

Norton Town Council (Anti-litter) By-laws, 2020

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IT is hereby notified that the Minister of Local Government and Public Works has, in terms of section 229 of the Urban Councils Act [Chapter 29:15], approved the following by-laws:—

*Title*

1. These by-laws may be cited as the Norton (Anti-litter) By-laws, 2020.

*Application*

2. These by laws shall apply within the council area of the Norton Town Council and any local government area, the administration, control and management of which is vested in Norton Town Council.

*Interpretation*

3. In these by-laws—

“authorised person” means any person employed or delegated by the council to carry out any function in terms of these by-laws;

“council” means the Norton Town Council, acting through or by its duly authorised officer or those acting on their behalf;

“litter” includes any containers, wrappings, plastic paper, cartons, cigarette packets, paper, vegetable matter, garden waste, hedge clippings, dead animals, ash, tins, rubbish, bricks, stone, rubble, soil and any other matter or substance which is unwholesome, offensive or untidy;

“licence” means a licence issued by the council in terms of these by-laws;

“licensed premises” means premises in respect of which a licence is issued as defined in the Norton Town Council (Licensed Premises) By-laws, 2011, Statutory Instrument 55 of 2011;

“public place” means any bridge, enclosure, footpath, garden opens space, pavement, road, sanitary lane sidewalk, square, subway or street of the nature of a thoroughfare vested in or controlled by the council, and to which the public or any section of the public has access.

*Prohibition of the deposit of litter*

4. (1) No person shall deposit or abandon, or cause or permit to be deposited or abandoned any form of litter in a public place.

(2) Any person who deposits or abandons or causes or permits to be deposited or abandoned any form of litter shall be guilty of an offence and liable to a fine not exceeding level 3 or fifteen days imprisonment or to both such fine and imprisonment.

(3) An authorised person shall order any person or persons who, in his or her opinion, would be contravening or would have contravened any provisions of these by-laws, to remove such litter and immediately order such person or persons to pay a fine not exceeding level 3.

(4) Any person who refuses to comply with an instruction issued by an authorised person in terms of section shall be guilty of an offence and liable to a fine not exceeding level 3 or fifteen days imprisonment or to both such fine and imprisonment.

(5) Where the subject so ordered to remove litter in terms of subsection (2) is a corporate body using a vehicle to dump litter and refuses to comply with the order of the authorised person, the council shall immediately impound the vehicle and thereupon proceed to remove the litter:

Provided that the council shall recover such removal charges as may from time to time be prescribed by council, from such person or corporate body.

(6) A vehicle impounded in terms of subsection (3) shall be taken to a secure compound designated for that purpose by council.

(7) Any vehicle impounded in terms of this section must be claimed by the owner and returned upon payment of a fine not exceeding the total cost of removing litter concerned, the cost of transfer to the compound and cost of storage.

*Disposal of unclaimed vehicles*

5. (1) Where a vehicle which has been impounded in terms of section 4 remains unclaimed for a period of three months from the date of such impoundment, council shall publish in any newspaper of wide circulation within the council area, a list of unclaimed vehicles and advise the owners to claim the vehicle within 30 days.

(2) Council shall sell by public auction, any vehicles that remain unclaimed 30 days after the notice of unclaimed vehicles has been published.

(3) Council shall deduct the charges for storage from the proceeds of the sale of unclaimed vehicles and the balance, if any, shall be paid to the owner within 30 days from the date on which the owner submits to the council a written request for such payment.

(4) Council shall operate a special account into which money realised from the sale of unclaimed vehicles shall be deposited.

(5) Any money not claimed within 30 days after the sale of vehicles shall be forfeited to council.

*Obstruction*

6. (1) No person shall obstruct or impede or refuse to comply with a request of an authorised person acting in the exercise of the functions conferred to him or her by these by-laws.

(2) Any person who obstructs, or impedes or refuses to comply with a request of an authorised person shall be guilty of an offence and liable to a fine not exceeding level 3 or fifteen days imprisonment or to both such fine and imprisonment.

*Take away and licensed premise*

7. (1) The occupier of a licensed premise shall—

- (a) pick up any litter which, in the exercise of his or her business, has fallen on any public place; and
- (b) at his or her cost, provide an adequate number of bins in and around his or her area of business; and

(c) monitor the vicinity of the premises during opening hours to ensure that the area is free of litter and shall remove or ensure that all such litter is removed.

(2) Any person who fails to pick up any litter which, in the exercise of his or her business, has fallen on any public place shall be guilty of an offence and liable to a fine not exceeding level 2 or fifteen days imprisonment or to both such fine and imprisonment.

(3) Any person who fails to, at his or her cost, provide an adequate number of bins in and around his or her area of business shall be guilty of an offence and liable to a fine not exceeding level 3 or fifteen days imprisonment or to both such fine and imprisonment.

(4) Any person who fails to monitor the vicinity of the premises during opening hours to ensure that the area is free of litter and shall remove or ensure that all such litter is removed shall be guilty of an offence and liable to a fine not exceeding level 2 or fifteen days imprisonment or to both such fine and imprisonment.