

*Statutory Instrument No. 125 of 2020*

LOCAL GOVERNMENT ACT  
(Cap. 40:01)

**KGATLENG DISTRICT COUNCIL (REFUSE) BYE-LAWS, 2020**  
*(Published on 25th September, 2020)*

ARRANGEMENT OF BYE-LAWS

BYE-LAWS

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SCHEDULES

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 approval of the Minister of Local Government and Rural Development, the Kgatleng District Council hereby makes the following Bye-Laws —

- Citation           **1.** These Bye-laws may be cited as the Kgatleng District Council (Refuse) Bye-laws, 2020.
- Application       **2.** These Bye-laws shall apply to the village areas set out in Schedule 1 to these Bye-laws and to such village areas as the Council may, by resolution, from time to time, specify:  
                        Provided that no such resolution of the Council shall have force and effect unless 14 days prior notice of such resolution and the terms thereof has been communicated to the inhabitants of any village area affected or likely to be affected by the operation of such resolution.
- Interpretation   **3.** In these Bye-laws, unless the context otherwise requires —  
                        “bulky waste” includes furniture, carpets, fridges, rubble which do not fit in a receptacle;  
                        “Council” means the Kgatleng District Council;  
                        “filth” includes offensive matter and sewage;  
                        “garden waste” includes waste such as grass clippings, dead flowers, leaves, twigs and other biodegradable waste arising in a garden;  
                        “hazardous waste” includes health care waste, disposable nappies, batteries, oils, anti-freeze, adhesives, medicines, aerosol cans, bleaches, paints, weed killer and fluorescent tubes;  
                        “household waste” includes kitchen and domestic waste;

“litter” means domestic or commercial solid or liquid waste thrown or deposited which by its shape, size, quantity, nature create or tends to create danger or nuisance to public health, safety or welfare and prevent the legitimate use of the place;

“occupier” includes the owner or tenant of such premises;

“refuse” includes any filth, rubbish, trash, rubble, garbage,

excrement, garden waste, hazardous waste, household waste, 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 the harbouring of rodents; and

“rubbish” includes ashes, broken bricks, broken glass, mortar and refuse of any kind which is not filth.

4. The Council may, by resolution, declare any area or areas as a litter-free zone for the purpose of these Bye-laws.

Declaration of litter-free zones

5. (1) The fees 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 are as set out in Schedule 2.

Fees for collection of refuse

(2) The Council may review such fees from time to time.

6. (1) The occupier of any premises shall notify the Council, in writing within seven days of occupation of such premises, that the premises has been occupied and removal of waste is required.

Management and disposal of waste

(2) The occupier of any premises shall make arrangements with the Council or any other licensed private waste service provider for the removal of waste.

(3) The occupier of any premises shall ensure that all refuse generated on such premises is placed and kept in a receptacle until it is removed.

(4) The occupier of any premises shall ensure that –

(a) hot ash, unwrapped glass fragments or other refuse which may cause damage to the receptacles or injury to persons employed in removing refuse from any premises, shall not be placed in any receptacles or bags unless appropriate steps have been taken to avoid any damage or injury;

(b) materials and liquids, which by reason of their mass or other characteristics which are likely to render any receptacle unreasonably difficult for the employees to handle, shall not be placed in the receptacle;

(c) a receptacle is kept in proper condition and repair so that the waste placed in it may not escape;

(d) in the event that the receptacle is damaged or lost, that it is replaced at the occupier’s expense;

(e) a receptacle is adequate to prevent overfilling and that household receptacle shall be between 85 litres and 210 litres;

(f) a receptacle is located as to permit convenient access from such premises by the Council’s refuse collection vehicles or by the vehicles of a private waste service provider; and

(g) employees of the Council or private waste service providers have access to the premises for purposes of collecting and removing refuse.

(5) A person shall not dispose by burning any type of waste at roadsides, dumping sites, or any private or public property.

	<p>(6) A person who contravenes this bye-law commits an offence and is liable to a fine not exceeding P1000.</p>
Refuse removal	<p>7. (1) The Council shall make adequate arrangements for the removal of rubbish, solid waste, filth and the carcasses of animals within its area of operation.</p> <p>(2) The Council shall determine the capacity of refuse bags and receptacles which shall be used by occupiers for refuse generated on the premises concerned.</p> <p>(3) The occupier of any premises shall notify the Council, in writing within seven days of occupation of such premises, that the premises have been occupied and whether the service the occupier requires relates to the removal of household or commercial waste, or a combination.</p> <p>(4) The occupier of any premises shall ensure that all refuse generated on such premises is placed and kept in a receptacle until it is removed.</p>
Deposit of refuse	<p>8. (1) A person who removes refuse from a village area as specified in accordance with the provisions of bye-law 6 (2), shall deposit such refuse at a waste management facility and at no other place.</p> <p>(2) A person shall not deposit any refuse in or near a public place:  Provided that the provisions of this sub bye-law shall not apply to the deposit of refuse at a waste management facility, or in a receptacle for the deposit of refuse provided by the Council, or provided by the occupier of private premises and approved by the Council.</p> <p>(3) A person shall not deposit any refuse in, or cause or permit any refuse to enter any river, stream, pool, spring, well, borehole, dam, catchment basin, canal or any source of water supply.</p> <p>(4) A person who contravenes this bye-law commits an offence and is liable to a fine not exceeding P1000.</p>
Accumulation of refuse	<p>9. The occupier of a premises shall not allow or permit any refuse to accumulate or remain on such premises for more than 21 days so as to be offensive or constitute a nuisance to the public, or be or likely to be injurious or dangerous to health, or favour the breeding of flies or mosquitoes, or harbor rodents.</p>
Removal of accumulated refuse	<p>10. (1) The Council may, by notice in writing served on the occupier of private premises, require him or her to remove from such premises, within three days after service of such notice, any refuse thereon.</p> <p>(2) Where a person on whom a written notice has been served in accordance with the provisions of sub bye-law (1) fails to comply with the requirement to remove refuse stated in such notice, the Council may, by its employees or agents, enter upon the premises and remove the refuse there from, and may recover from such a person any expenses incurred in carrying out such removal.</p> <p>(3) A person who fails to comply with this bye-law commits an offence and is liable to a fine not exceeding P500.</p>
Penalties	<p>11. (1) A person who contravenes or fails to comply with any provision of these Bye-laws where a penalty is not stipulated commits an offence and shall be liable, for a first offence, to a fine not exceeding P1000 and for a second or subsequent offence to a fine not exceeding P5000.</p> <p>(2) Where a person is convicted of an offence under bye-law 5, the court convicting him or her may, in addition to any penalty imposed, order such person to pay to the Council such expenses incurred by the Council in removing the refuse as may be assessed by the court.</p>
Revocation of Statutory Instrument No. 29 of 1992	<p>12. The Kgatleng District Council (Refuse) Bye-laws are hereby revoked.</p>

**SCHEDULE 1**  
**Application Village Arcas**  
*(bye-law 2)*

Artesia  
Bokaa  
Dikwididi  
Dikgonnye  
Leshitse  
Kgomodiatshaba  
Mahalane  
Malolwane  
Malotwana  
Matebeleng  
Mmamashia  
Mmathubudukwane  
Mochudi  
Modipane  
Mokatse  
Morwa  
Oliphant's Drift  
Oodi  
Pilane  
Ramonaka  
Ramotlabaki  
Rasesa  
Sikwane

**SCHEDULE 2**  
**Council Charges**  
*(bye-law 5)*

<i>Service</i>	<i>Type</i>	<i>Fee</i>
Refuse removal	Domestic	P10.00/month
	Institutions (waste cages)	P225.00/month
	Garden waste (residential)	P45.00/load
	Garden waste (commercial)	P150.00/load
	Skip Hire	P450.00/load
Clinical waste collection	Builders Rubble	P525.00/load
	Private clinic, Government clinic & Hospital waster	P620.00/load per facility
	Institutions (Sanitary Pads)	P500.00/load per facility

MADE this 21 day of August, 2020.

*Council Secretary,  
Kgatleng District Council.*

APPROVED this 10th day of September, 2020.

**ERIC M. MOLALE,**  
*Minister of Local Government and Rural  
Development.*