle

“waste carrier” means a person registered and licensed with the Department of Sanitation and Waste Management under the Waste Management Act.

4. (1) An owner or occupier of premises shall have a refuse receptacle of a size and volume that can store refuse while awaiting collection and disposal by the Council.

(2) An owner or occupier shall ensure that a refuse receptacle under subbye-law (1) is accessible to the Council or its employees or agents.

(3) The Council shall direct the owner or occupier of premises to increase the number of refuse receptacles, or direct the type and nature of a refuse receptacle, if in its opinion the number or the type provided does not cope with waste generation of the concerned premises.

Responsibility
to remove
refuse

5. (1) The Council shall make adequate arrangements for the removal of refuse from premises within its jurisdiction.

(2) Notwithstanding the provisions of subbye-law (1), an owner or occupier of any premises may elect to source his or her own refuse disposal service, and such owner or occupier shall furnish the Council with the particulars of the waste carrier responsible for refuse collection and disposal or proof of payment where necessary as evidence thereof.

(3) An owner or occupier who has not sourced his or her own refuse disposal service, shall provide the necessary information demonstrating that his or her refuse is disposed of at a waste management facility designated for the location in question.

Accumulation
of refuse

6. (1) An owner or occupier of any private premises shall not permit refuse to accumulate or remain on the premises for a period not exceeding three months, so as to be offensive or a nuisance or injurious or dangerous to health or to favour the breeding of flies or mosquitoes or to favour the harbouring of rodents.

(2) The Council may, by notice in writing, served on an owner or occupier of any premises, require him or her, to remove refuse from the premises within three days after service of such notice.

(3) If an owner or occupier of the premises on whom a written notice has been served under subbye-law (2) fails to comply with the requirement to remove refuse stated in such notice, the Council may enter upon such premises and remove the refuse and thereafter recover from the owner or occupier any expenses it may have incurred in carrying out such removal.

(4) An owner or occupier who fails to comply with subbye-law (1) commits an offence and is liable to a fine not exceeding P2000, and a further fine not exceeding P100, for every day during which the offence continues, up to a maximum of 30 days.

Deposit of
refuse

7. (1) A person shall not remove or cause to be removed any refuse to any place other than a receptacle provided, or a place designated, by the Council for the reception of the refuse.

(2) A person shall not deposit any refuse in or near a public place.

(3) A person shall not deposit any refuse or cause or permit any refuse to enter any stream, pool, spring, well, borehole, dam, catchments basin, canal or any other sources of water supply.

8. (1) The fees prescribed in the Schedule shall be payable to the Council in respect of the collection and disposal of refuse and the emptying of refuse receptacles from any premises or institution by the Council.

**Fees for
collection of
refuse**

(2) The Council may review such fees from time to time, as it may deem fit to do so.

9. (1) A person who contravenes any of the provisions of these Bye-laws where the penalty is not stipulated commits an offence and is liable, for a first offence to a fine not exceeding P500 or to imprisonment for a term not exceeding one month, and for a second or subsequent offence, to a fine not exceeding P1000, or to imprisonment for a term not exceeding three months.

Penalties

(2) Any person who obstructs any law enforcement officer or any authorised officer in the discharge of his or her functions under these Bye-laws commits an offence and is liable to a fine not exceeding P500, or to imprisonment for a term not exceeding three months, or to both.

SCHEDULE
(bye-law 9)

REFUSE COLLECTION FEES

SERVICE	FEE
a. Household waste	P20.00 per month
b. Lodges, hotels and supermarkets	P200.00 per month
c. Commercial enterprises (shops)	P150.00 per month
d. Industrial waste	P250.00 per month
e. Government, private offices, institutions schools and hospitals	P150.00 per month
f. Transportation of health care waste to health facility (from one facility per month health facility to another)	P250.00 per health
g. Incineration service	Free
h. Skip hire	Residential P100.00 per load Institution P250.00 per load Commercial P300.00 per load
i. General waste brought for disposal at Kanye sanitary landfill	P0.15 per Kg
j. Transportation of health care waste to Kanye sanitary landfill	P0.15 per Kg
k. Incineration of health care waste at Kanye sanitary landfill	P0.15 per Kg
l. Incineration of other forms of waste at Kanye sanitary landfill	P0.15 per Kg
m. General waste brought to a controlled waste disposal facility (dumpsite) other than landfill	P20.00 per month

- | | | |
|----|--------------------|---------------------------|
| n. | Rubble collection: | |
| | Residential | P200.00 per load |
| | Institutions | P750.00 per load |
| | Commercial | P1000.00 per load |
| o. | Hire of skip: | |
| | Residential | P100.00 per day |
| | Institutions | P250.00 per day |
| | Commercial | P300.00 per day |
| p. | Pest control | |
| | Residential | 30.00 per room |
| | Commercial | P10.00 per m ² |

MADE this 15th day of December, 2017.

P. MOJALEMOTHO,
Council Secretary,
Southern District Council.

APPROVED this 15th day of January, 2018.

S. TSOGWANE,
Minister of Local Government
and Rural Development.