

The Minister of Health, after consultation with the Minister of Economic Affairs, has been pleased under the authority of Section 18(5) of the Atmospheric Pollution Prevention Act, 1965 (Act □ 45 of 1965), to approve of the subjoined Smoke Control Regulations for the City of Pietermaritzburg as made by the City Council at its meeting held on the 15th August 1968:-

CITY OF PIETERMARITZBURG

SMOKE CONTROL REGULATIONS

1. (1) In these regulations, unless the context otherwise indicated –
 - (ii) "Council" means the City Council of Pietermaritzburg.
 - (ii) "the Act" means the Atmospheric Pollution Prevention Act, 1965 (Act □ 45 of 1965).
- (2) Expressions other than those referred to in sub-regulation (1) have the meanings assigned to them by the Act.
2. (1) Savé as provided in subregulation (2), no owner or occupier of any premises shall, except for an aggregate period not exceeding three minutes during any continuous period of thirty minutes, permit the emission or emanation from such premises of smoke which, if compared with a chart of the kind shown in the First Schedule to the Act, appears to be of a shade equal to or darker than shade 2 on that chart or which, when measured with a light absorption meter has an absorption of 40% or greater.
- (2) The provisions of subregulation (1) shall not apply to smoke emanating from a fuel burning appliance during the start-up period or, if such emission could not reasonably have been prevented, while such appliance is being overhauled or during the period of any breakdown or disturbance of such appliance, and emitted in contravention of that subregulation.
- (3) If on the written application of any person the Council is satisfied that there are adequate reasons for a temporary exemption of any fuel burning appliance or any premises from the provisions of subregulation (1), the Council may by notice in writing given to the applicant, grant for a specific period such exemption.
3. No person shall install or cause or permit to be installed or alter or extend or cause or permit to be altered or extended any fuel burning appliance designed to burn solid or liquid fuel in or on any premises, unless the plans and specifications in respect of such installation, alteration or extension have been approved by the Council.

4. If any fuel burning appliance has been installed, altered or extended in contravention of Regulation 3, the Council may by notice in writing require the owner or occupier of the premises in question to remove, within a period specified in the notice and at his own expense, such fuel burning appliance from such premises.
5. The owner or occupier of any premises in or on which any fuel burning appliance is used shall, if so requested by the Council in writing, install, maintain and use at his own expense such apparatus as may be determined by the Council, for the purpose of indicating or recording or both indicating and recording the density or shade of the smoke emitted from such appliance or for the purpose of facilitating the observance of such smoke with a view to determining its density or shade and make available to the Council at all reasonable times any information recorded or ascertained by means of such apparatus.
6. The provisions of these Regulations shall not apply to smoke emitted from any dwelling house or to the installation, alteration or extension of any fuel burning appliance in any dwelling house.
7. No person shall burn and no owner, occupier or person in control of any premises or part thereof, shall allow any waste material, rubbish, garden refuse, cut grass, prunings or any similar material to be burnt in or on any premises or any part thereof, except in an incinerator which has been duly approved for this purpose in terms of these regulations. (G.N. 708/1978)
8. Any person who contravenes any provision of these Regulations shall be guilty of an offence and be liable on a first conviction to a fine not exceeding two hundred rand, or in default of payment of such fine, to imprisonment for a period not exceeding six months, and on a second or subsequent conviction, to a fine not exceeding one thousand rand or, in default of payment of such fine, to imprisonment for a period not exceeding twelve months.
9. These Regulations may be cited for all purposes as the Smoke Control Regulations.