



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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N\$2.60

WINDHOEK - 28 October 2004

No.3309

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## General Notice

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### AROAB VILLAGE

No. 249

2004

#### REGULATIONS RELATING TO WASTE MANAGEMENT: LOCAL AUTHORITIES ACT, 1992

The Village Council of Aroab, after consultation with the Minister of Regional and Local Government and Housing, under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), makes the regulations set out in the Schedule.

**BY ORDER OF THE COUNCIL**

**B. ROOI**  
**CHAIRPERSON OF THE COUNCIL**

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## PRELIMINARY PROVISIONS

**Definitions**

1. In these regulations a word or an expression to which a meaning has been defined in the Act has the same meaning, and unless the context otherwise indicates -

“approved” means approved by the Council;

“builders’ rubble” means waste generated by the demolition of buildings and structures, excavation of land or other building activities conducted on premises;

“bulky waste” means waste generated on premises which by virtue of its mass, shape, size and quantity, can damage the waste container, and includes, among others, tree stumps, tree branches, hedge stumps and hedge branches, but excludes noxious waste;

“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 or builders’ rubble;

“business waste” means waste generated on premises, not solely used for residential purposes, which can be removed without damaging the waste container, excluding domestic waste, builders’ rubble, bulky waste, industrial waste, special domestic waste and garden waste;

“charge” means tariff charges for collection, removal and disposal of waste and sanitary services as determined by the Council by notice in the Gazette in terms of section 30(1)(u) of the Act;

“chief health staff member” means the person appointed by the Council as the chief health staff member, and includes a health practitioner acting in such capacity;

“Council” means the Village Council of Aroab;

“domestic waste” means waste that is normally generated on premises used solely for residential purposes, including hospitals (but excluding health care risk waste thereof), welfare organisations, churches, and halls, and which can be removed without damaging the waste container, but excludes noxious waste;

“garden waste” means waste generated by gardening activities, such as grass cuttings, leaves, plants, flowers and other similar small and light substances, which can be removed without damaging the waste container;

“hazardous waste” means any substances of domestic or industrial origin which in terms of any law or regulation governing environmental matters, 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, and a chemical or other substance, which, in the opinion of the chief health staff member, is likely to endanger human health;

“health care risk waste” means waste that normally originates from among others 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, and includes infectious waste;

“health care risk waste sharps” means discharged sharps objects such as hypodermic needles, syringes, broken glass, scalpel blades, that have come into contact with infectious substances during use in patient care or in medical research or industrial laboratories;

“industrial waste” means waste generated by industrial activities taking place at premises;

“infectious waste” means waste that can cause an infectious disease;

“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 for the construction of a building that would otherwise not be feasible as a result of the initial land topography;

“noxious waste” means waste that is hazardous or detrimental to the environment;

“nuisance” includes premises or an activity on the premises or a part thereof, which is in a state of construction or in such a condition or so situated or so dirty or verminous to be offensive, injurious or dangerous to health or the environment or emits waste of an intolerable or unacceptable standard to the nature, human and animal life;

“occupier” includes -

- (a) any person in actual occupation of land or premises or any person having the charge or management of the premises notwithstanding the title under which he or she occupies the land or premises; and includes -
  - (i) in the case of premises subdivided and let to lodgers or various tenants the person receiving the rent payable by the lodgers or tenants, whether for himself or herself or as an agent for any person entitled to the rent or having an interest in the rent payable; and
  - (ii) in the case of an unoccupied premises, the owner;

“owner” includes -

- (a) the lawful owner occupying the premises;
- (b) any person receiving the rent or profits of any land or premises from any tenant or occupier, or who would receive rents or profits if the land or premises were let, whether on his own account or as agent for any person entitled to it or having an interest in it;
- (c) the tenant, in respect of premises which are the property of the Council; and
- (d) in respect of premises held on the sectional title register opened in terms of section 5 of the Sectional Titles Act, 1971 (Act No. 66 of 1971), the body corporate as defined in that Act.

“plastic liner” means a plastic bag approved by the Council, which can be placed inside a domestic waste container;

“premises” means any erf or any other portion of land and includes any building, tent, vehicle, wagon or caravan used or capable of being used for human habitation or any structure used for business or residential purposes;

“public disposal facility” means an approved site for the disposal and temporary storage of garden waste, builders’ rubble, bulky waste and domestic waste, excluding business, industrial, special industrial or hazardous waste;

“reasonable hours” means hours between 7:00 and 18:00 during weekdays and between 8:00 and 13:00 on Saturdays;

“sanitary landfill site” means premises or an area specifically set aside for the disposal of waste, and approved by Council,

“service” means waste collection and removal service;

“special domestic waste” means domestic waste not defined in these regulations, and includes carcasses of dead animals;

“special industrial waste” means waste that consist of liquid or sludge produced by manufacturing process or the pre-treatment for disposal purposes of any industrial waste, which may not be discharged into a drain or sewer;

“the Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992);

“waste container” means a waste container approved by the chief health staff member;

“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, but excludes industrial wastewater, sewerage, radioactive substances, and mining, metallurgical and power generation waste; and

“waste removers” means the persons responsible for the collection and removal of waste in connection with the Council.

## PART II

### COLLECTION AND REMOVAL OF BUSINESS AND DOMESTIC WASTE

#### **Service of Council in respect of business and domestic waste**

**2.** (1) The Council is responsible for rendering a service for the collection, removal and disposal of business and domestic waste from premises at a charge.

(2) The owner or the occupier of premises on which business or domestic waste is generated must use the service of the Council, except where exemption is granted by the Council.

(3) The owner or the occupier of premises on which the business or domestic waste is generated is individually or jointly liable to the Council for the charge.

(4) The owner or the occupier of individual premises or premises held on the sectional title register, on which business or domestic waste is generated is individually liable to the Council for the charge.

(5) The Council is responsible for placing at strategic places within the 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 waste generated in those areas and such collection, removal and disposal must be done in accordance with these regulations.

(6) Waste generated at residential, business or industrial premises may not be disposed of in containers referred to in subregulation (5), and the container or its contents may not be vandalized or tampered with.

(7) The Council is responsible for the environmentally safe 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 applicable laws and regulations governing environmental matters.

#### **Notice to Council**

**3.** The owner or the occupier of premises on which business waste or domestic waste is generated must notify the Council in writing within seven days after the commencement of the generation of the waste -

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

#### **Delivery of waste containers**

4. (1) On receiving notification referred to in regulation 3, the Council must, after investigation, determine the number and type of waste containers required on the premises referred to in that regulation, and -

- (a) the owner or the occupier of residential or business premises is responsible for the provision of the determined number and type of waste containers as may from time to time be required by the Council; or
- (b) on the request of the owner or the occupier the Council may provide waste containers, at a charge.

(2) If the Council increases or decreases a charge in respect of business or domestic waste, the liability of the owner or the occupier to pay an increased, or decreased charge takes effect on the date on which the containers are provided on the premises.

(3) This regulation applies with necessary changes to the owner or the occupier making use of privately owned containers.

(4) The Council may at any time after the delivery of containers in terms of sub regulation (1), remove any waste container or deliver additional containers, if in the opinion of the Council a greater or lesser number of containers are required on the premises, and the owner or the occupier must pay the costs of the removal or the provision of any additional waste container.

(5) The Council may deliver bulk waste containers to premises, depending on the quantity of waste generated on the premises, after having considered -

- (a) the suitability of the waste being stored in domestic containers;
- (b) the accessibility and adequacy of the space provided by the owner or occupier of the premises in terms of regulation 5; and
- (c) the appropriateness of bulk waste containers as compared to domestic waste containers used for the storage of domestic waste.

(6) Subregulation (1) and (4) apply with necessary changes in respect of bulk waste containers delivered to premises in terms of subregulation (5).

(7) The owner or the occupier of premises must keep the contents of the waste container or the bulk waste container covered at all times, except when waste is deposited in, or discharged from the container, and the owner or the occupier of premises is responsible for the loss of or damage to such waste container or such bulk waste container.

(8) The Council remains the owner of the bulk waste containers delivered by it in terms of subregulation (5).

#### **Placing of waste containers**

5. (1) The owner or the occupier of premises must provide a space of sufficient size and any other facilities which the chief health staff member may consider necessary on the premises for the storage of containers delivered by the Council in terms of regulation 4.

(2) The space provided in terms of subregulation (1), must allow for convenient access to, and removal of, the waste containers.

(3) Waste containers or plastic liners containing domestic waste and waste containers containing business waste must be properly closed or tied, and be placed by the owner or the occupier outside the fence or boundary of the premises on the street boundary or on any other place as may be determined and notified by the Council, on the day of collection and removal of waste as determined and notified by the Council.

(4) The owner or occupier of premises must at all times place waste containers delivered in terms of regulation 4 in the space referred to in subregulation (1).

(5) Despite subregulation (4) -

(a) if in the opinion of the Council, the Council is unable to collect and remove waste from the space provided in terms of subregulation (1), the Council may, having regard to the avoidance of nuisance and the convenience of collecting of waste indicate a position within or outside the premises the waste container may be placed for the collection and removal, and such waste container must be placed in the indicated position at times and periods as the Council may require; and

(b) the owner or the occupier of residential or business premises to which waste containers have been delivered in terms of regulation 4(1), must place the filled waste container properly closed, and where waste containers are not provided for, the plastic liner properly tied just outside the fence or boundary of the premises on the street boundary before 07:00 a.m. on the day on which waste is collected in the particular area.

#### **Waste container liners**

6. (1) In order to facilitate the collection and removal of waste that may cause nuisance by nature of its odours, dust, attraction of vermin or disease vectors, the Council may require that the waste be containerised in liners of 85-litre size.

(2) The owner or the occupier of premises must place the waste referred to in subregulation (1), in the container liner and such container liner must then be placed in the waste container.

(3) The owner or the occupier of premises must ensure that any sharp objects that are to be disposed of and that has the potential of penetrating the bin or the liner, is wrapped in suitable material such as a newspaper or is placed in a hard container such as a can before it is placed in the waste container.

#### **Use and care of waste containers**

7. (1) The owner or the occupier of premises to which the Council has delivered waste containers in terms of regulation 4, or where containers are provided by the owner or the occupier, must ensure that -

(a) domestic or business waste generated on the premises is at all times placed and kept in the waste containers, but this paragraph does not prevent any owner or occupier who has obtained the prior written consent of the Council, 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, that may damage the waste containers or that may injure the waste removers while carrying out their duties in terms of these regulations, is placed in waste containers, unless it is wrapped in suitable materials 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 is likely to render the waste container difficult to handle or carry, is placed in the waste containers;
  - (d) each waste container on the premises is covered with a suitable lid, except when waste is being deposited in, or discharged from it; and
  - (e) the waste container is kept in a clean and hygienic condition.
- (2) Waste containers delivered in terms of regulation 4 -
- (a) may not be used for any purpose other than for storage of waste, and no fire may be lit in the waste container; and
  - (b) may be emptied by the Council after announcement of periods of emptying of containers as the Council may consider necessary.
- (3) If a bulk waste container was delivered to the premises in terms of regulation 4(5), the owner or occupier of the premises must inform the Council at least 24 hours before the container is filled to capacity.
- (4) The owner or the occupier of premises to which waste containers were delivered in terms of regulation 4 is liable to the Council for the loss of or damage to such containers, except for loss or damage caused by the waste removers.

### PART III GARDEN, SPECIAL DOMESTIC AND BULKY WASTE

#### **Removal and disposal of garden, special domestic and bulky waste**

- 8.** (1) The owner or the occupier of premises on which garden, special domestic or bulky waste is generated must ensure that the waste is disposed of, within 72 hours after its generation, in terms of this regulation and regulation 9.
- (2) Garden waste may be retained on the premises in an approved manner for the making of compost.
- (3) The Council may allow the owner or occupier of premises to dispose garden waste on the premises where it is generated or to transfer it to other premises, if –
- (a) the waste is protected from fly, odour and other nuisances with a soil layer of a minimum of 50-mm thickness; and
  - (b) the owner or the occupier has a permit for carrying out of such activity.
- (4) The permit referred to in subregulation (3) is valid for a period determined by the Council, and may be cancelled by the Council, if the permit holder violates the conditions prescribed by the Council.
- (5) The conditions under which commercial vegetable gardeners and commercial nursery operators may obtain permits to establish manure or composting plants, include, but is not limited to: the putting in place of adequate measures to ensure the prevention of fly breeding and the emission of dust and odours, using methods approved methods.
- (6) A person may remove and dispose garden or small volume builders' rubble in addition to certain recyclable materials, and must ensure that if it is removed from the premises on which it is generated, either free of charge or at a charge, it is deposited on a sanitary landfill site.



(7) Despite subregulation (6), the owner or occupier of premises may use the service of any other person to remove special domestic or bulky waste, on the written authorisation of the Council obtained before the commencement of such service and on condition that the person authorised complies with such conditions the Council may consider necessary to impose.

(8) Regulation 9 applies with necessary changes when containers are used for the collection and removal of garden, special domestic and bulky waste.

(9) The owner of a dead animal or if the owner is not known, the owner or the occupier of the premises on which such animal is found dead, must, within 12 hours after such animal is found dead, properly bury or otherwise inoffensively dispose of the entire carcass at a sanitary landfill site in an approved manner.

(10) If the requirements referred to in subregulation (9) cannot be satisfied, the persons referred to in that subregulation must within the 12 hours referred to in that subregulation notify the Council of the death of the animal and the place where it can be found, and may request the Council to remove or bury or destroy that animal, and he or she must pay the charge in advance.

(11) If a person fails to pay the charge in terms of subregulation (10), the Council may remove and bury or otherwise destroy that animal and recover the charge from the owner of the dead animal or the owner or occupier of the premises referred to in subregulation (9).

### **Special service by Council**

9. (1) At the request of the owner or the occupier of premises, and on payment of the charge the Council may provide bulk waste containers for the removal of garden, special domestic, bulky waste and builders' rubble from premises, provided the Council can remove such waste and the builders' rubble with its waste removal equipment.

(2) On the request of the owner or the occupier of premises, the Council may provide a special service for the removal of the waste referred to in subregulation (1), at a charge.

(3) For the purposes of this Part, "animal" includes dogs, cats, sheep, cattle, horses, goats, poultry and any other domestic or related wild animals.

## **PART IV BUILDERS' RUBBLE**

### **Responsibility for builders' rubble**

10. (1) The owner or the occupier of premises on which builders' rubble is generated must ensure that -

- (a) the builders' rubble is disposed of in terms of regulation 12, within 72 hours after its generation; and
- (b) until the builders' rubble is disposed of, and subject to regulation 11, the waste and the containers used for the storing or removal of the waste is kept on the premises on which such waste is generated.

(2) A person who intends to use the service of any other person for the removal of builders' rubble must obtain the Council's written permission, and such service must be rendered subject to such conditions as the Council may consider necessary to impose.

**Containers for builders' rubble**

**11.** (1) If in the opinion of the Council a bulk waste container used for the removal of builders' rubble from the premises is not kept on the premises, the bulk waste container may with the Council's written consent be placed in an approved area outside the premises for the period specified in that consent.

(2) Any consent given under subregulation (1), is subject to the payment of a charge and such conditions as the Council may consider necessary to impose.

(3) Each bulk waste container used for the removal of builders' rubble must -

- (a) have clearly marked on it the name and address and telephone number of the person in control of such bulk waste container;
- (b) be fitted with reflecting chevrons or reflectors which must 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.

**Disposal of builders' rubble**

**12.** (1) Subject to subregulation (2), builders' rubble must be deposited at a sanitary landfill site.

(2) For the purpose of land reclamation, builders' rubble may with the written consent of the Council, obtained in advance, be deposited at a place, other than a sanitary landfill site.

(3) Any consent given in terms of subregulation (2) is subject to the payment of a charge and such conditions as the Council may consider necessary to impose.

**PART V****SANITARY LANDFILL SITES AND PUBLIC DISPOSAL FACILITIES****Conduct at sanitary landfill sites and public disposal facilities**

**13.** (1) Any person who for the purpose of disposing of waste enters a sanitary landfill site or public disposal facility controlled by the Council, must -

- (a) enter the sanitary landfill site or public disposal facility at an authorised access point;
- (b) give the Council all the particulars required with regard to the composition of the waste; and
- (c) follow all instructions given to him or her with regard to access to the actual disposal point, the place where and the manner in which the waste must be deposited.

(2) A person may not bring any liquor to a sanitary landfill site or public disposal facility controlled by the Council.

(3) A person may not enter a sanitary landfill site or public disposal facility controlled by the Council for any purpose other than for the disposal of waste, and entry is allowed only at times and hours as the Council may from time to time determine and display at authorised access point to the sanitary landfill site.

**Responsibilities of Council at sanitary landfill sites**

**14.** The Council is responsible for the effective design, construction, operation, management and monitoring of the sanitary landfill site in accordance with the provisions of applicable environmental legislation, by among others, enforcing -

- (a) the controlled entry of both vehicles and persons to the sanitary landfill site and the prevention of illegal activities such as scavenging, cultivation on drainage structures and illegal burning of waste, taking place on the landfill site;
- (b) the control and monitoring of environmental pollution due to illegal burning of waste, ground water pollution, leachate, windblown waste, dust emission and other parameters as may emanate from the operation of such sanitary landfill site;
- (c) that the access road to the sanitary landfill site is at all times in an acceptable condition to allow for the free flow of traffic; and
- (d) that only waste approved for disposal in accordance with waste's and landfill's classification is disposed of at a particular sanitary landfill site.

**Ownership of waste on sanitary landfill sites and public disposal facilities**

**15.** Waste on the sanitary landfill sites and public disposal facilities controlled by the Council remains the property of the Council, and no person may remove or interfere with such waste, unless he or she has the written permission of the Council.

PART VII  
LITTERING, DUMPING AND ANCILLARY MATTERS

**Littering**

- 16.** A person may not -
- (a) throw, let fall, deposit, spill or in any other way discard, any waste in or on any public area, vacant erf, farm portion, stream or watercourse, other than into a waste container provided for that purpose, or onto a sanitary landfill site or public disposal facility controlled by the Council;
  - (b) sweep any waste into a gutter, on a road reserve or any other public area; and
  - (c) allow any person under his or her control to carry out any of the acts referred to in paragraphs (a) and (b).

**Dumping**

**17.** (1) A person may not abandon anything or allow anything under his or her control to be abandoned or dumped at any place of which he or she is not the owner or the occupier, and which is not designated for such purpose.

(2) If a person has left a thing or allowed a thing to be left at a place of which he or she is not the owner or the occupier, the thing shall be considered abandoned, unless the contrary is proved.

**Abandoned things**

**18.** (1) Anything, other than a vehicle deemed to have been abandoned in terms of regulation 355 of the Road Traffic and Transport Regulations promulgated

under Government Notice No. 53 of 30 March 2001, which is, reasonably regarded by the Council as abandoned, having regard to factors such as -

- (a) the place where it is found;
- (b) the period it has been lying at the place; and
- (c) the nature and condition of the thing,

may be removed and disposed of by the Council as it may consider necessary.

(2) If a thing is removed and disposed by the Council in terms of subregulation (1), the person responsible for such thing is liable to pay the charge for such removal and disposal.

(3) For the purposes of subregulation (2) the person responsible is –

- (a) the owner of the thing before it was collected by the Council, and includes 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 it was abandoned or left at the place from which it was removed, unless he or she can prove that he or she was not concerned with and did not know of the thing being abandoned or left at that place; or
- (b) any person who left the thing at the place referred to in subregulation (1); or
- (c) any person who knowingly permitted the placing of the thing at the place referred to in subregulation (1).

## PART VIII GENERAL PROVISIONS

### **Access to premises**

**19.** (1) For the purpose of rendering service the owner or the occupier of premises must give the waste removers access to the premises at all reasonable hours for the purpose of collecting and removing waste, and must ensure that nothing obstructs, frustrates or hinders such persons in carrying out their duties.

(2) If in the opinion of the Council the collection and removal of waste from any premises is likely to result in damage to the premises or the Council's property, or injury to the waste removers or any other person, the Council may as a condition of rendering a waste collection and removal service in respect of the premises, require the owners or occupiers to indemnify the Council in writing in respect of any damage or injury or any claims arising out of any damage or injury.

(3) A staff member authorised in writing by the Council may at all reasonable hours enter any premises for the purpose of examining the premises to enable him or her to determine the compliance by the owner or occupier of the premises with these regulations.

(4) The staff member referred to in subregulation (3), must before exercising his or her powers in terms of that subregulation, identify him or herself to the owner or occupier or any other person in charge of the premises, and state the purpose of his or her visit, and a person may not refuse access to premises or obstruct such person when he or she carries out any work or inspection which he or she is authorised to carry out in terms of these regulations.

**Notices, documents and orders**

**20.** Any notice, order or document required or permitted to be given by the Council in terms of these regulations must be given in accordance with the provisions of section 93 of the Act.

**Charges**

**21.** (1) Unless, otherwise provided in these regulations, a person to whom any service mentioned in these regulations has been rendered by the Council is liable to the Council for the payment of a charge.

(2) The Council may vary its service in respect of which a charge is prescribed, if -

(a) the Council has established that an increase or decrease in such services is justified; or

(b) on the receipt of a written notification from the owner or the occupier 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 Council is satisfied that a change in the service is justified.

(3) On receipt of written notification in terms of subregulation (2)(b), the charge is payable until the Council is satisfied that a variation in service is justified.

(4) The charge is due and payable on the same date as the general assessment rates, water and sewer charges are due or as the Council may from time to time determine.

**Ownership of waste**

**22.** Waste removed by the Council or its appointed contractor or deposited for removal in any waste container on premises from which the Council undertakes the removal of such waste, is the property of the Council from the time such waste is deposited in the container and no person other than the owner or the occupier of premises or a person authorised in writing by the Council may remove or interfere with any such waste.

**Offences and penalties**

**23.** Any person who fails to comply with these regulations commits an offence and is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months.

**Deviation or exemption from regulations**

**24.** If, based on exceptional circumstances, the Council considers it desirable to authorise a deviation or an exemption from any provision of these regulations, the Council may, subject to such conditions as it may impose authorise such deviation or exemption, if the deviation or exemption is not in conflict with the provisions of the Act.

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