

LOCAL GOVERNMENT (DISTRICT COUNCILS) ACT
(Cap. 40:01)

NORTH EAST DISTRICT COUNCIL (REFUSE) BYE-LAWS, 2011
(Published on 13th May, 2011)

ARRANGEMENT OF BYE-LAWS

BYE LAW

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SCHEDULE *deleted*

IN EXERCISE of the powers conferred on the North East District Council by section 33 of the Local Government (District Councils) Act, and with the approval of the Minister of Local Government, the following Bye-laws are hereby made —

1. These Bye-laws may be cited as the North East District Council (Refuse) Citation
Bye-laws, 2011.

2. These Bye-laws shall apply to all villages within the jurisdiction of the Application
North East District Council.

3. In these Bye-laws, unless the context otherwise requires — Interpretation
“authorised officer” means the Council Secretary or any other officer of the Council authorized in writing by the Council Secretary to perform the duties under the Bye-laws;

“bye-law enforcement officer” means an officer from the Bye-law Enforcement Unit at the Council established in accordance with section 40A of Local Government (District Councils) Act;

“clinical waste” means —

- (a) waste which, unless rendered safe, may prove hazardous to any person, animal or plant coming into contact with it, arising from human or animal tissue, blood or other body fluids, excretions, drugs or other pharmaceutical products, radioactive materials, swabs or dressings, microbiological cultures and potentially infected waste from pathology departments or syringes, or other sharp instruments; or
- (b) any other waste which may cause infection to any person, animal or plant coming into contact with it arising from—
 - (i) medical, nursing, dental, veterinary, pharmaceutical, or similar practice;
 - (ii) investigation, treatment, care, teaching or research; or
 - (iii) the collection of blood transfusion.

“Council” means the North East District Council;
 “landfill” means any piece of land designated by the Council for the disposal of refuse;
 “occupier” means any person in occupation of premises and legally entitled to occupy such premise;
 “premises” includes any building, yard, field, garden or land whether enclosed or open;
 “public place” means any public street, square, road, path or thoroughfare, bus rank, tribal kgotla and any public institution or communal or public; and
 “refuse” includes any waste, filth, rubbish, trash, rubble, garbage, excrement, waste product from any source, derelict vehicles or tyres, and any matters 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.

Removal of
 refuse
 from premises

4. (1) The Council may, by notice in writing, serve on an owner or occupier of any premises a requirement, to remove refuse from such premises within three days after service of such notice.

(2) If any owner or occupier of such land or premises on whom a written notice has been served in accordance with provisions of subbye law (1) fails to comply with the requirement to remove refuse stated in such notice, the Council may, by its employee or agents, enter upon such premises and remove the refuse thereafter recover from such owner or occupier any expenses it may have incurred in carrying out such removal.

(3) A person who fails to comply with subbye law 5 (1) commits an offence and is liable to a fine not exceeding P500, and a further fine not exceeding P100 for every day during which the offence continues.

Accumulation
 of refuse

5. An occupier of premises shall not allow or permit any refuse to accumulate or remain on the premises so as to be offensive or a nuisance.

Deposit of
 refuse

6. (1) Any person who removes refuse from any place within the Council area shall deposit such refuse at a landfill or a place designated by the Council.

(2) Notwithstanding the provisions of subbye law (1) refuse may be deposited in an approved refuse receptacle provided by the Council, owner or occupier of any premises.

(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.

(4) Any bye-law enforcement officer may enter and remove refuse from any premises to prevent pollution of the environment or danger to human, animal or plant life where it is necessary to remove the refuse immediately or that there is no occupier or owner of the premises in question.

(5) The Council shall be entitled to recover the costs of disposing any refuse as provided for under subbye-law (4).

7. (1) A person shall not throw or deposit in any public place refuse which can contribute to the defacement of any place, except as authorized by law or done with the consent of the Council.

Prohibition to
litter

(2) Any person who contravenes this bye law commits an offence and is liable to a fine not exceeding P300, or imprisonment to a term not exceeding two months, or both.

8. (1) The fees prescribed in Schedule 7 shall be payable to the Council in respect of the collection and disposal by it of refuse and the emptying of dustbins or receptacles from any households, institution or premises.

Fees for
collection of
refuse

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

9. (1) A person who contravenes or fails to comply with any provision of these Bye-laws where the penalty is not stipulated commits an offence and is liable, for a first offence to a fine of P100, or to imprisonment for a term not exceeding one month, and for a second or subsequent offence, to a fine of P250, or to imprisonment for a term not exceeding three months.

Penalties

(2) Notwithstanding subbye-law (1), where the offence is in respect of bye-law 6 (4) the penalty for a first offence shall be a fine of P200, or to imprisonment for one month and for a second or subsequent offence, to a fine of P300, or to imprisonment for a term not exceeding six months.

(3) Any person who obstructs any bye-law enforcement officer or any authorized officer in the discharge of their functions under these bye-laws commits an offence and is liable to a fine not exceeding P100, or to imprisonment for a term not exceeding three months or, to both.

SCHEDULE 1

Fees (bye-law 8)

NO.	SERVICE	FEE
A	REFUSE COLLECTION	
	• Household	P10 per month
	• Commercial – e.g. General Dealer, shops	P50 per month
	• Wholesale, Industrial and Institutions	P75 per month
	• Bars	P50
B	GARDEN WASTE	P20 per load
C	CONSTRUCTION WASTE	
	• Residential	P100 per load
	• Commercial	P150.00 per load
	• Institution	P100.00 per load
	• Industrial	P180.00 per load
D	CLINICAL INCINERATION	P10 per kg
E	CLINICAL WASTE COLLECTION (Private Clinics)	P50 per month

MADE this 22nd day of March, 2011.

DICK KALANTLE,
Council Secretary,
North East District Council.

APPROVED this 20th day of April, 2011.

L. MOKALAKE,
Minister of Local Government.