



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 4 November 1996

No. 1439

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## General Notice

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### MUNICIPALITY OF WALVIS BAY

No. 319

1996

### HOSTEL REGULATIONS

The Council of the Municipality of Walvis Bay under section 94(1) of the Local Authorities Act, 1992 (Act 23 of 1992) hereby -

- (a) makes the regulations as set out in the Schedule; and
- (b) repeals Provincial Notice 755 of 1989.

BY ORDER OF THE COUNCIL

M de Castro  
Chairperson of the Council

Walvis Bay, 18 September 1996

## SCHEDULE

### *Definitions*

1. In these regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Local Authorities Act, 1992 (Act 23 of 1992), shall bear that meaning, and -

"accommodation" means the occupation of a bed in a hostel and includes the use of communal sanitary conveniences, ablution-, washing and other facilities as may be provided;

"authorized officer" means -

- (a) a member of the Namibian Police; or
- (b) any person appointed by the Council under regulation 2 (1) (b);

"Council" means the Council of the Municipality of Walvis Bay;

"hostel" means -

- (a) the buildings situated on erf 218 in Kuisebmond and commonly known as the Kuisebmond Hostel or Compound;
- (b) the buildings situated on erf 211 in Kuisebmond and commonly known as the Women's Single Quarters;
- (c) the buildings situated on erf 211 in Kuisebmond on commonly known as the Men's Single Quarters;
- (d) the buildings situated on erf 211 in Kuisebmond and commonly known as the Otto Kabanab flats;
- (e) the buildings situated on erf 192 in Kuisebmond and commonly known as the Kuisebmond Flats,

and include the premises upon which such buildings are situated;

"hostel identification card" means a document issued under regulation 4;

"medical officer" means a person who from time to time holds an appointment as such or acts in such capacity for the Council;

"resident" means a person to whom accommodation has been allocated under these regulations;

"the Act" means the Local Authorities Act, 1992 (Act 23 of 1992);

"Town Clerk" means a person appointed in terms of the Act as the Town Clerk of the Municipality of Walvis Bay;

"town manager" means a person referred to in regulation 2(1)(a).

***Appointment of town manager***

2. (1) The Council shall, in respect of each hostel, appoint -
- (a) a person or assign one of its officials as town manager to manage and control such hostel; and
  - (b) such persons as it deems necessary to assist the town manager in the administration of, and the maintenance of good order in, such hostel.
- (2) A town manager may be appointed to manage and control more than one hostel.

***Duties of the town manager***

3. The town manager shall with regard to any hostel under his or her management and control -
- (a) submit reports in writing on the conditions and management of such hostel to the Town Clerk or the Council when required by the Town Clerk or Council to do so;
  - (b) ensure that copies of these regulations are posted and maintained in prominent places in such hostel for the general information of the residents;
  - (c) allot to each bed in such hostel a number and ensure that such number is legibly painted or inscribed in a prominent place at or on such bed;
  - (d) allot a number to each bedroom in such hostel and ensure that such number is legibly painted or inscribed in a prominent place on or above the door of such bedroom;
  - (e) ensure that all floors, passages, stairways, ablution facilities, conveniences and pathways are kept clean and hygienic;
  - (f) keep a register in which shall be entered with regard to each resident:
    - (i) His or her full name;
    - (ii) his or her identity number;

- (iii) the name and address of his or her employer;
- (iv) the bed and room number allocated to such resident;
- (v) the date of allocation of accommodation and cancellation of such accommodation in respect of such resident; and
- (vi) the serial number of the hostel identification card issued to such resident.

***Application for, and allocation of, accommodation in a hostel***

4. (1) Any person desirous of being accommodated or having a person accommodated in a hostel shall in writing apply to the Town Clerk for such accommodation.

(2) On being satisfied that accommodation is available in a hostel and that the person to be accommodated in such hostel -

- (a) is a fit and proper person to reside in a hostel;
- (b) is willing to be medically examined; and
- (c) understands and undertakes to abide by the terms and conditions of accommodation as laid down in these regulations,

the Town Clerk shall, subject to regulation 12(4), allocate to such person accommodation in such hostel and issue to him or her an hostel identification card.

(3) Where accommodation has been allocated to a person in terms of subregulation (2), such person shall satisfy himself or herself that the accommodation is in good order, and report any defect in such accommodation immediately to the town manager, who shall keep a record of such defects.

(4) An hostel identification card issued under subregulation (2) shall state the full names and identity number of the resident to whom it is issued, and state the particulars of the accommodation allocated to such resident.

***Right of Entry***

5. (1) The town manager or any authorized officer may for purposes of protecting the health, morals and rights of freedom of residents, or for the prevention of disorder or crime in a hostel, enter any room or place in that hostel for such examination, inspection, or other action as the town manager or such officer may deem necessary.

(2) No person shall enter a hostel without a hostel identification card: Provided that the town manager or an authorized officer may in writing autho-

size a person who is not a resident to enter a hostel on such conditions as the town manager or such officer may determine.

(3) Every resident shall carry his or her hostel identification card with him or her on entering the hostel and, when requested, present the town manager or any authorized officer with such card for inspection, and the town manager or such officer may refuse entry into a hostel to any resident who cannot present such card for such inspection.

(4) Any person in a hostel shall, when requested, present the town manager or any authorized officer with his or her identity document or, if such document cannot be produced, with his or her full names and residential address.

### ***Health Control***

6. (1) A medical officer -

- (a) may in his or her discretion or on request of the town manager or an authorized officer request a resident to be medically examined by him or her or by another practitioner; and
- (b) shall medically examine every resident to whom accommodation has been allocated under regulation 4(2) or have such person medically examined by another medical practitioner.

(2) The town manager or the medical officer may refuse the entry into a hostel of any person who in his or her opinion suffers from a disease which may endanger the health of the residents.

(3) The medical officer may -

- (a) remove any resident or cause a resident to be removed to a hospital or other place of care;
- (b) fumigate or disinfect or cause to be fumigated or disinfected any hostel or part thereof or any clothing or personal effects of any resident.

### ***Terms and conditions of accommodation***

7. The following conditions shall apply to a resident to whom accommodation has been allocated in terms of these regulations:

- (a) No resident shall relinquish or transfer his or her right of accommodation to another person, without the prior written consent of the town manager;
- (b) a resident shall be liable for any damage caused negligently or wilfully by him or her to any accommodation;

- (c) residents sharing a room shall jointly and severally be liable for any damage in such room to any furniture, equipment, or fittings belonging to the Council;
- (d) a resident shall maintain cleanliness of his or her person and accommodation;
- (e) clothes and cooking and eating utensils shall be cleaned only in the facilities provided for that purpose;
- (f) food and drink shall be prepared only in the facilities provided for that purpose; and
- (g) the Council or any of its officials or any authorized officer shall not be liable for any loss of property of any resident, unless such loss is caused through the negligence of the Council, any such official or authorized officer.

***Withdrawal of accommodation***

**8.** (1) The town manager may in writing withdraw the allocation of accommodation from any resident -

- (a) who fails to submit himself or herself to a medical examination contemplated in regulation 6(1);
- (b) who fails to comply with the provisions of paragraph (d), (e) or (f) of regulation (7);
- (c) who in contravention of paragraph (a) of regulation (7) transfers his or her right to accommodation to another person;
- (d) who defecates or urinates in any place in a hostel other than a place provided for that purpose;
- (e) who tampers with or defaces or destroys any notice posted or number painted or inscribed under these regulations;
- (f) who disturbs within a hostel the public peace or behaves in an unseemly, disorderly, or violent manner;
- (g) who brews or makes any liquor within a hostel; or
- (h) on the recommendation of the medical officer for reasons of the health of other residents.

(2) Subject to regulation 13, a resident shall immediately vacate his or her accommodation on receiving the written notice referred to in subregulation (1).

***Refuse receptacles***

9. Ash, rubbish and litter in a hostel shall be deposited in the refuse receptacles provided by the Council.

***Absence from hostel***

10. (1) The town manager may re-allocate the accommodation of a resident, if such resident is absent from, or fails to occupy, such accommodation for a period of 21 days without giving prior notice of such absence or failure to the town manager.

(2) (a) Any property of a resident whose accommodation has been re-allocated in terms of subregulation (1) and which has remained in such accommodation shall be kept by the town manager in a safe place, and if it remains unclaimed by the resident or his or her heirs or authorized representative after a period of three months from the date of the said reallocation, the town manager may sell such property.

(b) Any money received in terms of paragraph (a) shall be used to pay any outstanding charges due or expenses incurred by the person whose accommodation has been re-allocated in terms of subregulation (1), and the remaining of such amount, if any, shall be paid into the funds of the Council until claimed by such person or his or her heirs or authorized representative.

(3) The town manager shall with regard to property contemplated in subregulation (2) keep a register in which shall be recorded -

(a) the name of the person who had occupied the accommodation where such property was found;

(b) the number of the bed and room where the property was found;

(c) the particulars of all the property found and kept in safe keeping under subregulation (2)(a);

(d) the date of receipt and removal of such property;

(e) the name, address and signature of any person claiming such property or the amount contemplated in paragraph (f), and the capacity in which such person makes such claim;

(f) where applicable, the amount realized on the sale of such property under regulation (2)(a) and the date of such sale; and

(g) the amount of any charges or expenses paid in terms of subregulation (2)(b); and

- (h) if the property in question are valueless and destroyed, a statement by the town manager and two witnesses that it was valueless and had been destroyed.

***Motor vehicles, wrecks and other movable things***

11. (1) (a) Motor vehicles shall be parked at a hostel only in the places provided for that purpose.

- (b) Where the driver or owner of a motor vehicle parked at a hostel at a place where parking is prohibited fails to remove such motor vehicle when requested by the town manager to do so, the town manager may remove such motor vehicle to a place of safe-keeping.
- (c) The town manager may recover the expenses for such removal and safe-keeping from the owner or driver concerned.

(2) The town manager may order a resident in writing to remove any motor vehicle, wreck, or other movable thing from a hostel within such period as may be specified in such order.

(3) The town manager may remove from a hostel to a place of safe-keeping any motor vehicle, wreck, or thing -

- (a) if such motor vehicle, wreck, or thing is not removed by the resident concerned within the period specified in an order issued under subregulation (2); or
- (b) if the resident to whom such motor vehicle, wreck, or thing belongs or who is in control of such motor vehicle, wreck, or thing, cannot be traced for a period of three months.

(4) The town manager may recover the expenses for such removal and safe-keeping from the resident concerned.

(5) If a motor vehicle, wreck, or thing removed by the town manager in terms of subregulation (3) is not claimed within a period of six months from the date of such removal, the town manager may sell such motor vehicle, wreck, or thing and pay such amount into the funds of the Council.

***Charges for accommodation***

12. (1) Every resident shall be liable to pay for accommodation allocated in terms of these regulations such charges as the Council may determine under section 30(1)(u) of the Act.

(2) Every person responsible for the payment of the charges referred to in subregulation (1) shall pay such charges to the Council on or before the seventh day of every month.



(3) Where charges are due for accommodation of less than a month, such charges shall be calculated proportionately in the same relation as the days of accommodation bears to a full month of such accommodation.

(4) Charges for accommodation shall be payable on allocation of such accommodation and thereafter monthly in advance, unless the town manager in writing permits a resident or any other person responsible for such payment to pay the charges in question monthly in arrears.

(5) Should any resident, or person responsible for payment of charges for accommodation for such resident, fail to pay such charges within seven days after the date on which it became due and payable, the town manager may withdraw the allocation of accommodation to such resident and that resident shall immediately vacate the accommodation in question when ordered by the town manager to do so.

### ***Appeals***

13. (1) Any person aggrieved by any decision or action taken by the town manager, medical officer, or an authorized officer may in writing appeal against such decision or action to the Town Clerk within seven days from the date on which such decision or action was taken.

(2) The Town Clerk -

- (a) shall hear an appeal made to him or her in terms of subregulation (1) as soon as is practicable, but not later than 30 days from the date the appeal was lodged with him or her;
- (b) may, in considering such an appeal, hear such evidence or require the submission of such documents as he or she may deem necessary;
- (c) may, in deciding such an appeal, make the order he or she deems fit.

### ***Offences and Penalties***

14. Any person who -

- (a) enters a hostel when entry has been refused to him or her under regulation 6(2);
- (b) contravenes regulation 5(2) or 9;
- (c) obstructs the town manager, medical officer, any official of the Council or any authorized officer in the execution of his or her duties under these regulations, or gives false information to such town manager, medical officer, official or officer knowing it to be false; or

- (d) fails to vacate his or her accommodation when ordered by the town manager in terms of these regulations to do so,

shall be guilty of an offence and be liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months.

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