



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 7 November 2023

No. 8254

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## General Notice

### EENHANA TOWN COUNCIL

No. 739

2023

#### EENHANA CAR WASH REGULATIONS: LOCAL AUTHORITIES ACT, 1992

Under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), the Eenhana Town Council, after consultation with the Minister of Urban and Rural Development, has made the regulations set out in the Schedule.

**O. KAVANDJE**  
**CHAIRPERSON**  
**BY ORDER OF THE COUNCIL**

Eenhana, 10 October 2023

### SCHEDULE

#### Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates –

“car wash” means a business of cleaning vehicles as a main service and includes washing, detailing, drying, polishing, valet, vacuuming or other cosmetic care of vehicles, either at a fixed location or as part of a mobile, on demand or “pop-up” service;

“Council” means the Town Council of Eenhana;

“hazardous waste” means a substance that has the properties of hazardous waste as defined in section 1 of the Public and Environmental Health Act;

“operator” means a person who owns or runs a car wash as his or her business;

“prohibited material” means any material that may, directly or indirectly, obstruct the flow of water within the storm drainage system or may have an adverse effect and includes, but is not limited to –

- (a) soil, sediment, waste or other solid matter;
- (b) gasoline, motor oil, greases, transmission fluid and anti-freeze;
- (c) solvents;
- (d) paint;
- (e) hazardous substances;
- (f) soaps or detergents; and
- (g) any substance or combination of substances that emits an odor and for purposes of this definition “adverse effect” means impairment of, or damage to, or the ability to cause impairment of, or damage, to –
  - (i) storm drainage system;
  - (ii) human health or safety; or
  - (iii) the environment;

“Public and Environmental Health Act” means the Public and Environmental Health Act, 2015 (Act No. 1 of 2015);

“storm drainage” means run-off water that is the result of rainfall and other natural precipitation or from the melting of snow or ice;

“storm drainage system” means the system for collecting, transmitting, storing, treating and disposing of storm drainage and foundation drainage and includes –

- (a) the catch basins, sewers and pumping stations that make up the storm drainage collection system;
- (b) the storm drainage facilities, structures or things used for storage, management and treatment to buffer the effects of runoff water or improve the quality of the storm water;
- (c) the sewers and pumping stations that transport storm drainage to the location where it is treated or disposed of;
- (d) the storm drainage outfall structures; and
- (e) the surface drainage facilities,

but does not include plumbing or service connections in buildings;

“street” means any throughfare, highway, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle-way, or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes –

- (a) a sidewalk, including the boulevard portion of the sidewalk;
- (b) if a ditch lies adjacent to and parallel with the roadway, the ditch; and
- (c) if a street is contained between fences or between a fence and one side of the roadway, all the land between the fences or all the land between the fence and the edge of the roadway;

“substance” means any one or more of the following –

- (a) any solid matter;
- (b) any liquid matter;
- (c) any gaseous matter;
- (d) any sound, vibration, heat, radiation or other form of energy;
- (e) any combination of (a), (b), (c) or (d);

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

“town area” means the area of jurisdiction of the Council;

“wastewater system” means the system owned and operated by the Council for the collection, transmission, treatment and disposal of wastewater; and

“water” means all water in any form on, or under the surface of, the ground.

### **Application of regulations**

2. (1) These regulations apply to an operator operating a car wash within the town area.

(2) These regulations do not apply to car washing not for reward and to businesses where cars are brought in for service or repair purposes and their main business is not washing vehicles.

(3) In case of conflict between these regulations and any other regulations of the Council, the provisions of these regulations prevail in as far as matters regulating car washes are concerned.

### **Storm water drainage system**

3. (1) A person may not, except with the written consent of the Council and subject to any conditions that the Council may impose –

- (a) discharge, permit to enter or place any harmful chemicals, oil, dirt and other pollutants that can pose serious threats to human health or safety into the storm water system;
- (b) damage, endanger, destroy or undertake any action likely to damage, endanger or destroy, the storm water system or the operation of the storm water system;

- (c) discharge from any place, or place onto any surface, any substance other than storm water, where that substance could reasonably be expected to find its way into the storm water system;
- (d) discharge, permit to enter or place anything likely to damage the storm water system or interfere with the operation of the storm water system or contaminate or pollute the water;
- (e) construct or erect any structure or thing over or in such a position or in such a manner so as to interfere with or endanger the storm water system or the operation of the storm water system;
- (f) make an opening into a storm water pipe, canal or culvert;
- (g) drain, abstract or divert any water directly from the storm water system; or
- (h) fill, excavate, shape, landscape, open up or remove the ground above, within, under or immediately next to any part of the storm water system.

(2) An operator must ensure compliance with the Eenhana Zoning Scheme approved or deemed to have been approved in terms of the Urban and Regional Planning Act, 2018 (Act No. 5 of 2018).

#### **Car wash permit**

4. (1) A person may not operate a car wash within the town area without a permit issued by the Council.

- (2) A person does not require a permit if the person –
- (a) sells, leases, rents or repairs motor vehicles as his or her main service and only offers car washing as an additional service to the main service;
  - (b) washes cars on an intermittent basis to raise funds for a non-profit organisation; or
  - (c) washes his or her car at home.

(3) A person who wishes to operate a car wash must apply to the Council for a permit on a form determined by the Council.

(4) When submitting an application for a permit for a car wash, a person who wishes to operate a car wash must simultaneously submit an application for a business registration certificate and certificate of fitness to the Council together with the following –

- (a) a technical drawing of the identified site or premises for the car wash complying with the Annexure;
- (b) a certified copy of the identity document of the operator of the car wash; and
- (c) payment of the fee to be determined by the Council in terms of section 30(1)(u) of the Act.

(5) After receipt of the applications referred to in subregulation (4), the Council must cause an inspection to be done by the environmental health inspector, artisan sewerage and building inspector to ensure compliance with Council regulations and submit a report of such inspection to the Council.

(6) The Council must consider the applications referred to in subregulation (4) together with the report referred to in subregulation (5) and the Council may –

- (a) decline the application and not issue a car wash permit; or
- (b) approve the application for a business registration certificate and certificate of fitness and issue the car wash permit, with or without conditions.

(7) If the Council approves the application as contemplated in subregulation (6)(b), the operator can start to build the structure for the car wash in compliance with the technical drawing referred to in subregulation (4)(a) under the supervision of the building inspector and artisan sewerage.

### **Water pollution, restrictions and unauthorised connections**

5. (1) An operator must prevent the entry of any substance which may be a danger to health or adversely affect the portability of water or affect its fitness for use into –

- (a) the water supply system; or
- (b) any part of the water installation on his or her premises.

(2) The Council may notify residents, by public notice placed on the Council notice board or local radio to –

- (a) prevent wasteful use of water; or
- (b) in the event of water shortage, drought or flood, prohibit or restrict the use of water for car wash purposes in the whole or part of the town area as contemplated in section 36 of the Act.

(3) The Council may –

- (a) take, or by written notice require an operator at his or her own expense to take, such measures, including the installation of a measurement device for restricting the flow of water, which in the opinion of the Council may be necessary to ensure compliance with the notice referred to in subregulation (2); or
- (b) discontinue, or for such period as the Council may consider necessary limit, the supply of water to the business area in the event of a contravention in such area or failure to comply with the terms of a notice referred to in subregulation (2), and where the supply has been discontinued, the connection may only be restored when the prescribed reconnection fee has been paid.

(4) A connection to the water supply system may only be done by the Council.

(5) An operator may not use water from an illegal water connection.

(6) The Council must meter the car wash separately where approval for such car wash has been granted.

(7) An operator must ensure compliance with Part VI of the Act.

### **Waste management**

6. (1) An operator or his or her employees may not litter or dump any waste material on his or her business premises.

(2) If any litter has been discarded, dumped or left behind, the operator must, within a reasonable time after such act, remove such litter or cause it to be removed.

(3) An operator may not cause a nuisance to the public in handling waste and must at his or her own cost clean any waste causing nuisance to the public.

(4) An operator may not dispose of any waste by burning it unless authorised to do so by the Council.

(5) An operator must ensure compliance with the Eenhana Zoning Scheme and Public and Environmental Health Act.

### **Environmental health**

7. (1) A person may not dispose wastewater from any car wash premises in a way or in a location that may –

- (a) cause dampness in or on any premises;
- (b) cause wastewater to be discharged into the water drainage system and cause risk to public safety;
- (c) cause water to be discharged into the street or stream; or
- (d) create a public health nuisance or hazard.

(2) An operator creates a public health nuisance if he or she throws, dumps, stores, keeps or drops refuse, rubbish, glass, tins, paper, wastewater or other litter or waste, whether liquid or solid, on or in a street, road, sidewalk, vacant stand, public place or erf, spruit or watercourse, or causes or permits it to be thrown, dumped or dropped, or causes or permits any such liquid to flow, into such a place.

### **Prohibited or restricted areas**

8. (1) The Council may by resolution declare any place in its area of jurisdiction to be an area in which car washing business is restricted or prohibited and must, to enable compliance, erect signs, markings or other devices indicating the locations of boundaries of restricted or prohibited areas.

(2) Any sign erected in terms of subregulation (1) or any other law must serve as sufficient notice to an operator of the prohibition or restriction of the area concerned.

### **Offences and penalties**

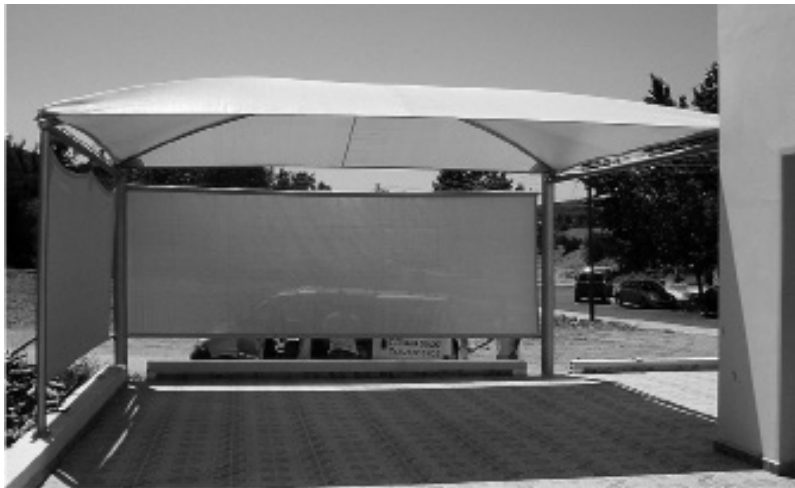
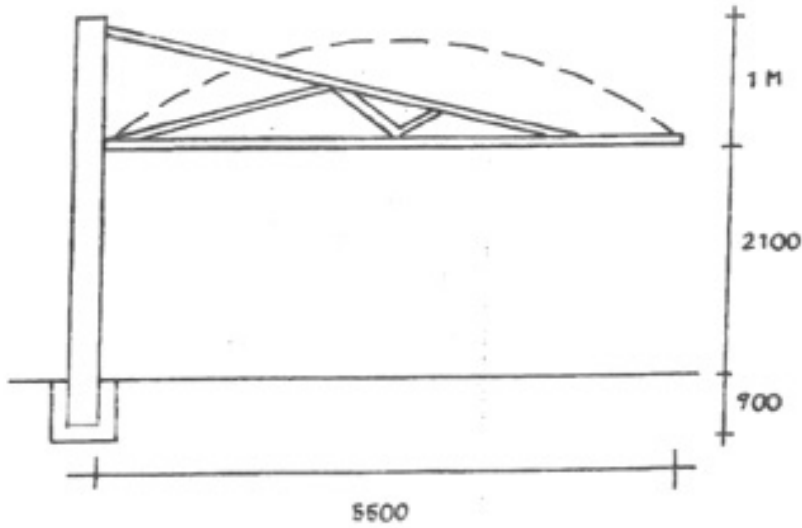
9. (1) A person may not hinder, interrupt or cause to be hindered any employee of the Council or its contractors and agents or workers, in the exercise of the powers or duties as authorised or required in terms of these regulations.

(2) A person who contravenes regulation 4(1), 5(1), 5(4), 5(5), 6(1), 6(3), 6(5) or 7(1) commits an offence is liable on conviction to a fine not exceeding N\$2000 or imprisonment for a period not exceeding 30 days, and in the case of a continuing offence, an additional fine not exceeding N\$500 for every day on which the contravention continues.

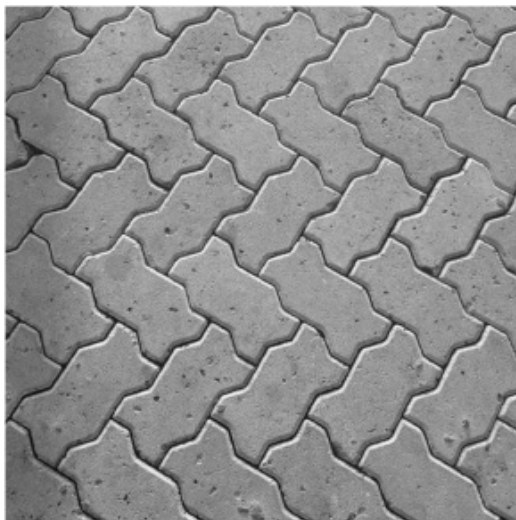
ANNEXURE

TECHNICAL REQUIREMENTS FOR THE BUILDING STRUCTURE OF THE CAR WASH ESTABLISHMENT

1. Top structure



2. Surface



3. Water Catchment/Septic Tank

