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GENERAL NOTICE

NOTICE 964 OF 2009

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM
NATIONAL ENVIRONMENTAL MANAGEMENT, 1998
(ACT NO. 107 OF 1998)

DRAFT MODEL AIR QUALITY MANAGEMENT BY-LAW FOR ADOPTION AND ADAPTATION BY MUNICIPALITIES

I, Buyelwa Patience Sonjica, Minister of Water and Environmental Affairs, hereby give notice of my intention to make model air quality management by-law, for adoption and adaptation by municipalities, under section 46 of the Act read with section 11(1) of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004). The proposed model air quality management by-law is set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 60 days of publication of the notice in the Gazette, written representations on or objections to the proposed model air quality management by-law to the following addresses:

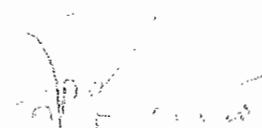
By post to: The Director-General: Environmental Affairs and Tourism
Attention: Mr Sibusiso Shabalala
Private Bag X447
Pretoria, 0001

Or hand delivered at 315 Pretorius Street, Corner Pretorius and Van Der Walt Streets, Fedsure Forum Building, 2nd Floor, North Tower

By fax to: (012) 320-1167, and by email to sshabalala@deat.gov.za

Any inquiries in connection with the draft model air quality management by-law can be directed to Mr Sibusiso Shabalala at tel. (012) 310 3449.

Comments received after the closing date may not be considered.



BUYELWA SONJICA
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

SCHEDULE

The Council of [Name of Municipality] acting in terms of section 156(2) of the Constitution of the Republic of South Africa Act, 1996, read with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and section 11(1) of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 Of 2004) has made the air quality management by-law hereunder:

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CHAPTER 1

DEFINITIONS, OBJECTIVES AND OVERARCHING PRINCIPLES

1. Definitions

“**air pollution**” means any change in the composition of the air caused by smoke, soot, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, aerosols and odorous substances;

“**air quality management plan**” means a plan referred to in section 15 of the AQA;

“**ambient sound level**” means the reading of an integrating sound level meter measured at the measuring point at the end of total period of at least 10 minutes after such integrating sound level meter has been put into operation, during which period a noise alleged to be a disturbing noise is absent;

“**authorised person**” means any employee authorised by the municipality to implement any of the provision of this by-law and in possession of an appointment card issued by the municipality attesting thereto, including any member of the municipal police service or any peace officer;

“**AQA**” means the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004);

“**change**” means any modification which is made to an existing structure, plant, road, land use, procedure, action, etc. which may have an effect on the noise generation originating from such an activity;

“**combustible liquid**” means a liquid which has a close-cap flash point of 38 degrees Celsius or above;

“**compressed ignition powered vehicle**” means a vehicle powered by an internal combustion, compression ignition, diesel or similar fuel engine;

“**Constitution**” means the Constitution of the Republic of South Africa Act, 1996;

“**control measure**” means a technique, practice or procedure used to prevent or minimise the generation, emission, suspension and/or airborne transport of fugitive dust;

“**Council**” means (municipalities to define when adopting by-law);

“disturbing noise” means a specific noise level that exceeds either the outdoor equivalent continuous day/night rating level, the outdoor equivalent continuous day rating level and/or the outdoor equivalent continuous night rating level for the particular neighbourhood indicated as the outdoor ambient noise in various districts in SANS 10103;

“erect” means alter, convert, extend or re-erect;

“exempted vehicle” means a vehicle listed in Annexure-A to SANS 10281;

“flammable gas” means a gas which at 20 degrees Celsius and a standard pressure of 101, 3 kilopascals-

- (a) is ignitable when in a mixture of 13% or less by volume with air; or
- (b) has a flammable range with air of at least 12%, regardless of the lower flammable limit;

“flammable liquid” means a liquid or combustible liquid which has a closed-cap flash point of 93 degrees Celsius or below;

“flammable substance” means any flammable liquid, combustible liquid or flammable gas;

“free acceleration test” means the method described in section 8(3) employed to determine whether vehicles are being driven or used in contravention of section 8(1);

“integrating sound level meter” means a device integrating a function of sound pressure over a period of time and indicating the result in dB(A) indicating is a function of both the sound level and the duration of exposure to the sound during the period of measurement;

“measuring point” relating to-

- (a) a piece of land from which an alleged disturbing noise emanates, or may emanate, means a point outside the property projection plane where an alleged disturbing noise shall be measured, or calculated in accordance with the provisions of SANS 10103;
- (b) a building with more than one occupant, means a point in or outside the building where an alleged disturbing noise shall be measured, or calculated in accordance with the provisions of SANS 10103; and
- (c) a stationary vehicle means a point as described in SANS 10181 where a measuring microphone shall be placed;

“**MEC**” means the member of the Executive Council of a province who is responsible for air quality management in the province;

“**minister**” means the Minister of Environmental Affairs and Tourism;

“**Municipal Systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“**Municipality**” means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**National Framework**” means the National Framework for Air Quality Management in the Republic of South Africa, as published in terms of section 7(1) of the AQA;

“**NEMA**” means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

“**neighbourhood**” means an area which corresponds with a demarcated area of a municipal ward recognised by the municipality, or a municipal ward, or wards of the municipality;

“**noise nuisance**” means any sound which disturbs or impairs or may disturb or impair the convenience or peace of any reasonable person;

“**non-exempted vehicle**” means a vehicle not listed in Annexure-A to SANS 10281;

“**nuisance**” means an unreasonable interference or likely interference caused by air pollution with:

- (a) the health or well being of any person or living organism;
- (b) the use and/or enjoyment by an owner or occupier of his or her property and/or environment; and
- (c) the ordinary comfort, convenience, peace, quite.

“**open burning**” means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, excluding the burning of sugar cane;

“**organ of state**” has the meaning assigned to it in section 239 of the Constitution;

“**pave**” means to apply and maintain concrete or any other similar material to a road surface;

“**pest**” means an injurious, noxious or troublesome living organism;

“**pesticide**” means a micro-organism or material that is used or intended to be used to prevent, destroy, repel or mitigate a pest and includes herbicides, insecticides, fungicides, avicides and rodenticides;

“**property projection plane**” means a vertical plane on, and including the boundary line of a piece of land defining the boundaries of such piece of land in space;

“**public road**” means a road which the public has a right to use;

“**recreational vehicle**” means-

- (a) an off-road vehicle, scrambler, dune buggy or ultra-light aircraft;
- (b) a model aircraft, vessel or vehicle;
- (c) any aircraft or helicopter used for sport or recreational purposes;
- (d) a vessel used for sport on water; or
- (e) any other conveyance vessel or model which is used for sport or recreational purposes;

“**repair notice**” means a notice as referred to in section 8(4), regarding the re-testing of vehicle;

“**rubber product**” means anything composed of rubber including anything containing or coated with rubber;

“**SANS 10103**” means the latest edition of Standards South Africa publication No. 10103 titled: “The measurement and rating of environmental noise with respect to land use, health, annoyance and to speech communication”, as amended from time to time or its corresponding replacement;

“**SANS 10181**” means the latest edition of Standards South Africa publication No. 10181 titled: “The measurement of noise emitted by road vehicles when stationary”, as amended from time to time or its corresponding replacement;

“**SANS 10281**” means the latest edition of Standards South Africa publication No. 10281 titled: “Engine speed (S values), reference sound levels and

permissible sound values of stationary road vehicles”, as amended from time to time or its corresponding replacement;

“**SANS 10328**” means the latest edition of Standards South Africa publication No. 10328 titled: “Methods for environmental noise impact assessments”, as amended from time to time or its corresponding replacement;

“**small boiler**” means a small combustion installation, with a design capacity of less than 50MW heat input, capable of burning solid, liquid and gas fuels used primarily for steam raising or electricity generation;

“**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;

“**use**” in relation to all terrain vehicles includes driving, operating or being conveyed by, that vehicle;

“**vehicle**” means any motor car, motor carriage, motor cycle, bus, motor lorry or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power.

2. Objectives

- (1) The objectives of this by-law are to—
 - (a) give effect to the right contained in section 24 of the Constitution by regulating air pollution within the area of the municipality’s jurisdiction;
 - (b) provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the Council can manage and regulate activities that have the potential to adversely impact the environment, public health and well being; and
 - (c) 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 in order 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 National Environmental Management: Air Quality Act, 2004 and the National Framework for Air Quality Management in the Republic of South Africa.

- (2) In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction of the municipality, regulates air pollution, the provisions of this by-law shall prevail to the extent of the inconsistency.
- (3) The overarching principles set out in section 4 below, must be considered and applied by any person:
 - (a) exercising a power or function or performing a duty under this by-law; and
 - (b) exercising a public power or function or performing a public duty in the municipal area which is likely to have an effect on public health and well being and/or the environment within that area.

4. Overarching Principles

- (1) Any person who is wholly or partially responsible for causing air pollution or creating a risk of air pollution occurring must take all reasonable measures:
 - (a) to prevent any potential of air pollution from occurring; and
 - (b) to mitigate, as far as reasonably possible, any air pollution that may occur.
- (2) The Council may direct any person in writing who fails to take the measures required under subsection (1)-
 - (a) to commence taking specific reasonable measures before a given date;
 - (b) to diligently continue with those measures; and
 - (c) to complete them before a specified reasonable date.
- (3) Prior to making such a decision as contemplated in subsection (2), the Council must give the affected person adequate opportunity to inform the municipality of their relevant interests.
- (4) Should a person fail to comply, or inadequately comply, with a directive under subsection (2), the Council may take reasonable measures to remedy the situation or apply to a competent court for appropriate relief.
- (5) Provided such person failed to take the measures required of him under subsection (2), the Council may recover costs for reasonable remedial

measures to be undertaken under subsection (4) above, before such measures are taken and all costs incurred as a result of it acting under subsection (4) from any person who is or was responsible for, or who contributed to, the air pollution.

- (6) No person may-
- (a) unlawfully and intentionally or negligently commit any act or omission which causes or is likely to cause air pollution; or
 - (b) refuse to comply with a directive issued under subsection (2).
- (7) Any person who fails to comply with subsection (6) above commits an offence.

CHAPTER 2

LOCAL EMISSION STANDARDS, MOTOR VEHICLE EMISSIONS, SMALL BOILERS AND CONTROLLED ACTIVITIES

Part 1: Local Emission Standards

5. Identification of Substances and Development of Local Emission Standards

- (1) The Council has identified the substances in ambient air, as set out in Schedule 1 to the by-law, and for each substance developed local emission standards.
- (2) The Council may apply the criteria, as set out in Schedule 2 to the by-law, when identifying and prioritising the substances and when developing the local emission standards.

6. Consequences of Identifying

- (1) Any person emitting those substances or mixtures of substances must comply with the emission standards established in terms of section 5(2) above.
- (2) Any person who fails to comply with the emission standards established in terms of section 5(2) of the by-law commits an offence.

7. Public Participation Process

For the purposes of the publication of the local emission standards, the Council must follow the public participation process as set out in section 13 of the Municipal Systems Act, 2000.

Part 2: Motor Vehicle Emissions, Small Boilers and Controlled Activities

8. Emissions from Compressed Ignition Powered Vehicles

Prohibition

- (1)
 - (a) No person may on a public road drive or use, or cause to be driven or used, a compressed ignition powered vehicle that emits dark smoke.
 - (b) If dark smoke is emitted in contravention of subsection (1)(a) above the owner of the vehicle commits an offence.
 - (c) For the purposes of this section, "dark smoke" means:
 - (i) smoke which has a density of 60 Hartridge smoke units or more, provided that in relation to emissions from turbo-charged compressed ignition powered engines, it means a density 66 Hartridge smoke units or more; or
 - (ii) smoke which has a density of 60 Hartridge smoke units or more (for coastal areas) and a density of 70 Hartridge smoke units (for inland areas).

Stopping of Vehicles for Inspection and Testing

- (2)
 - (a) In order to enable an authorised person to enforce the provisions of this Part, the driver of a vehicle must comply with any reasonable direction given by an authorised person:
 - (i) to stop the vehicle; and
 - (ii) to facilitate the inspection or testing of the vehicle.
 - (b) Any person who fails to comply with a direction given under subsection (2)(a) commits an offence.
 - (c) When a vehicle has stopped in compliance with a direction given under subsection (2)(a), the authorised person may-

- (i) inspect and test the vehicle at the roadside, in which case inspection and testing must be carried out:
 - (aa) at or as near as practicable to the place where the direction to stop the vehicle is given; and
 - (bb) as soon as practicable, and in any case within one hour, after the vehicle is stopped in accordance with the direction.

Testing procedure

- (3) (a) An authorised person must use the following method in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 8(1)(a) above:
 - (i) when instructed to do so by the authorised person, the driver of the vehicle must start the vehicle, place it in neutral gear and engage the clutch;
 - (ii) when instructed to do so by the authorised person, the driver of the vehicle must smoothly and completely depress the accelerator throttle pedal of the vehicle, provided that the authorised person may do so himself or herself if the driver fails or refuses to comply with the authorised person's reasonable instructions;
 - (iii) while the throttle pedal is depressed, the authorised person must measure the smoke emitted from the vehicle's emission system in order to determine whether or not it is dark smoke;
 - (iv) the driver of the vehicle may only release the throttle pedal of the vehicle when the engine reaches cut-off speed, or when directed to do so by the authorised person.
- (b) If, after having conducted the test above, the authorised person is satisfied that the vehicle:
 - (i) is not emitting dark smoke, then the authorised person must furnish the driver of the vehicle with a certificate indicating that the vehicle is not being driven or used in contravention of subsection (1)(a); or

- (ii) is emitting dark smoke, the authorised person must issue the driver of the vehicle with a repair notice in accordance with subsection (4).

Repair notice

- (4) (a) A repair notice must direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for re-testing before the expiry of that period.
- (b) The repair notice must contain, amongst others, the following information:
 - (i) the make, model and registration number of the vehicle;
 - (ii) the name, address and identity number of the driver of the vehicle; and
 - (iii) if the driver of the vehicle is not the owner of the vehicle, the name and address of the vehicle owner.
- (c) A person commits an offence under this section if that person fails:
 - (i) to comply with the repair notice referred to in subsection (4)(a);
 - (ii) to take the vehicle for re-testing as referred to in subsection (4)(a).
- (d) It shall not be a defence in proceedings under subsection (4)(c) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.
- (e) If the owner of the vehicle fails to take the vehicle for re-testing as referred to in subsection (4)(a), then the authorised person must issue a notification in terms of section 341 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

9. Small Boilers

- (1) No person may install, alter, extend or replace any small boiler on any premises without the prior written authorisation of the Council, which may only be given after consideration of the relevant plans, specifications and any applicable emission standards set for controlled emitters that have been determined in terms of section 24 of the AQA.

- (2) Application for an authorisation to operate a small boiler shall be made on a form prescribed by the Council.
- (3) Where a small boiler has been installed, altered, extended or replaced on premises in contravention of subsection (1)—
 - (a) the owner and occupier of the premises and the installer of the small boiler are guilty of an offence;
 - (b) the Council may, on written notice to the owner of the premises, order the removal of the small boiler from the premises at the expense of the owner and within the period stated in the notice.
- (4) In considering an application submitted in terms of subsection (1), the air quality officer may require the applicant to furnish such information as the air quality officer may require.
- (5) After considering the application submitted in terms of subsection (1), the Council must either—
 - (a) grant an application and issue a permit, subject to any conditions that may be imposed; or
 - (b) refuse an application with reasons.
- (6) The authorisation issued in terms of subsection (1) above must specify—
 - (a) the product name and model of the small boiler;
 - (b) the premises in respect of which it is issued;
 - (c) the person to whom it is issued;
 - (d) the period for which the authorisation is issued;
 - (e) the periods at which the authorisation may be reviewed;
 - (f) the maximum allowed amount, volume, emission rate or concentration of pollutants that may be discharged in the atmosphere;
 - (g) any other operating requirements relating to atmospheric discharges, including non-point source emission measurement and reporting requirements; and

- (h) any other matters which are necessary for the protection or enforcement of air quality.

Transitional arrangements in respect of authorised small boilers

- (7) (a) Despite the coming into operation of this by-law, any small boiler that was authorised to operate in terms of any by-law of the municipality continues to be authorised to operate for a period of four years from the date of coming into operation of section 9 of this by-law, subject to subsection 7(d).
- (b) During the period for which the authorised small boiler continues to operate, the provisions of this by-law, read with the necessary changes as the context may require, apply in respect of—
 - (i) the holder of an existing authorisation as if that person is the holder of the authorisation issued in terms of subsection (1) of this by-law; and
 - (ii) the existing authorisation as if the authorisation was issued in terms of section 9(1) of this by-law;
- (c) The holder of an existing authorisation must within the first three years of the four-year period referred to in paragraph (a), lodge an application to review the small boiler existing authorisation in terms of section 9 of this by-law with the municipality.
- (d) (i) If the holder of the existing authorisation fails to comply with paragraph (c), the existing authorisation expire at the end of the three-year referred to in subsection 7(c);
(ii) If during the four-year period referred to in paragraph (a) an authorisation is issued to the holder of an existing authorisation following an application to review in terms of paragraph (c), the existing authorisation expires on the date of issue of the authorisation in terms of section 9 of this by-law.

OR

Transitional arrangements in respect of other small boilers

- (8) (a) Despite the small boilers within the municipality not required to be authorised in terms of a by-law, persons operating small boilers, at the commencement date of section 9 of the by-law, must apply for an authorisation as required by section 9 of this by-law.

- (b) Persons operating small boilers have a period of four years, from the commencement date of section 9 of this by-law, to apply for authorisation in terms of section 9 of this by-law.
- (c) If any person fails to comply with subsection 8(b) above, then continuing to operate the small boiler without a valid authorisation is an offence.

(Commencement date of section 9: to be proclaimed)

NB: Please note that the commencement date of section 9 is subject to the declaration of small boilers as controlled emitters in terms of section 23 of the AQA.

10. Dust Emissions

- (1) Any person conducting certain activities which customarily produce emissions of dust that may be harmful to public health, well-being and/or cause a nuisance shall take control measures to prevent emissions into the atmosphere.
- (2) For the purposes of this section, "dust" means:
 - (i) any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere; and
 - (ii) includes dust from mine dumps.
- (3) Any person who undertakes any activity that causes dust emissions must implement one or more of the following control measures:
 - (i) pave;
 - (ii) use dust palliatives or dust suppressants;
 - (iii) uniformly apply and maintain any surface gravel;
 - (iv) erect physical barriers and signs to prohibit access to the disturbed areas;
 - (v) use ground covers;
 - (vi) re-vegetation which is similar to adjacent undisturbed native conditions; or
 - (vii) any alternative control measure approved in writing by the air

quality officer.

- (4) The provisions of this section are not applicable to:
- (i) landscaping activities by a person at his place of residence;
 - (ii) emergency maintenance activities on publicly maintained roads, road shoulders and rights of way;
 - (iii) unpaved roads having vehicular traffic of less than 500 vehicles per day;
 - (iv) non-commercial and non-institutional private driveways;
 - (v) horse trails, hiking paths, bicycle paths or other similar paths; and
 - (iv) any other path that has been designated as an exclusive use area for purposes other than travel by motor vehicle.
- (5) Any person who contravenes subsection (1) commits an offence.

11. Emissions Caused by Open Burning

- (1) A person who carries out or permits open burning of any material on any land or premises is guilty of an offence, unless:
- (a) the prior written authorisation of the Council has been obtained, which authorisation may be granted by the Council with conditions, and
 - (b) that person has notified in writing the owners and occupiers of all adjacent properties of:
 - (i) all known details of the proposed open burning; and
 - (ii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed open burning with the municipality within 7 days of being notified; and
 - (iii) the administrative fee has been paid to the municipality.
- (2) The Council may not authorise open burning:
- (a) unless it is satisfied that the requirements set out in subsection (1) above have been adequately addressed or fulfilled; and

- (b) where a warning under section 10(1)(b) of the National Veld and Forest Act, 1998 (Act No. 101 of 1998) has been published for the region.
- (3) The provisions of this section shall not apply to:
- (a) recreational outdoor activities on private premises; and
 - (b) controlled fires in dwellings for the purposes of heating any area within the dwelling, cooking, heating water and other domestic purposes.

12. Emissions Caused by Burning of Industrial Waste, Domestic Waste and Garden Waste in Waste Bins or Skips

A person who carries out or permits the burning of any industrial, domestic or garden waste, on any land or premises, for the purpose of disposing of that waste, is guilty of an offence unless the industrial, domestic or garden waste is legally disposed of in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) or the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

13. Sugar Cane Burning Emissions

- (1) Any person who burns sugar cane shall comply, in addition to the burning requirements provisions of the National Veld and Forest Act, 1998 (Act No. 101 of 1998), with the following control measures:
- (a) the prior written authorisation of the Council has been obtained, which authorisation may be granted by the Council with conditions; and
 - (b) that person has notified in writing the owners and occupiers of all adjacent properties (including surrounding communities within 150 metres) of:
 - (i) the details of the proposed area to be burned;
 - (ii) the reason for the sugar cane burning;
 - (iii) the date and approximate time of the sugar cane burning;
 - (iv) in the event of inclement weather conditions, an alternative date or dates on which the sugar cane burning may occur;

- (v) the right of owners and occupiers (including surrounding communities within 150 metres) of adjacent properties to lodge written objections to the proposed sugar cane burning with the municipality within 7 days of being notified; and
 - (vi) the administrative fee has been paid to the municipality.
- (2) The Council may not authorise sugar cane burning:
- (a) unless it is satisfied that the requirements set out in subsection (1) above have been adequately complied with; and
 - (b) where a warning notice in terms of section 10(1) of the National Veld and Forest Act, 1998 (Act No. 101 of 1998) has been published for the region.
- (3) Any person who contravenes subsection (1) above commits an offence.
- (4) The provisions of this section are not applicable to any defined area to which the Council may declare.

14. Emissions Caused by Tyre Burning and Burning of Rubber Products and Cables in Open Spaces

- (1) No person may carry out or permit the burning of any tyres, rubber products, cables or any other products, on any land or premises for the purposes of recovering the scrap metal or fibre reinforcements, or of disposing of tyres, of the rubber products or cables as waste.
- (2) Any person who contravenes subsection (1) above commits an offence.

15. Pesticide Spraying Emissions

- (1) No person may carry out or permit the spraying of pesticides, except as permitted by section 3 of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).
- (2) A person who carries out the spraying of pesticides, either by tractor or aerial, within the municipal jurisdiction, must comply with the following control measures:
 - (a) the prior written authorisation of the Council has been obtained, which authorisation may be granted by the Council with conditions, including:
 - (i) the area of land on which the pesticide may be

- applied; and
- (ii) the period of time in which the pesticide may be applied.
- (b) that person must notify in writing the owners and occupiers of all adjacent properties within 150 metres of the treatment area of:
- (i) the details of the proposed treatment area;
 - (ii) the reason for the pesticide use;
 - (iii) the active ingredient;
 - (iv) the date and approximate time of the pesticide use;
 - (v) in the event of inclement weather conditions, an alternative date or dates on which the pesticide use may occur;
 - (vi) the time, if any, indicated on the product label specifying when the area can safely be re-entered after application;
 - (vii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed spraying of pesticides with the Council within 7 days of being notified; and
 - (viii) the administrative fee has been paid to the municipality.
- (3) Any person who contravenes subsection (2) above commits an offence.
- (4) A person may apply to the Council for an exemption if the spraying of the pesticide is for:
- (i) the management of pests that transmit human diseases or adversely impact agriculture or forestry;
 - (ii) the management of pests that threaten the integrity of sensitive ecosystems; or
 - (iii) the need for the use of the pesticide is urgent.
- (5) The provisions of this section are not applicable to:

- (a) residential areas;
- (b) buildings or inside buildings and the domestic use of pesticides; or
- (c) any other defined area or defined activity to which the Council has declared this section not to apply.

16. Spray Painting Emissions

- (1) No person shall, within the municipality's jurisdiction, spray, coat, plate, or epoxy-coat any vehicle, article, object or allow them to be sprayed, coated, plated, or epoxy-coated with any flammable substance outside approved spray painting room or booth.
- (2) No person may spray, coat, plate, or epoxy-coat any vehicle, article, object, or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless—
 - (a) that person is in possession of a spraying permit contemplated in subsection (1) above;
 - (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the designated fire officer, in consultation with the air quality officer, on premises registered for that purpose.
- (3) Any person who contravenes subsections (1) and (2) above commits an offence.
- (4) Any person who wishes to obtain a spraying permit must complete and submit to the designated fire officer an application form for such permit in the form and manner as prescribed.
- (5) A spray room or booth or area designated for the application of a flammable substance must be constructed and equipped according to the requirements in Schedule 7 to this by-law and must be operated in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- (6) The designated fire officer may cancel the spraying permit if there is reason to believe that the holder of the spraying permit contravenes or fails to comply with any provision of this by-law.
- (7) Subject to subsection (8) below, before the designated fire officer cancels the spraying permit as contemplated in subsection (6), that officer must—

- (a) give the holder of the spraying permit written notice of the intention to cancel the spraying permit and the reasons for such cancellation;
 - (b) give the holder a period of at least 21 days to make written representations regarding the matter to the municipality.
- (8) If the designated fire officer has reason to believe that the failure to cancel the spraying permit may endanger any person, that officer may cancel the spraying permit without prior notice to the holder as contemplated in subsection (7) above.
- (9) If the designated fire officer cancels the spraying permit in terms of subsection (8) above, that officer must—
- (a) furnish the holder of the spraying permit with written notice of the cancellation;
 - (b) give the holder of the spraying permit a period of at least 21 days to make written representations regarding the matter to the municipality.

17. Sand Blasting Emissions

- (1) Any person conducting sand blasting activities which customarily produce emissions of dust that may be harmful to public health, well-being and/or cause a nuisance shall take control measures to prevent emissions into the atmosphere.
- (2) Any person who undertakes any sand blasting activity that causes dust emissions must implement the following control measure:
 - (a) dust extraction control measure; or
 - (b) any alternative dust control measure approved in writing by the air quality officer.
- (3) Any person who contravenes subsections (1) and (2) above commits an offence.

18. Noise Pollution Management

Prohibition of disturbing noise

- (1) No person shall make, produce or cause a disturbing noise, or allow it to be made, produced or caused by any person, animal, machine, device or apparatus or any combination thereof.

Prohibition of a noise nuisance

- (2) No person shall—
- (a) Operate or play, allow to be operated or played, a radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound so as to cause a noise nuisance.
 - (b) Allow an animal owned or controlled by him or her to cause a noise nuisance.
 - (c) Build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft, or object on or near residential premises, or allow it to be built, made, constructed, repaired, rebuilt, modified, operated or tested, if this may cause a noise nuisance.
 - (d) Erect a building or structure on residential premises or allow it to be erected if this may cause a noise nuisance, unless permission is granted by the municipality to conduct normal building operations.
 - (e) Use or discharge any explosive, firearm or similar device that emits impulsive sound and may cause a noise nuisance, or allow it to be used or discharged, except with the prior consent in writing of the municipality and subject to such conditions as the municipality may deem necessary.
 - (f) On a piece of land or in water or in airspace above that piece of land designated by the municipality for recreational purposes, by means of a notice in the press -
 - (i) move about on or in a recreational vehicle;
 - (ii) exercise control over a recreational vehicle; or
 - (iii) as the owner or person in control of the piece of land, water or airspace, allow such activity to take place, if this may cause a noise nuisance;

- (g) Except in an emergency, emit a sound, or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device, if it may cause a noise nuisance.
- (h) Drive a vehicle on a public road in such a manner that it may cause a noise nuisance.
- (i) Use any power tool or power equipment used for construction purposes, drilling- or demolition work, or allow it to be used, in or near a residential area if it may cause a noise nuisance, unless permission was granted by the municipality to conduct normal construction or repair work to public property.

Land use

- (3) No person may—
 - (a) establish any township unless a noise impact assessment has been undertaken in accordance with SANS 10328, and it is shown that either the outdoor equivalent continuous day/night rating level, the outdoor equivalent continuous day rating level and/or the outdoor continuous equivalent night rating level set out in SANS 10103 will not be exceeded at any position within the boundaries of the proposed boundaries;
 - (b) construct or erect any building or develop a property which will house an activity which is not in conformity with the neighbourhood for which the activity is established, unless it is shown that the building, after being erected is adequately insulated against external noise, so that the sound levels inside the building will not exceed the maximum rating levels for indoor ambient noise for the appropriate areas of occupancy/activity as set out in SANS 10103.
 - (c) construct or erect any building or develop a property which will house an activity which is not in conformity with the neighbourhood for which the activity is established, unless it is shown that the building or property, after being erected or developed, is adequately insulated against the transmission of sound, so that either the outdoor equivalent continuous day/night rating level, the outdoor equivalent continuous day rating level and/or the outdoor equivalent continuous night rating level determined in accordance with SANS 10103, at any position on the property projection plane of the building or property will not exceed the appropriate value for the particular neighbourhood rating level.

- (d) make changes to existing facilities or existing uses of land or buildings, or erect new buildings, if these will house or cause activities that will, after such changes or erection, cause a disturbing noise, unless precautionary measures to prevent the disturbing noises have been taken to the satisfaction of the municipality.
- (e) build a road or change an existing road, or alter the speed limit on a road, if this will cause, at any position in the particular neighbourhood in which the road is situated, either the outdoor equivalent continuous day/night rating level, the outdoor equivalent continuous day rating level and/or the outdoor equivalent continuous night rating level to exceed the values given for the appropriate outdoor neighbourhood rating level set out in SANS 10103. Where the equivalent continuous day/night rating level, the equivalent continuous day rating level, and/or the equivalent continuous night rating level already exceeds the appropriate outdoor neighbourhood rating level set out in SANS 10103, before the change is implemented, noise mitigation procedures shall be implemented to reduce the rating level to within the levels given for the appropriate neighbourhood rating level in SANS 10103.
- (f) build, construct or resurface a road which runs within, or at a distance of less than 1 000 m from land zoned for residential purposes with a surfacing not consisting of a material having low noise generation characteristic such as compacted smooth, or low noise porous bitumen asphalt concrete containing aggregates not exceeding 10 mm, or another surfacing procedure having similar low noise generation characteristics.
- (g) install, replace or modify a plant with total input power exceeding 10 kilowatts on any premises, unless the municipality has been notified by the owner of the plant in writing at least 14 days before such installation replacement or modification of—
- (i) the particulars of the plant;
 - (ii) the number, street address and title deed description of the premises concerned; and
 - (iii) the nature of the date on which the installation, replacement or modification shall commence,

Provided that if an existing plant had to be replaced by necessity without preceding notification to the municipality, the municipality shall be notified thereof by the owner of the plant in writing within 14 days after the replacement of the plant.

- (4) The municipality may—
- (a) before changes are made to existing facilities or existing uses of land or buildings or before new buildings are erected, in writing require that noise impact assessments or tests be conducted to the satisfaction of the municipality by the owner, developer, tenant or occupant of the facilities, land or buildings and that reports or certificates relating to the noise impact to the satisfaction of the municipality proving that either the outdoor equivalent continuous day/night rating level, the outdoor equivalent continuous day rating level and/or the outdoor equivalent continuous night rating level at any position on or outside the property projection plane of the existing facility, existing use of land or building will not exceed the appropriate level for the neighbourhood as set out in SANS 10103, be submitted by the owner.
 - (b) The noise impact assessments, if required must be conducted in accordance with SANS 10328 and the tests, if required shall be conducted in accordance with SANS 10103.
 - (c) if excavation work, earthmoving work, pumping work, drilling work, construction work, or demolition work, or any similar activity, power generation or music causes or may cause a noise nuisance or a disturbing noise, instruct in writing that such work, activity, generation or music be forthwith discontinued until such conditions as the municipality may deem necessary have been complied with.

Motor vehicles

- (5) No person may drive a vehicle, or allow it to be driven, on a public road, if the sound level at the measuring point measured, when stationary, in accordance with the procedure prescribed in SANS 10181 exceeds—
- (a) in the case of a non-exempted vehicle, the stationary sound level specified in SANS 10281 for that type of vehicle; or
 - (b) in the case of an exempted vehicle, by more than 5 dBA the applicable reference sound level indicated in the tables of Annexure-A to SANS 10281, for that type of vehicle;
- (6) The municipality may—
- (a) in order to determine whether a vehicle being used on any road within the jurisdiction of the municipality, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of the by-law, instruct the owner or person in control of the vehicle—

- (i) to have any appropriate inspection or test conducted on the vehicle as the municipality may deem necessary, on a date and at a time and place determined by the municipality in writing;
 - (ii) to stop the vehicle or cause it to be stopped.
 - (b) subject to the provisions of subsections (7) and (8) and the applicable provisions of any other law, attach a vehicle if the sound level of such vehicle exceeds the sound level referred to in subsection (5) above.
- (7) A vehicle attached in terms of subsection (6)(b) above shall be kept in safe custody by the municipality.
- (8) The municipality may lift the attachment contemplated in subsection (6)(b) above if the owner or person in control of the vehicle concerned has been instructed in writing by the municipality—
- (a) to repair or modify the vehicle concerned or to cause it to be repaired or modified; and
 - (b) to have any inspection or test, as the municipality may deem necessary conducted in the vehicle on a date, time and place mentioned in the instruction.

Music, open-air music festivals, shows, inclusive of air shows and similar gatherings

- (9) (a) No person may stage any open-air entertainment festival, such as, a show, an air show, music festival or similar gathering without the prior consent in writing of the municipality.
- (b) If any music causes or may cause a noise nuisance or a disturbing noise, the municipality may instruct in writing that such music be discontinued until such conditions as the municipality may deem necessary have been complied with.
- (c) Subject to the provisions of paragraph (b) above and the applicable provisions of the any other law, the municipality may attach any instrument used to generate music if the sound level of such instrument exceeds the sound level referred to in paragraph (a) above and no permission has been obtained.
- (d) An instrument attached under paragraph (c) above shall be kept in safe custody by the municipality.

- (e) The municipality may lift the attachment contemplated in paragraph (c) if the owner or person in control of the instrument has applied for permission in terms of paragraph (a) above.

General prohibitions

- (10) Any person who—
- (a) fails to comply with a written condition, instruction or notice issued by the municipality in terms of the noise pollution management section of the by-law;
 - (b) tampers with, remove, put out of action, damage or impair the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or notice placed in a position by or on behalf of the municipality;
 - (c) in respect of a duly authorised person of the municipality—
 - (i) fails or refuses to grant admission to such official to enter and to inspect the premises;
 - (ii) fails or refuse to give information which may lawfully be required of him or her to such official;
 - (iii) hinders or obstruct such official in the execution of his or her duties; or
 - (iv) gives false or misleading information to such official knowing that it is false or misleading,is guilty of an offence.

General Powers of the municipality

- (11) The municipality may—
- (a) for the purposes of applying the noise pollution management section of the by-law, at any reasonable time enter premises upon reasonable notice—
 - (i) to conduct any appropriate examination, inquiry or inspection thereon as it may deem expedient; and
 - (ii) to take any steps it may deem necessary;
 - (b) if a noise emanating from a building premises, vehicle, recreational vehicle or private area is a disturbing noise or noise nuisance or may in the opinion of the authorised person be a disturbing noise or noise nuisance, instruct in writing the person causing such noise or

who is responsible for the infringement, or the owner or occupant of such building, premises, vehicle, recreational vehicle or private area from which or from where such noise emanates or may emanate, or all such persons, to discontinue or cause to be discontinued such noise or to take steps to lower the level of such noise to a level conforming to the requirements of these by-law within the period stipulated in the instruction: Provided that the provisions of the by-law shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or air traffic or on a public road, by vehicles that are not used as recreational vehicles;

- (c) if the owner or person in charge of an animal fails to comply with an instruction referred to in subsection (11)(b) above, subject to the applicable provisions of any other law, impound or cause to be impounded such animal;
- (d) impose such appropriate conditions as it deems fit when granting any permission or exemption, including the specification of times and days when activities that may cause noise are permitted or prohibited;
- (e) subject to the applicable provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within the municipality's jurisdiction for the enforcement of the provisions of these by-law: Provided that road traffic signs and notices shall be placed on private property only with the permission of the owner.

19. Emissions That Cause A Nuisance

Prohibition

- (1) Any occupier or owner of premises from which a nuisance emanates, or where a nuisance exists, commits an offence.

Abatement notice

- (2) An authorised person may serve an abatement notice on any person, whom the authorised person reasonably believes is likely to commit or has committed an offence under subsection (1), calling upon that person:
 - (a) to abate the nuisance within a period specified in the notice;
 - (b) to take all necessary steps to prevent a recurrence of the nuisance;or

- (c) to comply with any other conditions contained in the notice.
- (3) For the purposes of subsection (2) above, an authorised person may form a reasonable belief based on his own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the abatement notice is to be served.
- (4) An abatement notice under subsection (2) above may be served:
- (a) upon the owner of any person, by—
- (i) delivering it to the owner, or if the owner cannot be traced or is living abroad that person's agent;
- (ii) transmitting it by registered post to the owner's last known address, or the last known address of the agent; or
- (iii) delivering it to the address where the premises are situated, if the owner's address and the address of the agent are unknown;
- (b) upon the occupier of the premises, by—
- (i) delivering it to the occupier;
- (ii) transmitting it by registered post to the occupier at the address at which the premises are situated.
- (5) Any person who fails to comply with an abatement notice served on that person in terms of subsection (4) above commits an offence.
- (6) In addition to any other penalty that may be imposed, a court may order a person convicted of an offence under subsection (5) above to take steps the court considers necessary within a period determined by the court in order to prevent a recurrence of the nuisance.

Steps to abate nuisance

- (7) At any time, the municipality may at its own cost take whatever steps it considers necessary in order to remedy the harm caused by the nuisance and prevent a recurrence of it, and may recover the reasonable costs so incurred from the person responsible for causing the nuisance.

CHAPTER 3**GENERAL MATTERS****20. Appeals**

Any person may appeal against a decision taken by an authorised person under this by-law by giving written notice of the appeal in accordance with the provisions of section 62 of the Municipal Systems Act, 2000.

21. Offences and Penalties

- (1) Any person who contravenes section 4(7), 8(1)(b), 10(5), 11(1), 13(3), 17(3) or 18(1) of this by-law shall be liable on conviction to imprisonment not exceeding 6 months or to a fine or to both a fine and imprisonment.
- (2) Any person who contravenes section 6(2), 8(2)(b), 8(4)(c), 9(3)(a), 9(8)(c), 15(3), 16(3) or 19(5) of this by-law shall be liable on conviction to imprisonment not exceeding 2 years or to a fine or to both a fine and imprisonment.
- (3) Any person who contravenes section 12 or 14(2) of this by-law shall be liable on conviction to imprisonment not exceeding 1 year or to a fine or to both a fine and imprisonment.
- (4) It is an offence to—
 - (a) supply false or misleading information to an authorised person in respect of any issue pertaining to this by-law, or;
 - (b) refuse to co-operate with the request of an air quality officer or authorised person made in terms of this by-law and any person convicted of such offence shall be liable to imprisonment not exceeding 30 days or a fine or both a fine and imprisonment.
- (5) Where no specific penalty is provided, any person committing an offence in terms of this by-law is liable on conviction to imprisonment for a period not exceeding 1 year or to a fine or to both imprisonment and a fine.
- (6) Failure to comply with a notice, direction or instruction referred to in this by-law constitutes a continuing offence.

- (7) Any person who commits continuing offences shall be guilty of a separate offence each day during which that person fails to comply with a notice, direction or instruction referred to in this by-law.

22. Enforcement

- (1) The Council may appoint so many authorised persons as it may consider necessary to be responsible for the enforcement of this by-law.
- (2) The authorised persons shall take all lawful, necessary and practicable measures to enforce the provisions of this by-law.

23. Exemptions

- (1) Any person may, in writing, apply for exemption from the provisions of this by-law to the Council.
- (2) An application in terms of subsection (1) above must be accompanied by reasons.
- (3) The Council may grant a temporary exemption in writing from one or all of the provisions of the by-law, provided that the Council:
 - (a) is satisfied that granting the exemption will not significantly prejudice the objectives referred to in section 4(1) of the by-law; and
 - (b) grants any exemption subject to conditions that promote the attainment of the objectives referred to in section 4(1) of the by-law.
- (4) The Council must not grant an exemption under subsection (1) until the Council has:
 - (a) taken measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are aware of the application for 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 taken into account any objections raised.
- (5) The Council may—

(a) from time to time review any exemptions granted in terms of this section; and

(b) on good grounds withdraw any exemption.

24. Severability

If a section, subsection, sentence, clause or phrase of this by-law is declared invalid by a competent court, the invalid portion shall be severed and shall not affect the validity of the remaining portions of this by-law.

25. State and Council Bound

This by-law is binding on the State and the Council except in so far as any criminal liability is concerned.

26. Repeal of By-Laws

The by-laws set out in Schedule 8 to this by-law are repealed to the extent set out in that Schedule.

27. Short Title

This by-law shall be called the air quality management by-law, 200_

28. Commencement Date

- (1) This by-law will come into operation on a date or dates to be determined by the Council by publication in the *Provincial Gazette*.
- (2) Different dates may be determined in terms of subsection (1) above for different provisions of the by-law.

Schedule 1

**List of Substances and its Associated Local Emission Standards
(section 5(1))**

Schedule 2

Criteria to Identify and Prioritise Substances and to Develop Local Emission Standards (section 5(2))

A. Criteria to identify and prioritise substances

The Council may 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-

- (1) 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;
- (2) widespread and high concentrations of the substance in the atmosphere;
- (3) 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;
- (4) persistence in the environment, particularly if the substance is not biodegradable and able to accumulate in humans, the environment or food chains;
- (5) the impact of the substance taking the following factors into consideration:
 - (a) size of the exposed population, living resources or ecosystems;
 - (b) the existence of particularly sensitive receptors in the zone concerned;
- (6) Substances that are regulated by international conventions.

B. Criteria to develop local emission standards

- (1) The Council may, when developing the standards:
 - (a) identify the critical factors for public health impacts;
 - (b) identify sensitive sub-populations;
 - (c) review available databases for public health status;
 - (d) review available databases for ambient air quality information; and

- (e) review and assess international guidelines and standards.
- (2) The Council may 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; and
 - (e) Socio-economic consequences.

Schedule 3**Application Form to Operate Small Boiler (Section 9(2))**

Name of Enterprise: _____

Declaration of accuracy of information provided:

I, _____, declare that the information provided in this application is in all respect factually true and correct.

Signed at _____ on this _____ day of _____

SIGNATURE

CAPACITY OF SIGNATORY

I, _____ owner/occupier of the land/property known as _____ (registered name) within the municipality's jurisdiction hereby apply for permission to operate a small boiler on the said property.

1. Contact details

Responsible Person Name	
Telephone Number	
Cell Phone Number	
Fax Number	
E-mail address	

2. Product name and model of the small boiler

Product Name	Product Model

3. Raw of materials used

Raw material used	Maximum permitted consumption rate (volume)	Design consumption rate (volume)	Actual consumption rate (volume)	Units (quantity/period)

4. Energy used

Energy source	Sulphur content of fuel (%) (if applicable)	Vanadium content of fuel (%) (if applicable)	Maximum permitted consumption rate (volume)	Design consumption rate (volume)	Actual consumption rate (volume)	Units (quantity/period)

5. Signature

Signature of the Applicant

Date of Application

6. Office Use Only

6.1. Authorised Person: Site Inspection Observations

6.2. Authorised Person: Recommendations

6.3. Approved / Not Approved (Complete whichever is applicable)

The application is approved, subject to the following conditions:

(a)	
(b)	
(c)	
(d)	
(e)	

The application is not approved for the following reasons:

(a)	
(b)	
(c)	
(d)	
(e)	

Air Quality Officer Signature

Date:

FINAL DRAFT

Schedule 4

Application Form for Open Burning (Section 11(1))

I, _____ owner / occupier of the land / property known as _____ (registered name) within the municipality's jurisdiction hereby apply for permission to burn the following materials on the said property.

1. Contact details

Responsible Person Name	
Telephone Number	
Cell Phone Number	
Fax Number	
E-mail address	

2. Description of the extent of the open area

3. Types of materials to be burn in the open area

(a)	
(b)	
(c)	
(d)	
(e)	

4. Reasons for burning materials in open area

5. Approximate date and time to burn materials

Date	Time

6. Notification of adjacent owners and occupiers (including surrounding communities within 150 metres)

The applicant must attach proof that the adjacent owners and occupiers have been notified of the open burning, and their rights to lodge any written objections to the municipality.

7. Signature

Signature of the Applicant

Date of Application

8. Office Use Only**8.1. Authorised Person: Site Inspection Observations**

8.2. Authorised Person: Recommendations

8.3. Approved / Not Approved (Complete whichever is applicable)

The application is approved, subject to the following conditions:

(a)	
(b)	
(c)	
(d)	
(e)	

The application is not approved for the following reasons:

(a)	
(b)	
(c)	
(d)	
(e)	

Air Quality Officer Signature

Date:

DRAFT

Schedule 5

Application Form to Burn Sugar Cane (Section 13(1)(a))

I, _____ owner/occupier of the land/property known as _____ (registered name) within the municipality's jurisdiction hereby apply for permission to burn sugar cane on the said property.

1. Contact details

Responsible Person Name	
Telephone Number	
Cell Phone Number	
Fax Number	
E-mail address	

2. Description of the extent of the area to be burned

3. Reasons for the sugar cane burning

4. Approximate date and time to burn sugar cane

Date	Time
Alternative date and time, in the event of inclement weather conditions	
Date	Time

5. Notification of adjacent owners and occupiers (including surrounding communities within 150 metres)

The applicant must attach proof that the adjacent owners and occupiers have been notified of the proposed burning of sugar cane, and their rights to lodge any written objections to the municipality. The notification must clearly specify (a) the extent of the area to be burned; (b) reasons for the sugar cane burning; (c) approximate date and time for the sugar cane burning; (d) alternative dates and time, in the event of inclement weather conditions; (e) adjacent owners and occupiers' right to lodge written objections within 7 days to the municipality.

6. Signature

Signature of the Applicant

Date of Application

7. Office Use Only

7.1. Authorised Person: Site Inspection Observations

7.2. Authorised Person: Recommendations

7.3. Approved / Not Approved (Complete whichever is applicable)

The application is approved, subject to the following conditions:

(a)	
(b)	
(c)	
(d)	
(e)	

The application is not approved for the following reasons:

(a)	
(b)	
(c)	
(d)	
(e)	

Air Quality Officer Signature

Date:

FINAL DRAFT

Schedule 6

Application Form to Undertake Pesticide Spraying (Section 15(2)(a))

I, _____ owner/occupier of the land/property known as _____ (registered name) within the municipality's jurisdiction hereby apply for permission to spray pesticides on the said property.

1. Contact details

Responsible Person Name	
Telephone Number	
Cell Phone Number	
Fax Number	
E-mail address	

2. Description of the extent of the proposed treated area

3. Types of product label to be used

(a)	
(b)	
(c)	
(d)	
(e)	

4. Approximate date and time for pesticide spraying

Date	Time
Alternative date and time, in the event of inclement weather conditions	
Date	Time

5. Notification of adjacent owners and occupiers (including surrounding communities within 150 metres)

The applicant must attach proof that the adjacent owners and occupiers have been notified of the proposed pesticide spraying, and their rights to lodge any objections to the municipality. The notification must clearly specify (a) the extent of the proposed treatment area; (b) reasons for pesticide use; (c) the active ingredient; (d) approximate date and time for pesticide spraying; (e) alternative dates and time, in the event of inclement weather conditions; (f) time, if any, indicated on the product label specifying when the area can safely be re-entered after application; (g) adjacent owners and occupiers' right to lodge written objections within 7 days to the municipality.

6. Signature

Signature of the Applicant

Date of Application

7. Office Use Only

7.1. Authorised Person: Site Inspection Observations

7.2. Authorised Person: Recommendations

7.3. Approved / Not Approved (Complete whichever is applicable)

The application is approved, subject to the following conditions:

(a)	
(b)	
(c)	
(d)	
(e)	

The application is not approved for the following reasons:

(a)	
(b)	
(c)	
(d)	
(e)	

Air Quality Officer Signature

Date:

FINAL DRAFT

Schedule 7

Spray Booth Construction (Section 16(5))

WALLS	225mm Brickwork
ROOF	Reinforced concrete
FLOOR	Concrete or other impervious material
DOORS	(A) – Constructed of 50mm hardwood completely covered, including the edges, with 24 s.w.g. metal secured to the door with bolts at 30mm centres along the edges. The doors to open outwards and to be hung on Tee hinges bolted to the door. (B) – Close fitting metal doors not less than 3mm in thickness, carried on an angle iron frame and having an all round overlap or not less than 50mm.
NOTE:	Where the floor area exceeds 18 square metres 2 doors must be provided.
WINDOWS	Metal frames with no opening sections glazed with wire-woven glass not exceeding 460mm x 460mm. Putty approved by the SANS Code No. 680/59 only to be used and the occupier to furnish proof of this to the designated fire officer.
NOTE:	The Factory Inspector requires natural light to the extent of 20% of the floor area.
VENTILATION	30 Lineal metres/minute velocity across the room must be provided by means of mechanical ventilation, with the center line of the inlets 460mm above the floor level and to discharge through vertical metal ducting terminating 1 metre above the apex of the roof. No right angle bends to be used in the ducting system. Exhaust fans to be installed at 4 metre centres or horizontal metal ducting extending the entire length of the wall with suitable inlets, must be provided.
NOTE:	If the ducting is external to the Spray Booth and in communication with the Workshop etc., it must be protected by either 110mm brick cement lagging.
VENTILATION INLETS	The wall opposite the exhaust fans to be honeycombed with airbricks installed from 100mm above floor level to a height of not less than 2 metres.
MINIMUM NUMBER OF AIRBRICKS	SIZE OF THE ROOM 40 Up to but not exceeding 140 cubic metres 65 Up to but not exceeding 280 cubic metres 90 Up to but not exceeding 470 cubic metres 150 Up to but not exceeding 650 cubic metres
NOTE:	Metal filters with metal swarf elements may only be used in an all metal installation, in lieu of Airbricks.
ELECTRICAL WORK	All electrical work must be of flame-proof construction
DANGER NOTICE	“DANGER-NO SMOKING” notices in 150mm high white letters on a red background to be provided above the doors outside the Spray Booth.

Schedule 8**By-Laws Repealed (Section 26)**

Number and Year of By-Law	Title	Extent of Repeal

DRAFT