



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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N\$4.20

WINDHOEK - 7 November 2003

No.3087

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### CONTENTS

*Page*

#### GENERAL NOTICE

No. 303 Mariental Municipality: Waste Management Regulations ..... 1

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## General Notice

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### MARIENTAL MUNICIPALITY

No. 303

2003

#### WASTE MANAGEMENT REGULATIONS

The Mariental Municipality has under Section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), made the Waste Management Regulations set out in the Schedule.

**BY ORDER OF THE COUNCIL**

**CHAIRPERSON OF THE COUNCIL**

#### SCHEDULE

#### WASTE MANAGEMENT REGULATIONS

#### ARRANGEMENT OF REGULATIONS

CHAPTER	DESCRIPTION	
	<b>Ministerial Declaration</b>	3
<b>1</b>	<b>Definitions</b>	
	Regulation 1: Definitions	3
<b>2</b>	<b>Collection and Removal of Business and Domestic Waste</b>	
	Regulation 2: The local authority council's service	7
	Regulation 3: Notice to local authority council	7
	Regulation 4: Delivery of waste containers	7
	Regulation 5: Placing of waste containers	9
	Regulation 6: Waste container liners	9
	Regulation 7: Use and care of waste containers	10
<b>3</b>	<b>Industrial Waste</b>	
	Regulation 8: The local authority council's service	11
	Regulation 9: Removal of industrial waste by private persons	11
	Regulation 10: Storage and disposal of industrial waste	11
<b>4</b>	<b>Garden, Special Domestic and Bulky Waste</b>	
	Regulation 11: Removal and disposal of garden domestic and bulky waste	13
	Regulation 12: The local authority council's special services	14
<b>5</b>	<b>Builders' Rubble</b>	
	Regulation 13: Responsibility for builders' rubble	15
	Regulation 14: Containers	15
	Regulation 15: Disposal of Builders' rubble	15
<b>6</b>	<b>Special Industrial, Hazardous, Health Care Risk and Infectious Waste</b>	
	Regulation 16: Notification of generation of special industrial, hazardous and health care risk waste	16
	Regulation 17: Storing of special industrial, hazardous and health care risk waste	16
	Regulation 18: Removal of special industrial, hazardous and health care risk waste	17
<b>7</b>	<b>Sanitary Landfill Sites and Public Disposal Facilities</b>	
	Regulation 19: Conduct at sanitary landfill sites and public disposal facilities	
	Regulation 20: Ownership of waste	18
	Regulation 21: Local authority council's obligations at sanitary landfill sites	18
<b>8</b>	<b>Littering, Dumping and Ancillary Matters</b>	
	Regulation 22: Littering	19
	Regulation 23: Dumping	19
	Regulation 24: Abandoned things	19
	Regulation 25: Liability of responsible person	19
<b>9</b>	<b>General Provisions</b>	
	Regulation 26: Access to premises	20
	Regulation 27: Notices and documents	20
	Regulation 28: Charges	21
	Regulation 29: Offences and penalties	21
	Regulation 30: Ownership of waste	21
	Regulation 31: Departure or Exemption from regulations	21

## MINISTERIAL DECLARATION

*It is hereby notified that the Honourable Minister of Regional and Local Government and Housing has been pleased, in terms of the Local Authorities Act, No. 23 of 1992, as amended, to approve the following Regulations made by the Local Authority Council of Mariental.*

### CHAPTER 1

#### DEFINITIONS

##### **Regulation 1: Definitions**

For the purposes of these Regulations, unless the context indicates otherwise, the following definitions will apply -

- 1(1) **“animal”** as applicable in these Regulations includes dogs, cats, sheep, cattle, horses, goats, poultry and any other domestic or other related wild creatures.
- 1(2) **“approved”** means approved by the local authority council.
- 1(3) **“bio-hazardous waste symbol”** is the labelling required for hazardous substances and must be done in accordance with the South African SABS Code 0233.
- 1(4) **“builders rubble”** means waste generated by demolition, excavation or building activities on premises.
- 1(5) **“bulk waste container”** means a container with a storage capacity in excess of 5 m<sup>3</sup> which may be used for the removal of bulky waste, business waste, industrial waste, garden waste and builders’ rubble.
- 1(6) **“bulky waste”** means waste generated on any premises but which by virtue of its mass, shape, size and quantity cannot be removed with ease without damage to the waste container and *inter alia* includes tree stumps, tree branches, hedge stumps and branches but excludes noxious waste.
- 1(7) **“business waste”** means waste generated on a premises which is not a private residency that is to be used exclusively for residential purposes, and excludes domestic waste, builders’ rubble, bulky waste, industrial waste, special domestic waste and garden waste.
- 1(8) **“chief health staff member”** means the chief health staff member appointed by the local authority council and includes any health practitioners appointed by the local authority council to act in that capacity and tasked with the responsibility to administer and enforce these regulations.
- 1(9) **“domestic waste”** means waste normally originating from a building used for residential purposes, including houses, flats, hospitals (excluding health care risk waste), schools, hostels, welfare organisations, churches and halls situated on private property or other premises and which can be removed with ease without damage to the waste container, but excludes noxious waste.
- 1(10) **“garden waste”** means waste generated as a result of normal gardening activities, such as grass cuttings, leaves, plants, flowers and other small and light matter.

- 1(11) **“hazardous waste”** means any substance, which in terms of any law governing environmental matters, or any regulation promulgated under an environmental related act, of domestic or industrial origin, which may only be disposed of at a hazardous sanitary landfill site and includes waste containing, or contaminated by poison, a corrosive agent, a flammable substance having an open flash-point of less than 90 °C, an explosive, radioactive material, a chemical or other substance which in the opinion of the chief health staff member, is likely to endanger human health.
- 1(12) **“health care risk waste”** means medical waste normally originating from *inter alia* hospitals, clinics, consulting rooms and veterinary hospitals which may consist of human or animal tissue, hypodermic needles, contaminated gloves, bandages or linen and other similar items that includes infectious waste.
- 1(13) **“health care risk waste sharps”** means discharged sharps (e.g. hypodermic needles, syringes, broken glass, scalpel blades) that have come into contact with infectious agents during use in patient care or in medical research or industrial laboratories.
- 1(14) **“industrial waste”** means waste not defined elsewhere which is derived from industrial activities taking place at any premises.
- 1(15) **“infectious waste”** means all waste that is capable of causing an infectious disease.
- 1(16) **“isolation waste”** means waste generated by hospitalised patients isolated to protect others from communicable disease.
- 1(17) **“land reclamation”** means the process of controlled dumping and levelling of soil or builders’ rubble with the intention of creating an area of land for development or construction of a building, that would otherwise not have been feasible as a result of the initial land topography.
- 1(18) **“local authority council”** means the duly constituted Local Authority Council of Mariental in terms of the provisions of the Local Authorities Act, 1992 (Act No. 23 of 1992, as amended, that local authority council’s management committee acting under the powers delegated to it, and any staff member to whom that committee has been empowered by the local authority council to delegate and has in fact delegated the powers, functions and duties vesting in the local authority council in relation to these Regulations.
- 1(19) **“noxious waste”** means waste which is hazardous and which is detrimental to the environment.
- 1(20) **“nuisance”** as applicable in these Regulations includes any premises or activities or part thereof which is of construction or in such a state or so situated or so dirty or verminous as to be offensive or injurious or dangerous to health or the environment or emits waste of an objectionable/incompatible to nature, humans and animals.
- 1(21) **“occupant”** include any person in actual occupation of land or premises or any person having the charge or management of such premises without regard to the title under which he occupies, and, in the case of premises subdivided and let to lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and in the case of an unoccupied premises, the owner.
- 1(22) **“owner of premises”** shall include -

- (a) the lawful owner occupying the premises;
  - (b) any person receiving the rent or profits of any land or premises from any tenant or occupant thereof, or who would receive such rents or profits if such land or premises were let, whether on his own account or as agent for any person entitled thereto or interested therein;
  - (c) in respect of premises of the Sectional Titles Register opened means the body corporate in relation to such premises; and
  - (d) in the case of premises which is the property of the local authority council and which is being let by local authority council, the tenant.
- 1(23) **“person”** means any person or body of persons whether corporate or not. For the purpose of enforcing the penalties under these Regulations, the word “person” and the words “owner” or “occupant” means in the case of a firm or partnership, all or any one or more of the members of such firm or partnership, and in the case of a company or any body of persons not being a firm or partnership in the ordinary meaning of these terms, the manager of such company or body, or should there be no manager of such company or body, then any member of the board of directors or managing board or committee of such company or body.
- 1(24) **“plastic liners”** means a plastic bag as prescribed by local authority council and which can be placed inside a domestic waste container.
- 1(25) **“premises”** means any erven, erf or any other portion of land including any building, tent, vehicle, wagon or caravan used or capable of being used for human habitation or any other structure utilized for business or residential purposes.
- 1(26) **“public disposal facility”** means a site approved by the local authority council for the disposal and temporary storage of garden waste, builders’ rubble, bulky waste and domestic waste excluding business, industrial, special industrial or hazardous waste.
- 1(27) **“reasonable hours”** means between 7:00 and 18:00 during weekdays and between 8:00 and 13:00 on Saturdays.
- 1(28) **“sanitary landfill site”** means premises or an area specifically set aside for the disposal of waste, and which has been approved and accepted by local authority council, and which has been identified, designed, registered or permitted, constructed, operated and monitored in accordance with any law governing environmental matters.
- 1(29) **“service”** means a waste removal service (in respect of waste, whether solid or liquid) that in the opinion of the local authority council’s chief health staff member is rendered or can be rendered on a regular basis.
- 1(30) **“singular and plural”**: Unless the contrary intention appears, words in the singular number shall include the plural, and words in the plural number shall include the singular as approved in the Interpretation of Laws Proclamation, 1920 (Proclamation No 37 of 1920) or as amended.
- 1(31) **“special domestic waste”** as applicable in these Regulations includes any domestic waste not classified elsewhere which includes carcasses of dead animals and applies to both domestic and wild animals.
- 1(32) **“special industrial waste”** means waste, consisting of a liquid or sludge, resulting from a manufacturing process or the pre-treatment for disposal purposes of any industrial waste, which may not be discharged into a drain or sewer.

- 1(33) **“tariff charge”** means the tariff of charges for collection, removal and disposal of waste and sanitary services as adopted by the local authority council and as announced by notice in the Government Gazette.
- 1(34) **“waste container”** means a container as approved by the chief health staff member of the local authority council, and of which the amount and type can be determined by local authority council and which can be supplied at a fixed tariff or at current tariffs or a rent tariff or in any other way as determined and announced by notice in the Government Gazette.
- 1(35) **“waste”** means an undesirable or superfluous by-product, emission, or residue of any process or activity that has been discarded, accumulated or stored for the purpose of discarding or processing. It may be gaseous, liquid or solid or any combination thereof and may originate from a residential, business or industrial area. This definition excludes industrial wastewater, sewerage, radioactive substances, mining, metallurgical and power generation waste.

**CHAPTER 2****COLLECTION AND REMOVAL OF BUSINESS AND DOMESTIC WASTE****Regulation 2: The local authority council's service**

- 2(1) The local authority council shall provide a service for the collection, removal, and disposal of business and domestic waste from premises at the tariff charge as prescribed by the local authority council in the tariff of charges for collection, removal and disposal of waste.
- 2(2) The occupant or owner of premises on which business or domestic waste is generated shall subject to the proviso to *Sub-regulation 7(1)(a)*, use the local authority council's service for the collection, removal and disposal of all such waste except in cases where special exemption is granted.
- 2(3) The owner or occupant of the premises on which the business or domestic waste is generated shall be liable individually or jointly to the local authority council for the tariff charge in respect of the collection, removal and disposal of business and domestic waste from such premises and all moneys payable to local authority council must be paid.
- 2(4) The owner or occupant in respect of individual premises on premises held on the Sectional Title Register, on which business or domestic waste is generated shall be liable individually to the local authority council for the tariff charge in respect of the collection, removal and disposal of business or domestic waste from such premises and all moneys payable to the local authority council must be paid.
- 2(5) The local authority council shall or shall cause to be placed at strategic places within business areas defined by respective zoning stated in the town planning scheme or other public places suitable containers for the collection, removal and disposal of all of the waste to be generated in those areas and such collection, removal and disposal shall be in accordance with the provisions of these Regulations.
- 2(6) No waste generated at residential, business or industrial premises is to be disposed of in such containers and such containers or its contents are not to be tampered with or vandalised in any way.
- 2(7) The local authority council shall be responsible for the environmentally sound site identification, design, registration or permitting, construction, operation and monitoring of an appropriate sanitary landfill site for the disposal of all waste generated within its area of jurisdiction in accordance with the requirements of any law governing environmental matters.

**Regulation 3: Notice to the local authority council**

The occupant or owner of premises, on which business waste or domestic waste is generated, shall within seven days after the commencement of the generation of such waste notify the local authority council in writing -

- (a) that the premises are being occupied; and
- (b) whether business waste or domestic waste or both the aforementioned is being generated on the premises.

**Regulation 4: Delivery of waste containers**

- 4(1) (a) After notification in terms of *Regulation 3*, the local authority council shall, after investigation, determine the number of waste containers required on such premises.

- (b) The occupant or owner of such residential or business premises shall be responsible for the supply of the predetermined number and type of waste containers as required by the local authority council from time to time.
  - (c) Waste containers will be supplied by the local authority council on request at ruling prices and local authority council will determine the mode of payment.
- 4(2) The owner's liability to pay an increased or decreased tariff for business or domestic waste shall only take effect on the date the containers are to be serviced on the premises and the local authority council's records serving as proof of such servicing.
- 4(3) The provisions of this Regulation shall apply *mutatis mutandis* on owners utilizing private owned containers.
- 4(4) The local authority council may at any time after the delivery of containers in terms of *Sub-regulation 4(1)* remove some of the containers or deliver additional containers (at the owner/occupant's expense in the latter circumstance) if, in its opinion, a greater or lesser number of containers is required on the premises.
- 4(5) The local authority council may deliver bulk waste containers to premises if, having regard to the quantity of waste generated on the premises concerned, considered:
- (a) the suitability of such waste being stored in domestic containers,
  - (b) the accessibility and adequacy of the space provided by the owner or occupant of the premises in terms of *Regulation 5*, to the waste collection and removal vehicles,
  - (c) the appropriateness of bulk waste containers as compared to domestic waste containers for the storage of the waste.
- 4(6) The provisions of these Regulations dealing with waste containers delivered to premises for the storage of waste in terms of *Sub-regulations 4(1) and 4(4)* shall apply *mutatis mutandis* in respect of bulk waste containers delivered to premises in terms of *Sub-regulation 4(5)*.
- 4(7) The owner or occupant of any premises shall keep the contents of the waste container or other approved bulk waste container covered at all times (save when waste is being deposited therein or discharged there from) and the owner or occupant of any premises shall be responsible for the loss of or damage to any such waste container or bulk waste container.
- 4(8) The local authority council shall remain the owner of the bulk waste container delivered by it in terms of *Sub-regulation 4(5)*.
- 4(9) Any owner or occupant of any premises who neglects or refuses to provide such suitable containers as described in *Sub-regulation 4(1)(b)* for deposition of waste, or who fails to obtain the required containers within seven calendar days of receipt of a notice to do so from a duly authorised staff member of the local authority council, is guilty of an offence and shall be liable, upon conviction to the payment of a penalty as provided for in *Regulation 29* of these regulations.

**Regulation 5: Placing of waste containers**

- 5(1) The owner or occupant of the premises shall provide an approved space of adequate size and any other facilities considered necessary by the chief health staff member on the premises for the storage of the bins or containers delivered by the local authority council in terms of *Regulation 4*.
- 5(2) The space provided in terms of *Sub-regulation 5(1)* shall be so located as to permit convenient access to and removal from such space for the local authority council's waste collection and removal vehicles.
- 5(3) Where domestic waste is generated on a premises the waste container or plastic liners with waste therein must be properly closed or tied and be placed outside the fence or boundary of the premises on the street boundary or on any such other place as determined and informed by local authority council, but only on the days of removal.
- 5(4) Where business waste is generated on the premises it must be placed in such a position as will allow for the collection and removal of such waste by the local authority council's employees without hindrance;
- 5(5) The owner or occupant of premises shall place or cause the waste containers delivered in terms of *Regulation 4* to be placed in the space provided in terms of *Sub-regulation 5(1)* and shall at all times keep it there.
- 5(6) Notwithstanding anything to the contrary in *Sub-regulation 5(5)* contained -
- (a) In the event of the local authority council, in its opinion, being unable to collect and remove waste from the space provided in terms of *Sub-regulation 5(1)*, the local authority council may, having regard to the avoidance of nuisance and the convenience of collecting of waste, indicate a position within or outside the premises where the waste container shall be placed for the collection and removal of such waste and such waste container shall then be placed in such position at such times and for such period as the local authority council may require;
  - (b) The owner or occupant of premises to which waste containers have been delivered in terms of *Sub-regulation 4(1)* and also where waste containers are not provided, shall place or cause the full waste container properly closed or plastic liner properly tied, to be placed just outside the fence or boundary of the premises on the street boundary before 07:00 on the day on which waste is collected in the particular area.
  - (c) *Sub-regulation 5(6)(b)* will apply to both residential as well as business premises.

**Regulation 6: Waste container liners**

- 6(1) In order to facilitate the collection and removal of waste that may cause an environmental nuisance by nature of its odours, dust, attraction of vermin or disease vectors, the local authority council may require that waste be containerised in liners of 85-litre size for the use for storage of such waste in containers and the owner or occupant shall not place any waste in such container without using a waste container liner.
- 6(2) Liner material referred to in *Sub-regulation 6(1)* are to be placed inside of the waste container.

- 6(3) The owner or occupier is responsible to ensure that any sharp objects that are to be disposed of and that has the potential of penetrating the bin or liner, is to be wrapped in a suitable material like newspapers or placed in a hard container like a can, before being disposed of in the waste container.

**Regulation 7: Use and care of waste containers**

- 7(1) The owner or occupant of premises, to which waste containers have been delivered by the local authority council in terms of *Regulation 4*, or where containers are supplied by the owner or occupant, shall ensure that -
- (a) All the domestic or business waste generated on the premises shall be placed and kept in such waste containers for removal by the local authority council: Provided that the provisions of this Sub-regulation shall not prevent any owner or occupant who has obtained the local authority council's prior written consent from selling or otherwise disposing of any corrugated cardboard, paper, glass, cans or other material for recycling in a manufacturing process;
  - (b) No burning material, hot ash, unwrapped glass and sharp objects or other business or domestic waste which may cause damage to waste containers or which may cause injury to the local authority council's employees while carrying out their duties in terms of these Regulations, shall be placed in waste containers before it was wrapped in a suitable material or placed in a hard container to avoid such damage or injury;
  - (c) No material, including any liquid, which by reason of its mass or other characteristics is likely to result in spillage or render such waste containers unreasonably difficult for the local authority council's and employees to handle or carry, shall be placed in such waste containers; and
  - (d) Every waste container on the premises is covered with a suitable lid save when waste is being deposited therein or discharged there from, and every waste container shall be kept in a clean and hygienic condition.
- 7(2) No waste container so delivered in accordance with *Regulation 4*, may be used for any purpose other than the storage of waste and no fire shall be lit in such container.
- 7(3) The waste containers so delivered in accordance with *Regulation 4*, may be emptied by the local authority council after announcement of such intervals as the local authority council may deem necessary.
- 7(4) In the event of a bulk waste container having been delivered to premises in terms of *Sub-regulation 4(5)*, the owner or occupant of such premises shall, 24 hours before the container is likely to be filled to capacity, inform the local authority council thereof.
- 7(5) The owner or occupant of premises to which waste containers were delivered in terms of *Regulation 4* shall be liable to the local authority council for the loss thereof and for all damage caused thereto except for such loss or damage as may be caused by the employees of the local authority council.

## CHAPTER 3

### INDUSTRIAL WASTE

#### Regulation 8: The local authority council's service

Subject to the provisions of *Regulation 128*, the provisions of *Regulations 2 to 7 (both included)* in respect of business and domestic waste shall apply *mutatis mutandis* to industrial waste.

#### Regulation 9: Removal of industrial waste by private persons

- 9(1) Notwithstanding the provisions of *Regulation 26 to 31 (both included)*, the owner's or occupant's of premises may use the services of a person authorised in writing by the local authority council to remove industrial waste if the local authority council is advised in writing to this effect by the owner or occupant before such service is commenced, and if the local authority council has given its written permission therefore.
- 9(2) The local authority council may give its authorization or permission referred to in *Sub-regulation 9(1)* subject to such conditions as it may deem fit.
- 9(3) In laying down conditions the local authority council may have regard to -
- (a) Ensuring that no waste container or other approved container, used for the storage and removal of industrial waste from premises, shall be kept in a public place except if otherwise approved by local authority council;
  - (b) The equipment which is intended to be used;
  - (c) The containment of the industrial waste in transit;
  - (d) Ensuring that the industrial waste is deposited at a sanitary landfill site approved by the local authority council;
  - (e) Ensuring that the service rendered by the person authorised in terms of *Sub-regulation 10(1)* shall be in respect of industrial waste only; and
  - (f) In the event of a person authorised in terms of *Sub-regulation 9(1)* the owner or occupant shall notify the local authority council of the composition and quantity of industrial waste removed.
- 9(4) In the event of the person authorized in terms of *Sub-regulation 9(1)* being in breach of any condition upon which the authorization was given, the local authority council may cancel such authorization.
- 9(5) In the event of the owner or occupant of premises on which industrial wastes is generated having notified the local authority council in terms of *Sub-regulation 9(1)*, such owner or occupant shall ensure that such waste is disposed of in terms of the provisions of *Regulations 8 to 10 (both included)* within a reasonable time after the generation thereof.

#### Regulation 10: Storage and disposal of industrial waste

- 10(1) The owner or occupant of premises on which industrial waste is generated shall ensure that, until such time as such waste is removed from the premises on which it was generated and subject to *Sub-regulation 9(3)(a)* which shall apply *mutatis mutandis*, such waste be stored in the waste containers approved by the local authority council.

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- 10(2) The owner or occupant of such premises shall ensure that no premises or part thereof is in such a state or so situated or so dirty or verminous as to be offensive or injurious or dangerous to health or the environment or emits waste of an objectionable/incompatible to nature, humans, animals and aquatic life.
- 10(3) A person authorised by the local authority council to remove industrial waste shall deposit such waste at a disposal site accepted and approved by the local authority council for that purpose.

## CHAPTER 4

## GARDEN, SPECIAL DOMESTIC AND BULKY WASTE

**Regulation 11: Removal and disposal of garden, special domestic and bulky waste**

- 11(1) The owner or occupant of premises on which garden, special domestic or bulky waste is generated shall ensure that such waste is disposed of in terms of *Regulations 11 and 12* within 72 hours after the generation thereof: Provided that garden waste may be retained on the premises in an approved manner for the making of compost.
- 11(2) The local authority council may permit the owners or occupants of premises to dispose of garden waste on the premises where it has been generated or to convey to other premises provided that such waste is protected from fly, odour and other nuisances with a soil layer of a minimum of 50-mm thickness and provided that the owner or occupant has secured a permit from the local authority council for such activity.
- 11(3) Such permit shall be valid for a period to be reasonably determined by the local authority council, but will be liable to be cancelled should the permit holder violate the conditions prescribed on the permit.
- 11(4) The conditions under which commercial vegetable gardeners and commercial nursery operators may obtain permits to establish manure or composting plants will include, but will not be limited to the following:-adequate measures should be put in place to ensure the prevention of fly breeding and the emission of dust and odours using methods approved by the local authority council through its approved staff member.
- 11(5) (a) Any person may remove and dispose of garden or small volume builders rubble in addition to certain recyclable materials: Provided that once it has been removed, free of charge or at a prescribed tariff as determined by local authority council, from the premises on which it was generated, it is deposited on a sanitary landfill site approved by the local authority council.
- (b) Notwithstanding the provisions of *Sub-regulation 11(5)(a)*, the owner or occupant of premises may utilize the services of a person authorised by local authority council to remove special domestic or bulk waste provided that the authorisation has been obtained prior to the commencement of the service and such person complies with the conditions that the local authority council may deem fit.
- 11(6) The provisions of *Regulation 12* shall apply *mutatis mutandis* when containers are used for the collection and removal of garden, special domestic and bulky waste.
- 11(7) The owner of any dead animal, or if the name of such owner be not ascertained by the owner or occupant of the said premises upon which such animal is found dead and by him/her disclosed to the local authority council, then such occupant shall be bound within twelve hours after the death of such animal to bury properly or otherwise innocuously dispose of the entire carcass at a sanitary landfill site in a manner approved by the local authority council.
- 11(8) Otherwise he/she shall be bound within the same period of twelve hours to notify the local authority council of the death of such animal and of the place where it can be found and request the local authority council to remove or bury or destroy it at his/her expense and such expense to be pre-paid by him/her in accordance with the tariff from time to time fixed by the local authority council.

- 11(9) In the case of any default herein by the responsible person, he/she shall be deemed guilty of an offence and shall be liable, upon conviction to prosecution in accordance to the provisions of *Regulation 29* of these regulations. In addition thereto, the local authority council may remove and bury or otherwise destroy such animal and for doing so recover from the owner thereof the sum set in accordance with the above-mentioned tariff.

**Regulation 12: The local authority council's special service**

- 12(1) At the request of the owner or occupant of premises and after payment of the prescribed tariff charge the local authority council shall provide bulk waste containers for removal of garden, special domestic, bulky waste and builders rubble from premises: Provided that the local authority council is able to do so with its waste removal equipment.
- 12(2) At the request of the owner or occupant of a premises, the local authority council may provide a special service for the removal of waste at the prescribed tariff as determined by the local authority council from time to time and announced by notice in the Government Gazette.

**CHAPTER 5****BUILDERS' RUBBLE****Regulation 13: Responsibility for builders' rubble**

- 13(1) The owner or occupant of premises on which builders' rubble is generated shall ensure that -
- (a) Such waste is disposed of in terms of *Regulation 15* within 72 hours after the generation thereof; and
  - (b) Until such time as builders' rubble is disposed of in terms of *Regulation 15* and subject to the provisions of *Regulation 14*, such waste together with the containers used for the storing or removal thereof, shall be kept on the premises on which it was generated.
- 13(2) A person may, only with the local authority council's written permission and on such conditions as it deems fit, use the services of any other person for the removal of builders rubble.

**Regulation 14: Containers**

- 14(1) If a bulk waste container used for the removal of builders' rubble from premises should in the opinion of the local authority council not be kept on the premises, such bulk waste container may with the written consent of the local authority council be placed in an allocated area outside the premises for the period of such consent.
- 14(2) Any consent given in terms of *Sub-regulation 14(1)* shall be subject to such conditions, as the local authority council may consider necessary.
- 14(3) The local authority council may determine a charge for any such consent.
- 14(4) Every bulk waste container authorised in terms of *Sub-regulation 14(1)* and used for the removal of builders' rubble shall -
- (a) Have clearly marked on it the name and address or telephone number of the person in control of such bulk waste container;
  - (b) Be fitted with reflecting chevrons or reflectors which shall outline the front and the back thereof; and
  - (c) Be covered at all times during storage or transport so that no displacement of its contents can occur.

**Regulation 15: Disposal of builders' rubble**

- 15(1) Subject to the provisions of *Sub-regulation 15(2)* hereof, all builders' rubble shall be deposited at a sanitary landfill site approved by the local authority council.
- 15(2) For the purpose of land reclamation, builders' rubble may with the written consent of the local authority council be deposited at a place other than the sanitary landfill site, and such other place shall be approved by the local authority council in advance.
- 15(3) Any consent given in terms of *Sub-regulation 15(2)* shall be subject to such conditions as the local authority council may impose.

## CHAPTER 6

### SPECIAL INDUSTRIAL, HAZARDOUS AND HEALTH CARE RISK WASTE

#### **Regulation 16: Notification of generation of special industrial, hazardous and health care risk waste**

- 16(1) A person engaged in an activity which causes special industrial, hazardous or health care risk waste to be generated, shall notify the local authority council within seven days of such generation of the composition thereof, the quantity generated, method of storage, the proposed duration of storage, and the manner in which it will be removed.
- 16(2) If so required by the local authority council, the notification referred to in *Sub-regulation 16(1)* shall be substantiated by an analysis certified by a person appropriately qualified and accepted by the local authority council as suitable to provide such certification.
- 16(3) The local authority council or any person duly authorised by the local authority council may, in terms of the provisions of General Provisions (*Chapter 9*) of these regulations, enter premises during normal office hours to ascertain whether special industrial, hazardous or health care risk waste is generated on such premises and may take samples and test any waste found on the premises to ascertain its composition.
- 16(4) Having notified the local authority council in terms of *Sub-regulation 16(1)*, the person referred to in *Sub-regulation 16(1)* shall notify the local authority council of any changes in the composition and quantity of the special industrial, hazardous or health care risk waste occurring thereafter.

#### **Regulation 17: Storing of special industrial, hazardous and health care risk waste**

- 17(1) The person referred to in *Sub-regulation 16(1)* shall ensure that the special industrial, hazardous or health care risk waste generated on the premises is kept and stored thereon in terms of *Sub-regulation 16(1)* until it is removed from the premises in terms of *Regulation 18*.
- 17(2) Special industrial, hazardous or health care risk waste stored on premises shall be stored in such manner that it does not become a nuisance (by releasing odours or dust or having a negative visual impact), cannot create a health and safety hazard (as required by the relevant occupational health and safety legislation) or cannot pollute the environment (as required by the relevant environmental legislation).
- 17(3) If special industrial, hazardous or health care risk waste is not stored in terms of *Sub-regulation 17(2)* on the premises on which it is generated, the local authority council may order the owner or occupant of the premises or the person referred to in *Sub-regulation 16(1)* to remove such waste within a period of 48 hours and, if thereafter such waste is not removed within such time, the local authority council may itself or through any person so instructed, remove it at the owner's or occupant's expense or the expense of the person referred to in *Sub-regulation 16(1)*, or both, as the case may be.
- 17(4) Special industrial, hazardous or health care risk waste shall be stored in a container approved by the chief health staff member and such container shall be kept in an approved storage area for a period not exceeding the maximum period to be stipulated by the chief health staff member before removal in terms of *Regulation 18*.

- 17(5) The containers for health care risk waste must comply with the following minimum requirement:
- (a) all infectious waste must be placed at the point of generation into a container approved by the local authority council;
  - (b) the container used for the storage of health care risk waste sharps must be constructed of such a material that the object cannot pierce the container. The container must be fitted with a safe and hygienic lid which must be sealed after use;
  - (c) the container used for the removal of other contagious materials has to be manufactured of a material which will prevent the contents from leaking out. The container has to be equipped with a safe and hygienic lid, and has to be sealed after utilisation; and
  - (d) all containers must be clearly marked with the universal bio-hazardous waste symbol.

**Regulation 18: Removal of special industrial, hazardous and health care risk waste**

- 18(1) (a) No person may, without or not in accordance with the local authority council's written approval of conditions, remove special industrial, hazardous and medical waste from a premises at which it has been generated.
- (b) Special industrial, hazardous or health care risk waste may only be transported in accordance with the requirements specified in the relevant transport legislation, with the focus on the type of vehicle, it's markings, the way it is manufactured, safety procedures and hygiene and documentation regarding the origin, transport and disposal of such waste.
- 18(2) The person referred to in *Sub-regulation 16(1)* shall inform the local authority council, at such intervals as the local authority council may stipulate, having regard to the information to be given to the local authority council in terms of that section, of the removal of special industrial, hazardous or health care risk waste, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial, hazardous or health care risk waste removed.
- 18(3) No person shall dispose of any health care risk waste by incinerating it unless the chief health staff member's prior written permission has been given to incinerate such waste.
- 18(4) Should any person be convicted of contravening the provisions of this section, such person shall in addition to being guilty of an offence, dispose of the waste as directed by the local authority council. The local authority council may alternatively instruct an approved person to dispose of such waste and recover the costs from such person referred to in *Sub-regulation 18(1)*.
- 18(5) Notwithstanding the provisions of *Regulations 16 to 18 (both included)*, the generators of the listed categories of waste, in liaison with local authority council, shall be expected to comply with the provisions of any other national and regional legislation applicable to the notification, storage, collection, removal and disposal of such waste.

## CHAPTER 7

### SANITARY LANDFILL SITES AND PUBLIC DISPOSAL FACILITIES

#### **Regulation 19: Conduct at sanitary landfill sites and public disposal facilities**

- 19(1) Every person who for the purpose of disposing of waste enters a sanitary landfill site or public disposal facility controlled by the local authority council, shall -
- (a) enter the sanitary landfill site or public disposal facility at an authorised access point;
  - (b) give the local authority council all the particulars required in regard to the composition of the waste; and
  - (c) follow all instructions given to him in regard to access to the actual disposal point, the place where and the manner in which the waste should be deposited.
- 19(2) No person shall bring any liquor onto a sanitary landfill site or public disposal facility controlled by the local authority council.
- 19(3) No person shall enter a sanitary landfill site or public disposal facility controlled by the local authority council for any purpose other than the disposal of waste in terms of these Regulations, and then only at such times and between such hours as the local authority council may from time to time determine and display at the entrance to the sanitary landfill site.

#### **Regulation 20: Ownership of waste**

All waste on sanitary landfill sites and public disposal facilities controlled by the local authority council shall be the property of the local authority council and no person who is not duly authorised in writing by the local authority council to do so shall remove or interfere therewith.

#### **Regulation 21: Local authority council's obligations at sanitary landfill sites**

The local authority council shall be responsible for the effective design, construction, operation, management and monitoring of the sanitary landfill site in accordance with provisions of the relevant environmental legislation (when promulgated) by *inter alia* enforcing the following:-

- (a) the controlled entry of both vehicles and persons onto the sanitary landfill site and the prevention of illegal activities happening such as scavenging, cultivation on drainage structures and illegal burning of waste;
- (b) the control and monitoring of environmental pollution due to illegal burning of waste, ground water pollution, leachate, windblown waste, dust emission and such other parameters as may be necessary emanating from the operation of such sanitary landfill site;
- (c) that the access road to the sanitary landfill site is at all times of acceptable condition to allow the free flow of traffic;
- (d) that only waste, approved for disposal in accordance with waste's as well as the landfill's classification, be disposed of at any particular sanitary landfill site;
- (e) that persons found transgressing the provisions of this clause, if convicted, become liable to pay a penalty as shall from time to time be determined by the local authority council and as announced by notice in the Government Gazette.

**CHAPTER 8****LITTERING, DUMPING AND ANCILLARY MATTERS****Regulation 22: Littering**

No person shall -

- (a) throw, let fall, deposit, spill or in any other way discard, any waste into or onto any public area, vacant erf, farm portion, stream or watercourse, other than into a waste container provided for the purpose or onto a sanitary landfill site or public disposal facility controlled by the local authority council;
- (b) sweep any waste into a gutter, on a road reserve or any other public area; and
- (c) allow any person under his control to do any of the acts contemplated in (a) and (b).

**Regulation 23: Dumping**

- 23(1) Subject to any provisions to the contrary in these Regulations contained, no person shall leave anything or allow anything under his control to be left a place that such thing has been brought with the intention of abandoning it.
- 23(2) Once it has been alleged that a person has left a thing or allowed a thing to be left at a place which he is not the owner or occupant, he shall be deemed to have contravened the provisions of *Sub-regulation 23(1)* and may be liable to pay a penalty as shall from time to time be determined by the local authority council and as announced by notice in the Government Gazette.

**Regulation 24: Abandoned things**

The local authority council may, as it may deem fit, removed and disposed of anything (other than a vehicle) deemed to have been abandoned in the light of such factors as the place where it is found, the period it has been lying at such places and the nature and condition of such thing, reasonably regarded by the local authority council as having been abandoned.

**Regulation 25: Liability of responsible person**

- 25(1) Where anything has been removed and disposed of by the local authority council in terms of *Regulation 24* the person responsible shall be liable to pay the local authority council the tariff charge in respect of such disposal.
- 25(2) For the purposes of *Sub-regulation 25(1)* the person responsible shall be -
  - (a) the last owner of the thing, before it was collected by the local authority council, and shall include any person who is entitled to be in possession of the thing by virtue of a purchase agreement or an agreement of lease at the time when it was abandoned or put in the place from which it was so removed unless he can prove that he was not concerned in and did not know of it being abandoned or put in such a place; or
  - (b) any person by whom it was put in the place aforesaid; or
  - (c) any person who knowingly permitted the putting of the thing in the place aforesaid.

**CHAPTER 9****GENERAL PROVISIONS****Regulation 26: Access to premises**

- 26(1) Where the local authority council provides a waste collection and removal service, the owner or occupant of premises shall grant the local authority council access to the premises at all reasonable hours for the purpose of collecting and removing waste and shall ensure that nothing obstructs, frustrates or hinders the local authority council in the carrying out of its service.
- 26(2) Where in the opinion of the local authority council the collection and removal of waste from any premises is likely to result in damage to the premises or the local authority council's property, or injury to the waste collectors or any person, it may, as a condition of rendering a waste collection and removal service in respect of the premises, require the owners or occupants to indemnify it in writing in respect of any such damage or injury or any claims arising out of either.
- 26(3) Any duly authorised staff member of the local authority council may at all reasonable hours enter upon any premises, for the purpose of examining such premises to enable him to ascertain the compliance by the owner or occupant of the premises of the provisions of these Regulations.
- 26(4) No person shall refuse admittance to obstruct any of the local authority council staff members whilst such staff member is carrying out or attempting to carry out any work or inspection which such staff member is authorised to carry out under these Regulations.

**Regulation 27: Notices and documents**

- 27(1) Every notice, order or other document under these Regulations requiring authentication by local authority council shall be sufficiently authenticated if signed by the Chief Executive Officer or chief health staff member or other staff member duly authorised by the local authority council.
- 27(2) Any notice, order or document required or authorized to be served upon any person under these Regulations, may be served by delivering the notice, order or document or a true copy thereof to some responsible person on the said premises belonging to or occupied by the person upon whom such services is to be made or if there is no person to be found upon such premises who can be served, by fixing such notice, order or document in such a conspicuous part of the premises.
- 27(3) Any such notice or order or document may also be served by post via prepaid registered letter and if so served shall be deemed to have been served at the time when the said letter would have been gone through the normal posting process and there shall be evidence of such letter having been posted.
- 27(4) Any such notice, order or document may be addressed by the description of the owner or occupant of the premises and naming such premises in respect of which such notice, order or document is served.
- 27(5) In the event where tariff charges are increased, any unpaid balance owing to the local authority council on the total amended charges will be due and payable to the local authority council on demand.
- 27(6) Any person who fails to comply with any notice or order shall be guilty of an offence against these Regulations.

**Regulation 28: Charges**

- 28(1) Save where otherwise provided in these Regulations, the person to whom any service mentioned in these Regulations has been rendered by the local authority council shall be liable to the local authority council for the tariff charge as determined by the local authority council and announced by notice in the Government Gazette in accordance with Section 30(1)(u) of the Local Authorities Amendment Act, 2000 (Act No 24. of 2000).
- 28(2) Services rendered by the local authority council in respect of which a tariff charge is prescribed, may be altered by the local authority council if it has ascertained that an increase or decrease in such services is justified, or after receipt of a written notification from the owner or occupant of the premises to which the services are rendered, that the generation of domestic or business waste on the premises has ceased, or reduced in volume, and the local authority council is satisfied that a change in service is justified.
- 28(3) If written notification in terms of *Sub-regulation 28(2)* is received, the tariff charge will not be reduced and shall be payable until the local authority council is satisfied that an alteration in service is justified.
- 28(4) Tariff charges prescribed shall become due and payable on the same date as the general assessment rate, water and sewer charges are due or as local authority council may from time to time decide.
- 28(5) Any person who fails to pay the tariff charge in respect of services rendered by the local authority council will be guilty of an offence against these Regulations.

**Regulation 29: Offences and penalties**

Any person, who contravenes or fails to comply with any provision of these Regulations, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N\$ 2 000-00 or imprisonment for a period not exceeding six months, or both as per the provisions of Section 94(4) of the Local Authorities Amendment Act, 2000 (Act No. 24 of 2000) or as amended.

**Regulation 30: Ownership of Waste**

- 30(1) All waste removed by the local authority council or its appointed contractor or deposited for removal in any waste container on premises from which local authority council undertakes the removal of such waste, shall become the property of the local authority council from the time such waste is deposited in such container and no person other than the owner or occupant of such premises or a duly authorised employee of the local authority council shall remove or interfere with any such waste.
- 30(2) Anyone established to have contravened the provisions of *Sub-regulation 30(1)* shall be guilty of an offence against these Regulations.

**Regulation 31: Departure or Exemption from Regulations**

If, because of exceptional circumstances, the Council considers it desirable to authorise a departure or exemption from any provision of these regulations, the Council may, subject to such conditions as it may impose, authorise such departure or exemption if the departure or exemption will not be in conflict with any provision of the Local Authorities Act, 1992 (Act No. 23 of 1992).

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