

Maintenance of Cleanliness Law, 1984 (Translation)

Definitions

1. In this Law --

"scrap vehicles" means vehicles discarded on account of age or on being dismantled or declared a total loss, as well as frames or parts of any such vehicles;

"throwing" includes flinging, pouring, abandoning or relinquishing;

"vessels" as defined in the Port Ordinance (New Version), 1971;

"beverage container" means a receptacle for one-time use, made of metal, glass, plastic, paper or any other material, in which any beverage, other than milk or a milk product is marketed, whether such receptacle is empty or full;

"waste" includes food remnants, peel, paper, bottles, boxes, tins, cartons, packages of any sort, scrap, pieces of wood, planks, rags, cigarette butts and refuse of any kind, as well as anything else likely to cause uncleanness or untidiness, but does not include building debris and vehicle scrap;

"building debris" means materials and remnants of materials used for building or in connection with building operations and includes piles of earth and parts of wrecked structures;

"vehicle", "commercial vehicle" and "public vehicle" have the same respective meanings as in the Traffic Ordinance;

"public domain" means any place which the public are permitted to use or cross over or actually use or cross over;

"local authority" does not include a local committee.

Prohibition of

2. No person shall throw any waste, building debris

defilement
and of throwing
away waste

or vehicle scrap into the public domain or from the public domain into the private domain, or defile the public domain.

Responsibility
for minors in a
vehicle.

3. No person having charge of a minor under thirteen years of age who is with him in a vehicle shall let such minor throw any waste out of the vehicle.

Presumptions as to throwing waste or building debris out of vehicle.

4. (a) Where it is proved that any waste or building debris was thrown out of a vehicle, then, for the purposes of section 2, the owner of the vehicle or the person responsible for the vehicle shall be deemed to have thrown the waste or building debris unless he proves that he did not do so and proves who was in control of the vehicle at the time of throwing or that the vehicle had been taken without his consent.

(b) Where it is proved that any waste or building debris was thrown out of a vehicle, then, for the purposes of section 2, the person who was driving the vehicle at the time shall be deemed to have thrown the waste or building debris unless he proves that he did not do so and who in fact did; this provision shall not apply to a person driving a bus or a public vehicle, other than a taxi, or to a person driving a pickup truck if the waste or building debris was thrown out of the part separate from the driver's cabin.

(c) Where it is proved that litter is thrown from a vessel, then for the purposes of section 2, its captain, operator or other responsible parties are liable for the discharge of the litter unless he can prove that he did not litter and that the discharge of litter was done without his knowledge and that he took all reasonable measures to prevent the discharge and to identify the individual who discharged the litter.

Presumption as
to vehicle scrap.

5. Where any vehicle scrap has been thrown away, then, for the purposes of section 2, the owner thereof shall be deemed to have thrown it away unless he proves both that he did not do so and who was in control of the vehicle scrap at the time or that the vehicle scrap was taken without his consent.

Presumption of
defiling in the

5A. (a) Whoever writes, draws, sketches, or carves on another individual's land unlawfully pastes, hangs,

public domain

leans or posts upon it unlawfully any writing, notice, or sign is seen as defiling the public domain for the purposes of section 2.

(b) If a writing, notice, or sign is pasted or posted as specified in subsection (a), liability for purposes of section 2, includes whomever, from the contents of the writing, notice, or sign appears to have ordered or authorized its preparation or pasting, unless he proves that he did not do so and that the action was taken without his knowledge and he took all reasonable measures to prevent the action.

(c) The statute of limitations for the offense in this section will be one year.

(d) In this section, "writing" includes pictures, sketches, or engravings.

Duty of affixing signs in vehicles.

6. In every bus or public vehicle or in the part of a pickup truck separate from the driver's cabin, the owner or driver of the vehicle shall affix conspicuous signs indicating the prohibition of throwing waste from the vehicle.

Sites for disposal of building debris and vehicle scrap.

7. (a) Subject to any law, a local authority shall determine sites for the disposal of building debris and vehicle scrap either within, or, in coordination with the local authority concerned, outside its area. A determination as aforesaid may be made by several local authorities jointly and it may be made at the direction of the Minister of the Environment.

(b) A local authority may prescribe that a site as referred to in subsection (a) shall be used also for the disposal of scrap other than vehicle scrap.

(c) The local authority shall publish a notice of the location of sites determined as aforesaid.

(d) No person shall clear away building debris, scrap or vehicle scrap save to a site as aforesaid.

(e) For the purposes of this section, "local authority" means a municipality or a local council.

Power to dispose of vehicle scrap.

8. (a) A local authority or a person empowered in that behalf by the Minister of the Environment (such authority or person hereinafter referred to as a "competent authority") may dispose of vehicle scrap

thrown away in either the public or the private domain, except scrap situated on the premises of a person in lawful possession thereof or lawfully conducting thereon a business in vehicle scrap.

(b) A competent authority shall not exercise its power to dispose of any vehicle scrap under this section unless it has requested the owner or possessor thereof, in writing, to clear it away within a period fixed in the request and he has failed to do so and a notice of the intention to dispose of the scrap has been affixed to it in a conspicuous position at least forty-eight hours before the disposal.

(c) Where the owner of the vehicle scrap cannot be identified, the competent authority may dispose of it if it has been in the same place for at least one month and if, in the circumstances of the case, it is reasonable to assume that the owner has given it up because of its low value.

(d) Where any vehicle scrap has been disposed of under subsection (a), the competent authority which disposed of it is entitled to be reimbursed for its expenses by the person to whom a request under subsection (b) was delivered; a certificate by the competent authority detailing those expenses shall be evidence thereof.

Abandoning a vehicle in the public domain

8A. (a) If a vehicle is abandoned in the public domain in one place for a period exceeding 60 days the competent authority may order it to be towed from its place.

(b) The competent authority will not utilize the aforementioned authority in subsection (a) unless they have demanded from the owner of the vehicle to remove it within a period which shall be determined in the demand, and informed him that if he does not do so, it is their intent to tow the vehicle and leave it in a place that is determined in the announcement.

(c) An announcement as specified in subsection (b) will be pasted on the car in a prominent place and sent by registered mail to the registered owner of the vehicle if it is possible to identify the owner, at least 14 days prior to towing.

Sale of a vehicle that is towed or

8B. (a) A vehicle that is towed as specified in section 8A and whose owner has not come to receive it

its return to its owner.

within two months of the day that was served to him according to 8A(c), may be sold by the competent authority.

(b) If the owner of the vehicle has requested to receive it, the competent authority is entitled to demand return of expenses for the towing of the vehicle, storage, and the payment of any fines associated with use of this vehicle.

(c) If the vehicle is sold as in this section, the payment for the sale will be given to the vehicle owner, minus the expenses specified in subsection (b)

(d) A certificate from the competent authority which specifies the expenses mentioned in subsection (b) and (c) will be evidence of its expenses.

Incentives for selling removal.

8C. The competent authority may, in the interest of encouraging removal of scrap vehicles and vehicles that are not in use, pay the owner of the vehicle to bring the vehicle to the scrap vehicle disposal site for a sum which can be determined.

Legal status of scrap vehicles.

8D. A vehicle that was brought or towed according to sections 8 through 8C will be considered a scrap vehicle for the purposes of this law or the Transportation Ordinance and it will be the property of the competent authority.

Notice on beverage containers.

9. No person shall manufacture, and no importer shall market, any beverage container unless there is printed or impressed thereon, or on a label affixed thereto, a conspicuous notice as to the prohibition on throwing away waste, all as the Minister of Industry and Commerce may prescribe in consultation with the Minister of Health.

Cleanliness Maintenance Fund.

10. (a) There is hereby established a "Cleanliness Maintenance Fund" within the framework of the Ministry of the Environment (hereinafter referred to as "the Fund").

(b) The purpose of the Fund shall be to concentrate monetary resources for the maintenance of cleanliness and the prevention of throwing away waste, including the furtherance and encouragement of educational and informational activities, inspection and the enforcement of laws for the maintenance of cleanliness.

(c) The Minister of the Environment shall make regulations as to rules for the operation of the Fund.

(d) The moneys of the Fund shall be earmarked for its purposes only and shall be expended in accordance with the directions of the Minister of the Environment with the consent of the Minister of Finance.

(e) The moneys of the Fund shall derive from a charge under section 11, fines under section 13, appropriations from the State Budget and contributions.

(f) The Minister of the Environment shall report to the Home Affairs and Ecology Committee of the Knesset, at the end of every budget year, on the activities, income and expenditure of the fund.

Cleanliness
maintenance charge.

11. (a) The Minister of the Environment shall, by regulations, impose a "cleanliness maintenance charge" (hereinafter referred to as "the charge") on manufacturers and importers of beverage containers; the rate, manner of linkage and modes of collection of the charge shall be prescribed with the consent of the Minister of Finance.

(b) The income from the charge shall be paid into the Fund.

(c) The Taxes (Collection) Ordinance shall apply to the collection of the charge.

Inspectors and
cleanliness guards.

12. (a) The Minister of the Environment shall, for the purposes of this Law, appoint inspectors from among State employees and from among persons duly appointed wardens or inspectors under any enactment, as well as from lists of wardens and inspectors submitted to him by associations of towns, municipalities, local authorities, streams and springs authorities, drainage authorities, the Ports Authority, the Aerodromes Authority, the Israel Lands Administration, the Keren Kayemet Le-Yisrael, the National Parks Authority and the Nature Reserves Authority.

(b) An inspector as aforesaid shall have power to investigate offenses under this Law; in exercising such power --

(1) an inspector shall have the powers of a

police officer under section 2 of the Criminal Procedure (Arrest and Searches) Ordinance (New Version, 1969;

(2) an inspector may exercise all the powers vested in a police officer of the rank of inspector by section 2 of the Criminal Procedure (Evidence) Ordinance, and section 3 of that Ordinance shall apply to a statement taken down by virtue of such powers.

(c) The Minister of the Environment, or the head of a local authority in respect of the area of that authority and with the consent of a district commander of the Israel Police, may appoint any person to be a cleanliness guard. A cleanliness guard appointed as aforesaid may, after producing his cleanliness guard certificate, request a person who in his sight commits an offense against this Law to identify himself to him; a person requested to identify himself as aforesaid must do so.

Penalties and application of moneys of fines.

13. (a) A person who contravenes any provision of this Law is liable to a fine.

(b) A fine imposed for an offense under this Law shall be paid into the Fund: Provided that where the fine is imposed by a Court of Local Matters, it shall be paid into the fund of the local authority in whose area the offense was committed.

Order to pay cleaning expenses.

14. (a) A court which convicts a person of an offense under this Law may, in the sentence, in addition to any penalty it may impose, order him to pay the expenses of cleaning if an application therefor is submitted to it by the person who incurred them.

(b) For the purpose of collecting the amount awarded, a decision under this section shall be deemed to be a judgment by the same court in a civil action.

(c) Where more than one person is convicted of an offense, the court may, in the decision under this section, impose the payment of the expenses on all or part of them, jointly or severally, or apportion the debt among them, as it may think proper in the circumstances of the case.

(d) Where the court does not give a substantive decision on an application under this section, such fact shall not affect the right of the person who

incurred the expenses to recover them by an ordinary action.

Responsibility of officers of body corporate.

15. Where an offense under this Law is committed by a body corporate, every person who at the time of its commission is an active director or a partner, other than a limited partner, of the body corporate, or an employee thereof responsible for the matter in question, shall also be guilty of the offense unless he proves that it was committed without his knowledge and that he took all reasonable measures to ensure compliance with this Law.

Implementation and regulations.

16. (a) The Minister of the Environment is charged with the implementation of this Law and may make regulations as to any matters relating to its implementation.

(b) Regulations under this Law shall be made with the approval of the Interior and Environment Committees of the Knesset.

Applicability to the State.

17. This Law shall apply also to the State.

Saving of laws.

18. The provisions of this Law shall be in addition to and not in derogation of the provisions of any other law.

Bylaws.

19. A local authority may make bylaws as to any matter dealt with by this Law, except the matters dealt with by sections 9, 10 and 11 but including --

(1) the responsibility of the owner of a plot of land for the cleanliness thereof and the assignment of such responsibility also to a person who represents the owner for the purpose of the payment of taxes or in the matter of the commercial utilization of the plot or the preservation of the value thereof;

(2) the provision that the issue of a certificate under section 324 of the Municipalities Ordinance shall be conditional on the payment of any fine imposed under this Law or any bylaw made under this section.