



# The transformation process in applying environmental by-laws in Tlokwe Municipality



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# ***BRIEF HISTORY OF THE TRANSFORMATION OF THE DEPARTMENT – FRAGMENTATION OF SERVICES (STRUCTURES, ROLES AND FUNCTION)***

## **(1) Department of Health (1987)**

- Consisted of:
- Public Health (Health Inspectors)
- Public Health By-Laws, 3 June 1959 – Nuisance
- Primary Health Care (Clinic services)

## **(2) Directorate Health & Environment**

- Administration & Finance
- Primary Health Care (Clinic services)
- Environmental Management Unit
- Environmental Health (Including pest control)
- Water quality
- Refuse removal and street cleansing

### *(3) Department Community Services*

#### ***In this period:***

- The function of Primary Health Care Services was transferred to Provincial Government.
- The function of Environmental Health Services was transferred to District (Dr Kenneth Kaunda District Municipality) as Municipal Health Services.
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- The Tlokwe office of Dr KKDM renders now Municipal Health services on behalf of Tlokwe City Council

# The Department Community Services was compiled of the following Sub-Sections

## 1. Environmental Management

(a) Environmental Management Unit

(b) Water Quality and Laboratory Services

(c) Waste Management (Refuse Removal & Street Cleansing)

## ***The Department Community Services was compiled of the following Sub-Sections***

2. Parks & Recreation (Includes: Parks, open spaces, pavements, cemeteries, swimming pools, local airport, sport fields and Lake side resort (Potchefstroom dam).
3. Sports, Arts & Culture (Museums & halls) & Libraries
4. In 2014 a new department: Department Sports, Arts & Culture was established

# *Environmental functions between Tlokwe City Council & DR Kenneth Kaunda District Municipality*

## **ENVIRONMENTAL MANAGEMENT**

- Water quality – Laboratory
- Waste management
- Environmental management unit

## **ENVIRONMENTAL HEALTH (MUNICIPAL HEALTH) FUNCTIONS**

- Environmental Health functions include the following functions in terms of the National Health Act (Act 61 of 2003):
  - **A. Water Quality Monitoring (Also done by the City Council)**
  - Monitoring of water quality/safety used for domestic purposes.
  - Monitoring of water quality/safety used for recreational purposes.
  - Monitoring of water quality/safety used from natural sources.
  - Monitoring of water quality/safety used from sewage treatment plants.
  - Complaints investigations (law enforcement and issuing of compliance notices).

## *B. Food Control*

## *C. Waste Management (The whole function is with the Tlokwe City Council)*

- Monitoring of refuse removal, solid waste disposal and waste disposal sites.

## *D. Environmental Pollution Control*

- Includes the:
- **Monitoring** of air/noise/water/land pollution.

## *E. Disposal of the Dead*

- Pauper/Indigent burials (Indigent funerals are done by Tlokwe City Council)

# LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, ACT NO 32 OF 2000

- 4. Rights and duties of municipal councils.—(1) The council of a municipality has the right to—
  - h) promote gender equity in the exercise of the municipality's executive and legislative authority;
  - (i) **promote** a safe and healthy environment in the municipality;



# THE ENFORCEMENT OF BY-LAWS: TLOKWE CITY COUNCIL

## ***BY-LAW ENFORCEMENT INSPECTORATE***

Tlokwe City Council has adopted a Mayoral Committee resolution, whereby all Council Departments were instructed to improve on by-law enforcement, to ensure that community members comply and abide by all the city by-laws. It is driven by Department Public Safety.

The establishment and revival of the By-law Enforcement in the Tlokwe City Council area of Jurisdiction is necessitated by the increasing level of legal non-compliance taking place on a daily basis.

- Representatives from different departments were trained to do law enforcement
- Identification cards must be issued to officials in terms of Section 334 of the Criminal Procedures Act 1977 (Act 51 of 1977).
- Question remains – Will officials write out tickets – Extra burden – Not a nice job

# THE ENFORCEMENT OF BY-LAWS: ENVIRONMENTAL HEALTH OFFICERS FROM DR KKDM

- When Environmental Health moved to Dr Kenneth Kaunda District Municipality in April 2007, they had no by-laws to enforce. The District appointed a consultant to draft by-laws for them and after all the processes followed, the district is in 2015 in the final stages to finalize the fines of the by-laws.
- In practise, no law enforcement took place, since 2007, and that includes food premises.
- Dr KKDM has no income section
- Service Level Agreement – No SLA up to date between Tlokwe and Dr KKDM

# PRACTICAL EXAMPLES

## Illegal dumping, overgrown or nuisance on the premises –

- All over town. The landfill site is situated 10 km outside the city
- Access road to the landfill site
- Only one garden refuse transfer station in the industrial area.
- Overgrown or dirty premises
- Risk assessment = Probability X Severity
- Will happen X very expensive to clean – Limited to no infrastructure Will make use of contractors – Not sustainable – Tender process



- N 12 Case scenario
- Financial implications

***Procedure:***

1. Open spaces that belong to Tlokwe City Council
2. Privately owned land (Dr KKDM Responsible)
3. EHP will send notice to owner to clean premises.
4. If owner still do not clean premises, the EHP will send notice to Tlokwe Municipality
5. Then Tlokwe must clean the premises (Obtaining 3 quotations) and reclaim the expenses from the owner, by deducting it from water & lights account or normal legal process.
6. This can be a very lengthy process.
7. Law enforcement ? Previously a notice was send owner and then prosecution process followed



# ***NEW OR UPDATED BY-LAWS AND POLICIES***

- Tlokwe City Council in the process of drafting new by-laws and policies – Is done by officials – No Consultants – Officials are not legal experts
- Waste management by-laws
  - Must be updated to be inline with new legislation– Also requirement of Auditor General
- Noise pollution control by-laws
  - In process with new draft by-laws to be inline with Air Quality Act of 2004
- Environmental policy (Assistance from SALGA)

# AIR QUALITY

- Constitution act of 1996 as amended, on the exclusive function of local government Schedule 5 being Air Quality. Subsequently, National Environmental Management: Air Quality Act, 2004(Act No.39 of 2004) which came in to effect on the 01 September 2005 which requires compliance to the sections of the Act as mention below.
- **Section 14(3)**: Each Municipality must **designate an Air Quality Officer** from its administration to be responsible for co-ordinating matters pertaining to air quality management in the municipality jurisdiction and perform the duties in terms of the Act.
- Air Quality by-laws

# DRAFT POLICY FOR INDIGENT FUNERALS

***Draft policy for indigent funerals (In an advanced stage) .***

1. Two categories: Indigent and Pauper. ***Shared functions.***
2. Role of Municipal Health Services – Do Pauper funerals
3. Role of Tlokwe City Council – Do Indigent funerals - Requirements
4. Role of the hospital
5. Funeral Undertakers- Tender process – Service level agreement

# WAY FORWARD TO PROMOTE SERVICE DELIVERY

1. Clear role and function of services:
  - Local Government
  - District Municipality
2. Avoid duplication of services
3. Monitoring by Dr KKDM – What is the real purpose of monitoring ?
  - Service level Agreement
4. Capacity to do functions and applying the by-laws





***Thank You***