



GOVERNMENT GAZETTE

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General Notices

TOWN OF KATIMA MULILO

No. 273

2004

STREET AND TRAFFIC REGULATIONS: LOCAL AUTHORITIES ACT, 1992

The Town Council of Katima Mulilo, after consultation with the Minister of Regional and Local Government and Housing, under section 94(1)(d) of the Local Authorities Act, 1992 (Act No. 23 of 1992), and with the approval of the Minister of Works, Transport and Communication under section 92(1) of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999), has made the Street and Traffic Regulations set out in the Schedule.

M.S. MUDABETI
CHAIRPERSON OF THE TOWN COUNCIL
BY ORDER OF THE TOWN COUNCIL

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates, a word or an expression defined in the Act or the Road Traffic and Transport Act, has a corresponding meaning, and -

“animal”, includes livestock, dogs, cats, horses, snakes, baboons and birds;

“approval” means the written approval of the Council and granted by the Council prior to the commission of the act in question;

“authorised officer” means any officer in the service of the Council authorised in writing by the Council to enforce any of these regulations, a member of the Namibian Police Force as defined in section 1 of the Police Act, 1990 (Act No. 19 of 1990) and any person appointed by virtue of the provisions of section 11 of the Road Traffic and Transport Act, in any of the categories of appointment contemplated in that section;

“building line” means a line determined by the Council in order to indicate a limit or boundary parallel to a public place or with a street, up to which the front of all buildings must be built and beyond which no building may encroach;

“child” means a person under the age of sixteen years;

“Council” means the Town Council of Katima Mulilo;

“firearm” means an “arm” as defined in section 1 of the Arms and Ammunitions Act, 1996 (Act No. 7 of 1996), and includes a cannon, machine gun or machine rifle;

“game of chance” means any game, whether or not the result thereof is determined by chance, played with playing cards, dice, gambling machines or gambling devices for money, property, cheques, credit or anything of value other than an opportunity to play a further game, including, without derogating from the generality of the afore-mentioned, roulette, bingo, twenty-one, black-jack, chemin de fer and baccarat, but excluding any lawful lottery;

“livestock”, includes horses, cattle, mules, asses, sheep, goats and pigs;

“Road Traffic and Transport Act” means the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“street” means any road, throughfare, pavement, sidewalk, lane or other right of way set apart for the use and benefit of residents in a local authority area and, includes any bridge, drift or concrete slab in the course of such street and any shoulder, embankment, subway, drain, kerb or motor grid gate and any work or thing forming part of or being connected with such street;

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

“town engineer” means the person from time to time holding appointment as such a town engineer or acting in such capacity in connection with the Council, and includes the authorised deputy or assistant of such town engineer; and

“waste” means any undesirable or superfluous by-product, emission or residue, including any industrial wastewater, sewerage, radioactive substance, mining by-product, metallurgical and power generation waste and regardless of whether such waste is in a gaseous, liquid or solid form or any combination thereof and which results from any process or activity, whether such activity or process is undertaken or originates from a residential, business or industrial area and further includes any object or thing discarded, abandoned, rejected or cast aside, including refuse.

Obstruction of streets and public places

2. (1) Subject to subregulation (3), a person may not -
 - (a) cause an obstruction, interference, nuisance or hindrance to a pedestrian or to traffic in a street or a public place, including an obstruction, interference, nuisance or hindrance, whether intentionally or negligently, by way of -

- (i) congregating with other people;
 - (ii) sitting, lying down, loitering or similar other conduct;
 - (iii) a motor vehicle, vehicle, animal or other object; or
 - (iv) trading or hawking, including the selling of newspapers, magazines or periodicals;
- (b) carry or otherwise move a large object, package or thing, or a pointed or sharply edged tool in a street or public place, without taking the necessary reasonable precautionary measures to prevent damage, injury, obstruction or inconvenience to pedestrians, motor vehicles, vehicles or property in or alongside of a street or public place; or
- (c) deposit, store or place merchandise or other articles for longer than is reasonably necessary for the loading of such goods onto or into a vehicle or motor vehicle, or for its removal from such vehicle or motor vehicle to some premises after having been unloaded from a vehicle or motor vehicle; or
- (d) subject to subregulation (2), exhibit, offer, prepare, or make available for sale any article or merchandise,

on or in a street or public place, as the case may be.

(2) Despite subregulation (1)(d), the Council may allow informal trading to be carried out on specified locations identified by the Council from time to time for that purpose, and subject to such conditions as the Council may impose.

(3) An authorised officer may instruct any person, who fails to comply with any prohibition under subregulation (1), to refrain from such activity.

(4) An authorised officer may, at any time, cause the removal of an obstruction from a street or public place to a place which that officer considers to be appropriate, including the removal of a vehicle or a motor vehicle: Provided that in the instance of a vehicle or motor vehicle causing the obstruction, the removal of such vehicle or motor vehicle is exercised in compliance with the provisions of regulation 355(1) of the Road Traffic and Transport Regulations, 2001, promulgated under Government Notice No. 53 of 30 March 2001.

(5) A person may not obstruct or interfere with an authorised officer who removes the obstruction referred to in subregulation (4).

(6) An occupier of premises, situated at street level or of any other building abutting on a street or a public place, shall ensure that the sidewalk in front of or adjacent to that premises is kept in a clean and tidy condition and is free from litter, waste or any obstruction.

(7) Where any premises or other building, referred to in subregulation (6), is let as separate apartments for purposes of offices, dwelling rooms, or shops or for any other purpose, the lessee of each such apartment concerned is for the purpose of that subregulation each considered to be the occupier of such premises.

- (8) (a) Notwithstanding anything to the contrary contained in these regulations, a person carrying out work for the erection, alteration or repair of a building which abuts on a street may, with the approval of the Council and subject to such conditions as the Council may impose, deposit, place or store building material in a street while the work is in progress, but, the person carrying out such work must at all times effectively safeguard the

public from damage or injury to persons or property caused by such building material being deposited, placed or stored in the street and all such waste, debris and other material, including temporary fencing erected in connection with such work must be removed immediately upon completion of that work.

- (b) In no instance, however, may more than one third of the width of the street and not more than the extent of the front of the building, be taken up by such building material.

Trees and other flora in streets or public places

3. (1) A person may not -

- (a) uproot or plant any tree or other flora in a street or public place or intentionally introduce any alien species of flora upon any other land within the local authority area, which is subject to the authority and control of the Council, without the approval of the Council, and subject to the laws relating to the protection of trees or other flora and such conditions as the Council may impose;
- (b) damage or destroy, or cause to be damaged or destroyed, any tree or other flora planted by the Council in a street, public place or any other land within the local authority area;
- (c) cut, damage or remove any wood, turf or grass from any street, public place or any other land within the local authority area, which is subject to the authority and control of the Council, except with the approval of the Council and subject to such conditions as the Council may impose; or
- (d) remove or cause damage to any protection to any tree or other flora.

- (2) A person may not -

- (a) allow any part of a tree or other flora, growing on land of which he or she is the owner or occupier, to obtrude into or hang over a street in a manner as to cause an obstruction to traffic or to be a source of danger or inconvenience to a person using the street or public place; or
- (b) allow any part of a tree or other plant growing on land, of which he or she is the owner or occupier, to cause damage to or to obstruct access to electrical cables, sewers or other services or installations supplied by the Council, whether supplied to that land or to adjacent land.

- (3) Subject to any other law relating to the protection of trees or other flora, the Council may -

- (a) issue a written notice to an owner or occupier of land specifying that such owner or occupier must, within a reasonable period determined by the Council, remove any tree or other flora or part thereof, specified in that notice, growing on that land and causing such damage, inconvenience or obstruction referred to in subregulation (2)(a) or (b);
- (b) remove any tree or other flora or part of such tree or flora which causes damage, inconvenience or obstruction referred to in subregulation (2)(a) or (b), and where such owner or occupier of land fails to comply with the notice referred to in paragraph (a), the Council may remove such tree or flora; and
- (c) recover from the owner or occupier, or from both the owner and occupier jointly, the reasonable costs incurred for the removal of any tree or flora referred to in paragraph (b).

(4) Subject to any other law relating to the protection of trees or other flora, the Council may at any time remove from a street or public place any tree or other flora causing an obstruction or nuisance.

Dangerous fence, railing, wall or barrier abutting on street

4. (1) An owner or occupier of land within the local authority area may not erect or cause to be erected a fence composed either wholly or partly of barbed or razor blade wire, or erect or cause to be erected any other potentially dangerous fence, railing, wall or barrier which abuts on a street or public place except with the approval of the Council and subject to such conditions as the Council may impose.

(2) Should a fence, railing, wall or barrier referred to in subregulation (1), whether erected before or after the coming into force of these regulations, become potentially dangerous as a result of dilapidation, disrepair or for such other reason, the town engineer may, by notice in writing, require the owner or occupier of the land on which the fence, railing, wall or barrier is situated to remove such fence, railing, wall or barrier or render it safe in a manner approved by the town engineer, within a reasonable period to be specified in that notice.

(3) Where the owner or occupier referred to in subregulation (1), fails to comply with the notice referred to in subregulation (2), the Council may cause the repair to or the removal of the fence, railing, wall or barrier which is the subject of that notice, and may recover the reasonable costs incurred for such repair or removal from either the owner or occupier, or from both the owner and occupier jointly.

Excavations in and removal of matter from streets, public places or other land

5. (1) A person may not, without the approval of the Council and subject to such conditions as the Council may impose, make a hole, pit, trench, or other excavation of any kind in a street, public place or upon any other land within the local authority area, which is subject to the authority and control of the Council.

(2) A person may not, without the approval of the Council and subject to such conditions as the Council may impose, including the payment of reasonable fees, remove any earth, stone, gravel, shale or building material from any street or public place or from any other land within the local authority area, which is subject to the authority and control of the Council.

Dangers created on private property

6. (1) A person may not place an object or article on a balcony or in an upper window opening or on a window-sill of a building abutting on a public place or street without sufficiently safeguarding such object or article against being blown into or falling onto that public place or street.

(2) A person may not fit or hang a gate, trellis or door in such a manner so as to allow that gate, trellis or door to open onto a street or public place, except with the approval of the Council and subject to such conditions as the Council may impose.

Animals and animal carcasses

7. (1) A person may not -
- (a) intentionally frighten or harass or cause to be frightened or harassed any animal within the local authority area;
 - (b) carry or convey, through or along a street or public place, the carcass of an animal or any animal offal, which is not properly covered with non-transparent material; or

- (c) without the approval of the Council and subject to such conditions as the Council may impose, allow within the local authority area livestock owned by him or her or of which he or she is ordinarily in charge.

(2) Subregulation (1)(c), does not apply to any land set aside for purposes of farming or for purposes of keeping or rearing livestock.

Littering

8. (1) Subject to subregulation (2), a person may not -

- (a) throw, spill, drop, deposit or place or cause to be thrown, spilled, dropped, deposited or placed in or on a street, public place or other land within the local authority area, which is subject to the authority and control of the Council, any waste or litter that may interfere with the cleanliness or tidiness of such street, public place or other land, unless such other land is set aside by the Council for that purpose, or which may cause annoyance or danger to any person, animal or traffic; or
- (b) convey any kind of waste, unless such waste is effectively covered so as to prevent environmental pollution, contamination or littering.

(2) Where a person contravenes paragraph (a), an authorised officer may instruct that person to immediately remove such waste from the street, public place or such other land, failing which the Council may remove such waste and may recover the reasonable costs of removal from that person.

Games

9. A person may not roll an object or fly a kite, or throw a stone, or use a bow and arrow or catapult, or by other means discharge a missile, or play any game of cards or dice, or traverse across or along any street using roller-skates or skateboards, or play such other games, including games of skill or games of chance upon, in or over or across a street or public place, as the case may be, unless the Council has approved the staging or conducting of such games or activities, subject to such conditions as the Council may impose.

Loitering

10. A person may not willfully -

- (a) sit, lay, stand, or congregate in a street or public place or otherwise act in a manner as to obstruct or cause an obstruction to the free movement of traffic or jostle or otherwise hinder a person using the street or obstruct the free movement of persons in a public place;
- (b) loiter near the entrance to a public place of assembly in a manner so as to obstruct the free movement of persons into or out of such public place of assembly; or
- (c) loiter within 100 metres from the premises of an institution for the care of aged or handicapped people, a school, hospital, church or other similar institution.

Performances and gatherings in streets or public places

11. (1) A person may not organise the holding or convening of a performance or gathering in a street, public place or any other land within the local authority area, which is subject to the authority and control of the Council, without obtaining the approval of the Council.

(2) A written application for the approval referred to in subregulation (1), must be made by the organiser of the gathering and must be submitted to the town clerk not later than three working days prior to the proposed performance or gathering.

(3) An application referred to in subregulation (3) must -

- (a) contain the full name and address of the convenor or organiser of the proposed performance or gathering;
- (b) set out fully the purpose and nature of the proposed performance or gathering; and
- (c) specify the date, time and place of the proposed performance or gathering and whether it is proposed to make use of any orchestra, musical instrument, loudspeaker or similar device which may possibly create a public nuisance.

(4) Where an occasion of public celebration, a public meeting or other event is likely to cause congestion in a street or public place, each person in or in the vicinity of such street or public place must obey the directions of any authorised officer as to the route to be followed by vehicles or motor vehicles, animals or pedestrians, or as to any other matter which may be necessary for the avoidance, prevention or removal of an obstruction in such street or public place.

Nuisance

12. A person may not create a public nuisance in a street, public place or residential premise, or allow any person under his or her control or authority to create a public nuisance in a street, public place or residential premise by -

- (a) shouting, quarrelling or fighting;
- (b) singing or playing any musical instrument, recorded music, radio, television, or similar device in an unreasonably noisy or loud manner;
- (c) using a loudspeaker, amplifier, public address system or similar device;
- (d) behaving in a riotous, violent or unseemly manner; or
- (e) repairing or operating vehicles or motor vehicles or machinery in an unreasonably noisy manner.

Children

13. (1) A child may not sell or offer for sale any goods, merchandise, article, service or thing in a street or public place without the approval of the Council and subject to such conditions as Council may impose.

(2) A person may not cause or permit a child under his or her custody or control to sell or offer for sale any goods, merchandise, article, service or thing in a street or public place, without the approval of the Council and subject to such conditions as the Council may impose.

(3) A child may not beg in a street or public place and a person may not cause or permit a child under his or her custody or control to beg in a street or public place.

Soliciting

14. A person may not solicit another for the purpose of prostitution in or in view of a street or public place.

Indecent behaviour

15. A person may not -

- (a) commit an indecent act, make an indecent gesture, or conduct himself or herself in an indecent, unseemly, riotous or disorderly manner;
- (b) paint, draw, or in any manner make any indecent or obscene figure, writing, drawing or representation; or
- (c) sing an obscene song or use profane language,

in or in view of, or within hearing distance, as the case may be, of a street or public place.

Street collections

16. A person may not collect money for charitable or other purposes, within the local authority area, except with the approval of the Council and subject to such conditions as the Council may impose.

Firearms and fireworks

17. (1) A person may not from, in, on or about a street, public place or upon any other land within the local authority area, which is subject to the authority and control of the Council, discharge, throw, use, explode or brandish or cause to be discharged, thrown, used, exploded or brandished any firearm, fireworks or crackers or anything whatsoever, which may cause annoyance, loss, injury, damage or danger to any person, animal, traffic or property.

(2) Subregulation (1) does not apply where -

- (a) a firearm is discharged during lawful target shooting or practice;
- (b) a firearm is lawfully discharged in the defence of a person or of property;
- (c) a starter pistol is discharged by a starter at a sports meeting; or
- (d) subject to the approval of the Council and such conditions as the Council may impose, any fireworks, crackers or similar device is discharged, for purposes of entertainment.

Auctions, sale or exercise of trade

18. A person may not hold an auction, sale or exercise any trade within a street, public place or on any other land within the local authority area, which is subject to the authority and control of the Council, except with the approval of the Council and subject to such conditions as the Council may impose.

Repair or washing of vehicles or other articles

19. (1) A person may not -

- (a) repair a vehicle or motor vehicle or part thereof, except in the case of an accident or in other circumstances where such repairs are reasonably necessary before that vehicle or motor vehicle can be removed;
- (b) wash, dry or bleach any article; or
- (c) wash or cause the washing of a vehicle or motor vehicle or part thereof,

in a street or in a public place.

(2) Despite subregulation (1), the Council may allow the repair or washing of vehicles or motor vehicles or parts thereof, or the washing, drying or bleaching of an article in an area determined by the Council and subject to such conditions as the Council may impose.

Control of flow of water

- 20.** An owner or lessee of a building may not -
- (a) allow water flowing from the roof or any part of the building, whether inside or outside, to flow into or fall onto a street or public place otherwise than by suitable troughs, piping or other reasonable form of conduit; or
 - (b) allow water to fall or flow upon or over a sidewalk, but must cause it to be conveyed below the surface of the sidewalk into the gutter or water furrow of the street by means of pipes or other reasonable forms of conduits in accordance with plans to be approved by the town engineer.

Public bathing

21. A person may not bathe within a reservoir or fountain, which is within the local authority area and under the authority or control of the Council, or use a water trough, water pipe, or tap situated along a street or within a public place for the purpose of bathing.

Limitation of activities

22. The Council may display notices in visible positions alongside of, in or on a street or public place for the purpose of informing the public of activities that are prohibited, restricted or regulated by these regulations.

Closing of street during fire outbreak

23. (1) Despite anything to the contrary contained in regulation 24, an authorised officer, town clerk, Fire-master or fireman in charge of any outbreak of fire within the local authority area or any other recognised fire brigade may temporarily close any street, on or near the place where an outbreak of fire occurs, to all classes of traffic.

(2) For the purpose of subregulation (1), a street is considered to be closed if, in the instance of an outbreak of fire, a hosepipe used in the operations of any such fire brigade is placed across the street.

(3) A person may not interfere in any manner whatsoever with the operations of a fire brigade or of an authorised officer, when engaged in the suppression or control of an outbreak of fire, and any authorised officer or fireman may, on his or her own motion or at the request or order of the town clerk or of the Fire-master or other officer or fireman in charge of any outbreak of fire within the local authority area or any fire brigade, remove a person who interferes with such firefighting operation.

(4) Despite subregulation (1), nothing prohibits any ambulance, fire engine, security or emergency vehicle of the Council or other approved authority or institution to enter into or drive along a street which is temporarily closed, and a person may not willfully obstruct such ambulance, fire engine or other security or emergency vehicle.

Closing of street to traffic or directing flow of traffic

24. The Council may at any time by notice given under the hand of the town clerk and published in one or more newspapers circulating within the local authority area-

- (a) temporarily close a street to all traffic or to any specified class of traffic; or
- (b) prescribe that the traffic in any street may be temporarily restricted to one specified direction only.

Closing of street for repairs, public festivities or serious illness of a resident

25. Despite anything contrary contained in regulation 24, the town clerk may, without any resolution of the Council, post a notice in a visible position in any street or public place indicating that such street or public place or any portion thereof is closed and shall specify in such notice the class of traffic and the period during which the street or public place is closed for purposes of carrying out any repairs or other work whatsoever done under the authority or with the approval of the Council, or in the event of public festivities or the serious illness of a resident therein or for the purpose of preventing the interference by noise with the proceedings of any court of law, as the case may be.

Processions in streets

26. A person may not stage a procession of any kind, other than a funeral procession or a wedding procession or a procession for military or police purposes, along any street, except with the approval of the Council and subject to such conditions as the Council may impose.

Speed limit regulatory signs and warning signs

27. (1) A driver of a vehicle or motor vehicle may not drive his or her vehicle or motor vehicle at a speed which exceed the speed limitation set within the local authority area and which speed limit is shown on a regulatory board erected by the Council.

(2) A driver of a vehicle or a motor vehicle must, immediately upon coming within view of a warning sign, adequately reduce the speed at which the vehicle or motor vehicle is traveling and otherwise take adequate steps to control the movement of the vehicle or motor vehicle whilst approaching that portion of a street referred to by such warning sign.

Exemption of ambulances and fire engines

28. Regulation 27 does not apply to any ambulance, fire engine or security motor vehicle or any other emergency vehicle of the Council or other approved authority or institution.

Proprietor of motor vehicle garage not to use street as place of business

29. (1) A proprietor of a motor vehicle garage or a person employed by him or her may not use a street or a parking place for trade, repair or any other business purpose: Provided that in the instance of a breakdown of a vehicle or motor vehicle, urgent repairs may be attended to at the place where such vehicle has broken-down and then for no longer than is reasonable in the circumstances of such emergency.

(2) The term "trade, repair and other business purpose" for the purpose of this regulation, includes the parking in a street of a vehicle or motor vehicle which is kept for sale or which may have been handed over to the owner of a garage or any of his or her employees for sale, repairs, cleaning or overhaul.

Vehicles to be kept and maintained in a state of efficiency and repair

30. Every vehicle and motor vehicle, whether plying for hire or not, must be kept and maintained in a state of efficiency and repair so as not to cause undue damage to the streets or cause undue noise within the local authority area and so as not to be a source of danger to any person, property or animal.

Order or instruction by authorised officers

31. A person may not disregard or refuse to obey an order or instruction given to him or her by an authorised officer under these regulations or in pursuance of orders and instructions given by the Council in connection therewith.

Offences and penalties

32. A person who contravenes or fails to comply with any of these regulations is liable upon conviction to a fine not exceeding N\$ 2 000-00 or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

TOWN OF KATIMA MULILO

No. 274

2004

**WASTE MANAGEMENT REGULATIONS:
LOCAL AUTHORITIES ACT, 1992**

The Town Council of Katima Mulilo, 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), has made the regulations set out in the Schedule.

**M.S. MUDABETI
CHAIRPERSON OF THE COUNCIL
BY ORDER OF THE COUNCIL****SCHEDULE****ARRANGEMENT OF REGULATIONS****PART I
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PART I
PRELIMINARY PROVISIONS

Definitions

1. In these Regulations, unless the context indicates otherwise, any word or expression defined in the Act has that meaning, and

“animal”, includes any domestic and wild animal;

“approved” means approved by the Council;

“bio-hazardous waste symbol” means the labeling required for hazardous substances and complying with the South African SABS Code 0233;

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

“bulk waste container” means a container with a storage capacity in excess of 5m³, which may be used for the removal of bulky waste, business waste, industrial waste, garden waste and builder’s rubble;

“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 includes, among others, tree stumps, tree branches, hedge stumps and branches but excludes noxious waste;

“business waste” means waste generated on a premises as a result of the conducting of any business, and excludes domestic waste, builder’s rubble, bulky waste, industrial waste, special domestic waste and garden waste;

“chief health staff member” means the chief health staff member appointed by the Council, and includes any health practitioner appointed by the Council to act in that capacity;

“Council” means the Town Council of Katima Mulilo;

“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 organizations, 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;

“garden waste” means waste generated as a result of normal gardening activities, such as grass cuttings, leaves, plants, flowers and other small and light matters;

“hazardous waste” means any substance, which in terms of any law governing environmental matters, 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;

“health care risk waste” means medical waste normally originating 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 that include infectious waste;

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

“industrial waste” means waste, which is derived from industrial activities taking place at any premises;

“infectious waste” means all waste that is capable of causing an infectious disease;

“isolation waste” means waste generated by hospitalized patients isolated to protect others from communicable disease;

“land reclamation” means the process of controlled dumping and leveling of soil or builder’s 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;

“noxious waste” means waste which is hazardous and which is detrimental to the environment;

“nuisance” includes any premises or activities or part thereof which is of construction or in such 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 or incompatible to nature, humans and animals;

“occupant” includes 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, the person receiving the rent payable by the lodgers or tenants whether on his or her own account or as an agent for any person entitled thereto or interested therein and in the case of an unoccupied premises, the owner;

“owner of premises” 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 occupant thereof, or who would receive such rents or profits if such land or premises were let, whether on his or her own account or as an agent for any person entitled thereto or interested therein;
- (c) in respect of premises of the Sectional Titles Register opened, the body corporate in relation to such premises; and
- (d) in the case of premises which are the property of the Council and which is being let by the tenant;

“plastic liners” means a plastic bag as prescribed by the Council and which can be placed inside a domestic waste container;

“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;

“public disposal facility” means a site approved by the 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;

“reasonable hours” means hours between 07h:00 and 18h:00 during weekdays and between 08h:00 and 13h:00 on Saturdays;

“sanitary landfill site” means premises or an area specifically set aside for the disposal of waste, and which has been approved and accepted by the Council, and which has been identified, designed, registered or permitted, constructed, operated and monitored in accordance with any law governing environmental matters;

“service” means a waste removal service (in respect of waste, whether solid or liquid) that in the opinion of the Council’s chief health staff member is rendered or can be rendered on a regular basis;

“special domestic waste” includes any domestic waste not classified elsewhere which includes carcasses of dead animals and applies to both domestic and wild animals;

“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;

“tariff charge” means the tariff of charges for collection, removal and disposal of waste and sanitary services as prescribed by the Council by notice in the Government Gazette;

“waste container” means a container as approved by the chief health staff member and of which the amount and type can be determined by 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; and

“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, and it may be gaseous, liquid or solid or any combination thereof and may originate from a residential, business or industrial area, and excludes industrial wastewater, sewerage, radioactive substances, mining, metallurgical and power generation waste.

PART II

COLLECTION AND REMOVAL OF BUSINESS AND DOMESTIC WASTE

Council’s service in respect of business and domestic waste

2. (1) The 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 Council in the tariff of charges for collection, removal and disposal of waste.

(2) The occupant or owner of premises on which business or domestic waste is generated shall subject to the proviso to regulation 7(1)(a), use the Council’s service for the collection, removal and disposal of all such waste except in cases where special exemption is granted.

(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 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 the Council.

(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 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 Council.

(5) The Council 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 the waste to be generated in those areas and such collection, removal and disposal shall be in accordance with the provisions of these regulations.

(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 vandalized in any way.

(7) The 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.

Notice to Council

3. 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 Council in writing -

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

Delivery of waste containers

4. (1) (a) After notification in terms of regulation 3, the 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 Council from time to time.
 - (c) Waste containers shall be supplied by the Council on request at ruling prices and the Council shall determine the mode of payment.

(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 Council's records serving as proof of such service.

(3) The provisions of this regulation shall apply with the necessary changes to owners utilizing private owned containers.

(4) The Council may at any time after the delivery of containers in terms of regulation 4(1), remove some of the containers or deliver additional containers, at the owner or occupant's expense, if, in its opinion, a greater or lesser number of containers is required on the premises.

(5) The Council may deliver bulk waste containers to premises if, having regard to the quantity of waste generated on the premises concerned, it considers -

- (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; or
- (c) the appropriateness of bulk waste containers as compared to domestic waste containers for the storage of the waste.

(6) The provisions of these regulations dealing with waste containers delivered to premises for the storage of waste in terms of regulation 4(1) and (4) shall apply with the necessary changes in respect of bulk waste containers delivered to premises in terms of subregulation (5).

(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.

(8) The Council shall remain the owner of the bulk waste container delivered by it in terms of subregulation (5).

(9) Any occupant or owner of any premises who neglects or refuses to provide such suitable containers as described in subregulation (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 authorized staff member of the Council commits an offence.

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 Council in terms of regulation 4.

(2) The space provided in terms of subregulation (1) shall be so located as to permit convenient access to and removal from such space for the Council's waste collection and removal employees.

(3) Where domestic waste is generated on the 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 the Council, but only on the days of removal.

(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 Council's employees without hindrance.

(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 subregulation (1) and shall at all times be kept there.

(6) Despite anything to the contrary in subregulation (5) contained -

(a) in the event of the Council, being 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 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 Council may require;

(b) the owner or occupant of business or residential premises to which waste containers have been delivered in terms of subregulation (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 outside the fence or boundary of the premises on the street boundary before 07h:00 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 an environmental nuisance by nature of its odours, dust, attraction of vermin or disease vectors, the Council may require that waste be containerized in liners of 85-liter 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.

(2) Liner materials referred to in subregulation (1) are to be placed inside of the waste container.

(3) The owner or occupier shall 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.

Use and care of waste containers

7. (1) The owner or occupant of premises, to which waste containers have been delivered by the 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 Council: Provided that this subregulation does not prevent any owner or occupant who has obtained the 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 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 Council's 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.

(2) No waste container 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.

(3) The waste containers delivered in accordance with regulation 4, may be emptied by the Council after announcement of such intervals as the local authority council may deem necessary.

(4) In the event of a waste bulk container having been delivered to premises in terms of 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 Council thereof.

(5) The owner or occupant of premises to which waste containers were delivered in terms of regulation 4, shall be liable to the 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.

PART III

INDUSTRIAL WASTE

Council's service in respect of industrial waste

8. Regulations 2 to 7 in respect of business and domestic waste shall apply with the necessary changes, to industrial waste.

Removal of industrial waste by private persons

9. (1) Despite the provisions of regulations 26 to 31, the owners or occupants of premises may use the services of a person authorized in writing by the Council to remove industrial waste if the Council is advised in writing to this effect by the owner or occupant before such service is commenced, and if the Council has given its written permission.

(2) The Council may give its authorization or permission referred to in subregulation (1) subject to such conditions as it may consider necessary.

(3) In laying down conditions the 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 the 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 Council;
- (e) ensuring that the service rendered by the person authorized in terms of subregulation (1) shall be in respect of industrial waste only;
- (f) in the event of a person authorized in terms of subregulation (1), the owner or occupant shall notify the Council of the composition and quantity of industrial waste removed.

(4) In the event of a person authorized in terms of subregulation (1) being in breach of any condition upon which the authorization was given, the Council may cancel such authorization.

(5) In the event of the owner or occupant of premises on which industrial waste is generated having notified the Council in terms of subregulation (1), such occupant or owner shall ensure that such waste is disposed of in terms of the provisions of regulations 8 and 10 within a reasonable time after the generation thereof.

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 regulation 9(3)(a) which shall apply with the necessary changes, such waste be stored in the waste containers approved by the Council.

(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 or incompatible to nature, humans, animals and aquatic life.

(3) A person authorized by the Council to remove industrial waste shall deposit such waste at a disposal site accepted and approved by the Council for that purpose.

PART IV

GARDEN, SPECIAL DOMESTIC AND BULKY WASTE

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 this regulation and regulation 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.

(2) The 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 Council for such activity.

(3) A permit referred to in subregulation (2) shall be valid for a period determined by the Council, and may be cancelled should the permit holder violate the prescribed conditions on the permit.

(4) The conditions under which commercial vegetable gardeners and commercial nursery operators may obtain permits to establish manure or composting plants include the adequate measures that should be put in place to ensure the prevention of fly breeding and the emission of dust and odours using methods approved by the Council.

(5) (a) A 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, from the premises on which it was generated, it is deposited on a sanitary landfill site approved by the Council.

(b) Despite subregulation (5)(a), the owner or occupant of premises may utilize the services of a person authorized by the Council to remove special domestic or bulk waste provided that the authorization has been obtained prior to the commencement of the service and such person complies with the conditions that the Council may consider necessary to impose.

(6) Regulation 12 applies with the necessary changes when containers are used for the collection and removal of garden, special domestic and bulky waste.

(7) The owner of any dead animal or, if such owner is not known, the owner or occupant of the premises upon which such animal is found dead, is bound within 12 hours after the death of such animal -

(a) 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; or

(b) to notify the Council of the death of such animal and of the place where it can be found and request the Council to remove or bury or destroy it at his or her expense and such expense to be pre-paid by him or her in accordance with the prescribed tariff.

The 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 Council shall provide bulk waste containers for removal of garden, special domestic, bulky waste and builders rubble from premises: Provided that the Council is able to do so with its waste removal equipment.

(2) At the request of the owner or occupant of the premises, the Council may provide a special service for the removal of waste at the prescribed tariff.

PART V

BUILDERS' RUBBLE

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 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.

(2) A person may, only with the Council's written permission and on such conditions as it considers fit, use the services of any other person for the removal of builders' rubble.

Containers

14. (1) If a bulk waste container used for the removal of builders' rubble from premises should, in the opinion of the Council, not be kept on the premises, such bulk waste container may, with the written consent of the Council, be placed in an allocated area outside the premises for the period of such consent.

(2) Any consent given in terms of subregulation (1) shall be subject to such conditions, as the Council may consider necessary.

(3) The Council may determine a charge for any such consent.

(4) Every bulk waste container authorized in terms of subregulation (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.

Disposal of builders' rubble

15. (1) Subject to subregulation (2), all builders' rubble shall be deposited at a sanitary landfill site approved by the Council.

(2) For the purposes of land reclamation, builders' rubble may, with the written consent of the Council, be deposited at a place other than at a sanitary landfill site, and such other place as approved by the Council.

(3) Any consent given in terms of subregulation (2) hereof shall be subject to such conditions as the Council may impose.

PART VI

SPECIAL INDUSTRIAL, HAZARDOUS AND HEALTH CARE RISK WASTE

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 Council within seven days of such generation of the composition, the quantity generated, method of storage, the proposed duration of storage, and the manner in which it will be removed.

(2) If so required by the Council, the notification referred to in subregulation (1) shall be substantiated by an analysis certified by a person appropriately qualified and accepted by the Council as suitable to provide such certification.

(3) The Council or any person duly authorized by the Council may, in terms of the provisions of General Provisions (Part IX) 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.

(4) Having notified the Council in terms of subregulation (1), the person referred to in that subregulation shall notify the Council of any changes in the composition and quantity of the special industrial, hazardous or health care risk waste occurring thereafter.

Storing of special industrial, hazardous and health care risk waste

17. (1) The person referred to in 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 that regulation until it is removed from the premises in terms of regulation 18.

(2) Special industrial, hazardous or health care risk waste stored on premises shall be stored in such a 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.

(3) If special industrial, hazardous or health care risk waste is not stored in terms of subregulation (2) on the premises on which it is generated, the Council may order the owner or occupant of the premises or the person referred to in sub-regulation (1) to remove such waste within a period of 48 hours and, if thereafter such waste is not removed within such time, the Council may itself or through any other person so instructed, remove it at the owner's or occupant's expense or the expense of the person referred to in regulation 16(1), or both, as the case may be.

(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.

(5) The containers for health care risk waste shall comply with the following minimum requirements -

- (a) all infectious waste shall be placed at the point of generation into a container approved by the Council;
- (b) the container used for the storage of health care risk waste sharps shall be constructed of such material that the object cannot pierce the container. The container shall be fitted with a safe and hygienic lid, which shall 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 utilization; and
- (d) all containers shall be clearly marked with the universal bio-hazardous waste symbol.

Removal of special industrial, hazardous and health care risk waste

- 18.** (1) (a) No person, without the Council's written approval of the 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, its markings, the way it is manufactured, safety procedures and hygiene and documentation regarding the origin, transport and disposal of such waste.
- (2) The person referred to in regulation 16(1) shall inform the Council, at such intervals as the Council may stipulate, having regard to the information to be given to the 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.
- (3) No person shall dispose of any health care waste by incinerating it unless the chief health staff member's prior written permission has been given to incinerate such waste.
- (4) Should any person be convicted of contravening the provisions of this regulation, such person shall in addition to the penalty, dispose of the waste as directed by the Council and the Council may alternatively instruct an approved person to dispose of such waste and recover the costs from such offender.
- (5) Despite regulations 16, 17 and 18, the generators of the listed categories of waste, in liaison with the Council, shall be expected to comply with the provisions of any national and regional legislation applicable to the notification, storage, collection, removal and disposal of such waste.

PART VII

SANITARY LANDFILL SITES AND PUBLIC DISPOSAL FACILITIES

Conduct at sanitary landfill sites and public disposal facilities

- 19.** (1) A person who, for the purpose of disposing of waste, enters a sanitary landfill site or public disposal facility controlled by the Council, shall -
- (a) enter the sanitary landfill site or public disposal facility at an authorized access point;
 - (b) give the Council all the particulars required in regard to the composition of the waste; and
 - (c) follow all instructions given to him or her in regard to access to the actual disposal point, the place where and the manner in which the waste should be disposed.
- (2) No person shall bring any liquor onto a sanitary landfill site or public disposal facility controlled by the Council.

(3) No person shall enter a sanitary landfill site or a public disposal facility controlled by the 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 Council may from time to time determine and display at the entrance to the sanitary landfill site.

Ownership of waste

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

Council's obligations at sanitary landfill sites

21. The Council shall be responsible for the effective design, construction, operation, management and monitoring of the sanitary landfill site in accordance with the provisions of the relevant environmental legislation by, among others, enforcing -

- (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 as well as the landfill's classification, be disposed of at any particular sanitary landfill site.

PART VIII

LITTERING, DUMPING AND ANCILLARY MATTERS

Littering

- 22.** No person shall -
- (a) throw, let fall, deposit, spill or in any other manner discard, any waste 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 Council;
 - (b) sweep any waste into a gutter, on a road reserve or any public area; and
 - (c) allow any person under his or her control to do any of the acts contemplated in paragraphs (a) and (b).

Dumping

23. (1) No person shall leave anything or allow anything under his or her control to be left at a place of which he or she is not the owner or occupant with the intention of abandoning it.

(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 or she is not the owner or occupant, he or she shall be deemed to have abandoned it.

Abandoned things

24. The Council may, as it may consider fit, remove and dispose 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 Council as having been abandoned.

Liability of responsible person

25. (1) Where anything has been removed and disposed of by the Council in terms of regulation 24 the person responsible shall be liable to pay the Council the tariff charge in respect of such disposal.

(2) For the purposes of sub-regulation (1) the person responsible shall be -

- (a) the last owner of the thing, before it was collected by the Council, and shall include any person who is entitled to be in possession of the thing by virtue of a purchase agreement or lease at the time when it was abandoned or put in the place from which it was so removed unless he or she can prove that he or she was not concerned in and did not know of it being abandoned or put in such 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 such place.

PART IX**GENERAL PROVISIONS****Access to premises**

26. (1) Where the Council provides a waste collection and removal service, the owner or occupant of premises shall grant the 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 Council in the carrying out of its service.

(2) Where 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 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.

(3) Any duly authorized staff member of the 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.

(4) No person shall refuse admittance to the premises or obstruct any of the Council's staff member whilst such staff member is carrying out or attempting to carry out any work or inspection on such premises, which such staff member is authorized to carry out under these regulations.

Notices and documents

27. (1) Every notice, order or other document under these regulations requiring authentication by the Council shall be sufficiently authenticated if signed by the Chief Executive Officer or chief health staff member or other staff member duly authorized by the Council.

(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 at such premises who can be served, by fixing such notice, order or document in such a visible part of the premises.

(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 have gone through the normal posting process and there shall be evidence of such letter having been posted.

(4) Any such notice, order or document may be addressed by the description of the owner or occupant of the premises naming such premises, in respect of which such notice, order or document is served.

(5) In the event where tariff charges are increased, any unpaid balance owing to the Council on the total amended charges will be due and payable to the Council on demand.

Charges

28. (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 as determined by the Council.

(2) Services rendered by the Council in respect of which a tariff charge is prescribed, may be altered by the 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, reduced in volume, and the Council is satisfied that a change in service is justified.

(3) If written notification in terms of subregulation (2) is received, the tariff charge will not be reduced and shall be payable until the Council is satisfied that an alteration in service is justified.

(4) Tariff charges shall become due and payable on the same date as the general assessment rate, water and sewer charges are due or as the Council may from time to time decide.

Offences and penalties

29. A person who contravenes or fails to comply with any provision of 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, or to both such fine and such imprisonment.

Ownership of waste

30. All waste removed by the Council or its appointed contractor or deposited for removal in any waste container or premises from which the Council undertakes the removal of such waste, becomes the property of the 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 authorized employee of the Council shall remove or interfere with any such waste.
