



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$6.40

WINDHOEK - 26 October 2011

No. 4818

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General Notice

TOWN OF RUNDU

No. 332

2011

SOLID AND HAZARDOUS WASTE MANAGEMENT REGULATIONS: LOCAL AUTHORITIES ACT, 1992

The Town Council of Rundu, after consultation with the Minister of Regional and Local Government, Housing and Rural Development, has under section of 94(1)(c) of the Local Authorities Act, 1992 (Act No. 23 of 1992), made the regulations set out in the Schedule.

H-W. LEEVI
CHAIRPERSON
BY ORDER OF THE COUNCIL

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PART I PRELIMINARY

Definitions

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

“approved” means approved by the Council;

“approved waste collector” means a person approved by the Council for the collection, removal and disposal of waste;

“bio-hazardous waste symbol” refers to the labeling required for “intermediate bulk containers for hazardous substances” SABS 0233/2001 published by the South African Bureau of Standards (SABS), including any amendments to it;

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

“bulky waste” means waste, other than hazardous waste, generated on premises and which by virtue of its mass, shape, size and quantity cannot be stored in a waste container, such as tree stumps and tree branches;

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

“business waste” means waste generated on premises used for business purposes excluding domestic waste, builders rubble, bulky waste, industrial waste, special domestic waste and garden waste;

“chief health official” means a person appointed by the Council as a chief health official;

“Council” means the Town Council of Rundu;

“domestic waste” means waste normally generated on premises used for residential purposes, including related waste from welfare organizations, churches and halls, hospitals and related facilities, but in respect of hospitals and related facilities, excludes health care risk waste;

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

“hazardous waste” means waste containing or contaminated by poison, a corrosive agent, a flammable substance having an open flash-point of less than 90C, an explosive, radioactive material, and any chemical or any other waste that has the potential even in low concentrations to have a significant adverse effect on public health or the environment because of its inherent toxicological, chemical and physical characteristics;

“health care risk waste” means waste, such as human or animal tissue, hypodermic needles, contaminated gloves, bandages or linen and infectious waste, and which normally originates in hospitals, clinics, consulting rooms, veterinary hospitals and other related facilities;

“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 which can cause an infectious disease;

“land reclamation” means the process of controlled dumping and leveling of soil or builders rubble for purposes of creating an area of land for development or for the construction of a building.

“nuisance” includes -

- (a) premises in a state of construction or in such a condition or so situated or so dirty to be offensive, injurious or dangerous to the land or the environment; and
- (b) activities which emits waste of an objectionable standard to the nature, human and animal life;

“occupier”, includes any person in actual occupation of land or premises without regard to the title under which he or she occupies, and, in the case of premises let, includes the person receiving the rent payable by the lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested in it;

“owner” includes -

- (a) any person receiving the rent or profits of premises from any tenant or occupier, or who would receive such rent or profits if the premises were let, whether on his own account or as agent for any person entitled to it or having an interest in it;
- (b) the tenant, in respect of premises which are property of the Council; and
- (c) 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 for the storage of waste;

“premises” means any building or other structure together with the land on which it is situated, or any land without any buildings or other structures;

“public disposal facility” means an area or site approved for the disposal of waste;

“special domestic waste” means waste such as a carcass of a dead animal, and animal waste that comprise mainly of solid manure and other waste generated by 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, and which may not be discharged into a drain or sewer.

“tariff” means a tariff-

- (a) for collection, removal and disposal of waste and other related services; and
- (b) determined by the Council by notice in the *Gazette* in terms of section 30(1)(u) of the Act;

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

“town area” means the area of the town of Rundu;

“town planning scheme” means the Rundu Town Planning scheme prepared in terms of the Town Planning Ordinance, 1954 (Ordinance No. 18 of 1954).

“waste container” means a waste container or plastic liner approved for the storage of waste;

“waste” means any undesirable or superfluous matter, material, by-product or residue of any process or activity that has been discarded, accumulated or stored for the purpose of treatment, discarding or recycling and may be liquid or solid, may include products that contain a gaseous component and may originate from domestic, commercial, medical or industrial activities.

PART II SERVICE OF COUNCIL

Service of Council

2. (1) The Council provides in the town area a service for the collection, removal and disposal of domestic and business waste.

(2) The owner or occupier of premises on which domestic and business waste is generated must use the services of the Council, unless the Council otherwise approves.

(3) The owner or occupier of premises on which domestic and business waste is generated is liable to the Council for the payment of the tariff.

(4) The Council provides, at places within areas defined by their respective zoning in the town planning scheme or at other public places, containers for the disposal of waste.

(5) Small volumes of garden waste and bulky waste and other waste which the Council notifies, may be disposed of in the containers contemplated in subregulation (4), but domestic, business or industrial waste may not be disposed of in such containers, unless the Council otherwise directs.

(6) Waste containers contemplated in subregulation (4) 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 waste generated in the town area in accordance with the law relating to the environment.

Notice to Council

3. The owner or occupier of premises which have not been provided with a waste container and on whose premises domestic or business waste is generated, must notify the Council, within seven days after the commencement of the generation of the waste -

(a) that the premises is occupied; and

(b) of the type of waste generated on the premises.

Delivery of waste containers

4. (1) On receipt of a notice in terms of regulation 3, the Council determines the number and type of waste containers required on the premises, and -

- (a) the owner or occupier of the premises must ensure that the premises have the sufficient number and type of waste containers required by the Council; and
- (b) the Council may on the request of the owner or occupier of the premises and on the payment of a tariff provide the required number and type of waste containers.

(2) This regulation applies, with necessary changes, to an owner or occupier who makes use of the services of an approved waste collector for the collection, removal and disposal of domestic or business waste.

(3) The Council may at any time after the delivery of waste containers in terms of subregulation (1), remove any waste container or deliver additional waste containers if the Council is satisfied that a greater or lesser number of containers are required on the premises.

(4) The owner or occupier of the premises contemplated in subregulation (3) must pay to the Council the tariff for the removal or the provision of waste containers.

(5) The Council may provide certain premises with bulk waste containers, depending on the quantity of waste generated on the premises, having regard to -

- (a) the suitability of waste being stored in containers used for the storage of domestic waste;
- (b) 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 waste containers used for the storage of domestic waste.

(6) Subregulations (1), (3) and (4) apply with necessary changes to bulk waste containers delivered in terms of subregulation (5).

(7) The owner or occupier of premises must keep the contents of the waste containers delivered in terms of this regulation covered at all times, except when waste is deposited in, or discharged from the container.

(8) The Council is the owner of waste containers delivered by it in terms of subregulations (1), (3) and (5).

Placing of waste containers

5. (1) The owner or occupier of premises must provide on the premises, a space of sufficient size and any other facilities which the chief health official may consider necessary for the placing of waste containers.

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

- (3) The owner or occupier of the premises must -

- (a) where domestic waste is generated on the premises, before 7:00 am on the day notified by the Council as the waste collection day, place the waste containers or plastic liners containing domestic waste outside the fence or boundary of the premises on the nearest street boundary or on any other place which the Council notifies; and
 - (b) where business waste is generated on the premises, place the waste containers or plastic liners containing business waste, at a space that allows for convenient access to and collection of the waste containers.
- (4) Where the staff members responsible for the collection of waste in the town area are unable to collect waste from the space contemplated in subregulation (1) and (3), 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 must be placed for collection.
- (5) The owner or occupier of premises must at all times place the waste container at the space or position contemplated in subregulation (1), unless the Council otherwise directs.

Waste container liners

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

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

Use and care of waste containers

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

- (a) waste generated on the premises is at all times stored in the required waste container, but the owner or occupier who has obtained the approval of the Council may sell or otherwise dispose 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 waste, that may damage the waste containers or that may injure the staff members responsible for the collection of waste, 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 damage the container, 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) waste containers are kept in a clean and hygienic condition.
- (2) Waste containers delivered in terms of regulation 4 may not be used for any purpose other than for storage of waste and no fire may be lit in the waste container.

(3) Where bulk waste containers have been 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 occupier of premises to which waste containers have been delivered in terms of regulation 4 is liable to the Council for the loss of or damage to the waste containers.

PART III GARDEN, SPECIAL DOMESTIC AND BULKY WASTE

Removal and disposal of garden, special domestic and bulky waste

8. (1) The owner or occupier of premises on which garden, special domestic or bulky waste is generated must ensure that such waste is disposed of within 72 hours after it is generated.

(2) Garden waste, domestic waste and special domestic waste may be retained on the premises in an approved manner for the making of compost.

(3) The Council may for the purpose of making compost allow the owner or occupier of premises to retain garden waste, domestic waste or special domestic waste on the premises or to transfer it to other premises, if -

- (a) the owner or the occupier has obtained approval from the Council to do so; and
- (b) the waste is protected from fly, odour and other nuisances with a soil layer of a minimum of 50-mm thickness.

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

(5) If the requirements referred to in subregulation (4) cannot be satisfied, the owner or occupier of premises must within the 12 hours contemplated in that subregulation, notify the staff members responsible for the collection of waste to remove the carcass.

(6) The owner or occupier contemplated in subregulation (4) must pay the tariff for action taken in terms of subregulation (5).

(7) A person who fails to comply with subregulation (4) or (5), commits an offence and is on conviction liable to a fine not exceeding N\$2 000 or to imprisonment of a period not exceeding 6 months or to both such fine and such imprisonment.

Special service by Council

9. The Council may, at the request of the owner or occupier of premises and on payment of a tariff provide certain premises with bulk waste containers for the storage of garden waste, special domestic waste, bulky waste and builders' rubble.

PART IV
BUILDER'S RUBBLE

Responsibility for builder's rubble

10. The owner or occupier of premises on which builder's rubble is generated must ensure that -

(a) the builder's rubble is disposed of in accordance with regulation 12, within 72 hours after it is generated; and

(b) until such time that builder's rubble is disposed of, that the rubble and bulk waste containers used for the storing of the rubble are kept on the premises on which the rubble is generated.

Containers for builder's rubble

11. (1) Bulk waste containers may be placed in an approved area outside the premises for the period specified and subject to conditions determined by the Council.

(2) Each bulk waste container used for the storage of builder's 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 of the container; and

(c) be covered at all times during storage or transport so that its contents are not displayed.

Disposal of builder's rubble

12. (1) Builder's rubble must, unless the Council otherwise directs, be deposited at a sanitary landfill site.

(2) A person may retain builder's rubble on the premises for the purpose of land reclamation, but the person must obtain the approval of the Council to do so.

(3) An approval given in terms of subregulation (2) may be subject to the payment of a tariff and such conditions as the Council may determine.

PART V
INDUSTRIAL WASTE

Application of regulations 2 to 7 to industrial waste

13. Unless the context of this Part otherwise indicates, regulations 2, 3, 4, 5, 6 and 7, apply with necessary changes to industrial waste generated on premises.

Collection, removal and disposal of industrial waste by approved waste collectors

14. (1) A person intending to make use of the service of a waste collector for the collection, removal and disposal of industrial waste, must obtain the approval of the Council to do so.

(2) The Council may in respect of an approval contemplated in subregulation (1); impose conditions which the Council considers necessary.

- (3) In determining conditions under subregulation (2), the Council must -
- (a) ensure that -
- (i) the waste container used for the storage and removal of industrial waste is not kept in a public place, unless otherwise authorised;
 - (ii) industrial waste is deposited at a sanitary landfill site; and
- (b) consider -
- (i) the type of service rendered by the approved waste collector;
 - (ii) the equipment which is intended to be used for the storage and disposal of industrial waste;
 - (iii) the containment of the industrial waste in transit; and
 - (iv) the composition and quantity of industrial waste generated and disposed of.

(4) The Council may cancel an approval given under subregulation (1), if the person approved in terms of that subregulation fails to comply with a condition specified in the approval.

(5) The owner or occupier of premises, making use of the services of an approved waste collector must ensure that the industrial waste generated on the premises, is stored and disposed of within a reasonable time in accordance with regulation 15.

Storage and disposal of industrial waste

- 15.** (1) The owner or occupier of premises on which industrial waste is generated, must ensure -
- (a) that the waste is at all times stored in an approved waste container, until it is removed from the premises on which it is generated; and
 - (b) that nuisance does not take place on the premises.
- (2) An approved waste collector must deposit the industrial waste at a sanitary landfill site.

PART VI

GENERATION OF SPECIAL INDUSTRIAL, HAZARDOUS, HEALTH CARE RISK WASTE

Generation of special industrial, hazardous and health care risk waste

- 16.** (1) A person carrying out an activity which generates special industrial, hazardous or health care risk waste in the town area must, within seven days of its generation -
- (a) notify the Council; and
 - (b) provide the Council with a statement of -
 - (i) the type of waste generated on the premises;
 - (ii) the composition of the waste;

- (iii) the quantity of waste generated on the premises;
- (iv) the method of storage of the waste generated on the premises;
- (v) the proposed duration of storage of the waste generated on the premises; and
- (vi) the manner of collection, removal and disposal of the waste.

(2) The statement contemplated in subregulation (1) must if the Council so requires be substantiated by an analysis certified by a person suitable qualified to give such an analysis.

(3) The person contemplated in subregulation (1) must notify the Council of changes in the composition and quantity of the special industrial, hazardous or health care risk waste.

Storing of special industrial, hazardous and health care risk waste

17. (1) The person referred to in regulation 16(1) must ensure that the special industrial, hazardous or health care risk waste generated on the premises is kept and stored on the premises until it is collected, removed and disposed of in accordance with regulation 18.

(2) Special industrial, hazardous or health care risk waste stored on premises must not cause nuisance.

(3) Where special industrial, hazardous or health care risk waste is stored in contravention of subregulation (2), the Council may give notice to the owner or the occupier of the premises to remove such waste within 48 hours.

(4) Where the notice given in terms of subregulation (3) is not complied with the Council or any person authorised by the Council may remove the waste contemplated in that sub regulation.

(5) The owner or occupier of premises must pay the tariff for removal of waste contemplated in subregulation (4).

(6) Special industrial, hazardous or health care risk waste must be stored in a container approved by the chief health official and the container must be kept in an approved storage area for a period determined by the chief health official, before removal in accordance with regulation 18.

(7) Containers for health care risk waste must comply with the following requirements:

- (a) all infectious waste must be placed at the point of generation in an approved container;
- (b) the container used for the storage of health care risk waste sharps must be constructed of such a material that the object cannot pierce the container, and the container must be fitted with a safe and hygienic lid with must be sealed after use;
- (c) the container used for the removal of other contagious materials must be manufactured from a material which prevents the contents from leaking out, and the container has to be equipped with a safe and hygienic lid and be sealed after use; and
- (d) all containers must be clearly marked with the bio-hazardous waste symbol.

Removal of special industrial, hazardous and health care risk waste

18. (1) Special industrial, hazardous or health or health care risk waste may only be removed from the premises on which it is generated with the Council's written authorisation.

(2) Special industrial, hazardous or health care risk waste must be transported in accordance with the law relating to the transportation of such waste.

(3) The person referred to in regulation 16(1), must inform the Council at periods as the Council determines, of the removal of special industrial, hazardous or health care risk waste, the identity of the person removing the waste, the date of such removal, the quantity and the composition of the special industrial, hazardous or health care risk waste removed.

(4) Where a person intends to dispose of health care risk waste by incinerating it the person must obtain written approval from the chief health official to do so.

(5) Where waste is stored, collected or disposed of in contravention of regulation 17, the Council may require the responsible person to dispose of the waste as the Council directs or the Council may authorise a person to dispose of such waste and recover the costs for any action so taken from the responsible person.

(6) Notwithstanding this regulation and regulations 16 and 17, a person generating special industrial, hazardous or health care risk waste must comply with the law relating 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) 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 water; and
- (c) follow all instructions given to the person 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 or public disposal facility.

Responsibility of Council at sanitary landfill sites

20. The Council is responsible for the effective design, construction, operation, management and monitoring of a sanitary landfill site, in accordance with law relating to the environment, by 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, leached filtrate, 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 and landfill classification is disposed of at a particular sanitary landfill site.

Ownership of waste on sanitary landfill sites and public disposal facilities

21. Waste deposited at a sanitary landfill sites or a public disposal facilities controlled by the Council is the property of the Council and a person may not remove or interfere with such waste unless authorised by the Council.

PART VIII LITTERING AND DUMPING

Littering

- 22.** 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/or (b).

Dumping and powers of Council

- 23.** (1) For the purpose of subregulation (2), the “responsible person” is -
- (a) the owner of the deposited thing, and includes any person who is entitled to be in possession of the thing at the time it was deposited, unless the person proves that the person was not concerned with and did not know that the thing was deposited at that place;
 - (b) any person who deposited the thing at the place referred to in that subregulation; or
 - (c) any person who knowingly caused the depositing of the thing at the place referred to in that subregulation.
- (2) Where a person unlawfully deposits waste at a place other than a waste disposal site a staff member authorised in terms of section 91 of the Act, may -
- (a) request the responsible person to remove the waste unlawfully deposited by the person within such time as may be determined by the staff member; or
 - (b) remove the waste and the responsible person is liable to pay a tariff for the removal.

(3) Subregulation (2), does not apply to a vehicle deemed to have been abandoned in terms of regulation 355 of the Road Traffic and Transport Regulations published under Government Notice No. 53 of 30 March 2001.

PART IX GENERAL PROVISIONS

Access to premises

24. (1) In order to enforce these regulations staff member authorised by the Council may in accordance with section 91 of the Act enter premises for the purpose of examining such premises to enable the authorised official to ascertain the compliance by the owner or occupier of the premises with the provisions of these regulations.

(2) A person may not refuse entry or obstruct an authorised official whilst such official is carrying out or attempting to carry out any duty or inspection which such official is authorised to carry out under these regulations.

Notices, documents and orders

25. (1) Any notice, order or document required or permitted to be given by the Council in terms of these regulations is regarded to have been served in terms of section 93 of the Act -

- (a) if delivered to such person personally;
- (b) if dispatched by registered post addressed to such person at his or her last known address which may be any such place or office as is referred to in paragraph (c) or his or her last known post office box number or private bag number or that of his or her employer or accredited agent, if any;
- (c) if left with some adult person apparently residing at or occupying or employed at his or her last known abode or office or place of business; or
- (d) In the case of a company -
 - (i) if delivered to the public officer of the company.
 - (ii) if left with some adult person apparently residing at or occupying or employed at its registered address.
 - (iii) if dispatched by registered post address to the company or its public officer at its or his or her last known address, which may be any such office or place as is referred to in subparagraph (ii) Or its or his or her last known post office box number or private bag number or that of its or his or her employer or;
 - (iv) if transmitted by means of a facsimile transmission to the person concerned at the registered office of the company.

(2) Any notice order or document referred to in subregulation (1) which has been served, given or delivered in the manner contemplated in paragraph (b) or (d)(iii) of that subregulation is, unless the company is proved, regarded to have been received by the person to whom it was addressed at the time when it would, in the ordinary course of post have arrived at the place to which it was addressed.

Transportation of waste

26. A person may not -
- (a) operate a vehicle for the conveyance of any waste upon a public road unless the vehicle is suited for the type of waste being transported;
 - (b) use a vehicle for the conveyance of waste unless maintained in a clean and sanitary condition.
 - (c) transport loose waste on an open vehicle without a suitable tarpaulin, net or any suitable covering material, and
 - (d) cause or permit any waste being transported in or through the municipal area to become detached, fall from the vehicle transporting it.

Tariffs

27. (1) The Council may in respect of services it provides in terms of these regulations levy such charges, fees and monies as determined by the Council by notice in the *Gazette* in terms of section 30(1)(u) of the Act.

(2) Tariffs determined for the services referred to in subregulation (1) 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 determine.

(3) Payment of tariffs must be made on or before the date on which it becomes due and payable.

(4) The fact that an account did not reach the user or waste generator does not exempt such user or waste generator from making payment on or before the due date.

(5) If the correctness of an account is disputed, payment of the account may not be postponed until after the due date pending the investigation and resolution of such dispute.

(6) Services rendered by the Council in respect of which a tariff has been determined, may be amended by the Council if it has ascertained that an increase or decrease in such service is justified, or after receipt of a written notification from the owner or occupier of the premises to which the service are rendered, that the generation of industrial or business waste on the premises has ceased, or reduced in volume, and the Council is satisfied that a change in service is justified, and the tariff is not to be reduced and remain payable until the Council is satisfied that an adjustment in services is justified.

(7) In addition to the normal tariffs, a disposal tariff is payable by all non-domestic waste generators which tariff is based on the volume of waste generated on the property and determined by the Council as set out in these regulations.

(8) Where any premises in respect of which a service referred to in subregulation (1) is rendered becomes vacant, the owner or occupier of such premises must immediately notify the council in writing of such fact and notice is given, liable for the tariff for such services or the disposal charge.

(9) Despite the fact that the owner or occupier of the premises on which business or industrial waste is generated makes use of a person or company to collect and dispose of waste from the premises in terms of these regulations, the owner or occupier must pay the disposal tariff.

- (10) A person who fails to pay the tariffs for the services rendered commits an offence.

Offences and penalties

28. Any person who fails to comply with or contravene these regulations commits an offence and is liable on conviction to a fine not exceeding N\$ 2000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Exemptions

29. If, based on exceptional circumstances, the Council considers it desirable to authorise an exemption from any provision of these regulations, the Council may, subject to such condition as it may impose, give an exemption if it is not in conflict with the provision of the Act.
