

City of Ekurhuleni - Statistics

- Ekurhuleni is considered the “Workshop of Africa” with over 40 000 industries (5 000 according to SA Cities Network)
- Contributes 6.2% of national production
- Manufacturing accounts for 32% of total production
- A share of approx. 7.3% of national employment
- Largest gold refinery in the world
- South Africa’s largest rail hub
- South Africa’s busiest airport
- Plans to become an **AEROTROPOLIS**
- Known as a city of lakes and dams



Ekurhuleni air quality worst in SA

2014-09-23 22:30

Johannesburg - Air quality within the boundaries of the Ekurhuleni Metro Municipality is the worst in South Africa, National Air Quality Officer Thuli Mdluli said on Tuesday.

This was attributable to the fact that there were many sources of pollution, such as domestic coal burning, industry and mining. In the area, she said at media briefing in Pretoria.

Ekurhuleni falls within the Highveld Priority Area, one of three national air quality priority areas identified by the department of environmental affairs.

The other areas were the Vaal Triangle Airshed Priority Area and the Waterberg-Bojanala Priority Area.

Priority areas could be declared where ambient air quality standards are being exceeded, or where the environmental affairs minister or MEC reasonably believed this could be the case.

- SAPA

Read more on: [Johannesburg](#) | [air quality](#) | [environment](#)



Steam and smoke pouring from the coal burning power plant . (Martin Meisner, AP/FILE)

[Multimedia](#) - [User Galleries](#) - [News in Pictures](#)
[Send us your pictures](#) - [Send us your stories](#)

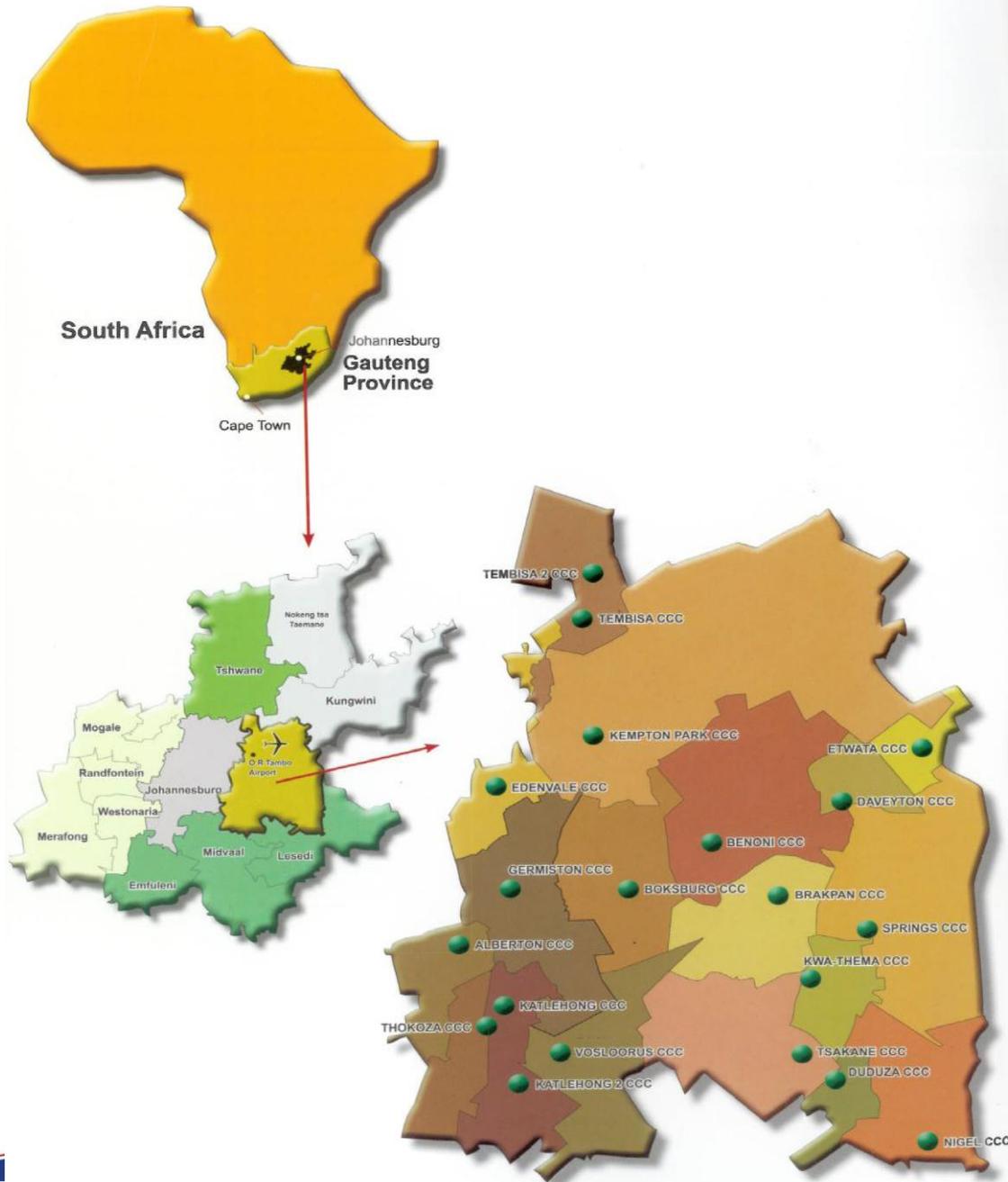
Related Links

[Ekurhuleni water turned off to allow reservoir to fill](#)
[Boksburg still without power](#)
[Eskom denies deadly pollution](#)

Legacy By-laws

- Ekurhuleni Metropolitan Municipality was formed on 05 December 2000 and resulted in the disestablishment of the previous local administrations which were absorbed into the new structure
 - Alberton (Thokoza)
 - Benoni (Daveyton, Actonville, Wattville, Etwatwa)
 - Boksburg (Vosloorus, Reiger Park)
 - Kempton Park (Tembisa)
 - Germiston (Katlehong, Palm Ridge, Zonkesiswe)
 - Springs (KwaThema, Bakerton)
 - Nigel (Duduza)
 - Brakpan (Geluksdal, Tsakane)
 - Edenvale/Lethanbong
 - Khayalami Metropolitan Council
 - Eastern Gauteng Services Council

MAP OF EKURHULENI



Ekurhuleni
METROPOLITAN MUNICIPALITY

Ekurhuleni is a Tsonga word Meaning “Place of Peace”



Ekurhuleni
METROPOLITAN MUNICIPALITY

a partnership that works

4 June 2015

Konrad Adenauer Foundation and
the Faculty of Law (North West University)

The Role of
Municipal Bylaws
in *Environmental*
Good Local Governance
in South Africa



Environmental Governance at Local Level

- Internal Environmental Governance
- External Environmental Governance
- Environmental By-laws??
 - Water bylaws
 - Waste bylaws
 - Air Quality bylaws
 - Alien Invasive Species bylaws
 - Public Health bylaw
- Model Environmental By-laws
- Separation of Powers

Greening of Ekurhuleni's By-laws

Problem Statement

- Various by-laws exist in EMM where no reference is made to or requirements are included that will ensure the conservation of the environment. Protection of natural resources is not prioritised. No vehicle to ensure compliance with environmental legislation at local level exists.

- The EMM is embarking on a by-law reform process for the next two financial years. This project is aimed at aligning the by-laws in Ekurhuleni with the environmental rights outlined in the Constitution, and potentially creating new environmental by-laws where gaps are identified. These green by-laws will influence the service delivery operations as well as, the planning and decision making processes of the city.



Ekurhuleni
METROPOLITAN MUNICIPALITY

- The objectives of the by-law greening is to achieve the following;
- to review current existing by-laws city wide
- to integrate environmental considerations in the city's by-laws
- to promote environmental best practice
- to respond to climate change risks and challenges
- to create a city wide environmental awareness education and capacity building

Overall aim of the project

- To integrate environmental considerations in the regulation of activities and operations within Ekurhuleni in order to satisfy the environmental right embedded in the Constitution
- “Greening” means to revise the existing by-laws to make them more environmentally friendly with the aim of protecting the environment and promoting a more sustainable city
- The EMM regulatory function created and implemented through a suite of by-laws that control activities in the Metro (internally and externally)
- Aim is to revise and align the by-laws with the environmental ideal, and potentially create new environmental by-laws where gaps exist

Approach

- Focused on priority by-laws based on the impact on the environment, and potential to introduce environmental considerations into the by-laws;
- Drafted general environmental clauses referencing the various acts and inserted such clauses into the appropriate specific Ekurhuleni by-law.
- Refined or amended certain definitions and clauses to ensure that those definitions and clauses are in line with the purpose and objectives of relevant national environmental legislation.
- Assessed other Metro's by-laws and made recommendations based on best practice

By-laws

- Draft Air Quality Management
- Draft Billboards and the display of Advertising
- Draft Dolomite Risk Management
- Emergency Services
- Fresh Produce Market
- Electricity (draft new Electricity by-law)
- Parks and Open Spaces
- (Proposed new Public Open Space by-law)
- Cemetery and Crematorium
- Planting, pruning, removal and treatment of Street Trees
- Public Health
- Draft Stormwater Management
- Sports and Recreation
- Arts, Culture and Heritage
- Police Services
- (Proposed new Street Trading by-law)
- Waste Water (draft new Waste Water by-law)
- Water Supply (draft new Waste Water by-law)
- Draft Waste Management

- Ekurhuleni's consultant has developed **NEW GENERAL ENVIRONMENTAL CLAUSES** which seek to align the existing and draft EMM by-laws with core environmental principles and provisions contained in relevant and applicable national legislation which include but are not limited to:
 - The National Environmental Management Act 107 of 1998 (NEMA);
 - The National Environmental Management: Air Quality Act 39 of 2004 (NEM:AQA);
 - The National Environmental Management: Biodiversity Act 10 of 2004 (NEM:BDA);
 - The National Environmental Management: Waste Act 59 of 2008 (NEM:WA);
 - The National Heritage Resources Act 25 of 1999(NHRA);
 - The National Water Act 36 of 1998 (NWA);
 - The Water Services Act 108 of 1997;
 - The National Energy Act, 2008 (Act 34 of 2008); and
 - The Electricity Regulation Act, 2006 (Act 4 of 2006)

- During the course of the review of the EMM by-laws it was identified that no reference is made to NEMA or its principles in terms of section 2, within the preamble and / or body of the existing or draft by-laws.
- **THE PRINCIPLES IN SECTION 2 OF NEMA** provide guidance for the interpretation and implementation of not only NEMA but any other legislation that is concerned with the protection and management of the environment.
- The principles also apply throughout the Republic to the actions of all organs of State (therefore including Local Government) that may significantly affect the environment.
- New general environmental clauses were, therefore, drafted referencing the relevant section 2 NEMA principles and have inserted the principles into the appropriate specific EMM By-law.

- There is a gap in enforcing environmental requirements and holding wrong-doers accountable for environmental harm caused within the Municipal Area.
- Therefore clauses have been inserted which are modelled according to the **DUTY OF CARE** provisions in **NEMA, NEM:WA and NWA** which aim to hold those responsible for environmental damage and adverse impacts on human health liable to pay the costs of mitigating or rehabilitating any environmental damaged caused.
- It was also recommended that EMM consider **SECTION 31C OF NEMA** which is critical for the enforcement of environmental legislation within the Municipality and have recommended provisions for EMM's consideration and possible inclusion in the applicable EMM by-laws.

- It was also evident that there is a gap in the **REPORTING OF ENVIRONMENTAL INCIDENTS** to the relevant authorities at EMM and how the impacts of the environmental incident are to be managed.
- Therefore new general environmental clauses were drafted which are modelled on **SECTION 30 OF NEMA AND SECTION 20 OF NWA** to ensure that environmental incidents are reported timeously and to specify reasonable measures that must be undertaken by the responsible person to contain and minimise the effects of the pollution on the environment or water resource, as the case may be.
- **It was also recommend that EMM develop standard forms and procedures for the reporting of emergency incidents to the relevant authority at EMM.**

EXAMPLES

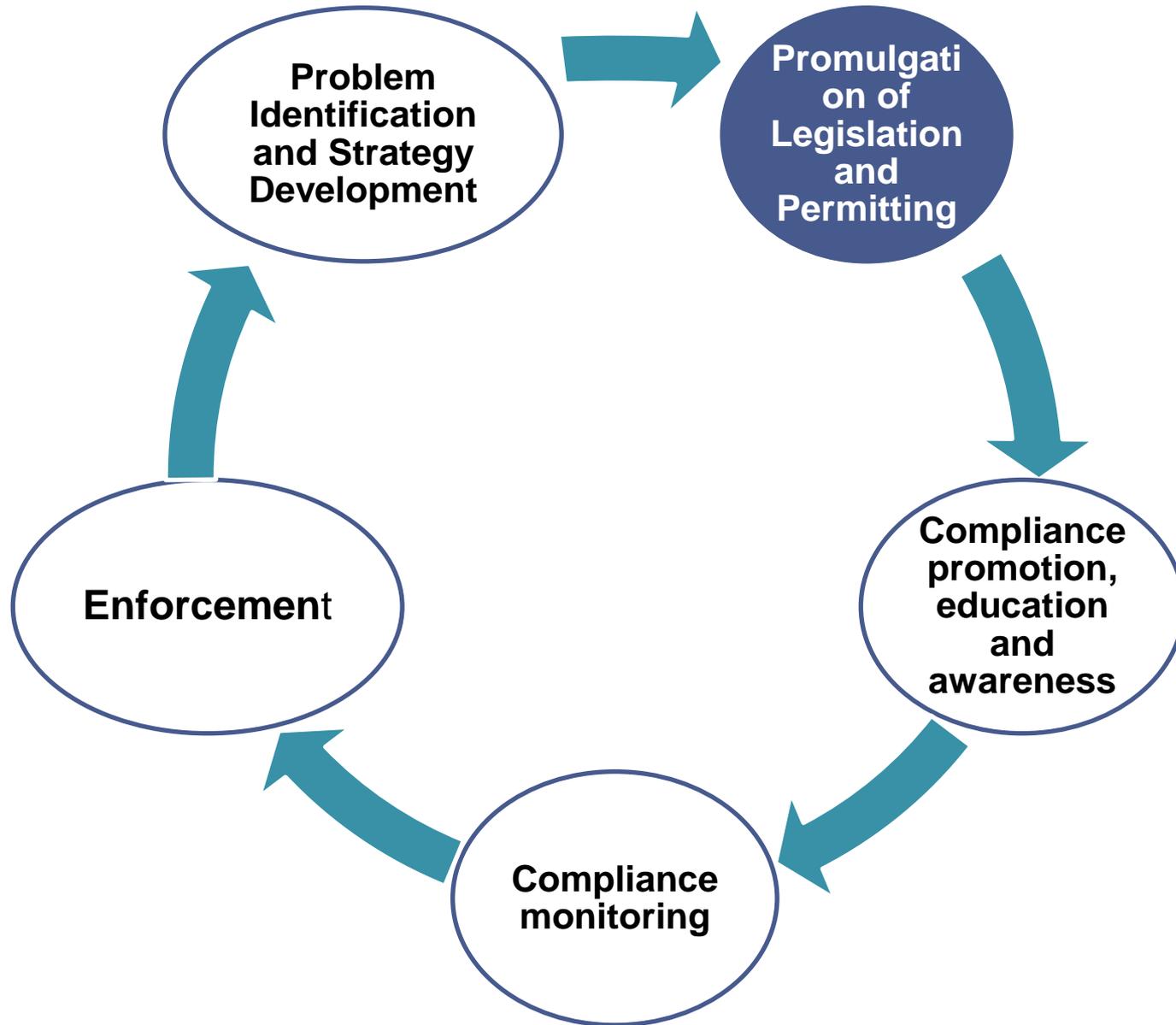
- Waste By-law
- Electricity By-law

COMPLIANCE MONITORING AND ENFORCEMENT

a partnership that works



The Regulatory Cycle



ISSUES

- Powers of municipal officials
 - Peace Officers and Environmental Management Inspectors
 - Entry onto premises
 - Search and Seizure

- Investigation and prosecution of environmental crime
 - By-law Blitzes
 - Municipal Court
 - Assets Forfeiture
 - Prosecuting offences in terms of national Acts in the Municipal Court?? e.g atmospheric emission offences
 - Double-jeopardy
 - Admission of Guilt fines
- Environmental crimes are financial crimes with an environmental flavour

- Section 179 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), read with the National Prosecuting Authority Act, 1998 (Act 32 of 1998), as amended, provides for a single national prosecuting authority in the Republic of South Africa. Section 112 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), provides as follows:
- *"Prosecution of offences – A staff member of a Municipality authorized in terms of section 22(8)(b) of the National Prosecuting Authority Act, 1998 (Act 32 of 1998), to conduct the prosecutions, may institute criminal proceedings and conduct the prosecutions in respect of a contravention of or failure to comply with a provision of:*
 - *a by-law or regulation of the Municipality;*
 - *other legislation administered by the Municipality; and*
 - *other legislation as the National Director of Public Prosecutions may determine in terms of section 22(8) (b) of the National Prosecuting Authority Act, 1998."*



END

a partnership that works

