

DRAFT STEVE TSHWETE LOCAL
MUNICIPAL GREENING AND CLEANING
ADOPT-A-SPOT POLICY

Policy Number:

Adopted Date:

Date to be reviewed:

FOREWORD

The **National Environmental Management Act, 1998 (NEMA)** sets out principles of sustainable development. Sustainability denotes the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations. In other words, and according to s.2 of NEMA, environmental management must place people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably. Section 2(3) stipulates that development must be socially, environmentally and economically sustainable.

The Draft Steve Tshwete Local Municipality (STLM) Adopt-a-Spot policy seeks to incorporate the NEMA principles into a local government decision support framework that facilitate sustainable management and development of Public Open Space resources.

The draft policy is not aimed at replacing the Town Planning policies of the municipality. The policy is aimed at addressing illegal dumping in the STLM, hence the adoption of spaces will only focus on areas where illegal dumping or poor maintenance of public space takes place. Community participation and involvement is central to changing attitudes and behaviour of people towards good waste management practices and to bring environmental sustainability in all public open spaces.

TABLE OF CONTENTS

1. Policy Statement
2. Definitions
3. Scope and Application of the policy
4. Legal parameters
5. Application procedure and process flow
6. Benefits of the Policy
7. Areas to be Adopted
8. Triggers for adopting a spot
9. Responsibilities of the Adoptee in the adoption of the Spot Programme
10. Responsibilities of the Adopter in the adoption of the Spot Programme
11. Period and termination of the agreement
12. Utilisation and Commercialisation of the spot
13. Policy Conditions
14. Recognition to the Adopters
15. Outdoor Advertising and Marketing
16. Monitoring and Evaluation
17. Conclusion

Annexure B – Application form for Adopt a Spot program

1. Policy Statement

The Steve Tshwete Local Municipality experiences widespread illegal dumping next to public roads, on municipal parks and public open spaces, while some backyard streets in the neighbourhood are closed because of illegally dumped waste. Many of the illegal dumping areas are perpetually increasing in size despite regular cleaning by the municipality.

The Draft STLM Adopt-a-Spot Policy is intended to regulate the adoption of undeveloped municipal parks and pieces of land within public open spaces by members of the community and businesses, with an objective of reducing illegal dumping that is taking place in the public open spaces. It seeks to ensure that people who adopt a spot maintain such spot in a sustainable manner that will discourage continued dumping and pollution of the immediate environment. The adopted space can be developed into a mini-park, vegetable garden, or any other authorized activity that will assist in the sustenance of the adopted spot.

Construction of permanent structures on the adopted spaces will be a violation of the Land Use Management policy of the Municipality, save for installation of children's play park equipment and other park furniture and construction of temporary structures associated with the development of a park after prior approval has been sought from the municipality.

2. Definitions

In this policy, unless the context indicates otherwise –

“Adopter” shall mean any individual or a group of individuals with an identified name, business, partnership or any organisation that applies to Adopt-a-Spot or a portion of a park and with whom a memorandum of agreement is entered into.

“Adoptee” shall mean the Municipal Manager of Steve Tshwete Local Municipality, his designate or any person acting on his behalf.

“Memorandum of Understanding” shall mean a fully executed agreement between the Municipality and the Adopter that incorporates the requirements of rules allowing the adopter and its participants to perform certain duties and obligations. The signed agreement shall not in any way convey any property rights or interest on the adopted spot. The term Agreement shall bear the same meaning.

“Director: Environmental and Solid Waste Management” shall mean a duly appointed Head of Department of Environmental and Waste Management in the Steve Tshwete Local Municipality, his/her designate or any person acting on his/her behalf.

“Municipality” shall mean the Steve Tshwete Local Municipal established in terms of the Municipal Structures Act, 1998.

“Municipal manager” shall mean the head of administration of the municipality duly appointed in terms of the Municipal Systems Act, 2000, his/her designate or any person acting on his/her behalf.

“Park” shall mean a protected area, in its natural or semi-natural state and set aside for human recreation and enjoyment or for the protection of wildlife or natural habitats. It may consist of rocks, soil, water, flora and fauna and grass areas.

“Policy” shall mean the Steve Tshwete Local Municipality Adopt-A- Spot Policy.

“Private open space” means any land zoned private open space for the use as open space, garden, ornamental garden, playground, sport ground to which the general public has no right of access except with consent.

“Public open place” shall mean any land used by the general public as open space, park, garden, playground, recreation ground, sport ground, pleasure resort, undeveloped municipal land, road reserve, etc.

“Spot” shall mean a park or portion of a park, a road reserve or a piece of ground that is part of a public open space and which is affected by environmental degradation and/or lack of maintenance.

3. Scope and Applicability of the Policy

The implementation of the Adopt-A-Spot policy shall be driven by the Directorate: Environmental and Solid Waste Management. The Department with the assistance of Physical Environmental Department shall facilitate the initial cleaning of the adopted space.

The adopter shall be expected to take immediate occupation of the site immediately after cleaning and signing of a memorandum of agreement.

The policy shall apply as follows:

- 3.1. Any volunteer group/Business/Educational organization/Religious organization or any associated neighbourhood organization may Adopt-a-Spot in a portion of a park or any public open space for the purpose of maintaining, preserving, developing and improving it and to carry out any such work or activities as agreed upon by the Adopter and the municipality, also referred to as the Adoptee.
- 3.2. All public open spaces, municipal parks and all other spaces owned by the municipality within the entire jurisdiction of the Steve Tshwete Local Municipality where illegal dumping, littering and/or poor maintenance of public open space takes place.
- 3.3. Adoption of a spot shall be based on volunteerism, the adopter should not raise any expectations that there shall be remuneration or incentives paid by the municipality in recognition of the work done, neither shall the adopter develop a sense of entitlement towards any opportunity that may arise within the municipality. Recognition for adopted spaces shall however be given to the adopter in different ways by the municipality.
- 3.4. The policy shall apply to any person who is a resident of Steve Tshwete Local Municipality and who is eligible to enter into an agreement with the municipality, irrespective of age, gender and colour.

4. Legal Parameters

Within the South African legislative framework, the five main pieces of legislation that constitutes the pillar of sustainable development and the basis for the development of this policy are the following:

- 4.1. The Constitution of the Republic of South Africa, 1996 as amended.
- 4.2. The Environmental Conservation Act, 1989 as amended.
- 4.3. The National Environmental Management Act, 1998 as amended
- 4.4. The NEM: Waste Act, 2008 as amended.
- 4.5. The NEM: Air Quality Act, 2004 as amended
- 4.6. The NEM: Biodiversity Act, 2004 as amended
- 4.7. The Steve Tshwete Local Municipality Nuisance By-laws, 2021
- 4.8. The Steve Tshwete Solid Waste Management By-Laws,2022

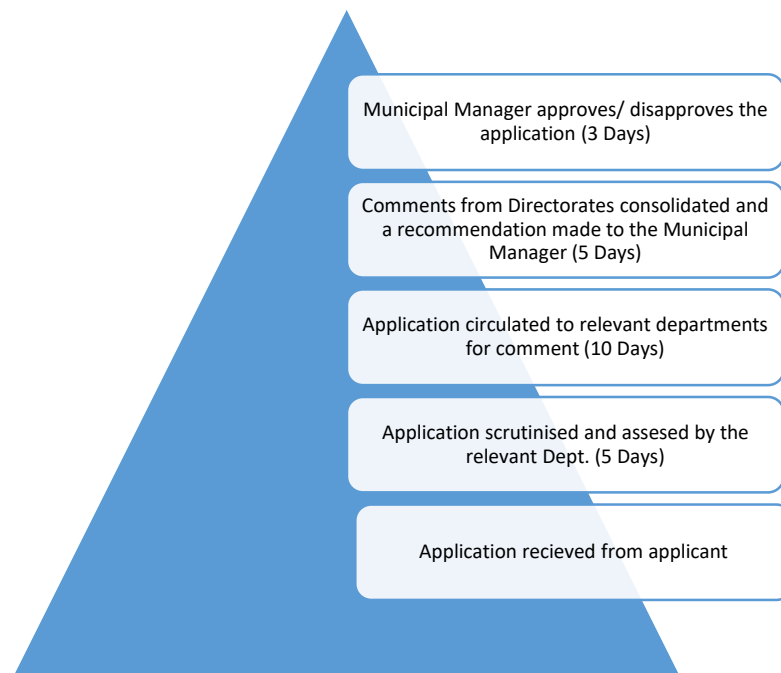
Section 24 of the Bill of Rights encapsulates the following:

- a) “The right to an environment that is not harmful to their health or well-being; and
- b) to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that –
 - i. prevent pollution and ecological degradation;
 - ii. promote conservation; and
 - iii. secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”

5. Application procedure and process flow for the Adopt a Spot program

- 5.1. Applications shall be submitted in a prescribed provided in **Annexure A**.
- 5.2. Applicants shall submit a fully completed application form to the Department of Environmental and Solid Waste Management.
- 5.3. All applications shall be accompanied by the following documents:
 - (a) A draft summary of business plan and/or design of the project to be developed,
 - (b) Photographs of the illegal dumping spot to be adopted,
 - (c) Municipal consumer account
 - (d) ID copies of the adopter/s

- 5.4. All applications should be acknowledged by the ward councillor.
- 5.5. The Director: Environmental and Solid Waste Management – shall scrutinise and assess the application for circulate completeness before circulating the application to other relevant Directorates for comments.
- 5.6. The Director: Environmental and Solid Waste Management shall consider the comments from relevant Directorate and make recommendations to the municipal manager for approval.
- 5.7. The decision of the Municipal Manager shall be final.
- 5.8. **Process flow** for adopting a spot:



6. Benefits of the Policy

- 6.1. It ensures a litter-free and attractive environment by discouraging illegal dumping on public open spaces.
- 6.2. It provides opportunities for members of the public to be recognised for the contribution in cleaning the environment and volunteerism work.
- 6.3. It ensures that communities take ownership of their environment and instil a sense of responsibility.
- 6.4. It provides opportunities for businesses to adopt public open spaces and utilise them to enhance their business.
- 6.5. It creates opportunities for creation of a Township economy

7. Areas to be adopted

Any part of a public open space, an entire municipal park, undeveloped municipal land or any public space that shall be identified by the municipality in consultation with other relevant departments/authorities.

8. Triggers for adopting a spot

- 8.1. The municipality may advertise a spot to be adopted in the notice board, municipal website, newspaper, newsletters and invite applications for adoption.
- 8.2. Individual applicants may submit applications to the municipality.
- 8.3. Only unmaintained spaces or spaces where illegal dumping takes place can be adopted.

9. Responsibilities of the municipality in the adoption of the spot programme.

The adoptee shall be responsible for the following:

- 9.1. The municipality/ adoptee shall be responsible for the initial cleaning of the illegal dumping area prior the occupation of the spot by the adopter.
- 9.2. The adoptee shall provide technical advice to the adopter in relation to the site to be adopted.
- 9.3. The municipality/adoptee will process application forms for adoption within thirty days from date of receipt of application form.
- 9.4. The adoptee through the Director: Environmental and Waste Management, his/her designate or person acting on his/her behalf shall facilitate the initial cleaning of the adopted space and render technical support to the adopter where possible to develop the area.
- 9.5. The adoptee shall, where feasible, point out connection points and provide service charge meters for services upon receipt of an application for such connection.
- 9.6. The adoptee shall prepare a memorandum of agreement to be signed by the parties.

9.7. The adoptee shall discretionary award a Certificate of Adoption Adopter as a token of appreciation and commitment towards participation in the Adopt-a-Spot Programme.

10. Responsibilities of the applicant/adopter in the adoption of the spot programme

The adopter shall be responsible for the following:

10.1. The applicant/ adopter shall provide all necessary information as required by the adoptee.

10.2. The adopter shall report to the adoptee any hazards and unsafe situations that might have been noticed during the life span of the project.

10.3. The adopter shall keep and maintain the adopted area in a clean and hygienic condition.

10.4. The adopter shall not create any public nuisance that will create disturbance in the neighbourhood.

10.5. The adopter shall report immediately to the adoptee, should he/she cease to operate the adopted space.

11. Period and termination of the agreement

11.1. The adoptee shall decide on a period of agreement for adoption of a spot which shall not exceed a renewable period of three (3) years. The period of agreement shall depend on the extent of work to be done and the amount of resources used according to the discretion of the adoptee.

11.2. Renewal of the agreement period shall be based upon the performance of the adopter on the allocated spot.

11.3. The adoptee may terminate an agreement for any reason including, but not limited to safety considerations, failure of the Adopter to perform in terms of the agreement, failure to report a health hazard on the adopted space or failure to follow a lawful instruction given by the Municipal Manager, his/her designate or person acting on his/her behalf. Termination of the agreement shall be issued in writing.

11.4. The adopter may terminate the agreement by given thirty (30) days written notice to the municipality.

12. Utilisation and Commercialisation of the spot

12.1. Commercialisation of the adopted spot shall be done with prior approval of the municipality.

12.2. No permanent structures shall be allowed on the adopted spot.

12.3. The requirements of this policy should be adhered to.

12.4. Any commercialisation should not destroy the open space qualities, spoil the views and interfere with public enjoyment.

12.5. Access to the spot by members of the community should not be prohibited and should be free.

13. Policy Conditions

13.1. General Requirements:

13.1.1. No person shall adopt a spot without adhering to the requirements of this policy.

13.1.2. Volunteers to the adopt-a-spot Programme shall not be remunerated, rewarded or reimbursed by the municipality whether before or during or after the life of their project.

13.1.3. The adopter shall remain within the confines of the adopted spot, however should the adopter wish to extend the adopted area, the prescribed requirements should be followed.

13.1.4. No permanent structures are allowed on the adopted area.

13.1.5. No person shall put up an advertising board on the adopted spot without prior consent of the municipality. The Municipality's Outdoor Advertising By-Laws must be adhered to.

- 13.1.6. Any temporary structures that will be attached to the adopted spot should receive prior consent/approval from the adoptee.
- 13.1.7. The adopted space shall not be used for any other purpose other than what it was initially intended for.
- 13.1.8. Any business activity to be conducted on the adopted space should receive prior approval from the Municipality.
- 13.1.9. Adopted spots for advertising purposes should receive prior approval from the adoptee.
- 13.1.10. The adopter may upon receiving approval from the adoptee use any material that may be found in the adopted spot for further development of the spot.
- 13.1.11. The Adopter shall not use the adopted space to display advertising signs or display or sell merchandise of any kind unless prior approval is obtained from the adoptee.

13.2. Specific Requirements:

- 13.2.1. The Adopter should at least be able to read, understand and comply with the relevant and applicable legislation that may affect the adoption of the spot.
- 13.2.2. The Adopter will be responsible and liable for the maintenance, control and supervision of the adopted spot as well as the safety of all persons interacting with the adopted spot.
- 13.2.3. The municipality shall be indemnified on all activities of the adopted spot, including those which the municipality is not aware of.

13.2.4. The Adopter must comply with and abide by all laws, rules and regulations relating to safety and environment.

13.2.5. The Municipality shall allow the adopter's sign/logo to be put up on the adopted area to acknowledge the adopter's participation in the Programme. This advertising shall not be in conflict with the provisions of the Outdoor Advertising By-laws of the municipality.

14. Recognition to the Adopters

Recognition of the adopter shall be an integral part of this Programme and it will take the following format:

14.1. Erecting signage boards on the adopted spots that pronounces a partnership with Steve Tshwete Local Municipality in keeping the adopted area clean and in a hygienic condition.

14.2. The size of the advertising board shall depend on the extent of the project and the size of development in the adopted spot. Steve Tshwete Local Municipality will design, furnish and erect a signature board on the adopted spot with the adopter's name or acronym displayed.

14.3. The board will remain the property of the municipality and will be removed by the municipality upon expiration or termination of the agreement.

14.4. Businesses may put up signage boards which also purport to promote their business. Prior approval of the board should be obtained from the municipality.

14.5. Good performing adopters shall be identified and be included in the annual Mayor's awards in recognition of their contribution to the environment.

14.6. A formal certificate of adoption and contribution towards the Programme, signed by the Executive Mayor/Municipal Manager shall be issued to every adopter as a token of appreciation.

15. Outdoor advertising and marketing

15.1. The adopter will be allowed to erect an advertisement board on the area adopted.

15.2. The wording and info displayed on the board need to be presented to the Municipality for scrutiny and final approval.

15.3. All applications for outdoor advertising and marketing shall be handled by the department of Spatial Planning of the Steve Tshwete Local Municipality.

15.4. The layout, design and wording of the board must be uniform and be done in consultation with the Municipality.

16. Monitoring and evaluation

16.1. Monitoring and maintenance of the park should be done on a daily basis or when a need arise. Some sites may require additional time commitments.

16.2. The adopter may be required to have a supervisor or any other person on site on a regular basis for purposes of monitoring and control of the adopted spot.

16.3. The adopter may be required monthly or annually to submit a report to the Municipality as part of monitoring and evaluation purposes.

17. This policy shall be called the Steve Tshwete Local Municipality adopt a spot policy and shall come into effect by resolution of Council.