

# Provincial Gazette Extraordinary

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## **INHOUD**

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## STAD KAAPSTAD:

## VERORDENING VIR DIE BEHEER VAN DIE STORTING VAN VULLIS

1. In hierdie verordening, tensy uit die samehang anders blyk beteken “vullis”—
  - (a) huisvullis, tuinafval en bedryfsafval, almal soos omskryf in artikel 1 van regulasie 1985 afgekondig by Provinsiale Kennisgewing 784 van 30 Oktober 1964, behalwe vullis, soos aldus omskryf wat in houters goedgekeur is by die Munisipaliteit opgeberg word.
  - (b) boupuin, weggegooide houters, afvalstukke of weggegooide stukke hout, papier, metaal of ander materiaal en enige ander skroot, afvalmateriaal of rommel;
  - (c) verlate, prysgegewe of onbruikbare motorvoertuie, masjinerie of uitrusting of verlate, prysgegewe of onbruikbare dele van enige van die voorgaande.
2. Niemand mag, behalwe met die vooraf verkreeë skriftelike toestemming van die raad en in ooreenstemming met enige voorwaardes wat die raad by die verlening van sodanige toestemming oplê, enige vullis op enige grond of perseel of in enige openbare straat of openbare plek ophoop, stort, opberg of agterlaat of laat ophoop, stort opberg of agterlaat of toelaat dat dit gedoen word nie.
3. Indien enige materiaal, voorwerp of ding van watter aard ook al wat vullis is of wat na die raad se mening afvalmateriaal is, onooglik is of waarskynlik 'n versperring sal uitmaak, op enige grond of perseel of in enige straat of openbare plek opgehoop, gestort, opgeberg of agtergelaat word, kan die raad—
  - (a) 'n skriftelike kennisgewing dien op—
    - (i) die persoon regstreeks of onregstreeks verantwoordelik vir sodanige ophoping, storting, opberging of agterlating, of
    - (ii) die eienaar van sodanige materiaal, voorwerp of ding, of hy verantwoordelik is vir sodanige ophoping, storting, opberging of agterlating al dan nie, of
    - (iii) die eienaar van sodanige grond of perseel, of hy verantwoordelik is vir sodanige ophoping, storting, opberging of agterlating al dan nie, waarin sodanige persoon of eienaar, na gelang van die geval, gelas word om ten genoë van die raad sodanige materiaal, voorwerp of ding op te ruim, te vernietig of te verwyder teen 'n datum wat in sodanige kennisgewing vermeld word, of
  - (b) ongeag of sodanige kennisgewing gedien is of nie en of sodanige datum aangebreek het of nie, self sodanige materiaal, voorwerp of ding op die koste van een of meer van die persone of eenaars na wie in paragraaf (a)(i), (ii) of (iii) verwys word, opruim, vernietig of verwyder.
4. In die geval van konflik tussen die Engelse, Afrikaanse of isiXhosa-tekste van hierdie verordening, sal die bepalings van die Engelse teks van toepassing wees.
5. Iedereen wat die bepalinge van hierdie verordening of van enige voorwaarde of kennisgewing dienooreenkomstig opgelê of gedien deur die raad oortree of in gebreke bly om te voldoen aan die bepalinge daarvan is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe voorgeskryf deur artikel 213 van die Munisipale Ordonnansie, 1974 (Ordonnansie 20 van 1974).
6. Die verordeninge soos in die bylae hiertoe vermeld is herroep vir sover dit van toepassing is op die regsgebied van die Munisipaliteit van die Stad Kaapstad.

## BYLAE

Artikel 3 van die Munisipaliteit Kaapstad gekonsolideerde bouverordeninge afgekondig in Provinsiale Koerant 4672 van 23 November 1990.

Kaapstad Munisipaliteit verordening vir die beheer van die storting van vullis afgekondig in Provinsiale Koerant 5087 van 25 Oktober 1996 as PK 456/1996.

Afdelingsraad van die Kaap verordening insake die storting van materiaal afgekondig in Provinsiale Koerant 4374 van 24 Mei 1985 as PK 352/1985.

Artikel 12 van die Swart Plaaslike Owerhede: verordening betreffende die beheer oor strate afgekondig in Provinsiale Koerant 4694 van 10 Mei 1991 as PK 373/1991.

Artikel 11 van die Munisipaliteit Pinelands bouverordeninge afgekondig in Provinsiale Koerant 4675 van 14 Desember 1990 as PK 824/1990.

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## CITY OF CAPE TOWN:

## BY-LAW FOR THE CONTROL OF THE DUMPING OF REFUSE

1. In this By-law, unless the context otherwise indicates “refuse” means—
  - (a) domestic refuse, garden refuse and trade refuse, all as defined in section 1 of Regulation 1985 promulgated under Provincial Notice 784 dated 30 October 1964, other than refuse as so defined which is stored in containers approved of by the Municipality pending its removal;
  - (b) builder's rubble, discarded containers, offcuts or discarded pieces of wood, paper, metal or other materials and any other scrap, waste material or rubbish;

- (c) derelict, abandoned or unserviceable motor vehicles, machinery or plant or derelict, abandoned or unserviceable parts of any of the foregoing.
2. No person shall, except with the written consent of the Council first had and obtained and in accordance with any conditions imposed by the council in granting such consent, accumulate, dump, store or deposit, or cause or permit to be accumulated, dumped, stored or deposited, any refuse on any land or premises or in any public street or public place.
3. If any material, article or thing of whatsoever nature which is refuse or which, in the opinion of the Council, is waste material, is unsightly or is likely to constitute an obstruction, is accumulated, dumped, stored or deposited on any land or premises or in any street or public place the Council may—
- (a) serve notice in writing on—
- (i) the person directly or indirectly responsible for such accumulation, dumping, storage or depositing; or
- (ii) the owner of such material, article or thing, whether or not he is responsible for such accumulation, dumping, storage or depositing; or
- (iii) the owner of such land or premises, whether or not he is responsible for such accumulation, dumping, storage or depositing,
- calling upon such person or owner, as the case may be, to dispose of, destroy or remove such material, article or thing to the satisfaction of the Council by a date specified in such notice, or
- (b) whether or not such notice has been served or such date has arrived, itself dispose of, destroy or remove such material, article or thing at the cost of one or more of the persons or owners referred to in paragraph (a)(i), (ii) or (iii).
4. In the case of a conflict between the English, Afrikaans or isiXhosa texts of this By-law, the provisions of the English text shall prevail.
5. Any person who contravenes or fails to comply with the provisions of this by-law or any condition imposed or notice served by the Council in terms thereof shall be guilty of an offence and shall on conviction be liable to the penalties prescribed by section 213 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974).
6. The By-laws listed in the Schedule hereto are repealed insofar as they pertain to the area of jurisdiction of the Municipality of the City of Cape Town.

#### SCHEDULE

Section 3 of the Cape Town Municipality consolidated Building By-Law "Dumping of Rubbish" published in Provincial Gazette 4672 dated 23 November 1990.

Cape Town Municipality By-Law for the Control of the Dumping of Rubbish published in Provincial Gazette 5087 dated 25 October 1996 as PN 456/1996.

Cape Divisional Council: By-law relating to the dumping of material published in Provincial Gazette 4374 dated 24 May 1985 as PN 352/1985.

Section 12 of the Black Local Authorities By-law relating to the control over streets published in Provincial Gazette No 4694 dated 10 May 1991 as PN 367/1991.

Section 11 of the Municipality of Pinelands Building By-law published in Provincial Gazette No 4675 dated 14 December 1990 as PN 824/1990.

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#### ISIXEKO SASEKAPA:

#### UMMISELO WOLAWULO LOKULAHLA INKUNKUMA

1. Ngokwalo Mmiselo, ngaphandle kokuba kuthethwa ngenye into "inkunkuma" ithetha—
- (a) inkunkuma yekhaya, inkunkuma yesitiya, nenkunkuma yoshishino, zonke njengoko zichazwe kwicandelo 1 loMmiselo ka1985 owabekwa kwiSaziso sePhondo 784 somhla wama-30 kaOktobha 1964, ngaphandle kwenkunkuma njengoko ichaziwe eginwa kwiikhonteyina ezivunyiweyo nguMasipapla elindele ukuthuthwa;
- (b) inkunkuma yabakhi, iikhonteyina ezilahliweyo, izinto ezizintsalela okanye izijunge zamaplanga, amaphepha okanye nayiphi na enye imatiriyeli okanye inkunkuma;
- (c) iimoto ezilahliweyo okanye ezingenakuphinda zilunge, oomatshini, nezinye izinto ezilahliweyo nokuba zeziphi na ezilahliweyo kwezi zikhankanyiweyo.
2. Akukho mntu uzakulahla, agcine, aqokelele inkunkuma ngaphandle kokuba aqale afumane imvume kwiKhansile ngokwemiqathango ebekwe yikhansile ekumnikeni lo mvume okanye abangele nayiphi na ingqumba yenkunkuma nakowuphi na umhlaba okanye indawo okanye nakwesiphi na isitrato sikawonke-wonke okanye indawo yoluntu.
3. Ukuba nayiphi na imatiriyeli, okanye into nokuba yintoni na eluhlobo lwenkunkuma ayibonakali okanye inokubangela ukuphithikezeka, ithe yaqokelelwa ndaweni nye, ilahliwe okanye igcinwe nakowuphi na umhlaba okanye nakwesiphi na isitrato okanye indawo yoluntu, iKhansile inako—
- (a) ukukhuphela isaziso esibhaliweyo—
- (i) lo mntu ungunobangela ngokuthe ngqo okanye ngokungekho ngqo wokuqokelela, wwokuyilahla, wokugcina lo nkunkuma; okanye
- (ii) umnini matiriyeli, nto, nokuba lityala okanye hayi na ukuqokelela ukuyilahla, ukuyigcina okanye ukuyibeka lo nkunkuma; okanye
- (iii) umnini mhlaba, nokuba lityala lakhe okanye hayi kusini na ukuqokelela, ukuyilahla okanye ukuyigcina okanye ukuyibeka,

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siyalela lo mntu okanye mnini ukuba ayisuse lo matiriyeli, nto ngokwanelisayo kwiKhansile ngaloo mhla uchazwe yiKhansile kwisaziso eso okanye.

- (b) nokuba eso saziso sikhutshiwe okanye loo mhla ufikile, ikhansile inokuyisusa okanye iyitshabalalise lo matiriyeli okanye lo nto ngendleko eziyakuhlulwa ngomnye wabantu okanye ngabanye babantu abakhankanywe kumhlathi (a)(i), (ii) okanye (iii).
4. Xa kuthe kwakho ukubetha-bethana phakathi koMthetho wedolophu obhalwe ngesiNgesi, isiBhulu okanye isiXhosa, kuya kuthi kusetyenziswe kuphela umthetho obhalwe ngesiNgesi.
5. Nawuphi na umntu owaphula okanye ongalulandeliyo olu lungiselelo lalo mmiselo okanye nawuphi na umqathango ommiselwe okanye isaziso esikhutshwe yiKhansile ngokwalo mmiselo uzakuba unetyala lolwaphula umthetho kwaye xa egwetywa uzakujongana nezohlwayo ezichazwe kwicandelo 213 loMmiselo kaMasipala, (ummiselo 20 ka1974).
6. Imimiselo edweliswe kule Shedyuli, irhoxisiwe ngokubhekisele kummandla ophantsi kolawulo lukaMasipala waseKapa.

#### ISHEDYULI

ICandelo 3 loMmiselo odityanisiweyo kwezoKwakha kuMasipala waseKapa "Ukulahlwa kwenkunkuma" ophabhliswe kwiGazeti yePhondo engunombolo 4672 ngomhla wama-23 kaNovemba 1990.

UMmiselo kaMasipala waseKapa woLawulo lokulahla inkunkuma owaphabhliswe kwiGazeti yePhondo engunombolo 5087 ngomhla wama-25 kaOktobha 1996 unguPN 456/1996.

Cape Divisional Council: Ummiselo onxulumene nokulahlwa kwematiriyeli owaphabhliswe kwiGazeti yePhondo engunombolo 4374 ngomhla wama-24kaMeyi 1985 unguPN 352/1985

Icandelo 12 loMmiselo weBlack Local Authorities Act onxulumene nolawulo lwezitrato, owaphabhliswe kwiGazeti yePhondo engunombolo 4694 ngomhla we- 10 kaMeyi 1991 unguPN 367/1991.

Icandelo 11 loMmiselo wezoKwakha kaMasipala wasePinelands owaphabhliswe kwiGazeti yePhondo engunombolo 4675 ngomhla we-14 kaDisemba 1990 unguPN 824/1990.

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