



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

AIR QUALITY MANAGEMENT AMENDMENT BY-LAW, 2021

**APPROVED BY SPECIAL COUNCIL :
29 SEPTEMBER 2021 - SPC 17M/09/21**

**PROMULGATED 22 OCTOBER 2021
PG 8508; LA 21669**



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette

Provinsiale Koerant

8508

8508

Friday, 22 October 2021

Vrydag, 22 Oktober 2021

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

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INHOUD

(*Reprints are obtainable at Room M12, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

(*Herdrukke is verkrygbaar by Kamer M12, Provinsiale Wetgewing-gebou, Waalstraat 7, Kaapstad 8001.)

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CITY OF CAPE TOWN

AIR QUALITY MANAGEMENT AMENDMENT BY-LAW, 2021

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
 _____ Words underlined with a solid line indicate insertions in existing enactments.
-

BE IT ENACTED by the Council of the City of Cape Town, as follows: -

Amendment of section 19 of the City of Cape Town: Air Quality Management By-law, 2016

1. Section 19 of the City of Cape Town: Air Quality Management By-law, 2016 (hereinafter referred to as the principal By-law) is hereby amended by —

(a) the substitution for paragraph (h) of subsection (4) of the following paragraph:

“(h) the open burning is conducted at least 100 metres from any buildings or structures; **and** except on land set aside for nature conservation in terms of any legislation or where the application is for firefighting training or film shoot special effects purposes;”;

(b) the insertion of the word ‘and’ and the following paragraph after paragraph (i):

“(j) The applicant has, in terms of the Community Fire Safety By-law, submitted a fire management plan to the satisfaction of the Chief Fire Officer.”

Amendment of section 31 of the City of Cape Town: Air Quality Management By-law, 2016

2. Section 31 of the principle By-law is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) The steps contemplated in subsection (4) must include a written notification to the abutting and affected neighbours or the publication of a notice in at least two newspapers, one circulating provincially and one circulating within the jurisdiction of the City, which must —

(a) give reasons for the application; and

(b) contain such other particulars concerning the application as the air quality officer may require.”

Short title

3. This By-law is called the City of Cape Town: Air Quality Management Amendment By-law, 2021.

STAD KAAPSTAD

WYSIGINGSVERORDENING OP LUGGEHALTEBESTUUR, 2021

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vetdruk tussen vierkantige hakies dui op skrappings uit bestaande bepalings.
 _____ Woorde wat met 'n volstreep onderstreep is, dui op invoegings in bestaande bepalings.

HIERMEE WORD soos volg deur die Raad van die Stad Kaapstad VERORDEN: -

Wysiging van artikel 19 van die Stad Kaapstad: Verordening op Luggehaltebestuur, 2016

1. Artikel 19 van die Stad Kaapstad: Verordening op Luggehaltebestuur, 2016 (hierna die hoofverordening genoem) word hiermee gewysig –

- (a) deur die vervanging van paragraaf (h) van subartikel (4) met die volgende paragraaf:

“(h) die oop verbranding moet ten minste 100 meter vanaf enige geboue of strukture uitgevoer word; **en] behalwe op grond wat ingevolge enige wetgewing opsygesit is vir natuurbewaring of waar die aansoek vir brandbestrydingsopleiding of vir spesiale effekte vir filmopnames bedoel is;**”;

- (b) die invoeging van die woord ‘en’ en die volgende paragraaf na paragraaf (i):

“(j) die aansoeker het ingevolge die Verordening op Gemeenskapsbrandveiligheid 'n brandbestuursplan tot bevrediging van die brandweerhoof ingedien.”

Wysiging van artikel 31 van die Stad Kaapstad: Verordening op Luggehaltebestuur, 2016

2. Artikel 31 van die hoofverordening word hiermee gewysig deur die vervanging van subartikel (5) met die volgende subartikel:

“(5) Die stappe wat in subartikel (4) beoog word, moet 'n skriftelike kennisgewing aan aanliggende bure en bure wat geraak word of die publikasie van 'n kennisgewing in minstens twee koerante insluit, waarvan een provinsiaal en een in die regsgebied van die Stad verskyn —

- (a) met vermelding van die redes vir die aansoek; en
 (b) met sodanige ander besonderhede van die aansoek as wat die luggehaltebeampte vereis.”

Kort titel

3. Hierdie verordening is bekend as die Stad Kaapstad: Wysigingsverordening op Luggehaltebestuur, 2021.

ISIXEKO SASEKAPA

UMTHETHO KAMASIPALA WEZILUNGISO WOLAWULO LOMGANGATHO WOMOYA, 2021

INGCACISO-GABALALA:

[] Amagama abhalwe ngqindilili akwizikwere abonisa oko kucinyiweyo kwimithetho ekhoyo.

_____ Amagama akrwelelwe umgca ongqindilili abonisa oko kufakelweyo kwimithetho ekhoyo.

NGOKO KE, MAWUMISELWE liBhunga leSixeko saseKapa ngolu hlobo lulandelayo:-

Ukwenziwa kwezilungiso kwicandelo 19 loMthetho kaMasipala weSixeko saseKapa woLawulo loMgangatho woMoya, 2016

1. Icandelo 19 loMthetho kaMasipala weSixeko saseKapa woLawulo loMgangatho woMoya, 2016 ((ekubhekiswe kuwo apha njengoMthethongqangi) lenziwa izilungiso -

(a) ngokufaka endaweni yomhlathi (h) wecandelwana 4 lo mhlathi ulandelayo:

“(h) ukutshisela ngaphandle kwenziwa ubuncinane kumgama we-100 leemitha ukusuka kwizakhiwo okanye kwizakheko; [; kwaye] ngaphandle komhlaba obekelwe bucala ukulungiselela ukulondolozwa kwendalo ngokwemiqathango yawo nawuphi na umthetho okanye apho isicelo senzelve uqeqesho lokulwa imililo okanye ukufota ifilimu ngeenjongo ezizodwa.”;

(b) ngokufaka igama ‘kwaye’ kunye nalo mhlathi ulandelayo emva komhlathi (i):

“(j) Umfakisicelo, ngokwemiqathango yoMthetho kaMasipala ongoKhuseleko loLuntu kwiMililo, ungenise isicwangciso solawulo lwemililo ngendlela eyanelisa iGosa eliyiNtloko lezoMililo.”

Ukwenziwa kwezilungiso kwicandelo 31 loMthetho kaMasipala weSixeko saseKapa woLawulo loMgangatho woMoya, 2016

2. Icandelo 31 loMthethongqangi lenziwa izilungiso ngokufaka endaweni yecandelwana (5) eli candelwana lilandelayo:

“(5) Amanyathelo achazwe kwicandelwana (4) makabandakanye isaziso esibhaliweyo kubamelwane abakufutshane nabachaphazelekayo okanye ukupapashwa kwesaziso ubuncinane kumaphepha-ndaba amabini, elinye elijikeleziswa kwiphondoze elinye ibe lelijikeleziswa kummandla wolawulo lweSixeko- ekufuneka —

(a) linike izizathu zesicelo; kwaye

(b) liqulathe ezinye iinkcukacha eziphathelele nesicelo ngokokufuna kwegosa lomgangatho womoya.”

Isihloko esifutshane

3. LoMthetho kaMasipala ubizwa ngokuba nguMthetho kaMasipala weSixeko saseKapa weZilungiso woLawulo loMgangatho woMoya, 2021.