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DRAKENSTEIN MUNICIPALITY
AIR QUALITY MANAGEMENT BY-LAW, 2021

Drakenstein Municipality, by virtue of the powers conferred by section 156 of the Constitution 1996, hereby enacts as follows:

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SCHEDULE 1: STANDARDS AND SPECIFICATIONS FOR FUEL BURNING EQUIPMENT

CHAPTER 1: INTERPRETATION AND FUNDAMENTAL PRINCIPLES

1. Definitions

In this by-law, the English text shall prevail in the event of an inconsistency between the different texts; and, unless the context otherwise indicates:

"the Act" means the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), as amended, and any other word or expression to which a meaning has been assigned in the Act shall bear that meaning.

"adverse effect" means any actual or potential impact on the environment that impairs or would impair the environment or any aspect of it to an extent that is more than trivial or insignificant;

"air pollutant" includes dust, smoke, fumes, aerosol and gas that causes or may cause air pollution;

"air pollution" means any change in the environment caused by any substance emitted into the atmosphere from any activity, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future;

"air quality management plan" means the air quality management plan referred to in section 15 of the Act;

"air quality officer" means an officer appointed in terms of section 4 of the Act;

"ambient air" means **"ambient air"** as defined in section 1 of the Act;

"atmosphere" means air that is not enclosed by a building, machine, chimney or other similar structure;

"atmospheric emission" or **"emission"** means any emission or entrainment process emanating from a point, non-point or mobile source that may result in air pollution;

"authorised official" means any employee of municipality responsible for carrying out any duty or function or exercising any power in terms of this by-law and includes any employee delegated to carry out such duties, functions and powers;

"chimney" means any structure or opening of any kind from which or through which air pollutants may be emitted;

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"dark smoke" means smoke which has a density of 60 Hartridge smoke units or more or smoke which when measured using a light absorption meter, obscuration measuring equipment or other similar equipment, has an obscuration of 20% or greater;

"dust" means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere; and includes particulate matter;

"dwelling" means any building or structure, or part of a building or structure, used as a dwelling and any outbuildings ancillary to it;

"environmental management inspector" means an environmental management inspector referred to in chapter 3;

"environment" means the surroundings within which humans exist and that are made up of:

- (a) the land, water and atmosphere of the earth;
- (b) micro-organisms, plant and animal life;
- (c) any part or combination of (a) and (b) and the inter relationships among and between them; and
- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

"fuel burning equipment" means any furnace, boiler, incinerator, or other equipment, including a chimney:

- (a) designed to burn or capable of burning liquid, gas or solid fuel
- (b) used to dispose of any material or waste by burning; or

(c) used to subject liquid, gas or solid fuel to any process involving the application of heat;

"**light absorption meter**" means a measuring device that uses a light measurement cell or detector to determine the amount of light absorbed by an air pollutant.

"**media blasting**" means a process that uses pressurized air to propel a stream of abrasive material against a surface (known as blasting media) out of a nozzle and includes sand blasting or shot blasting;

"**Municipality**" means the municipality of Drakenstein established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"**National Framework**" means the National Framework for Air Quality Management in the Republic of South Africa, as established in terms of the Act;

"**NEMA**" means the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended;

"**obscuration**" means the ratio of visible light attenuated by air pollutants suspended in the effluent streams to incident visible light, expressed as a percentage;

"**open burning**" means the combustion of material by burning without a closed system that has a chimney to vent the emitted products of combustion to the atmosphere;

"**operator**" means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

"**person**" means a natural person or a juristic person;

"**premises**" means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structure, locomotive, boat or other vessel which operates or is present within the area under the jurisdiction of the municipality;

"public nuisance" means an unreasonable interference or likely interference caused by air pollution with:

- (a) the health or well being of the public;
- (b) the ordinary comfort, convenience and peace of the public.

"rubber product" means anything composed of natural or synthetic rubber including anything containing or coated with rubber;

"smoke" means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes soot, grit and gritty particulates emitted in smoke;

"soot blowing" means a method of cleaning deposited carbon from the internal surfaces of fuel burning equipment, which usually includes the use of a jet of air or steam onto heat exchange surfaces to clean deposits;

"spray area" means the area or enclosure referred to in section 20.

2. Purpose and objectives

(1) The objectives of this by-law are to-

- (a) give effect to the environmental right contained in section 24 of the Constitution and the local government mandate contained in Schedule 4B of the Constitution by regulating air pollution within the jurisdictional area of the municipality;
- (b) give effect to the requirements of the Drakenstein Environmental Policy and the Air Quality Management Plan;
- (c) provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the municipality can manage and regulate activities that have the potential to adversely impact the environment, public health and well being; and
- (d) ensure that air pollution is avoided, or where it cannot be altogether avoided, mitigated or minimised.

(2) Any person exercising a power under this by-law must exercise such power to give effect to the objectives as set out in subsection (1) above.

3. Application

- (1) This by-law must be read with any applicable provisions of the Act and the National Framework.
- (2) This by-law applies to all land or premises within the jurisdictional area of the Drakenstein municipality.
- (3) The provisions of this by-law do not remove the need for any other permit, consent, or authorisation required under any other legislation.
- (4) In the event of conflict with another by-law or policy that regulates air pollution, the provisions of this by-law shall prevail in so far as it relates to air quality.

CHAPTER 2: DUTY OF CARE

4. Air pollution duty of care

- (1) Every person who is wholly or partially responsible for causing atmospheric emissions from premises must take all reasonable measures-
 - (a) to prevent any air pollution from occurring; and
 - (b) where it cannot be prevented, to mitigate any air pollution that may occur.
- (2) No person may commit any act or omission which causes or is likely to cause air pollution;

CHAPTER 3

DESIGNATION OF AIR QUALITY OFFICER AND ENVIRONMENTAL MANAGEMENT INSPECTORS

5. Designation of air quality officer and environmental management inspectors

- (1) The city manager must designate an employee of the municipality as air quality officer to be responsible for co-ordinating matters pertaining to air quality management within the jurisdictional area of the municipality.
- (2) The city manager may request the MEC responsible for environment in the Province to designate appropriately qualified officials of the municipality as environmental management inspectors in terms of section 31C of NEMA.

6. Powers and functions of the air quality officer

- (1) The air quality officer must —
 - (a) co-ordinate the development of the air quality management plan for inclusion in the Integrated Development Plan of the municipality;
 - (b) report annually on air quality in the municipality;
 - (c) exercise the powers and duties assigned to him or her under this by-law; and
 - (d) submit the annual report referred to in paragraph (b) to the air quality officer appointed by the MEC responsible for environment in the Province.
- (2) The annual report referred to in subsection (1)(b) must include the progress of the municipality towards the implementation of the air quality management plan.

7. Powers and functions of designated environmental management inspectors

A designated environmental management inspector shall, within his or her mandate as determined by the MEC, have all the powers and functions as set out in sections 31G to 31L of NEMA.

CHAPTER 4

LOCAL EMISSION STANDARDS, NORMS AND STANDARDS AND SMOKE CONTROL ZONES

Part 1: Local Emission Standards

8. Identification of Substances and Development of Local Emission Standards

- (1) The municipality may, by notice:
 - (a) identify substances or mixtures of substances in ambient air which, through ambient concentrations, bioaccumulation, deposition or in any other way, present a threat to health, well-being or the environment in the municipality or which the air quality officer reasonably believes present such a threat; and
 - (b) in respect of each of those substances or mixtures of substances, publish local standards for emissions from point, non-point or mobile sources in the municipality.
- (2) The municipality must take the following factors into consideration in setting local emission standards:
 - (a) health, safety and environmental protection objectives;
 - (b) analytical methodology;

- (c) technical feasibility;
 - (d) monitoring capability;
 - (e) socio-economic consequences;
 - (f) ecological role of fire in vegetation remnants; and
 - (g) best practicable environmental option.
- (3) Any person emitting substances or mixtures of substances referred to in subsection (1) must comply with the emission standards established in terms of this section.

Part 2: Norms and Standards

9. Substances identification process

- (1) The municipality must apply the following criteria when identifying and prioritising the substances in ambient air that present a threat to public health, well-being or the environment:
- (a) the possibility, severity and frequency of effects with regard to human health and the environment as a whole, with irreversible effects being of special concern;
 - (b) ubiquitous and high concentrations of the substance in the atmosphere;
 - (c) potential environmental transformations and metabolic alterations of the substance, as these changes may lead to the production of chemicals with greater toxicity or introduce other uncertainties;
 - (d) persistence in the environment, particularly if the substance is not biodegradable and able to accumulate in humans, the environment or food chains;
 - (e) the impact of the substance, taking the following factors into consideration:
 - (i) size of the exposed population, living resources or ecosystems;
 - (ii) the existence of particularly sensitive receptors in the zone concerned; and
 - (f) substances that are regulated by international conventions.
- (2) The municipality must, using the criteria set out in subsection (1), compile a list of substances in ambient air that present a threat to public health, well-being or the environment.

10. Declaration of air pollution control zones

- (1) The municipality may-
- (a) declare air pollution control zones within its area of jurisdiction ; and
 - (b) within the air pollution control zone, by notice in the Provincial Gazette-
 - (i) prohibit or restrict the emission of one or more air pollutants from all premises or certain premises;
 - (ii) prohibit or restrict the combustion of certain types of fuel;
 - (iii) declare smokeless zones, in which smoke with an obscuration of more than 10% may not be emitted;
 - (iv) prescribe different requirements in an air pollution control zone relating to air quality in respect of:
 - (aa) different geographical portions;
 - (bb) specified premises;
 - (cc) classes of premises;
 - (dd) premises used for specified purposes; or
 - (ee) mobile sources
- (3) The municipality may develop and publish policies and guidelines, including technical guidelines, relating to the regulation of activities which directly and indirectly cause air pollution within an air pollution control zone.

11. Public Participation Process

For the purposes of the publication of the local emission standards and the declaration of air pollution control zones, the municipality must follow the public participation process as set out in section 13 of the Municipal Systems Act, 2000, as amended.

CHAPTER 5**SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS****12. Prohibition of dark smoke from premises**

- (1) Subject to subsections (2) and (3), dark smoke may not be emitted from any premises, other than dwellings, for an aggregate period exceeding three minutes during any continuous period of thirty minutes.
- (2) This section does not apply to dark smoke which is emitted from fuel-burning equipment which occurs within thirty minutes of the equipment being started or while the

equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practical environmental option.

(3) During soot blowing of any fuel burning equipment, dark smoke shall be limited to a period not exceeding 10 minutes in any continuous period of eight hours. Should soot blowing of any fuel burning equipment exceed 10 minutes, the holder shall report the incident to the air quality officer immediately.

(4) Subsections (1), (2) and (3) do not apply to holders of atmospheric emission licences for activities listed in terms of section 21 of the Act, and the emission standards listed in such licence shall apply.

13. Installation and operation of fuel burning equipment

(1) No person may install, alter, extend, replace or cause or permit to be installed, altered, extended or replaced any fuel burning equipment on any premises, unless the plans and specifications in respect of such installation, alteration, extension or replacement have been approved by the municipality.

(2) The municipality may, in the written approval issued in terms of subsection (1), impose conditions with which the applicant must comply, including:

- (a) minimum emission standards;
- (b) minimum chimney diameter and height;
- (c) minimum control measures; and
- (d) maximum hours of operation.

(3) No person may use or operate any fuel-burning equipment on any premises contrary to an authorisation issued in terms of subsection 1 or contrary to any conditions of such authorisation issued in terms of subsection (2).

(4) Where fuel-burning equipment has been used or operated on the premises contrary to subsections (1) or (2), an authorised official may after written notice to the owner or operator of the equipment-

- (a) order the removal of the fuel-burning equipment from the premises at the expense of the owner or operator within the period stated in the notice; or
- (b) revoke his or her authorisation under subsection (1).

- (5) The municipality may, if the owner or operator of the equipment fails to comply with a notice issued in terms of subsection (4), remove the fuel burning equipment from the premises and may recover the reasonable costs incurred from the owner or operator.
- (6) The municipality may take whatever steps necessary to remedy the harm caused by the use or operation of fuel-burning equipment in contravention of this section and recover any costs incurred from the person responsible therefor.

14. Emission measuring

- (1) An authorised official may issue a written notice to any operator of fuel-burning equipment or any owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to conduct emission measurements of specific pollutants in accordance with *Schedule 1* of this by-law, or to install, maintain and operate obscuration measuring equipment at his or her own cost if such official has grounds to believe-
- (a) that unauthorised and unlawful emissions of dark smoke from the relevant premises have occurred;
 - (b) that unauthorised and unlawful emissions of selected pollutants beyond the minimum emission standards authorised from any fuel burning equipment from the relevant premises have occurred;
 - (c) that fuel-burning equipment has been or is intended to be installed on the relevant premises which are likely to emit dark smoke;
 - (d) that the person on whom the notice is served has previously transgressed the provisions of this chapter and has not taken adequate measures to prevent further transgression of the provisions of this chapter; or
 - (e) that the nature of the air pollutants emitted from the relevant premises is likely to create a hazard to human health or the environment.
- (2) A notice issued in terms of subsection (1) must contain the information as set out in section 28 of this by-law.

15 . Monitoring and sampling

An owner or occupier of premises, and the operator of any fuel-burning equipment, who is required to conduct emission measurements or to install obscuration measuring equipment in terms of section 14(1) must-

- (a) record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results; and
- (b) if requested to do so by an authorised official-
 - (i) produce the record of the monitoring and sampling results for inspection; and
 - (ii) provide a written report, in a form and by a date specified by the authorised official, of part or all of the information in the record of the monitoring and sampling results.

16. Temporary exemption

- (1) Subject to section 32 and on application in writing by the owner or occupier of premises or the operator of fuel-burning equipment, the municipality may grant a temporary exemption in writing from one or all the provisions of this Chapter.
- (2) Any exemption granted under subsection (1) must state at least the following-
 - (a) a description of the fuel-burning equipment and the premises on which it is used or operated;
 - (b) the reasons for granting the exemption;
 - (c) the conditions attached to the exemption, if any;
 - (d) the period for which the exemption has been granted; and
 - (e) any other relevant information.
- (3) The municipality may not grant a temporary exemption under subsection (1) until the municipality has-
 - (a) taken reasonable measures to ensure that all persons whose rights may be adversely affected by the granting of the temporary exemption, including adjacent land owners or occupiers, are aware of the application for temporary exemption and how to obtain a copy of it;
 - (b) provided such persons with a reasonable opportunity to object to the application; and
 - (c) duly considered and considered any objections raised.

17. Transitional arrangements in respect of authorised fuel burning equipment

- (1) Subject to section 33(2), fuel burning equipment that was authorised to operate in terms of any by-law of the municipality prior to the commencement of this by-law, continues to be authorised to operate subject to sub section (3).
- (2) During the period for which the authorised fuel burning equipment continues to operate, the provisions of this by-law, read with the necessary changes, apply in respect of-
- (a) the holder of an existing authorisation as if that person is the holder of the authorisation issued in terms of section 13(1) of this by-law; and
 - (b) the existing authorisation as if the authorisation was issued in terms of section 13(1) of this by-law.
- (3) The holder of an existing authorisation must re-apply in terms of subsection 13(1), when such authorisation expires or when required to do so by the municipality.

CHAPTER 6
EMISSIONS CAUSED BY BURNING OF MATERIAL

18. Emissions caused by burning of industrial waste, domestic waste and garden waste on any premises

A person who carries out or permits the burning of any industrial, domestic or garden waste, on any premises, for the purpose of disposing of that waste, is committing an offence unless such waste is legally disposed of in terms of section 26 of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008).

19. Emissions caused by tyre burning and burning of rubber and other material for the recovery of metal

- (1) No person may without written permission by the municipality-
- (a) carry out or permit the burning of any tyres or rubber or other synthetically coated, covered or insulated products and electronic or other equipment on any premises;
 - (b) carry out or permit the burning of any tyres, rubber products, cables or any other products, on any premises for the purpose of recovering the scrap metal or fibre reinforcements, or of disposing of tyres, or the rubber products or cables as waste; or

(c) possess, store, transport or trade in any illegally burnt metal or fibre reinforcement.

(2) The municipality may take whatever steps it considers necessary to remedy the harm caused by the burning referred to in paragraphs (a) and (b) and the possession referred to in paragraph (c), and prevent any occurrence of it, and may recover the costs incurred from the person responsible for causing such harm.

CHAPTER 7

EMISSIONS CAUSED BY SPRAY PAINTING AND MEDIA BLASTING

20. Spray painting emissions

(1) No person may spray, coat, plate, or epoxy-coat any vehicle, article or object with any substance outside an approved spray-painting room or booth without approval of the municipality.

(2) A spray area or spray booth referred to in sub section (1) must be-

- (a) constructed and equipped in accordance with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993); and
- (b) approved by an authorised official, for emissions, mechanical ventilation, noise and any other relevant legislation.

(3) A person who wishes to obtain a spraying authorisation must apply for authorisation in the prescribed manner.

(4) The provisions of any by-law of the municipality relating to Fire Safety shall apply with the necessary changes.

21. Media blasting emissions

(1) A person conducting media blasting, grinding, finishing or similar activity which produce emissions of dust that may be harmful to public health or cause a public nuisance must take control measures to prevent emissions into the atmosphere.

(2) A person undertaking an activity referred to in subsection (1) must implement dust extraction control measures or any alternative control measures approved by the municipality.

CHAPTER 8
EMISSIONS FROM COMPRESSED IGNITION POWERED VEHICLES

22. Prohibition

- (1) No person may drive or use a compressed ignition powered vehicle that emits dark smoke.
- (2) For purposes of this section the registered owner of the vehicle shall be presumed to be the driver unless the contrary is proven.

23. Stopping of vehicles for inspection and testing

- (1) The driver of a vehicle must comply with any reasonable direction given by an authorised official-
 - (a) to stop the vehicle; and
 - (b) to facilitate the inspection or testing of the vehicle.
- (2) The authorised official may-
 - (a) inspect and test the vehicle in which case inspection and testing must be carried out-
 - (i) at or as near as practicable to the place where the vehicle is stopped; and
 - (ii) as soon as practicable after the vehicle is stopped; or
 - (b) conduct a visual inspection of the vehicle and, if he or she believes that an offence has been committed under section 22(1), instruct the driver of the vehicle to take the vehicle to a testing station, within a specified period, for inspection and testing in accordance with section 24.

24. Testing procedure

- (1) An authorised official must use the free acceleration test method to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 22(1).
- (2) The following procedure must be adhered to -
 - (a) the driver must start the vehicle, place it in neutral gear, engage the clutch and disengage the exhaust brake;

- (b) the authorised official or the driver of the vehicle must in less than one second smoothly and completely depress the accelerator throttle pedal of the vehicle;
 - (c) while the throttle pedal is depressed, the authorised official must measure the smoke emitted from the vehicle's emission system with a Hartridge Smoke meter to determine whether or not it is dark smoke; and
 - (d) the throttle pedal of the vehicle must be released when directed to do so by the authorised official.
- (3) If the authorised official is satisfied that the vehicle-
- (a) is not emitting dark smoke, he or she must furnish the driver of the vehicle with a certificate indicating that the vehicle is not being driven or used in contravention of section 22(1); or
 - (b) is emitting dark smoke, the authorised official must issue the driver of the vehicle with a repair notice in accordance with section 25.

25. Repair notice

- (1) A repair notice must direct the owner of the vehicle to take the vehicle to a place identified in the notice for re-testing.
- (2) The repair notice must contain the following information-
- (a) the make, model and registration number of the vehicle;
 - (b) the name, address and identity number of the driver of the vehicle; and, if the driver is not the owner, the name and address of the vehicle owner;
 - (c) the measures required to remedy the situation; and
 - (d) the period within which the owner of the vehicle must comply with the repair notice.
- (3) It shall not be a defence to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

CHAPTER 9

COMPLIANCE AND ENFORCEMENT

26. Compliance Notice

- (1) An authorised official may serve a compliance notice on any person whom he or she reasonably believes is likely to commit or has committed an offence under this by-law, calling upon that person-
- (a) to abate the nuisance or transgression within a period specified in the notice;
 - (b) to take all necessary steps to prevent a recurrence of the nuisance or transgression; and
 - (c) to comply with any other conditions contained in the notice.
- (2) For the purposes of sub section (1), an authorised official may form a reasonable belief based on his or her own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the compliance notice is to be served.
- (3) A notice referred to in sub section (1) must contain the following information-
- (a) the action that constitutes a contravention or non-compliance;
 - (b) the relevant legislative provisions contravened;
 - (c) the measures to be implemented to remedy the situation
 - (d) the time frame within which remedial measures must be executed;
 - (e) the right to make representations; and
 - (f) the possible consequences if the notice is not complied with.
- (4) A compliance notice under sub section (1) may be served-
- (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or

(e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

(5) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

27. Remedial steps

(1) The municipality may take reasonable measures to remedy a condition or situation or to apply to a competent court for appropriate relief should a person fail to comply, or inadequately comply with a notice issued in terms of section 26 or any other provision of this by-law.

(2) The municipality may recover costs for remedial measures undertaken under subsection (1) from any person who is or was responsible for, or who contributed to the transgression.

28. Access to premises and enforcement

(1) An authorised official shall have access to any premises for the purpose of-

- (a) doing anything authorised or required to be done under this by-law or the Act or any other law regulating air quality;
- (b) inspecting and examining atmospheric emissions or anything connected therewith;
- (c) enquiring into and investigating any possible sources of atmospheric emissions or the suitability of property for any work, scheme or undertaking that results in atmospheric emissions;
- (d) ascertaining whether there is or has been contravention of the provisions of this by-law or the Act; and
- (e) enforcing compliance with the provisions of this by-law or the Act.

(2) The municipality may gain access to or over premises without notice and may take whatever steps or action as may reasonably be necessary or desirable in consequence of the existence of or the occurrence of any emergency or disaster.

CHAPTER 10
GENERAL PROVISIONS

29. Indemnity

The municipality shall not be liable for any damage caused to any property or premises by any action or omission of the employees or officials of the municipality when exercising any function or performing any duty in terms of this by-law, provided that such employees or officials must, when exercising such function or performing such duty, take reasonable steps to prevent any damage to such property or premises.

30. Exemptions

- (1) Any person may, in writing, apply to the municipality for exemption from the application of a provision of this by-law.
- (2) The municipality may require an applicant applying for exemption to take steps bring the application to the attention of interested and affected persons.
- (3) The steps contemplated in subsection (3) may include the publication of a notice in at least two newspapers, one circulating provincially and one circulating within the jurisdiction of the municipality-
 - (a) giving reasons for the application; and
 - (b) containing such other particulars concerning the application as may be required.
- (4) The municipality may-
 - (a) review any exemption granted in terms of this section, and may impose such conditions as it may determine; and
 - (b) withdraw any exemption in case of non-compliance with such conditions.
- (5) The municipality may not grant an exemption under subsection (1)-
 - (a) until it has taken reasonable measures to ensure that all persons whose rights may be adversely affected by the granting of the exemption are aware of the application for exemption and how to obtain a copy of it;
 - (b) until it has provided such persons with a reasonable opportunity to object to the application; and
 - (c) until it has duly considered and considered any objections raised.
- (6) The municipality may not grant an exemption under subsection (1) in conflict with the Act or any other legislation or any restriction placed in terms of any other legislation.

31. Offences and penalties

- (1) A person who contravenes sections 4, 12, 13, 15, 18, 19, 20, 21, 22, and 23 is guilty of an offence and upon conviction will be liable to a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment.
- (2) It is an offence to-
- (a) supply false information to an authorised person made in terms of this by-law; or
 - (b) refuse to co-operate with the request of an authorised official made in terms of this by-law or to interfere with an authorised official in the execution of his or her duties.;
 - (c) fail to comply with a notice issued in terms of section 26 of this by-law.
- (3) A court may order any person convicted of an offence under this by-law to pay a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.
- (4) Failure to comply with a notice, direction or condition referred to in this by-law constitutes a continuing offence and a person who is guilty of a continuing offence, is liable on conviction to an additional fine for each day on which such offence is continued.
- (5) In addition to imposing a fine or imprisonment, a court may order any person convicted of an offence under this by-law-
- (a) to remedy the harm caused;
 - (b) to pay damages for harm caused to another person or to property, which order shall have the force and effect of a civil judgment; and
 - (c) to install and operate at the person's own expense emission measuring equipment referred to in section 14.
- (6) In addition to any other penalty the court may impose, it may order a person to take such steps the court considers necessary within a period determined by the court in order to prevent a recurrence of the offence.

32. Appeal

A person whose rights are affected by decision taken in terms of delegated authority may appeal to the city manager against such decision in terms section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) by giving a written notice within 21 days of the date of notification of the decision and the reasons for the appeal.

33. Repeal of by-law and savings

- (1) The Drakenstein Municipality: By-law Relating to Atmospheric Pollution, No 11/2007, published in Provincial Gazette No. 6426 dated 16 March 2007 is hereby repealed.
- (2) Anything done or deemed to have been done under the by-law hereby repealed, remains valid to the extent that it is consistent with this By-law.

34. Short title and commencement

This by-law shall be known as the Drakenstein: Air Quality Management By-law 2021, and shall come into operation on the date of publication thereof in the Provincial Gazette.

Schedule 1**(Section 14)****Standards and specifications for fuel-burning equipment:**

1. All fuel-burning equipment capable of burning more than 100kg/h of coal, biomass or other solid fuel shall be fitted with suitable control equipment to limit dust and grit emissions.
2. The control equipment shall be fitted in such a manner to facilitate easy maintenance.
3. The permitted concentration of grit and dust emissions from a chimney serving a coal fired boiler equipped with any mechanical draught fan system shall not be more than 250 mg/Nm³ (as measured at 0°C, 101,3 kPa and 12% CO₂). Where the fuel-burning equipment has been declared as a Controlled Emitter in terms of the Air Quality Act, the respective Controlled Emitter Regulations shall apply.

The approved methods for testing shall be:

US EPA:

1. Method 17 - In-Stack Particulate (PM).
2. Method 5 - Particulate Matter (PM).

ISO standards:

ISO 9096: Stationary source emissions - Manual Determination of mass concentration of particulate matter.

British standards:

BS 3405:1983 Method for measurement of particulate emission including grit and dust (simplified method).

The municipality reserves the right to call upon the owner or his or her agent of the fuel burning equipment to have the emissions from such fuel burning equipment evaluated at his or her own expense as may be required by the authorised official.

Insulation of chimneys:

All fuel-burning equipment using Heavy Fuel Oil or other liquid fuels with a sulphur content equal to or greater than 2.5 % by weight must be fitted with a fully insulated chimney using either a 25mm air gap or mineral wool insulation to prevent the formation of acid smut. Such chimneys must be maintained in a good state of repair at all times.

Wood-fired pizza ovens and other solid fuel combustion equipment:

Wood-fired pizza ovens and other solid fuel combustion equipment shall be fitted with induced draft fans at the discretion of the authorised official.

**DR J H LEIBBRANDT
CITY MANAGER**

DRAKENSTEIN MUNISIPALITEIT**VERORDENING INSAKE BESTUUR VAN LUGGEHALTE, 2021**

Kragtens die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, bepaal Drakenstein Munisipaliteit as volg:-

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1. Definisies
2. Beginsels en oogmerke
3. Toepassing

HOOFSTUK 2: SORGSAAMHEIDSPLIG

4. Lugbesoedeling sorgsaamheidsplig

**HOOFSTUK 3: AANWYSING VAN LUGGEHALTEBEAMPTE EN
OMGEWINGSBESTUURINSPEKTEURS**

5. Aanwysing van luggehaltebeampte en omgewingsbestuurinspekteurs
6. Bevoegdhede en funksies van luggehaltebeamptes
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**HOOFSTUK 4: PLAASLIKE VRYSTELLINGSTANDAARDE, NORME EN STANDAARDE EN
LUGBESOEDELINGSBEHEERSONES***Deel1: Plaaslike vrystellingstandaarde*

8. Identifisering van stowwe en ontwikkeling van plaaslike vrystellingstandaarde

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20. Spuitverf vrystelling
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ALGEMENE BEPALINGS

29. Skadeloossteling
30. Vrystelling
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32. Appèl
33. Herroeping van verordeninge en behoud
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BYLAE 1: STANDAARDE EN SPESIFIKASIES VIR BRANDSOVERBRANDINGSTOEURUSTING

HOOFSTUK 1: DEFINISIES EN FUNDAMENTELE BEGINSELS

1. Definsies

In hierdie verordening, geniet die Engelse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, het die volgende woorde die volgende betekenis-

"atmosfeer" beteken lug wat nie deur 'n gebou, masjien, skoorsteen of ander sodanige struktuur omsluit word nie;

"atmosferiese uitlating" of **"uitlating"** beteken energie of stof of kombinasie van stowwe voortspruitend uit 'n aangewese, nie-aangewese of mobiele bron wat lugbesoedeling veroorsaak;

"brandstofverbrandingstoerusting" beteken enige smeltoond, stoomketel, verbrandingsoond, of ander toerusting, insluitende 'n skoorsteen wat-

- (a) ontwerp is of in staat is om vloeistof, gas of vaste gas te verbrand;
- (b) gebruik word om deur verbranding weg te doen met enige materiaal of afval; of
- (c) gebruik word om vloeistof, gas of vaste gas bloot te stel aan enige proses waar hitte aangewend word;

"donker rook" beteken rook wat 'n digtheid van 60 Hartridge rookeenhede of meer het, of rook, wanneer dit gemeet word met 'n lig absorpsiemeter, verduisteringsmeetapparaat of ander soortgelyke toerusting, en dit 'n verduistering van meer as 20% het.

"gemagtigde beampte" beteken enige persoon deur die munisipaliteit gemagtig om die bepalings van hierdie verordening te implementeer en sluit in 'n amptenaar wat gedelegeer is om sodanige funksies of magte uit te voer;

"kompressieontsteking aangedreve voertuig" beteken 'n voertuig aangedryf deur interne verbranding, kompressieontsteking, diesel of petrolaangedreve enjin;

"ligabsorpsiometer" beteken 'n meetinstrument wat 'n ligselektrische sel of detektor gebruik om die hoeveelheid lig wat deur 'n lugbesoedelde stof geabsorbeer word, te bepaal;

"lugbesoedeling" beteken enige verandering in die omgewing veroorsaak deur enige stof wat in die atmosfeer uitgelaat word deur enige aktiwiteit, waar daardie verandering 'n nadelige uitwerking op menslike gesondheid of welsyn het, of op die samestelling, veerkrag en produktiwiteit van natuurlike of bestuurde ekosisteme, of op materiale wat nuttig is vir mense, of sodanige uitwerking in die toekoms mag hê;

“lugbesoedelingsbeheersone” ’n geografiese gebied wat ingevolge artikel 9 van die verordening tot ’n lugbesoedelingsbeheersone vir die doeleindes van hoofstuk IV van die verordening verklaar word;

“lugbesoedelende stof” beteken enige stof (insluitende maar nie beperk tot stof, rook, walms en gas) wat lugbesoedeling veroorsaak of mag veroorsaak;

“luggehaltebeampte” beteken ’n persoon bedoel in artikel 4 van hierdie verordening;

“luggehaltebestuursplan” die luggehaltebestuursplan waarna artikel 15 van die Wet op Luggehalte verwys;

“mediumstraling” beteken ‘n proses waardeur saamgeperste lug gebruik word om ‘n straal skuurmateriaal teen ’n oppervlak (bekend as stralingsmedium) te dryf deur ’n spuitstuk en sluit in sandstraling en haelstraling;

“munisipaliteit” beteken die Drakenstein Munisipaliteit en sluit enige politieke strukture, politieke ampsbekleër, behoorlik gemagtigde agent daarvan, of ’n diensverskaffer na gelang van die geval, of ’n werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van ’n bevoegdheid wat in die munisipaliteit berus en gedelegeer aan sodanige politieke strukture, politieke ampsbekleër, agent of werknemer;

“munisipale bestuurder” beteken ’n persoon as sulks deur die munisipaliteit aangestel ingevolge artikel 54A van die Munisipale Stelelwet, 2000 (Wet 32 van 2000);

“nadelige uitwerking” beteken enige werklike of potensiële impak op die omgewing wat die omgewing of enige aspek daarvan benadeel of sal benadeel, tot ’n mate dat dit meer as onbeduidend of onbelangrik is;

“Nasionale Raamwerk” beteken die Nasionale Raamwerk vir bestuur van liggehalte in die Republiek van Suid Afrika, soos saamgestel ingevolge die Wet;

“omgewing” beteken die omgewing waarin mense bestaan en wat bestaan uit -

(a) die grond, water en atmosfeer van die aarde;

(b) mikro-organismes, plant- en dierelewé;

(c) enige deel of kombinasie van (a) en (b) en die onderlinge verhouding tussen hulle; en

(d) die fisiese, chemiese, estetiese en kulturele eienskappe en toestande van die voorgenoemde wat menslike gesondheid en welsyn beïnvloed;

“omgewingsbestuurinspekteur” beteken ’n omgewingsbestuurinspekteur soos bedoel in artikel 31C van die Wet op Nasionale Omgewingsbestuur, 1998, (Wet 107 van 1998);

“omringende lug” dieselfde as in artikel 1 van die Wet op Luggehalte;

“oopverbranding” beteken die verbranding van materiaal sonder 'n skoorsteen om die produkte wat deur verbranding uitgelaat word in die atmosfeer vry te laat, en **“verbranding in die ope”** het 'n ooreenstemmende betekenis;

“openbare oorlas” beteken 'n onredelike inmenging of waarskynlike inmenging veroorsaak deur lugbesoedeling in-

- (a) die gesondheid of welsyn van enige persoon of lewende organisme; of
- (b) die gebruik of genot deur 'n eienaar of okkuperdeer van sy of haar eiendom;
- (c) die gewone gemak, gerief, vrede of stilte van 'n ander persoon; en
- (d) die natuurlike toestand van die omgewing;

“operator” beteken 'n persoon wat 'n onderneming besit of bestuur, of wat 'n bedrywigheid of proses wat lugbesoedelende stowwe vrystelling, beheer;

“perseel” beteken enige gebou of ander struktuur tesame met die grond waarop dit geleë is en enige aangrensende grond bewoon of gebruik ten opsigte van enige aktiwiteite wat in daardie gebou of struktuur plaasvind, en sluit in enige grond sonder enige geboue of ander strukture en enige lokomotief, skip, boot of ander vaartuig wat bedryf of teenwoordig is in die gebied onder die jurisdiksie van die munisipaliteit of die gebied van enige hawe;

“persoon” beteken 'n natuurlike persoon of 'n regspersoon of entiteit;

“roetblasing” beteken 'n metode om koolstofneerslag vanaf die interne oppervlakte van brandstofverbrandingstoerusting te verwijder deur middel van 'n lugstraal of stoomstraal op hitte oppervlaktes;

“rubber produk” beteken enigiets saamgestel uit natuurlike of sintetiese rubber insluitend enigiets wat rubber bevat of met rubber bedek is;

“rook” beteken die gasse, fyn deeltjies en produkte van verbranding wat in die atmosfeer uitgelaat word as materiaal verbrand word of blootgestel word aan hitte en sluit in die roet, gruis en sanderige deeltjies wat in rook uitgelaat word;

“skoorsteen” beteken enige struktuur of opening van enige aard vanwaar of waardeur enige lugbesoedelende stowwe uitgelaat mag word;

“spuitgebied” 'n gebied of ingesloten area waarna artikel 20 verwys en wat vir spuitverfwerk gebruik word, en **“spuitkamer”** het 'n ooreenstemmende betekenis;

“stof” beteken enige soliede deel in 'n fyn of gedisintegreerde vorm wat in staat is om in die atmosfeer versprei of gesuspender te word;

“verduistering” die verhouding van sigbare lig wat verswak is deur lugbesoedelende stowwe wat in die uitvloeistrome sweef, tot die inval van sigbare lig, uitgedruk as ‘n persentasie;

“voertuig” beteken enige motor, kar, motorvoertuig, motorfiets, bus, vragmotor of ander vervoermiddel wat heeltemal of gedeeltelik aangedryf word deur enige vlugtige brandstof, stoom, gas of olie, of op enige ander wyse behalwe menslike of dierkrag;

“vrye versnellingstoets” beteken die metode beskryf in artikel 22 van hierdie verordening wat gebruik word om te bepaal of voertuie teenstrydig met artikel 20 bestuur of gebruik word;

“Wet” beteken die Nasionale Omgewingsbestuur: Wet op Luggehalte, 2008 (Wet 39 van 2008);

“woning” beteken enige gebou of ander struktuur, of deel van ‘n gebou of struktuur, wat as ‘n woonhuis gebruik word, en enige buitegeboue aanvullend daartoe;

“WNOB” beteken die Wet op Nasionale Omgewingsbestuur, 1998, (Wet 107 van 1998);

2. Beginsels en oogmerke

(1) Die doel van hierdie verordening is om-

- (a) uitvoering te gee aan die reg vervat in artikel 24 van die Grondwet asook die plaaslike regeringsmandaat vervat in Bylae 4B van die Grondwet deur die regulering van luggehalte in die jurisdiksiegebied van die munisipaliteit;
- (b) uitvoering te gee aan die vereistes van die Drakenstein Omgewingsbeleid en die Luggehaltebestuursplan;
- (c) in ooreenstemming met enige ander toepaslike wetgewing ‘n effektieweregs- en administratiewe raamwerk daar te stel waarbinne die munisipaliteit aktiwiteite wat die vermoë het om die omgewing asook openbare gesondheid nadelig te beïnvloed, te bestuur en te reguleer; en
- (d) te verseker dat lugbesoedeling voorkom word en waar dit nie volkome voorkom kan word nie, dit te verminder of te versag.

(2) Enige person wat ‘n funksie kragtens hierdie verordening verrig, moet dit doen met die doel om uitvoering te gee aan die oogmerke uiteengesit in subartikel (1).

3. Toepassing

- (1) Hierdie verordening moet saamgelees word met die toepaslike bepalings van die Wet en die Nasionale Raamwerk.
- (2) Hierdie verordening is van toepassing op alle grond of persele bunne die jurisdiksiegebied van die munisipaliteit.
- (3) Hierdie verordening verwyder nie die noodsaaklikheid om 'n permit, toestemming of magtiging te verkry wat kragtens enige ander wetgewing benodig word nie.
- (4) In die geval van konflik met enige ander verordening of beleid wat lugbesoedeling beheer, sal die bepalings van hierdie verordening geld vir sover dit betrekking het op luggehalte.

HOOFSTUK 2: SORGSAAMHEIDSPLIG

4. Lugbesoedeling sorsaamheidsplig

- (1) Enige persoon wat in geheel of gedeeltelik atmosferiese uitlatings maak vanaf 'n perseel moet alle redelike maatreëls neem-
 - (a) om te verhoed dat enige lugbesoedeling plaasvind; en
 - (b) waar dit nie voorkom kan word nie, dit sover moontlik te verminder.
- (2) Niemand mag 'n daad pleeg wat lugbesoedeling veroorsaak of mag veroorsaak nie of nalaat om dit te voorkom nie.

HOOFSTUK 3: AANWYSING VAN LUGGEHALTEBEAMPTE EN OMGEWINGSBESTUURINSPEKTEURS

5. Aanwysing van luggehaltebeamppe en omgewingsbestuurinspekteurs

- (1) Die munisipale bestuurder moet 'n beamppe van die munisipaliteit aanwys as luggehaltebeamppe wat verantwoordelik sal wees vir die koördinering van aangeleenthede wat met luggehalte verband hou in die munisipaliteit se regsgebied.
- (2) Die munisipale bestuurder mag die LUR verantwoordelik vir luggehalte in die Provincie versoek om beamptes van die munisipaliteit as omgewingsbestuurinspekteurs ingevolge artikel 31C van die WNOB aan te wys.

6. Bevoegdhede en funksies van die luggehaltebeampte

- (1) Die luggehaltebeampte moet-
 - (a) die ontwikkeling van 'n luggehaltebestuursplan vir insluiting in die munisipaliteit se Geïntegreerde Ontwikkelingsplan, koördineer;
 - (b) jaarliks verslag doen oor luggehalte in die munisipaliteit;
 - (c) die bevoegdhede en funksies ingevolge hierdie verordening aan hom of haar opgedra, uitvoer; en
 - (d) die jaarverslag genoem in paragraaf (b) voorlê aan die luggehaltebeampte aangewys deur die LUR verantwoordelik vir luggehalte in die Provinsie.
- (2) Die jaarverslag genoem in subartikel (1)(b) moet aandui watter vordering gemaak is met die implementering van die luggehaltebestuursplan.

7. Bevoegdhede en funksies van aangewese omgewingsbestuurinspekteurs

'n Aangewese omgewingsbestuurinspekteur het die bevoegdhede en funksies soos uiteengesit in artikels 31G tot 31L van die WNOB.

HOOFSTUK 4: PLAASLIKE VRYSTELLINGSTANDAARDE, NORME EN STANDAARDE EN LUGBESOEDELINGSBEHEERSONES

Deel 1: Plaaslike vrystellingstandaarde

8. Identifikasie van stowwe en ontwikkeling van plaaslike vrystellingstandaarde

- (1) Die munisipaliteit mag deur middel van kennisgwing -
 - (a) stowwe of mengsels stowwe in die omringende lug identifiseer wat deur omringende konsentrasies, bioakkumulasie, afsetting of op enige ander manier 'n bedreiging vir gesondheid, welstand of die omgewing in die regsgebied van die munisipaliteit inhoud, of wat na die luggehaltebeampte se redelike oordeel sodanige bedreiging inhoud; en
 - (b) met betrekking tot elk van daardie stowwe of mengsels van stowwe plaaslike standaarde vir uitlating van punt-, nie-punt- of mobiele bronne in die regsgebied van die munisipaliteit publiseer.
- (2) In die vasstelling van plaaslike vrystellingstandaarde mag die munisipaliteit die volgende faktore in ag neem:
 - (a) gesondheid-, veiligheid- en omgewingsbeskermingsdoelwitte;

- (b) ontledingsmetodologie;
 - (c) die tegniese uitvoerbaarheid;
 - (d) moniteringsvermoë;
 - (e) sosio-ekonomiese gevolge;
 - (f) die ekologiese rol van brande by plantreste; of
 - (g) die beste praktyk omgewingskeuse.
- (3) Enige persoon wat stowwe of mengsels van stowwe vrystel waarna subartikel (1) hierbo verwys word, moet voldoen aan die plaaslike vrystellingstandaarde wat ingevolge hierdie verordening gepubliseer word.

Deel 2: Norme en standaarde

9. Proses vir identifikasie van stowwe

- (1) Vir die identifikasie en prioritisering van die stowwe in die omringende lug wat 'n bedreiging vir openbare gesondheid, welstand of die omgewing inhou, moet die munisipaliteit die volgende in ag neem-
- (a) die moontlikheid, erns en frekwensie van die uitwerking op mense se gesondheid en die omgewing in die geheel, veral onomkeerbare uitwerkings;
 - (b) alomteenwoordige en hoë konsentrasies van die stof in die atmosfeer;
 - (c) moontlike omgewingstransformasies en metaboliese veranderinge in die stof, aangesien sodanige veranderinge tot die produksie van chemikalieë met groter toksiese nawerking kan lei of ander onsekerhede meebring;
 - (d) volharding in die omgewing, veral indien die stof nie bioafbreekbaar is nie en in mense, die omgewing of voedselkettings kan opbou;
 - (e) die impak van die stof, gedaglig aan die volgende faktore-
 - (i) die omvang van die bevolking, lewende hulpbronne of ekosisteme;
 - (ii) die bestaan van bepaalde sensitiewe reseptore in die betrokke sone; en
 - (f) stowwe wat deur internasionale konvensies gereël word.
- (2) Die luggehaltebeampte moet, aan die hand van die maatstawwe in subartikel (1), 'n lys opstel van stowwe in die omringende lug wat 'n bedreiging vir openbare gesondheid, welstand of die omgewing inhou.

10. Verklaring van lugbesoedelingsbeheersone

- (1) Die munisipaliteit mag-
- (a) binne sy reggebied lugbesoedelingsbeheersones verklaar; en
 - (b) binne die lugbesoedelingsbeheersone deur middel van kennisgewing in die Provinciale Koerant -
 - (i) die vrystelling van een of meer lugbesoedelende stowwe van alle of sekere persele verbied of beperk;
 - (ii) die verbranding van sekere soorte brandstof verbied of beperk;
 - (iii) rookvrye sones verklaar waarin rook met 'n verduistering van meer as 10% nie toegelaat word nie;
 - (iv) verskillende luggehaltevereistes in 'n lugbesoedelingsbeheersone voorskryf met betrekking tot-
 - (aa) verskillende geografiese gedeeltes;
 - (bb) bepaalde persele;
 - (cc) klasse persele;
 - (dd) persele wat vir bepaalde doeleindes gebruik word; of
 - (ee) mobiele bronne.

(3) Die munisipaliteit mag beleid en riglyne, waaronder tegniese riglyne, opstel en publiseer met betrekking tot die regulering van aktiwiteite wat regstreeks of onregstreeks lugbesoedeling in 'n lugbesoedelingsbeheersone veroorsaak.

11. Publieke deelnameproses

Die munisipaliteit moet, vir die doeleindes van publikasie van die plaaslike vrystellingstandarde asook die verklaring van lugbesoedelingbeheersones, 'n publike deelnameproses volg soos voorgeskryf in artikel 13 van die Municipale Stelselwet, 2000.

HOOFTUK 5: ROOKVRYSTELLING VAN PERSELE ANDER AS WONINGS

12. Verbod op donker rook vanaf persele

- (1) Behoudens subartikel (2) mag rook nie van enige perseel, uitgesonderd woonpersele, vrygestel word vir 'n totale tydperk wat drie minute oorskry gedurende enige aaneenlopende tydperk van dertig minute nie.

(2) Hierdie artikel is nie van toepassing op rook wat uit brandstofverbrandingstoerusting vrygestel word wat ontstaan wanneer die toerusting aangeskakel word of wanneer die toerusting nagesien of herstel word nie, of in afwagting om nagesien of herstel te word nie, tensy sodanige vrystelling voorkom kon word deur die gebruik van die beste praktyk omgewingsopsie.

(3) Gedurende roetblasing van brandstofverbrandingstoerusting of abnormale toestande, moet donker rook beperk word tot 'n maksimum periode van 10 minute in enige aaneenlopende tydperk van agt ure. Indien roetblasing langer duur as 10 minute, moet die eienaar die luggehalte beampete onmiddellik in kennis stel.

(4) Subartikels (1), (2) en (3) is nie van toepassing op die houers van lisensies vir atmosferiese vrystellings vir aktiwiteite wat ingevolge artikel 21 van die Wet op Luggehalte gelys word nie, en die vrystellingstandarde wat in sodanige lisensies vir atmosferiese vrystellings bepaal word, sal geld.

13. Installering en bedryf van brandstofverbrandingstoerusting

(1) Niemand mag op enige perseel enige brandstofverbrandingstoerusting installeer, verander, uitbrei of vervang sonder die skriftelike magtiging van die munisipaliteit nie, wat slegs toegestaan mag word na oorweging van die betrokke planne en spesifikasies.

(2) Die munisipaliteit mag tydens goedkeuring ingevolge subartikel (1) voorwaardes neergelê, wat mag insluit-

- (a) minimum vrystellingstandarde;
- (b) minimum skoorsteen deursnee en hoogte;
- (c) minimum beheermaatreëls; en
- (d) maksimum bedryfsure.

(3) Niemand mag brandstofverbrandingstoerusting gebruik of bedryf teenstryding met die goedkeuring ingevolge subartikel (1) of die voorwaardes neergelê in subartikel (2) nie.

(4) Waar brandstofverbrandingstoerusting op 'n perseel geberuik of bedryf word teenstrydig met subartikels (1) en (2), mag die munisipaliteit, by skriftelike kennisgewing aan die eienaar of gebruiker van die toerusting-

- (a) opdrag gee dat die brandstofverbrandingstoerusting van die perseel verwijder word op die eienaar of operateur se koste binne die tydperk aangedui in die kennisgewing; of
- (b) die goedkeuring ingevolge subrtikel (1) terugtrek.

(5) Die munisipaliteit mag, indien die eienaar of operateur versuim om te voldoen aan 'n kennisgewing uitgereik ingevolge subartikel (4), die brandstofverbrandingstoerusting van die

perseel verwijder en die koste daarvan van die eienaar of operateur verhaal.

(6) Die munisipaliteit mag die stappe neem wat dit nodig ag om skade veroorsaak deur die gebruik of bedryf van brandstofverbrandingstoerusting teenstrydig met hierdie artikel te herstel en die koste daarvan te verhaal van die persoon verantwoordelik daarvoor.

14. Vrystellingsmeting

(1) 'n Gemagtigde beampete mag kennis gee aan enige operateur van brandstofverbrandingstoerusting of enige eienaar of okkuperdeer van 'n perseel waarop brandstofverbrandingstoerusting gebruik of bedryf word om vrystellingsmeting van spesifieke besoedelingstowwe te onderneem in ooreenstemming met *Bylae 1* tot hierdie verordening, of om op sy of haar koste meettoerusting te installeer, in stand te hou en te bedryf, indien gemelde beampete gronde het om te glo dat-

- (a) ongemagtigde en onwettige vrystelling van rook vanaf die betrokke perseel plaasvind;
- (b) ongemagtigde en onwettige vrystellings van gekose besoedelingstowwe wat meer is as die minimum vrystellingstandaarde goedgekeur vir brandstofverbrandingstoerusting, vanaf die perseel plaasgevind het;
- (c) brandstofverbrandingstoerusting geïnstalleer is of beoog om geïnstalleer te word wat volgens die mening van 'n gemagtigde beampete donker rook sal vrystel;
- (d) die persoon aan wie die kennisgewing beteken is reeds vantevore die bepalings van hierdie hoofstuk oortree het en nie voldoende maatreëls geneem het om verdere oortreding van die bepalings van hierdie hoofstuk te voorkom nie; of

- (e) die aard van die lugbesoedelende stowwe wat van die betrokke perseel vrygestel word, waarskynlik 'n gevaar of oorlas vir menslike gesondheid of die omgewing inhoud.
- (2) 'n Kennisgewing uitgereik ingevolge subartikel (1) moet die inligting soos voorgeskryf in artikel 28 van hierdie verordening bevat.

15. Monitering en toetsing

'n Okkuperdeer of eienaar van 'n perseel, en die operateur van enige brandstofverbrandingstoerusting van wie vereis word om lugbesoedelingmeettoerusting ingevolge artikel 14(1) te installer, moet-

- (a) alle monitering- en toetsresultate aanteken en 'n afskrif van hierdie rekord vir ten minste vier jaar nadat die resultate verkry is, in stand hou; en
- (b) indien deur 'n gemagtigde beampete versoek word om dit te doen-
 - (i) die rekord van die monitering- en toetsresultate vir inspeksie toon; en
 - (ii) 'n skriftelike verslag bevattende 'n deel of al die inligting in die rekord van monitering, in 'n formaat en teen 'n datum gespesifiseer deur die gemagtigde beampete, te voorsien.

16. Tydelike vrystelling

- (1) Onderworpe aan artikel 32 en by ontvangs van 'n gemotiveerde skriftelike aansoek van die eienaar of okkuperdeer van 'n perseel of die operateur van brandstofverbrandingstoerusting, mag die munisipaliteit skriftelik tydelike vrystelling van een van of al die bepalings van hierdie hoofstuk toestaan.
- (2) Enige vrystelling wat ingevolge subartikel (1) toegestaan word, moet ten minste die volgende bevat:

- (a) 'n beskrywing van die brandstofverbrandingstoerusting en die perseel waar dit gebruik of hanteer word;
- (b) die redes waarom die vrystelling toegestaan word;
- (c) die voorwaardes verbonde aan die vrystelling, indien enige;
- (d) die tydperk waarvoor die vrystelling toegestaan word; en
- (e) enige ander tersaaklike inligting.

(3) Die munisipaliteit mag nie 'n tydelike vrystelling ingevolge subartikel (1) toestaan nie tensy die munisipaliteit-

- (a) redelike maatreëls getref het om te verseker dat alle persone wie se regte deur die toestaan van die tydelike vrystelling benadeel kan word, insluitend aanliggende grondeienaars of okkypeerders, bewus is van die aansoek om tydelike vrystelling sowel as van hoe om 'n afskrif daarvan te bekom;
- (b) sodanige persone 'n redelike geleentheid gegun het om teen die aansoek beswaar te maak; en
- (c) enige besware wat ontvang is behoorlik oorweeg en in ag geneem het.

17. Oorgangsmaatreëls ten opsigte van brandstofverbrandingstoerusting

- (1) Behoudens artikel 33(2), mag brandstofverbrandingstoerusting wat gemagtig is ingevolge enige verordening van die munisipaliteit voor inwerkingtrede van hierdie verordening, steeds bedryf word, onderhewig aan subartikel (3).
- (2) Gedurende die tydperk wat gemagtigde brandstofverbrandingstoerusting bedryf word, geld die bepalings van hierdie verordening met die nodige wysigings ten opsigte van
 - (a) die houer van 'n bestaande magtiging asof dit die persoon is wat ingevolge artikel 13(1) van hierdie verordening gemagtig is; en
 - (b) die bestaande magtiging asof dit ingevolge artikel 13(1) van hierdie verordening uitgereik is.
- (3) Die houer van 'n bestaande magtiging moet heraansoek doen ingevolge artikel 13(1) wanneer sodanige magtiging verstryk of wanneer daartoe versoek deur die munisipaliteit.

HOOFSTUK 6: VRYSTELLING VEROORSAAK DEUR VERBRANDING VAN MATERIAAL

18. Vrystelling veroorsaak deur verbranding van nywerheidsafval, huishoudelike afval en tuinafval

Iemand wat nywerheidsafval, huishoudelike afval of tuinafval op enige perseel brand of toelat dat dit verbrand word met die doel om daarmee weg te doen, pleeg 'n misdryf tensy die wegdoening regmatig geskied ingevolge artikel 26 van die Nasionale Omgewingsbewaring: Wet of Vaste Afval, 2008 (Wet 59 van 2008).

19. Vrystellings as gevolg van die verbranding van bande, rubber en ander materiaal vir metaalherwinning

- (1) Niemand mag sonder die toestemming van die munisipaliteit op enige perseel–
 - (a) enige bande, rubberprodukte, kabels, sinteties bedekte of geïsoleerde produkte, toerusting of enige ander soortgelyke produk verbrand of laat verbrand nie;
 - (b) bande, rubberprodukte, kabels of enige ander produkte op enige pereel verbrand met die oog op metaalherwinning of die wegdoening daarmee as afval nie; of
 - (c) enige verbrande metaal wat as gevolg van ongemagtigde verbranding herwin is, besit, berg, vervoer of verhandel nie.
- (2) Die munisipaliteit mag die stappe neem wat dit nodig ag om die skade te herstel wat veroorsaak is deur verbranding waarna in paragrawe (a) en (b) verwys word asook die besit in paragraaf (c) en die voorkoming van 'n herhaling daarvan, en mag koste verhaal van die persoon verantwoordelik vir die skade.

HOOFSTUK 7: VRYSTELLINGS VEROORSAAK DEUR SPUITVERF EN MEDIUM STRALING

20. Sputieverf vrystelling

- (1) Niemand mag sonder die toestemming van die munisipaliteit buite 'n goedgekeurde sputitgebied of -kamer enige sproei, deklaag, plateerlaag of epoksilaag op enige voertuig, item of voorwerp aanbring, of toelaat dat dit aangebring word, of enige soortgelyke aktiwiteit uitvoer nie;
- (2) 'n Sputitgebied of -kamer waarna subartikel (1) verwys, moet–
 - (a) opgerig en toegerus word ooreenkomstig die algemene veiligheidsregulasies wat ingevolge die Wet op Beroepsgesondheid en -veiligheid, 1993 (Wet 85 van 1993) afgekondig is; en
 - (b) met betrekking tot vrystellings, meganiese ventilasie en geraas goedgekeur word deur die gemagtigde amptenaar en enige ander tersaaklike departement wat enige ander wet vereis.
- (3) Iemand wat goedkeuring vir sputieverf benodig, moet op die voorgeskrewe wyse daarvoor aansoek doen.
- (4) Die bepalings van enige verordening van die munisipaliteit met betrekking tot Brandveiligheid, geld met die nodige wysigings.

21. Mediumstraling vrystellings

- (1) Iemand wat mediumstraling, slypwerk, skrynwerk of enige soortgelyke aktiwiteit onderneem wat stofvrystellings tot gevolg het wat openbare gesondheid kan benadeel of 'n steurnis veroorsaak, moet beheermaatreëls instel om vrystellings in die atmosfeer te voorkom.
- (2) Iemand wat 'n aktiwiteit ingevolge subartikel (1) onderneem moet maatreëls tref om stofontrekking te beheer of alternatiewe maatreëls tref soos deur die munisipaliteit goedgekeur.

HOOFSTUK 8: UITLATING VAN KOMPRESSIE ONTSTEKING AANGEDREWE VOERTUIE

22. Verbod

- (1) Niemand mag 'n kompressieontsteking aangedreve voertuig wat donker rook vrystel, bestuur of gebruik nie.
- (2) Vir doeleinades van hierdie artikel sal vermoed word dat die geregistreerde eienaar van die voertuig die bestuurder is tensy die teendeel bewys word.

23. Stop van voertuie vir inspeksie en toetsing

- (1) Die bestuurder van 'n voertuig moet voldoen aan enige redelike opdrag wat deur 'n gemagtigde beampete gegee word-
- om die voertuig te stop; en
 - die inspeksie of toets van die voertuig te vergemaklik.
- (2) 'n Gemagtigde beampete mag-
- die voertuig inspekteer en toets, in welke geval inspeksie en toetsing uitgevoer moet word-
 - op of so naby as moontlik aan die plek waar die voertuig gestop is; en
 - so gou as moontlik nadat die voertuig gestop is; of
 - 'n visuele inspeksie van die voertuig uitvoer en indien hy of sy glo dat 'n misdryf begaan is ingevolge artikel 22(1), die bestuurder van die voertuig skriftelik opdrag gee om die voertuig na 'n toetstasie te neem, binne 'n gespesifiseerde tydperk, vir inspeksie en toetsing ooreenkomsdig artikel 24.

24. Toetsprosedure

- (1) 'n Gemagtigde beampete moet die vrye versnellingstoets metode gebruik om te bepaal of 'n kompressieontsteking aangedreve voertuig bestuur of gebruik word teenstrydig met artikel 22(1).
- (2) Die volgende prosedure moet nagekom word-
- die bestuurder moet die voertuig aanskakel, dit in neutrale rat oorsit, die koppelaar aktiveer en die vrystellingrem de-akteer;
 - die gemagtigde beampete of die bestuurder van die voertuig moet in minder as een sekonde die voertuig se versnellerpedaal geleidelik heeltemal intrap;
 - terwyl die versnellerpedaal ingetrap is, moet die gemagtigde beampete die rook wat uit die voertuig se vrystellingstelsel uitgelaat word, met 'n Hartridge Rookmeter meet ten einde te bepaal of dit donker rook is al dan nie; en
 - die voertuig se versnellerpedaal moet losgelaat word wanneer opdrag deur die gemagtigde beampete gegee is om dit te doen.
- (3) Indien die gemagtigde beampete tevrede is dat die voertuig-
- nie donker rook vrystel nie, moet hy of sy 'n sertifikaat aan die voertuigbestuurder voorsien wat aandui dat die voertuig nie strydig met artikel 22(1) bestuur of gebruik word nie; of
 - donker rook vrystel, moet hy of sy 'n herstelkennisgewing uitreik ooreenkomstig artikel 25.

25. Herstelkennisgewing

- (1) 'n Herstelkennisgewing moet die eienaar van die voertuig beveel om die voertuig na 'n plek in die kennisgewing geïdentifiseer te neem vir hertoetsing.
- (2) Die herstelkennisgewing moet die volgende inligting bevat:
- die fabrikaat, model en registrasienommer van die voertuig;
 - die naam, adres en identiteitsnommer van die bestuurder van die voertuig, en as die bestuurder nie die eienaar is nie, die naam en adres van die voertuig eienaar;
 - die maatreëls wat vereis word om die situasie reg te stel; en
 - die tydperk waarbinne die eienaar van die voertuig aan die herstelkennisgewing moet voldoen.

- (3) Dit sal nie 'n verweer wees om te beweer dat die bestuurder van die voertuig versuim het om die herstelkennisgewing onder die eienaar van daardie voertuig se aandag te bring nie.

HOOFSTUK 9: NAKOMING EN AFDWINGING

26. Kennisgewing van nakoming

- (1) 'n Gemagtigde beampete mag 'n kennisgewing op enige persoon beteken wat hy of sy redelikerwys glo waarskynlik 'n oortreding sal begaan of reeds begaan het ingevolge hierdie verordening, wat daardie persoon versoek-
- (a) om die oorlas of oortreding binne 'n tydperk gespesifiseer in die kennisgewing te verwijder of reg te stel;
 - (b) om al die nodige stappe te doen om 'n herhaling van die oorlas of oortreding te voorkom; en
 - (c) om te voldoen aan enige ander voorwaardes vervat in die kennisgewing.
- (2) Vir doeleindes van subartikel (1), mag die gemagtigde beampete 'n redelike oortuiging vorm gebaseer op sy eie waarneming dat 'n lugbesoedelende stof vrygestel is vanaf 'n perseel wat die eiendom is of geokkupeer word deur die persoon op wie die voldoeningskennisgewing beteken word.
- (3) 'n Kennisgewing uitgereik ingevolge subartikel (1) moet die volgende inligting bevat-
- (a) die handeling of versuim wat 'n oortreding of nie-nakoming uitmaak;
 - (b) die betrokke wetsbepalings wat oortree is;
 - (c) die maatreëls wat in plek gestel moet word om die oortreding of nie-nakoming reg te stel;
 - (d) die tydsraamwerk waarbinne regstellende stappe geneem moet word;
 - (e) die reg om vertoë te lewer; en
 - (f) die moontlike gevolge van nie-nakoming.
- (4) 'n Voldoeningskennisgewing ingevolge subartikel (1) word geag beteken te wees-
- (a) wanneer dit persoonlik aan daardie persoon afgelewer is;
 - (b) wanneer dit by daardie persoon se woning of sake-onderneming in die Republiek gelaat is by 'n persoon wat klaarblyklik oor die ouderdom van sestien jaar is;

- (c) wanneer dit per geregistreerde of gesertifiseerde pos aan daardie persoon se laaste bekende woon- of sake-adres in die Republiek gepos is en 'n bewys van die pos daarvan van die posdiens verkry is;
 - (d) indien daardie persoon se adres in die Republiek onbekend is, wanneer dit op daardie persoon se agent of verteenwoordiger in die Republiek bestel word op die wyse waarvoor voorsiening gemaak is in paragrawe (a), (b) of (c); of
 - (e) indien daardie persoon se adres en agent of verteenwoordiger in die Republiek onbekend is, wanneer dit op 'n opsigtelike plek op die eiendom of perseel, indien enige, waarop dit betrekking het, opgeplak is.
- (5) Wanneer 'n kennisgewing of ander dokument gemagtig moet word of op die eienaar, inwoner of houer van enige eiendomsreg of reg op enige eiendom bestel moet word, is dit voldoende indien daardie persoon in die kennisgewing of ander dokument beskryf word as die eienaar, inwoner of houer van die betrokke eiendomsreg of reg, en is dit nie nodig om daardie persoon by naam te noem nie.

27. Stappe om 'n oorlas of oortreding te verwyder

- (1) Die munisipaliteit mag redelike stappe neem om 'n toestand of situasie reg te stel, of om by 'n bevoegde hof aansoek te doen om 'n toepaslike bevel indien 'n persoon versuim om te voldoen aan 'n kennisgewing uitgereik ingevolge artikel 26 of enbige ander bepaling van hierdie verordening.
- (2) Die munisipaliteit mag koste verhaal vir regstellende stappe geneem ingevolge subartikel (1) van die persoon wie verantwoordelik was of bygedra het tot die oortreding.

28. Toegang tot persele en afdwinging

- (1) 'n Gemagtigde beampte het toegang tot enige perseel met die doel om:
 - (a) enigiets te doen waartoe gemagtig of vereis om te doen ingevolge hierdie verordening, die Wet of enige ander wetgewing wat luggehalte reguleer;
 - (b) inspeksie te doen van enige atmosferiese vrystelling of iets in verband daarmee;
 - (c) navraag te doen of ondersoek in te stel na moontlike bronne van atmosferiese vrystellings of die geskiktheid van eiendom vir enige werk, skema of onderneming wat atmosferiese vrystelling tot gevolg het;

- (d) vas te stel of daar enige oortreding is van die bepalings van hierdie verordening of die Wet; en
 - (e) die bepalings van hierdie verordening of die Wet af te dwing.
- (2) Die munisipaliteit mag sonder kennisgewing toegang verkry tot persele en mag die stappe wat redelikerwys nodig is neem as gevolg van 'n noedsituasie of ramp.

HOOFSTUK 10: ALGEMENE BEPALINGS

29. Skadeloosstelling

Die munisipaliteit sal nie aanspreeklik wees vir enige skade veroorsaak aan eiendom of persele deur enige aksie of versuim van amptenare van die munisipaliteit in die uitvoering van funksies ingevolge hierdie verordening nie, met dien verstande dat amptenare tydens uitvoering van sodange funksies redelike stappe sal neem om sodanige skade te voorkom.

30. Vrystelling

- (1) Enige persoon mag skriftelik aansoek doen om vrystelling van die bepalings van hierdie verordening.
- (2) Die munisipaliteit mag van die applikant vereis om stappe te neem om die aansoek onder die aandag te bring van belanghebbende en geaffekteerde persone.
- (3) Die stappe genoem in subartikel (2) mag die publikasie vereis van 'n kennisgewing in ten minste twee nuusblaale waarvan een provinsiaal en die ander plaaslik gesirkuleer word -
 - (a) waarin redes vir die aansoek uiteengesit word; en
 - (b) enige ander inligting bevat wat betrekking het op die aansoek.
- (4) Die munisipaliteit mag -
 - (a) enige vrystelling ingevolge hierdie artikel verleen, hersien en voorwaardes wat dit nodig ag oplê; en
 - (b) enige vrystelling terugtrek by versuim om aan sodanige voorwaardes te voldoen.
- (5) Die munisipaliteit mag nie 'n vrystelling ingevolge subartikel (1) verleen alvorens dit
 - (a) redelike maatreëls geneem het om te verseker dat alle persone wie se regte nadelig geraak mag word deur die verlening van die vrystelling, insluitend maar nie beperk tot aangrensende grondeienaars of okkuperders, bewus is van die aansoek om vrystelling en hoe om 'n afskrif daarvan te verkry;

- (b) aan sodanige persoon 'n redelike geleentheid gebied het om teen die aansoek beswaar aan te teken; en
 - (c) enige besware wat geopper is behoorlik oorweeg en in aanmerking geneem het.
- (6) Die munisipaliteit mag nie 'n vrystelling verleen wat teenstrydig is met die Wet of enige ander wetgewing of beperking wat ingevolge ander wetgewing opgelê is nie.

31. Strafbepalings

- (1) 'n Persoon wat enige van die bepalings van artikels 4, 12, 13, 15, 18, 19, 20, 21, 22 en 23 oortree of versuim om daaraan te voldoen, begaan 'n misdryf en sal by skuldigbevinding aanspreeklik wees vir 'n boete of tot gevangenisstraf, of tot sodanige gevangenisstraf sonder keuse van 'n boete, of tot beide sodanige boete en sodanige gevangenisstraf.
- (2) Dit is 'n misdryf om-
 - (a) vals inligting aan 'n gemagtigde beampete te voorsien in verband met enige saak betreffende hierdie verordening;
 - (b) te weier om op versoek van 'n gemagtigde beampete wat ingevolge hierdie verordening gerig is, saam te werk of om 'n gemagtigde beampete te hinder of te dwarsboom in die uitvoering van sy of haar pligte.
 - (c) te versuim om te voldoen aan 'n kennisgewing uitgereik ingevolge artikel 26 van hierdie verordening.
- (3) 'n Hof mag 'n persoon wat skuldig bevind is aan 'n oortreding van hierdie verordening beveel om 'n verdere bedrag gelyk aan koste en uitgawes te betaal wat deur die hof bevind aan die munisipaliteit betaal moet word as gevolg van die oortreding.
- (4) Versuim om te voldoen aan 'n kennisgewing, opdrag of instruksie waarna in hierdie verordening verwys word, verteenwoordig 'n voortgesette misdryf en die persoon wat daaraan skuldig is, is aanpreeklik vir 'n addisionele boete vir elke dag waarop die misdryf voortduur.
- (5) Benewens die oplê van 'n boete of gevangenisstraf, mag 'n hof enige persoon wat skuldig bevind is aan 'n misdryf ingevolge hierdie verordening bevel-
 - (a) om die skade wat veroorsaak is, te herstel;
 - (b) om vergoeding te betaal vir skade wat aan 'n ander persoon of eiendom veroorsaak is, welke bevel die krag en uitwerking van 'n siviele uitspraak sal hê; en

- (c) om op die persoon se eie koste meettoerusting ooreenkomstig die bepalings van artikel 14 te installeer en te bedryf.
- (6) Benewens enige ander straf wat 'n hof mag oplê, mag dit die person beveel om die stappe te neem wat die hof nodig ag om 'n herhaling van die oortreding te voorkom.

32. Appèl

'n Persoon wie se regte geraak word deur 'n besluit wat deur die munisipaliteit gedelegeer is mag teen sodanige besluit appelleer ingevolge artikel 62 die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) deur skriftelike kennisgewing van die appèl en die redes daarvoor binne 21 dae vanaf die datum van kennisgewing van die besluit, aan die munisipale bestuurder te gee.

33. Herroeping van verordeninge en behoud

- (1) Die Drakenstein Munisipaliteit: Verordening insake Voorkoming van Lugbesoedeling, gepubliseer in provinsiale Koerant No. 6426 van 16 Maart 2007 word hiermee herroep.
- (2) Enigiets gedoen of geag gedoen te wees ingevolge die verordening wat hierdeur herroep word, bly geldig tot die mate waarin dit in ooreenstemming is met hierdie verordening.

34. Kort titel en inwerkingtreding

Hierdie verordening staan bekend as die Drakenstein Munisipaliteit: Verordening insake Luggehalte, 2021 en tree in werking op die datum van publikasie daarvan in die Provinciale Koerant.

Bylae 1**(Artikel 14)****Standaarde en Spesifikasies vir Brandstofverbrandingstoerusting**

1. Gepaste beheertoerusting moet gemonteer word op alle brandstofverbrandingstoerusting wat meer as 100 kg/h steenkool, biomassa of ander vaste brandstof kan verbrand, ten einde stof- en grintvrystellings te beperk.
2. Die beheertoerusting moet so gemonteer word dat dit maklike instandhouding moontlik maak.
3. Die toegelate konsentrasie grint- en stofvrystellings uit 'n skoorsteen wat 'n steenkoolketel bedien wat met enige meganiese trekwaaiersetsel toegerus is, mag nie 250 mg/Nm³ oorskry nie (gemeet by 0°C, 101,3 kPa en 12% CO₂). Waar die brandstofverbrandingstoerusting ingevolge die Wet op Luggehalte as 'n beheerde vrysteller verklaar is, is die betrokke regulasies oor beheerde vrystellers van toepassing.

Die goedgekeurde toetsmetodes is soos volg:

(US EPA)

1. Metode 17 - deeltjies in skoorsteen (PM)
2. Metode 5 - deeltjestof (PM)

ISO-standaarde

ISO 9096: Vrystellings uit stilstaande bron handbepaling van massakonsentrasie deeltjestof.

Britse standaarde

BS 3405:1983 Metode vir die meting van deeltjievrystelling, waaronder grint en stof (vereenvoudigde metode).

Die munisipaliteit behou die reg om die eienaar van die brandstofverbrandingstoerusting of sy of haar agent te versoek om die vrystellings uit sodanige brandstofverbrandingstoerusting op sy of haar eie onkoste te laat evalueer soos wat die gemagtigde amptenaar kan vereis.

Isolasie van skoorstene

Alle brandstofverbrandingstoerusting wat swaar brandstofolie of ander vloeibare brandstowwe met 'n swawelinhou van 2,5% per gewig of meer gebruik, moet oor 'n ten volle geïsoleerde skoorsteen beskik wat met hetsy 'n luggaping van 25 mm of

mineraalwolisolasie geïsoleer is om die vorming van suur roet te voorkom. Sodanige skoorstene moet te alle tye in 'n goeie toestand gehou word.

Hout pizzaoonde en ander toerusting wat vaste brandstof verbrand

Hout pizzaoonde en ander toerusting wat vaste brandstof verbrand, moet na die goeddunke van die gemagtigde amptenaar oor geïnduseerde trekwaaiers beskik.

**DR J H LEIBBRANDT
STADSBESTUURDER**

