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No. 1405
(Extraordinary)

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPUNE**

0800 012 322

DEPARTMENT OF HEALTH

PART 1 OF 2



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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 182



By-law

ABATTOIRS

OCTOBER 2005

SENOU MUNICIPALITY**MUNICIPAL NOTICE**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law relating to Abattoirs, which by-law shall come into operation on the date of publication thereof.

ABATTOIRS BY-LAW**PREAMBLE**

The Council seeks to regulate, hygienic facilities for the receiving, holding and slaughtering of animals, to ensure the humane treatment of animals, and to facilitate the trading of healthy and wholesome meat in its municipal area and this by-law shall apply equally to a Municipal abattoir that the Council may establish and/or manage.

Sections dealing with the Council's obligations regarding a Municipal Abattoir will only apply when the Municipal Abattoir is established

1 Repeal

Any previous by-law adopted by the municipality or the council of a municipality now comprising an administrative unit of the municipality and relating to an abattoir or a slaughterhouse is, from the date of promulgation of this by-law, hereby repealed.

2 Definitions

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

"**Abattoir**" means the abattoir established, regulated and/or managed in terms of the Council's powers and functions, and includes all buildings, structures, pens, lairages, facilities, grounds and open spaces within the boundaries of the premises there situated;

"**Act**" means the Abattoir Hygiene Act, 1992 [Act 121 of 1992] or any statutory modification or re-enactment thereof;

"**agent**" means a livestock agent as defined in the Agricultural Produce Agents Act, 1992 [Act 12 of 1992];

"animal" includes any bull, ox, cow, heifer, steer, calf, sheep, lamb, goat, pig, horse, mule, donkey or other quadruped;

"Municipal Area" means the proclaimed area of jurisdiction of the Council;

"contractor" means any person appointed by the Council in terms of section 10;

"Council" means the Council of the municipality or any statutory successor in title, or any of the Council's committees or officials acting under powers, functions and duties lawfully delegated to them;

"meat" means the flesh or offal of any animal;

"owner" in relation to any animal or meat means any person who is the sole or part owner thereof;

"person" includes, where applicable, any legal person or body;

"prescribed" means as prescribed by the provisions of the Act or the Regulations, or as prescribed by the Council from time to time, as the case may be;

"Regulations" means the Standing Regulations under the Animal Slaughter, Meat and Animal Products Hygiene Act, 1967 [Act 87 of 1967], as maintained by section 29 of the Act, published by Government Notice No. R.3505 of 9 October 1969, as amended;

"slaughter" in relation to an animal, means kill, skin, dress the carcass, and perform the usual accompanying acts;

"ritual slaughter" shall mean slaughter according to traditional cultural.

"veterinarian" means a veterinarian as defined in the Act.

3 Place of Slaughter of Animals

- [3.1] No person shall slaughter or cause to be slaughtered any animal in the municipal area anywhere else other than at the Abattoir, except as may be provided by the Minister of Agriculture by regulation in terms of section 3[2] of the Act; provided where the a permit has been issued by Council on application for ritual slaughter.

4 Times of Operation

- [4.1] Subject to sub-sections 4.2 and 4.3, the Abattoir shall be open from Monday to Friday [both days inclusive] from 06h00 to 17h00 excluding public holidays.
- [4.2] The Council may determine the hours during which the Abattoir shall be open for the receiving of livestock.

- [4.3] The Council may extend these hours from time to time at its discretion.

5 Control and Operation

- [5.1] Control of the Abattoir shall be exercised by the Council in accordance with this by-law, the Act, the Regulations and other applicable statutory provisions.
- [5.2] The Council may issue such directives and give such oral or written instructions as it may deem necessary for the proper operation and/or management of the Abattoir.
- [5.3] All persons at the Abattoir shall obey all lawful directives or instructions given by the Council and any person failing to comply with any such instructions shall be liable to any other lawful penalty.
- [5.4] The Council shall control and regulate the volume and movement of vehicles entering the Abattoir and within the Abattoir.
- [5.5] The Council shall be empowered to set aside parking spaces at the Abattoir from time to time and to regulate the use of such parking spaces.
- [5.6] The Council shall set aside loading bays to cater for the off-loading of animals and the loading of meat.
- [5.7] The Council may forbid any vehicle from entering or remaining at the Abattoir.
- [5.8] The Council may control and regulate the volume and movement of animals entering the Abattoir and within the Abattoir, control the off-loading of animals and allocate and determine the number of animals to be slaughtered on any given day.
- [5.9] The Council may forbid the slaughter of any animal or the sale of any meat at the Abattoir.
- [5.10] Without limiting the generality of sub-section 5.9, if the Council reasonably suspects that any animal or meat at the Abattoir is stolen property, it shall refuse to allow such animal to be slaughtered or such meat to be sold and the Council shall, if it so suspects only after the sale of such meat, seize and retain the proceeds of such sale until ownership of such meat has been established to its satisfaction.
- [5.11] The Council may refuse to release for sale at the Abattoir or allow to be removed from the Abattoir any meat or offal re-inspected there or the meat or offal of any animal slaughtered there, if it has reason to believe that any fees, charges or levies owing to the Council in respect of such meat or offal or the slaughter of such animal have not been paid.

[5.12] The Council may forbid any person who is indebted to the Council in respect of any fee, charge, levy, rental or other amount which is due and payable to the Council, or who has been requested by the Council to furnish a deposit or guarantee and has failed to do so, from entering or remaining at the Abattoir or from trading or using the facilities at the Abattoir.

[5.13] The Council shall take all reasonable steps to ensure that all disputes that may arise at the Abattoir affecting the smooth and orderly operation thereof are resolved as expeditiously as possible.

6 Registration of Animals

[6.1] Every person bringing or causing to be brought to the Abattoir any animal or animals for slaughter shall, immediately on their arrival, register such animal or animals with the Council which shall issue to such person an entry document in the form prescribed from time to time.

7 Care of Animals

[7.1] All animals awaiting slaughter shall be treated with the utmost care and be kept in a manner which causes no unnecessary suffering to the animal.

[7.2] Without limiting the generality of sub-section 7.1, all animals awaiting slaughter shall:

- [i] be adequately watered at the expense of the abattoir management;
- [ii] be adequately fed at the expense of the agent concerned.

[7.3] If any agent fails to discharge his obligation in terms of sub-section 7.2.2, the Council may do so and shall be entitled to recover from such agent the costs thereof.

[7.4] The agent responsible for any animals awaiting slaughter shall ensure that the animals are not allowed to run loose about the grounds of the Abattoir, but shall confine them in the pens provided for that purpose.

[7.5] **The Council shall ensure that:**

- [i] cattle, equine animals, sheep or goats, and pigs are penned separately;
- [ii] fractious animals are kept apart from other animals and are adequately restrained by the agent concerned so as to prevent them from causing injury to other animals;
- [iii] the prescribed periods for which animals awaiting slaughter are to be, or may be, penned are observed;
- [iv] all persons engaged in driving, kraaling or moving an animal within the Abattoir shall adopt such methods and precautions as will prevent the infliction of any unnecessary pain, suffering, or undue excitement to the animal;

[v] all other provisions of the Act and the Regulations regarding the care of animals are complied with and strictly enforced.

- [7.6] During the slaughtering process every effort shall be made to ensure that all animals experience as little pain or suffering as possible and that they are not subjected to any cruelty of any nature whatsoever.
- [7.7] The slaughter of all animals shall be conducted in a humane manner and shall comply in all respects with the applicable prescribed methods and procedures.
- [7.8] So as to promote transparency and in the interests of the prevention of cruelty to animals, the Council may authorise any person or persons to enter the Abattoir for purposes of inspecting the manner in which animals awaiting slaughter are kept and the manner in which the animals are killed.

8 Stunning of Animals

- [8.1] Subject to sub-section 8.5 below, no person shall slaughter any animal at the Abattoir unless it has first been stunned in accordance with the Regulations.
- [8.2] All sheep, lambs, goats and pigs shall be stunned according to the electrical method.
- [8.3] All other animals shall be stunned according to the captive bolt method.
- [8.4] Notwithstanding the provisions of sub-sections 8.2 and 8.3, the Council may in its discretion change, from time to time, the method of stunning to be used to that of another prescribed method.
- [8.5] In the case of ritual slaughter as provided for in the Regulations, the requirement of the stunning of the animals prior to slaughter shall not apply, but all unnecessary cruelty shall be avoided.

9 Cleaning of Parts

- [9.1] No heads, feet, tails or the internal parts [hereinafter referred to as "offal"], except the kidneys, of any animals shall be cleaned at any place in the Abattoir other than such place approved by the Council for that purpose.
- [9.2] Unless otherwise authorised by the Council, paunches and intestines shall be emptied, cut, trimmed and cleaned in a place approved by the Council for that purpose in the Abattoir, and shall not be removed from the Abattoir unless and until they are in a condition satisfactory to the Council.
- [9.3] No dealing in offal shall take place in the Abattoir without the written permission of the Council.

10 Appointment of Contractors

- [10.1] The Council shall be authorised in its absolute discretion to appoint contractors to supervise, control and carry out any of the requisite functions at the Municipal Abattoir should there be one, particularly those relating to the slaughter of animals, the dressing of carcasses, the handling of offal, the classification and the auctioning of meat.
- [10.2] Any contractor so appointed shall assume sole responsibility for the proper carrying out of the nominated function.

11 Allocation of Facilities

- [11.1] The Abattoir facilities shall be approved by the Council at its discretion, and it shall have the right to change such allocation when the smooth and efficient operation of the Abattoir requires it, irrespective of whether or not a charge is levied for such facilities.
- [11.2] If in the opinion of the Council, any of the Abattoir facilities are being or have been abused, the Council may take such steps as may be necessary to prevent the offending party from using or continuing to use such facilities.

12 Agents

- [12.1] Every person engaged or employed at the Abattoir as an agent for and on behalf of any owner of livestock shall:
- [i] be registered with the Agricultural Produce Agents Council established in terms of the Agricultural Produce Agents Act 1992 [Act 12 of 1992];
 - [ii] be the holder of a valid fidelity fund certificate, unless exempted in terms of the aforementioned Act; and
 - [iii] comply in all respects with the Rules in Respect of Livestock Agents made by the Agricultural Produce Agents Council in terms of section 22[1] of the aforementioned Act and promulgated under Government Gazette No. 15144 dated 1 October 1993, or any statutory modification or re-enactment thereof.

13 Registration of Employees

- [13.1] Every person or contractor employing a slaughter person, dresser, labourer or other worker in the Abattoir shall, within one month of such employee starting work, register such employee with the Department of Labour as a slaughter person, dresser, labourer or other worker as the case may be, according to the nature of his work.

14 Medical Examination

- [14.1] All slaughter persons and persons handling meat in the Abattoir shall, upon being required so to do by the Council, submit to the Council a medical certificate in regard to their health and fitness for the work in which they are engaged, failing which such persons shall be deemed to be unfit to continue such work until such time as the required medical certificate has been submitted.

15 Wearing of Protective Clothing and Hoods

- [15.1] All persons employed in the slaughtering or dressing of animals or in the handling of carcasses or meat in the Abattoir, shall at all times while so engaged maintain their person in a state of cleanliness and wear clean approved protective clothing.
- [15.2] All persons engaged in the carrying of meat in the Abattoir shall wear close-fitting hoods approved and kept clean.
- [15.3] Such clean protective clothing and hoods shall be provided daily by the employers of such persons, at the cost and expense of the employers.
- [15.4] The Council shall have the power to cause any such person who is not clothed as prescribed, to leave the Abattoir or prohibit him from handling meat.

16 Liability of Employers and Contractors

- [16.1] Employers and Contractors shall be responsible for the conduct of their employees at the Abattoir and also for any damage, other than fair wear and tear, that may be caused to the Council's property by such employees.
- [16.2] Employers and Contractors at the Abattoir shall comply in all respects with the provisions of the Occupational Health and Safety Act, 1993 [Act 85 of 1993] and shall ensure that all services performed and all machinery used by their employees at the Abattoir shall be so performed or used in accordance with the provisions of the aforementioned Act.

17 Hygiene

- [17.1] Subject to section 19, the Council shall ensure that all things necessary to ensure the maintenance of proper standards of hygiene at the Abattoir and to prevent the contamination and infection of any meat, offal or other animal products are done.
- [17.2] All persons at the Abattoir shall ensure that the Abattoir is kept in a clean state at all times.
- [17.3] All vehicles used for the transportation of any animal, carcass, meat or meat product to or from the Abattoir shall comply in all respects with the Regulations and other applicable statutory provisions.

18 Limitation of Council's Liability

- [18.1] The Council shall not be liable for any loss, damage or injury to any property or any injury to or death of any person at the Abattoir, howsoever arising, except where such loss, damage, injury or death is proved to be due to the wilful misconduct or gross negligence of the Council or of its employees acting in the course and scope of their employment.
- [18.2] All articles placed in cold storage for keeping, chilling, freezing or treatment shall be at the entire risk of the person requiring such facilities, and no liability shall devolve on the Council in respect of any loss, damage, shortage or delay arising out of the maintenance of too high or too low a temperature, failure of machinery or plant, flood, wind, leakage, dampness, sweat, decay, putrefaction, or destruction by vermin, act of God, civil commotion, military authority, insurrection, strikes, lock-outs, labour disputes, the country's enemies, quarantine, war, explosion, the nature of the goods, inherent vice, contact with or proximity to other goods, or concealed damage, variation or shrinkage in weight, defective or insufficient packages or containers, theft or any other cause whatsoever, except upon proof that such loss, damage, shortage or delay was occasioned by or through the wilful misconduct or gross negligence of the Council or of its employees acting in the course and scope of their employment.
- [18.3] Notwithstanding anything contained in sub-section 19.2, the Council shall not be liable for damage, howsoever caused, unless inspection of the articles concerned, or such sample of them as the Council may require, has been tendered to the Council before such articles are removed from the Abattoir, nor shall the amount of the Council's liability for any loss, damage, shortage or delay exceed the value of the articles concerned. In this sub-section, "value" shall mean the average price realised at the auction in the Abattoir for similar articles on the day on which the articles concerned are removed from the cold store.
- [18.4] The provisions of this section shall apply, mutatis mutandis, irrespective of whether the premises in question are used and occupied by the Council itself or leased by it to any other person.

19 Payment of Deposits

- [19.1] No person shall be permitted to operate at the Abattoir unless a deposit has first been paid by him to the Council, in an amount which shall be determined by the Council in its absolute discretion.
- [19.2] All deposits shall:
- [i] be in the form of either cash or a bank guarantee acceptable to the Council;
 - [ii] be controlled and administered by the Council;

- [iii] subject to such-section 20.3, be refunded on request to the person on whose behalf same is held.

[19.3] In the event of any person failing to pay timeously any fee, charge, levy, rental or other amount which is due and payable to the Council and on behalf of which person the Council holds a deposit paid in terms of sub-section 20.1, the Council shall be entitled to apply his deposit, in whole or in part, in reduction or settlement of such fee, charge, levy, rental or other amount.

[19.4] If any deposit held on behalf of any person has been applied, in whole or in part, in terms of sub-section 20.3, or if circumstances so require, the Council may require such a person to pay to the Council such additional deposits as it may reasonably require, before such a person shall be permitted to operate at the Abattoir.

20 Abattoir Advisory Committee

[20.1] The Council may appoint an Abattoir Advisory Committee which shall consist of such members and exercise such functions as may be determined by the Council in its Delegation of Operation and Decision Making Powers manual, as amended from time to time.

21 General

[21.1] No person shall enter any part of the Abattoir without the permission of the Council subject to such conditions as it may impose, and no child under the age of 16 years shall at any time be admitted to any part of the Abattoir except under the direct supervision of an adult, who shall be responsible and accountable for such child.

[21.2] No person shall commit a nuisance or cause a disturbance or wilfully damage or handle without authority or tamper with any property, plant, machinery, equipment, fitting, tap, stopcock or other apparatus, or behave in a noisy, unseemly or objectionable manner, in the Abattoir.

[21.3] No person shall without the consent of the Council bring intoxicating liquor or any dependence-producing substance into the Abattoir or be in possession of such liquor or dependence-producing substance in the Abattoir, provided that this sub-section shall not apply to any substance containing alcohol lawfully used in the operation of the Abattoir.

[21.4] No person employed at the Abattoir shall be under the influence of intoxicating liquor or any dependence-producing substance in the Abattoir.

[21.5] No person shall spit in any part of the Abattoir.

[21.6] No person shall smoke in any part of the Abattoir other than in a demarcated smoking area.

- [21.7] No person shall enter or remain in the Abattoir when suffering from any contagious or infectious disease.
- [21.8] No person shall sit, lie or stand on any carcass or on any part thereof, whether or not such carcass or part thereof is covered.
- [21.9] No person shall throw any meat, offal or meat product at any person or object at the Abattoir.
- [21.10] No person shall be in possession of or cause or suffer to be used any imitation, counterfeit or facsimile of the Council's stamp or brand used for stamping any carcass or meat in terms of the Regulations, or fix or impress any such imitation, counterfeit or facsimile on any carcass or meat so as to make it appear that such carcass or meat has been lawfully stamped in terms of the Regulations.
- [21.11] No person shall, without the authority of the Council, be in possession of or use the Council's stamp or brand used for stamping any carcass or meat in terms of the Regulations.
- [21.12] All equipment and vehicles used in the Abattoir by any person shall be kept at all times by such person in a sound, clean and hygienic condition.
- [21.13] No person shall use any such equipment or vehicle in such a way or for such a purpose as to render any meat deposited, kept or conveyed thereby or therein liable to contamination, or unwholesome or dangerous for consumption.
- [21.14] No animal found dead in the Abattoir from causes other than lawful slaughtering in the Abattoir shall be skinned until it has been examined by the Veterinarian, who shall thereafter direct as to how the carcass of such animal shall be disposed of.
- [21.15] No Council official shall directly or indirectly be allowed to trade or purchase meat at the Abattoir, either for his own account or for commission, except such meat as he bona fide requires for his own private consumption, provided that such meat shall not be given to such Council official as a gift or at a price below the normal market value of such meat as traded on the day in question.
- [21.16] A certificate issued by a duly authorised Council official indicating the amount which any person owes to the Council shall constitute prima facie proof of such person's indebtedness to the Council as at the date of such certificate.

22 Fees and Charges

- [22.1] All fees, charges, tariffs and levies as may be determined by the Council from time to time shall be payable to the Council.

23 Offences

- [23.1] Any person who contravenes any provision of this by-law or fails to comply with any lawful directive or instruction of the Council, shall be guilty of an offence and liable, upon conviction, to a maximum penalty of six months imprisonment or to a fine as prescribed for the offence under the Adjustments of Fines Act, 1991 [Act 101 of 1991].
- [23.2] The Council may impound any animal, carcass or meat which in its opinion may afford evidence of a contravention of this by-law and where any animal, carcass or meat is so impounded, the Council shall issue a receipt in respect thereof to the owner, agent or person concerned.

LOCAL AUTHORITY NOTICE 183



By-law

ADVERTISING

OCTOBER 2005

SENQU MUNICIPALITY

MUNICIPAL NOTICE

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] By-Law relating to Advertising Signs and the Disfigurement of the Front or Frontages of Streets, which by-law shall come into operation on the date of publication thereof.

BY-LAWS RELATING TO ADVERTISING SIGNS AND THE DISFIGUREMENT OF THE FRONT OR FRONTAGES OF STREETS

1. Definitions

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

“aerial sign” shall mean any sign attached to a kite, balloon, aircraft or any other device whereby it is suspended in the air over any part of the area under the jurisdiction of the municipality.

“authorised employee” shall mean any employee authorised thereto by the municipality.

“clear height” of a sign shall mean the vertical distance between the lowest edge of such sign and the level of the ground, footway or roadway immediately below such sign.

“depth” of a sign shall mean the vertical distance between the uppermost and lowest edges of such sign.

“display of a sign” shall include the erection of any structure if such structure is intended solely or primarily for the support of such sign; and the expression **“to display a sign”** shall have a corresponding meaning.

“flashing sign” shall mean any illuminated sign, the light emitted from which does not remain constant in all respects.

“flat sign” shall mean any sign which is affixed to or painted directly on a main wall and which at no point projects more than 250mm in front of the surface of such wall, but does not include a poster; provided, however, that a poster affixed to a main wall shall be deemed to be a flat sign if such poster is-

- [a] not less than 0.80m² in area;
- [b] bordered by a permanent frame fixed to such main wall; and
- [c] maintained at all times in an unmutated and clean condition.

"Municipality" shall mean the Municipality of Senqu and includes the council of the Municipality, any duly authorised committee or employee thereof.

"main wall" or a building shall mean any external wall of such building but shall not include a parapet wall, balustrade or railing of a veranda or a balcony.

"new sign" shall mean any sign first displayed after the promulgation of these by-laws.

"overall height" of a sign shall mean the vertical distance between the uppermost edge of such sign and the level of the ground, footway or roadway immediately below such sign.

"person" in relation to the display or alternation of or the addition to a sign, or in relation to the intended or attempted display or alternation of, or addition to a sign, shall include the person at whose instance such sign is displayed, altered or added to, or at whose instance such sign is intended or attempted to be displayed, altered or added to, as the case may be; and the person who or whose goods, products, services, activities, property or premises, is or are referred to in such sign shall be deemed to be such person unless he proves the contrary.

"poster" shall mean any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed.

"projecting sign" shall mean any sign which is affixed to a main wall and which at some point projects more than 250mm in front of the surface of such wall.

"public road" means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes-

- [a] the verge of any such road, street or thoroughfare;
- [b] the footpath, sidewalk or similar pedestrian portion of a road reserve;
- [c] any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- [d] any other work or object belonging to such road, street or thoroughfare, footpath or sidewalk; and
- [e] any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether or not access to such a parking area or place is free of charge.

"running light" means a portion of a sign in the form of an illuminated strip, the illumination of which varies periodically in such a way as to convey the impression of a pattern of lights moving steadily along such strip.

"sign" shall mean any sign, signboard, screen, private lamp, blind or other device by means whereof any advertisement or notice is publicly displayed.

"sky sign" shall mean any sign that is fixed above the roof of a building other than a roof of a veranda or a balcony and shall include any such sign consisting of a single line of free standing, individual, cut-out, silhouette letters, symbols or emblems.

"thickness" of a projecting sign shall mean the horizontal dimension of such sign measured parallel to the plane of the main wall to which such sign is affixed.

2. Disfigurement

- [2.1] No person shall by means of posters or other signs disfigure the front or frontage of any public road, wall, fence, land, rock, tree or other natural feature, or the front or frontage or roof of any building otherwise than is provided in these by-laws and any person who contravenes the provisions of this section shall be guilty of an offence.
- [2.2] The Municipality may, subject to such conditions as it may deem fit, grant permission for the display of posters on special occasions such as elections, festivities, university rag processions, etc.

3. Submission and Approval of Application to Display Sign

- [3.1] Save as in section 22[2] is provided herein, every person intending to display a new sign or to alter or to add to an existing sign [hereinafter referred to as the "applicant"] shall make written application to the Municipality in the form prescribed in the Schedule to these by-laws, submitting therewith the prescribed fees determined by the Municipality and plans drawn in accordance with the following requirements:-
- [i] The Plans shall be drawn in black ink on tracing linen or stout durable drawing paper or shall be linen prints with black lines on a white background. Such form and plans shall be in duplicate [one set of which shall become the property of the Municipality] and shall be dated and signed in ink by the applicant or by a person authorised by such a person in writing to sign on his behalf, and all alterations and corrections to such form and plans shall be similarly dated and signed.
 - [ii] Where the sign is to be affixed to a building the plans shall include an elevation and a section of the façade and, where necessary of the roof of the building, drawn to a scale of 1:100 upon which shall be depicted the sign, any other signs affixed to such façade or roof and enough of the main architectural features of such façade or roof to show the position of the sign in relation to such other signs and features. The location of the sign relative to the ground level and, where necessary, the kerb line shall also be shown on such elevation and section.

- [iii] Where the sign is not to be affixed to a building, the location of the sign relative to the ground level and, where necessary, the kerb line shall be shown on an elevation, plan and section drawn to the scale of 1:100.
 - [iv] Elevations, including full particulars of the subject matter as defined in section 6, plans and sections of the sign itself as may be necessary to show whether it complies with these by-laws, accurately drawn to a large enough scale [but in no event less than 1:50] shall also be included.
 - [v] The plans shall also depict full details of the structural supports of the sign, drawn to a scale of 1:20.
 - [vi] The plans shall also include a site plan, drawn to a scale of 1:200, showing clearly and accurately the position of the sign and the building, if any, to which it is to be attached, in relation to such of the boundaries of the erf as may be affected by such position, and giving the name of the abutting street and the distance to and the name of the nearest named cross-street, and showing the direction of true north.
 - [vii] The plans shall indicate the materials of which the sign is to be constructed, the manner in which the lettering thereof is to be executed, the colours to be used, and whether or not the sign is to be illuminated; and in the latter event the plans shall indicate whether or not the sign is flashing sign, and if the sign is a flashing sign, full details of its periodicity and variations or changes in appearance shall be furnished.
- [3.2] [i] Notwithstanding the provisions of sub-section 3[1] it shall be lawful, subject to the provisions of section 6[1], to display any poster and to replace any poster by another poster of the same size without the consent of the Municipality, if any such poster as aforesaid is displayed at a cinema or theatre, or other place of public amusement, or on a hoarding, the erection and use of which for this purpose have been authorised by the Municipality, or is a poster which, in terms of Section 1, is deemed to be a flat sign.
- [ii] The Municipality may, subject to such conditions as it may deem fit, including the payment of any fees by the applicant for its approval in terms of these by-laws, grant permission for the display of posters on special occasions such as elections, festivities, university rag processions, etc.
- [3.3] The Municipality shall, within 21 days after receiving the form and plans referred to in sub-section [1], specify to the applicant the provisions, if any, of these by-laws, or of any other laws that the Municipality is required or empowered to administer, with which such form or plans do not comply; and the Municipality shall, if it deems it necessary, return the form and plans to the applicant.
- [3.4] Where the form and plans comply with these by-laws and any other laws as aforesaid, the Municipality shall approve them and shall forward one set thereof to the applicant.

- [3.5] Approval granted in terms of sub-section [4] shall become null and void if the sign has not been completed in accordance with the approved form and plans within twelve months of date of such approval.

4. Existing Signs to Comply with by-laws

- [4.1] Every sign existing at the date of the promulgation of these by-laws shall be made to comply therewith in all respects within a period of one year from the date of such promulgation. Where any sign does not so comply after the said period of one year, it shall forthwith be removed.
- [4.2] Where any sign not complying with the provisions of these by-laws has not been made to comply therewith within the aforementioned period of one year, or where any sign has been erected which is not in conformity therewith the Municipality may, in writing, order the owner thereof to remove such sign within a period stipulated in such order.
- [4.3] Whenever, through change of ownership or occupancy or change in the nature of the business, industry, trade or profession conducted on any premises or through the erection of new traffic signal lights or through an alteration in the level or position of any street, footway or kerb, or through any other cause whatsoever, a new sign ceases to comply with these by-laws, such sign shall be forthwith removed, obliterated or altered by the person displaying such sign so as to comply with these by-laws.

5. Enforcement

- [5.1] Any person who displays or attempts to display a new sign or who alters or adds to, or attempts to alter or add to, an existing sign without the prior approval of the Municipality given in terms of section 3, where such approval is required by the said section 3, shall be guilty of an offence.
- [5.2] Any such person shall forthwith, after service on him of an order in writing to that effect under the hand of the authorised employee of the Municipality, cease or cause to cease all work on the display of such new sign, or shall cease or cause to cease any alternation or addition to such existing sign, as the case may be, and any such person who fails to comply with such order shall be guilty of an offence.
- [5.3] Any person who, having obtained such approval, does anything in relation to any sign which is a departure from any form or plan approved by the Municipality shall be guilty of an offence.
- [5.4] Any such person shall forthwith, after the service upon such a person, of an order in writing to that effect under the hand of the authorised employee of the Municipality, discontinue or cause to be discontinued such departure, and any person who fails to comply with such order shall be guilty of an offence.

- [5.5] Whether or not any such order as is referred to in sub-sections [2] and [4] has been served on any such person, the Municipality may serve upon such person an order in writing requiring such person forthwith to begin to remove or obliterate such sign or anything referred to in sub-section [3] and to complete such removal or obliteration by a date to be specified in such order, which date may be extended by the Municipality as it may deem fit.
- [5.6] If before the date for completion of the removal or obliteration required by such order, such person satisfies the Municipality that he has complied with these by-laws, the Municipality may withdraw such order.
- [5.7] Where any person displaying a sign contravenes any of the provisions of these by-laws other than those relating to the matters referred to in sub-section [1] and [3], the authorised employee of the Municipality may serve a notice in writing under his or her hand upon such person, and in such notice shall cite the provisions contravened and shall specify the things to be done in order that such provisions may be complied with.
- [5.8] Any person who fails to comply with any order referred to in sub-section [5] or with the terms of any notice referred to in sub-section [7] shall be guilty of an offence, and in addition the Municipality itself may give effect to such order or notice at the expense of such person.

6. Subject Matter of Signs

- [6.1] No sign on any premises shall contain any words, letters, figures, symbols, pictures or devices [hereinafter called "subject matter"] unless every part of such subject matter falls into one or more of the following categories:-
- [i] The name, address and telephone number of such premises or part thereof.
 - [ii] The name of the occupier of such premises or part thereof.
 - [iii] A general description of the type of trade, industry, business or profession lawfully conducted on such premises or part thereof by the occupier thereof.
 - [iv] Any information, recommendation or exhortation concerning, or any name, description, particulars or other indication of-
 - [a] any goods, not being samples, regularly and lawfully manufactured, kept and sold or kept and offered for sale on such premises; or
 - [b] any services regularly and lawfully rendered or offered on such premises; or
 - [c] any catering or any entertainment or amusement or any cultural, educational, recreational, social or similar facilities lawfully provided or made available on such premises, or any meeting, gathering or function lawfully held on such premises;

provided that this paragraph shall not be construed as permitting any subject matter which, in the opinion of the Municipality is an evasion of or not in accordance with the intent of this paragraph.

- [6.2] Notwithstanding the provisions of sub-section [1], the case of any premises partly or wholly used for residential purposes, no sign other than the name of such premises shall be displayed on the part of such premises used for residential purposes.
- [6.3] The provisions of this section shall not apply to any sign referred to in paragraph [i], [ii], [iv], [vi], [vii], [viii], [ix], [x], [xi], [xv] or [xvi] of section 22[2].
- [6.4] Where a sign is displayed by means of a device whereby a service of consecutive signs is displayed at one place, the provisions of sub-section [1] shall, subject to the following conditions, not apply to any such sign so displayed:-
- [i] No sign in such series, other than a sign permitted in terms of sub-section [1], shall be displayed on any one occasion for a longer period than twenty seconds.
 - [ii] The individual signs consecutively displayed within any particular 10-minute period shall all be completely different from one another in so far as their subject matter is concerned; provided that this paragraph shall not apply to any sign permitted in terms of sub-section 9{1}.
 - [iii] Where such device is capable of displaying news or of providing entertainment it shall not be operated in any position or place where, in the opinion of the Municipality, such operation is calculated to bring about or to aggravate congestion of vehicular or pedestrian traffic.
 - [iv] No such device whether or not it is capable of displaying news or of providing entertainment shall be operated in any position place where in the opinion of the Municipality such operation or any gathering of persons brought about thereby is calculated to detract from the amenities of the neighbourhood or to depreciate the property or to cause a public nuisance.
 - [vi] No such sign shall have a clear height of less than 9m.
 - [vii] Notwithstanding the granting of approval by the Municipality for the display of signs referred to in this sub-section, the Municipality shall be entitled at any time thereafter to revoke such approval if it is satisfied that the display of such signs is in contravention of paragraph [a], [b] or [e] or is bringing or has brought into existence the conditions referred to in paragraph [c] or [d].

- [6.5] [i] Where the Municipality, by notice in writing, informs any person displaying signs referred to in sub-section [4] of the revocation of its approval for such display, such person shall forthwith cease to display such signs and shall remove the device by means whereof such signs are displayed by a date to be specified in such notice, which date may be extended by the Municipality as it may deem fit.
- [ii] Any person who fails to comply with any notice referred to in paragraph [a] shall be guilty of an offence, and in addition the Municipality itself may give effect to such notice at the expense of such person.

7. Signs allowed on Buildings

- [7.1] The following signs and no others may be affixed to or painted on buildings; provided that the Municipality may prohibit the erection of certain or all of the undermentioned signs or the use of certain colours therein:-

- [i] Flat signs
- [ii] Projecting signs
- [iii] Sky signs
- [iv] Signs affixed to or painted on verandas or balconies.
- [v] Signs painted on sunblinds affixed to buildings.
- [vi] Any sign referred to in paragraphs [i], [ii], [iv], [vi], [vii], [viii], [ix], [x], [xi], [xii], [xiii], [xiv], [xv] and [xvi] of section 22[2]; provided that all the conditions applicable to such sign are complied with.

- [7.2] Flat signs shall not exceed, in aggregate area, 40m² or one-quarter of the overall area of the main wall to which they are affixed or on which they are painted, whichever of these figures is the lesser; provided that the municipality may fix a lesser aggregate area for any flat sign.

- [7.3] No flat sign shall extend above the top of such main wall or beyond either end of such main wall.

- [7.4] [i] Where a building which is adjacent to another building, and which extends over the boundary line of the prospective width of a proclaimed road or public street, is demolished either wholly or partially and is reconstructed in such a manner that it no longer extends over the aforementioned boundary line, no flat sign will be permitted on the sidewall of such other building facing the building so reconstructed, in so far as the said sidewall extends over the aforementioned boundary line.

- [ii] For the purposes of this section-

- [a] "prospective width" in relation to a proclaimed road shall mean the statutory width as contemplated by any enactment promulgated by any legislative body which has legal competency to pass legislation on such a matter and in relation to a public road shall mean the width whereto it is to be widened in accordance with a town planning scheme whether in the course of preparation, awaiting approval or in operation;

[b] "adjacent" shall mean a distance of 6m or less.

8. Projecting Signs

[8.1] No part of any projecting sign shall project in front of the main wall to which such sign is affixed to a greater extent than-

- [i] 1.5m in the case of a sign which has a clear height of not less than 7.5m; or
- [ii] 1m in the case of any other sign; provided, however, that where such a sign has a clear height of less than 7.5m -
 - [a] any portion of such sign which is not more than 600mm in depth may project as aforesaid to an extent of more than 1m but not more than 1.5m; provided that there shall be a clear vertical distance of not less than 3.6m between any two successive portions, if any, so projecting; and
 - [b] any such sign which is not more than 600mm in depth may project as aforesaid to an extent of more than 1m but not more than 1.5m; provided that there shall be a clear vertical distance of not less than 3.6m between any two such signs, if any, which are in the same vertical plane.

[8.2] No projecting sign shall extend above the top of the main wall to which it is affixed.

[8.3] The depth of a projecting sign shall not exceed one-and-a-quarter times the clear height of such sign.

[8.4] A projecting sign shall not exceed 600mm in thickness.

9. Sky-signs

[9.1] The depth of a sky-sign shall not exceed one-sixth of the clear height of such sky-sign.

[9.2] No sky-sign shall project in front of a main wall of a building so as to extend, in plan, beyond the roof of such building in any direction.

[9.3] The length of a sky sign shall not exceed:-

- [i] 14m, if the depth of such sky-sign does not exceed 4.5m, or
- [ii] 18m, if the depth of such sky-sign exceeds 4.5m.

[9.4] Subject to the preceding provisions of this section a council may allow a sky-sign in excess of 18m in length whenever the street frontage of a site exceeds 55m, provided that-

- [i] such sky-sign shall consist of a single line of free standing, individual, cut-out, silhouette letters, symbols or emblems, and

- [ii] the length of such sky-signs shall not exceed one-third of the length of the road frontage of such site, and
- [iii] such sky-sign shall be erected parallel to the road frontage of such site, and
- [iv] if, as a result of the road frontage of such site being reduced, such sky-sign ceases to comply with the preceding provisions of this section, the owner of such site shall forthwith remove such sky-sign or alter it so as to comply with such provisions.

10. Signs on Verandas and Balconies

[10.1] The following signs and no others may be affixed to or painted on verandas and balconies:-

- [i] Signs affixed flat on to or painted on a parapet wall, balustrade or railing of a veranda or a balcony.
- [ii] Signs affixed flat on to or painted on a beam or fascia of a veranda or a balcony.
- [iii] Signs suspended below the roof of a veranda or the floor of a balcony.

[10.2] No sign affixed to a parapet wall, balustrade or railing of a veranda or a balcony shall exceed 1m in depth, or project above or below or beyond either end of such parapet wall, balustrade or railing, or project more than 250mm in front of such parapet wall, balustrade or railing.

[10.3] No sign affixed to a beam or fascia of a veranda or balcony shall exceed 600mm in depth, or project above or below or beyond either end of such beam or fascia, or project more than 250mm in front of such beam or fascia. Where any such sign is affixed to a beam which is at right angles to the building line and which is below the roof of a veranda or the floor of a balcony, such sign shall not exceed 1.8m in length.

[10.4] No sign suspended below the roof of a veranda or the floor of a balcony shall exceed 1.8m in length or 600mm in depth. Every such sign shall be at right angles to the building line.

[10.5] Notwithstanding the foregoing, it shall be permissible to erect a sign on the roof of a veranda or balcony, subject to the following conditions:-

- [i] Such sign shall be composed of a single line of freestanding, individual, cut-out silhouette letters.
- [ii] Such sign shall lie in the vertical plane passing through the foremost edge of such roof, being an edge parallel to the kerb line.
- [iii] The subject matter of such sign shall be limited to that referred to in paragraphs [a], [b] and [c] of section 6[1].
- [iv] The depth of such sign shall not exceed 600mm.

- [10.6] Notwithstanding the provisions of section 17[1] it shall be permissible for a sign suspended below the roof of a veranda or the floor of a balcony to be bordered by a running light, provided that such running light border shall be not more than 75mm in width.

11. Signs over Footways and Roadways

- [11.1] Any sign projecting over a footway forming part of a public road shall be not less than 2.4m in clear height, provided that a flat sign in the form of a showcase for the display of goods may project not more than 50mm over such footway if such footway is not less than 1.5m wide, irrespective of the clear height of such showcase.
- [11.2] Any sign projecting more than 150mm over any place where persons may walk, if such place is not a footway forming part of a public road, shall be not less than 2.1m in clear height.
- [11.3] No part of a sign projecting over a footway forming part of a public road shall be nearer than 300mm to a vertical plane through the kerb line of such footway.
- [11.4] Where a public road has no footway, signs may project over the carriageway of such public road if such signs are not less than 6m in clear height.

12. Prohibited Signs

- [12.1] Notwithstanding anything in these by-laws contained; the following types of sign are prohibited:-
- [i] Swinging signs, loose portable signs [other than signs designed for the purpose of being carried through the streets and signs on portable racks or other articles for containing and displaying goods], aerial signs and other signs not rigidly fixed.
 - [ii] Posters, except:-
 - [a] any poster referred to in section 3[2] of these by-laws;
 - [b] any poster comprising any such sign as is referred to in paragraph [i], [ii], [iii], [iv], [v], [vi], [vii], [x], [xv] or [xvi] of section 22[2] of these by-laws.
 - [iii] Any sign which is so placed as to obstruct, obscure, interfere with, or otherwise be likely to introduce confusion into the effective working of any traffic sign.
- [12.2] No person shall exhibit in any place to which the public has access or shall expose to public view, any advertisement, placard, poster, engraving, picture, drawing, print or photograph of an indecent, obscene, repulsive, revolting or objectionable character, or of a nature calculated to produce a pernicious or injurious effect on the public or any particular class of persons.

- [12.3] Any person contravening the provisions of sub-section [2] shall be guilty of an offence.

13. Signs on Walls, Fences and Hoardings

- [13.1] Except as in section 22 provided, no sign shall be affixed to or painted on a wall [other than a wall of a building], a fence or a hoarding, unless, in the opinion of the Municipality, such wall, fence or hoarding serves primarily either to conceal a condition or attribute of the property on which such wall, fence or hoarding is erected, which condition or attribute is unsightly by reason of the use to which such property is lawfully being put, or unless such wall, fence or hoarding is a temporary measure to protect the public in the neighbourhood of building, demolition or similar operations.
- [13.2] In granting its approval in terms of section 3 for the affixing or painting of any such sign, the Municipality may grant such approval for a limited period only, and the provisions of section 6 shall not apply to such sign.
- [13.3] Every such sign affixed or painted in terms of this, section shall comply with the following requirements:-
- [i] No such sign shall exceed 3m in depth or 4.2m in overall height.
 - [ii] Poster signs shall be enclosed with definite panels, which shall be uniform in size and level.

14. Signs on poles and other structures

- [14.1] Except as in section 22 provided, no sign shall be affixed to or painted on a pole or any other structure which is not a building, wall, fence or hoarding unless-
- [i] such sign is indispensable for the effectual conduct of the activity in connection with which it is displayed and
 - [ii] either-
 - [a] it is impracticable to display a sign effectually at the premises concerned except by affixing a sign to or painting a sign on a pole or other structure as aforesaid, or
 - [b] in the opinion, of the Municipality a particular sign intended to be affixed to or painted on a pole or other structure as aforesaid would not detract from the amenities of the neighbourhood or depreciate neighbouring property to a greater extent than a sign capable of being displayed at the premises in conformity with any other section of these by-laws would do.
- [14.2] Where in the opinion of the Municipality, serious difficulty is experienced by the public in finding the way to a factory in an industrial zone, the Municipality may permit the erection of a signboard on a pole on a vacant erf in such zone for purposes of indicating the direction to such factory, subject to the following conditions:-

- [i] Not more than one such signboard shall be erected on any one erf; but it shall be permissible to indicate the direction to more than one factory on any such signboard.
- [ii] The subject matter of the signs on such signboard shall be limited to the names of the factories concerned, the names of their occupiers, and essential directional information; and the lettering employed shall not exceed 100mm in height.

[14.3] Where in its opinion this is reasonably require, the Municipality may permit the erection of a signboard on a pole on a vacant erf in a township for the purposes of displaying thereon a map showing the street names and erf numbers of such township, together with the name and address of the owner of or agent for such township and the name of the township. Such signboard shall not exceed 3,6m in area, and the lettering employed thereon shall not exceed 100mm in height.

[14.4] In granting its approval in terms of section 3 for the display of any sign referred to in sub-section [1], [2] or [3] of this section the Municipality may grant such approval for a limited period only; on the expiry of such period the person displaying such sign shall forthwith remove it.

15. Signs on Vehicles and Signs Carried through the Street

[15.1] No person shall carry or cause to be carried in any public road any sandwich board, lantern, flag, banner, screen or other movable advertising device if such board, lantern, flag, banner, screen or other device hinders or obstructs traffic in such road, or is likely to do so.

[15.2] No person shall drive or propel or cause to be driven or propelled in any public road any advertising van or other movable advertising device if such van or device hinders or obstructs traffic in such road, or is likely to do so.

[15.3] Any person who contravenes the provisions of sub-sections [1] or [2] shall be guilty of an offence.

16. Illuminated Signs

[16.1] No flashing sign shall be less than 9m in clear height, and no illuminated sign shall be displayed in such a position that it is or is likely to be a danger to traffic or to cause confusion with traffic signals.

[16.2] No sign that is so intensely illuminated as to create a nuisance shall be displayed.

17. Structural Requirements

[17.1] Every sign affixed to a building or structure shall be rigidly attached thereto. Every sign which is affixed to the ground and every structure supporting a sign, which structure is affixed to the ground, shall be rigidly anchored to the

ground. Every sign and its supports and anchorages, and the building or structure, if any, to which it is affixed, shall be of adequate strength to resist, with a safety factor of 4, the dead load of the sign and a superimposed horizontal wind pressure of 1.5kPa.

- [17.2] All signs and supports thereof which are attached to brickwork or masonry shall be attached thereto by means of expansion bolts or by means of bolts passing through such brickwork or masonry and secured on the opposite side thereof. Such bolts shall be not less than 12mm in diameter.
- [17.3] Every sign affixed to a building or a wall shall be supported by at least four independent supports so designed and disposed that any two of such supports will safely support the sign with a safety factor of 2.
- [17.4] All exposed metalwork in a sign or its supports shall be painted or otherwise treated to prevent corrosion and all timber in a sign or its supports shall be treated with creosote or other preservative to prevent decay.
- [17.5] Every person displaying a sign shall cause such sign and its supports to be maintained in a safe condition at all time and any person who contravenes the provisions of this sub-section shall be guilty of an offence.

18. Use of Glass

- [18.1] All glass used in signs [other than glass tubing used in neon and similar signs] shall be plate glass at least 5mm thick.

19. Fire Precautions

- [19.1] Except as in section 22 provided, all illuminated signs and supports thereof shall be of incombustible material; provided that the municipality may allow any sign approved in terms of sections 14 and 15 and any support for any such sign to be of combustible material.

20. Electrical Requirements

- [20.1] No sign shall be illuminated except by electricity from the municipality's mains where such supply is available.
- [20.2] Every sign in connection with which electric current is used shall be provided with an external switch in a position to be determined by the municipality whereby the electricity supply to such sign may be switched off.

21. Exemptions

- [21.1] The provisions of these regulations shall not apply to any sign inside a building, except illuminated signs in shop windows.
- [21.2] There shall be exempted from the provisions of sections 3, 14, 15 and 20 any sign that falls into one or other of the following categories:-

- [i] Any sign displayed by the municipality or by any person lawfully authorised to conduct an approved system of transport for use by the public, and any sign affixed to a street pole with the written permission of the municipality.
- [ii] Any sign inside a shop window.
- [iii] Any advertisement appearing in a newspaper or periodical sold in the streets and any poster in connection therewith.
- [iv] Any sign temporarily displayed on the occasion of-
 - [a] any public thanksgiving, rejoicing or mourning, or
 - [b] any other public function or occasion to which the municipality may apply the provisions of this paragraph.
- [v] Any sign displayed on any vehicle ordinarily in motion upon, and any sign carried in, public roads.
- [vi] Any unilluminated sign not projecting over a public road and not exceeding 0.60m² in area, notifying only that the premises to which it is attached are to be sold on a date specified in such sign, or that a sale of furniture or household goods is to take place therein on a date specified in such sign [neither of which dates shall be more than one month after the date when the sign is first displayed]; provided that only one such sign is displayed on any public road frontage of such premises and that it is removed within seven days after the said specified date.
- [vii] Any unilluminated sign not projecting over a public road and not exceeding 0.20m² in area, notifying only that the premises to which it is attached are for sale or to let or that lodgers and boarders may be received therein; provided that only one such sign is displayed on any public road frontage of such premises.
- [viii] Any unilluminated sign not projecting over a public road and not exceeding 1.2m in area, comprising only the name, address and telephone number of any building or premises not used for purposes of industry or trade, and attached to such premises; provided that only one such sign is displayed on any public road frontage of such premises.
- [ix] Any unilluminated sign not projecting over a public road and not exceeding 0.20m² in area, notifying only the types of trade, business, industry or profession lawfully conducted by any occupant of the premises to which it is attached, the name of such occupant, the address and telephone number of such premises and the hours of attendance [if any]; provided that only one such sign is displayed by any occupant on any public road frontage of such premises.
- [x] Any unilluminated sign not projecting over a public road and not exceeding 0.60m² in area, advertising a function to be conducted on a date specified in such sign on the premises to which it is attached; provided that such function is not conducted for the private gain of any individual; provided further that such date is not more than one month after the date when such sign is first displayed; and provided lastly that only one such sign is displayed on any public road frontage of such premises and that it is removed within seven days after the said specified date.

- [xi] Any unilluminated sign not projecting over a public road, which serves only for purposes of warning or indication of direction in relation to the premises to which such sign is attached, and which is no bigger or higher than is reasonable necessary for the effectual performance of its functions.
- [xii] Any sign painted directly on, or forming part of the permanent fabric of a wall of a building.
- [xiii] Any sign painted or otherwise executed on the glass of any window.
- [xiv] Any sign painted directly on a veranda or balcony if it complies with section 11.
- [xv] Any sign required to be displayed by law.
- [xvi] Any sign displayed at premises upon which building operations are taking place relating to any services being provided, or any work being done, or any goods being supplied in connection with such operations provided that any such sign shall be forthwith removed when the provision of such services or the doing of such work or the supply of such goods, as the case may be, has ceased.

22. Savings

- [22.1] Nothing in these by-laws contained shall be construed as affecting in any way rights belonging to, or duties imposed upon, the municipality as the body in whom is lawfully vested the ownership of, or the control over, any public road or other place or thing whatsoever within its area of jurisdiction.

23. Waiver of Regulations

- [23.1] The municipality may, if it deems it desirable to do so, waive compliance with or relaxing the provisions of these by-laws; provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bounded thereby.
- [23.2] In each case in which such waiver or relaxation has been granted to any person, the municipality shall serve a written notice upon such person citing the relevant provision waived or relaxed and the extent to which such provision has been waived. In addition, the municipality shall keep a record containing an identical copy of each such notice, which record shall be available for inspection by members of the public at the offices of the municipality.

24. Penalty clause

- [24.1] Any person who contravenes or fails to comply with any provision of these by-laws and/or any notice issued there under shall be guilty of an offence and be liable, upon conviction, to a fine or in default of payment to imprisonment for a period not exceeding 6 months.

25. Repeal of By-laws

- [25] All by-laws relating to advertising signs and the disfigurement of the front or frontages of streets adopted by the council of the municipality or any council of a municipality now forming an administrative unit of the municipality are, with effect from the date of promulgation of these by-laws, rescinded.

SCHEDULE A**APPLICATION TO ERECT A SIGN**

I, the undersigned, hereby apply for permission to erect a sign in accordance with the particulars given below and the plans attached hereto.

Applicant

Full name

Address

Signature

Telephone No. Date

Premises to which Sign is to be Affixed

Address of premises

Name of Occupier of premises

Use to which premises are put

Owner of premises

Address of owner

If Sign Projects over Public Footway, etc.

Name and address of person who will enter into the necessary Agreement with municipality in respect of projection:

.....

.....

Particulars of Sign

Materials of construction

Approximate mass of sign [if to be affixed to a building] kg

Is sign illuminated or non-illuminated?

If illuminated, what colours are used?

If illuminated, is it flashing or non-flashing?

LOCAL AUTHORITY NOTICE 184



By-law

AIR POLLUTION CONTROL

JULY 2005

SENQU MUNICIPALITY**MUNICIPAL NOTICE**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law relating to Air Pollution, which by-law shall come into operation on the date of publication thereof.

AIR POLLUTION BY LAW**1. Definitions**

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

"approval" means approval by the Council, or by a committee of the Council, or by councillors or officials acting in terms of powers delegated to them; and **"approve"** has a corresponding meaning.

"air pollution" means the emission into the atmosphere of any noxious or offensive gas as defined in the Atmospheric Pollution Prevention Act of 1965.

"Council" means the legislative and executive authority of the Senqu local municipality.

"Councillor" means a member of the Council of the Senqu Municipality

"dark smoke" means smoke as defined in the Atmospheric Pollution Prevention Act of 1965.

"law enforcement officer" means an employee of the Municipality appointed by the Council to enforce its bylaws and in possession of an appointment card issued by the Council attesting thereto; any member of the South African Police Service or a municipal police service; any peace officer; or any traffic officer appointed in terms of the Road Traffic Act 1989.

"municipal manager" means the person appointed by the Senqu Council in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 and includes a person acting in this capacity

"municipal area" means the area of jurisdiction of the Senqu Municipality;

"public place" includes any street, road, thoroughfare, sanitary passage, square or open space shown on a general plan of a township or settlement, filed in the deeds registry or Surveyor-General's office, and all land (other than erven shown on the general plan) the control of which is vested, to the entire exclusion of the owner, in the Senqu Municipality or to which the owners of erven in the township have a common right and for purposes of this definition "settlement" means a group of pieces of land or of subdivisions of a piece of land which are used or intended for use mainly for farming or horticulture, and includes a combination of such groups which is suitable for inclusion in one property register;

"public road" means a road which the public has the right to use;

"township" means a group of pieces of land, or of subdivisions of a piece of land, which are combined with public places and are used mainly for residential, industrial, business or similar purposes, or intended to be so used;

"Senqu Municipality" means the local municipality of Senqu established in terms of Section 12 of the Local Government: Municipal Structures Act of 1998, and when referred to as an entity means a municipality as described in Section 2 of the Local Government: Municipal Systems Act, 2000 and when referred to as a geographic area means the area as determined in terms of the Local Government: Municipal Demarcation Act, 1998.

1. Duty of Care

- [1.1] Any person who wholly or partially responsible for causing air pollution or creating a risk of potential air pollution must take all reasonable steps to prevent any pollution from occurring and, as far as reasonably possible, to mitigate or remedy any such air pollution as may have occurred.
- [1.2] The council may, by notice in writing, direct any person who fails to take the measures required in sub-section 2.1 to commence taking specific reasonable measures to mitigate or to remedy such air pollution before a given date.
- [1.3] Should any person fail to comply with a directive given in sub-section 2.1, the council may itself take reasonable measures to remedy the situation; and, recover all costs resulting from the person concerned.

2. Smoke Emissions

- [2.1] No person shall emit or permit the emission of dark smoke from any premises for an aggregate period exceeding three minutes during a continuous period of thirty minutes;
- [2.2] Any person who emits or permits the emission of dark smoke in contravention of sub-section 3.1 hereof commits an offence;

- [2.3] The council may, on application in writing from an applicant, grant such applicant a temporary exemption in writing from one or all the provisions of this bylaw.

3. Emissions Caused By Open Burning

- [3.1] Any person who carries out open burning of any material on any land or premises is guilty of an offence unless the prior written authorisation of the council has been obtained, which authorisation may be granted by the Council with conditions;
- [3.2] The provisions of this section shall not apply to recreational outdoor barbeque or braai activities on private premises; small controlled fires in informal settlements for the purposes of cooking; heating water or other domestic purposes; or any other defined area or defined activity where the council, by resolution, has declared this section not to apply; nor shall this section apply to land owned by an organ of state, farm or smallholding.
- [3.3]]Notwithstanding anything to the contrary no open burning in an area shall take place where a warning under section 10(1) (b) of the National Veld and Forest Act 1998 is of force and effect.

4. Emissions From Compressed Ignition Powered Vehicles

- [4.1] No person may, on a public road, drive or use or cause to be driven or used a compressed ignition powered vehicle, which emits dark smoke;
- [4.2]]If dark smoke is emitted in contravention of sub-section 5.1, the owner and driver of the vehicle shall each be guilty of an offence;
- [4.3] For the purposes of this section, the registered owner of the vehicle shall be presumed to be the owner unless the contrary is proven;
- [4.4] The driver of a vehicle must comply with a direction given by a law enforcement officer to stop the vehicle and to facilitate its inspection.
- [4.5] Failure to comply with the direction given in terms of this bylaw is an offence;
- [4.6] When a vehicle has been stopped in compliance with a directive given in terms hereof, the law enforcement officer may inspect and test the vehicle at road side, and if the law enforcement officer reasonably believes that an offence has been committed in terms of this bylaw the law enforcement officer may instruct the driver of the vehicle in writing to take the vehicle to a testing station within a specified period of time for inspection and testing.

5. General

[5.1] This bylaw is binding on all organs of state, including the Council.

6. Conflict

[6.1] In the event of a conflict with any other bylaw, which directly or indirectly regulates air pollution, the provisions of this bylaw shall apply; and in the event of a conflict with the Atmospheric Pollution Prevention Act of 1965, the provisions of that Act will prevail.

7. Offences

[7.1] The fines and penalties applicable to offences in terms of these bylaws are:

- (i) Upon conviction of a first offence, the guilty party shall be liable to a fine not exceeding R500, as adjusted from time to time in terms of the Adjustment of Fines Act, No 101 of 1991, or in default of payment, to imprisonment for a period not exceeding 14 days.
- (ii) In the case of a continuing offence, the guilty party shall be liable to further fine not exceeding R100 as adjusted from time to time in terms of the Adjustment of Fines Act, No 101 of 1991.
- (iii) Upon conviction of a second or subsequent offence, the guilty party shall be liable to a fine not exceeding R1000, as adjusted from time to time in terms of the Adjustment of Fines Act, No 101 of 1991 or in default of payment to imprisonment for a period not exceeding 30 days.
- (iv) A Court convicting a person of an offence in terms of these bylaws may impose an alternative sentence in lieu of a fine or imprisonment.

8. Jurisdiction

[8.1] Notwithstanding anything to the contrary contained in any law relating to Magistrates Courts, a Magistrate shall have jurisdiction, on application by the Council, to make an Order for the enforcement of any of the provisions of these bylaws or of any approval, refusal, or condition granted or applicable in terms hereof.

9. Savings And Repeals

[9.1] These bylaws repeal and replace all other bylaws relating to air pollution hitherto applied in the areas now under the jurisdiction of the Senqu Municipality.

LOCAL AUTHORITY NOTICE 185



By Law

Airport By Laws

OCTOBER 2005

SENQU MUNICIPALITY

MUNICIPAL NOTICE

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law relating to the Airport, which by-law shall come into operation on the date of publication thereof.

AIRPORT BYLAWS

The following by laws shall be cited for all purposes as the Senqu Municipal Airport Regulations and shall be read in conjunction with the provisions of Act No. 16 of 1923 and the Air Navigation Regulations of 1950, and all amendments to such Act and Regulations.

1 Definitions

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

"Council" means the Municipal Council of Senqu Municipality or any duly authorised Committee, political office bearer or official of the said Council.

"Manager" means the Airport Manager who is the Council's official in full charge of the airport or such person as may be deputed to act with him or in his absence.

"Person" shall include:

- (a) Divisional Council, municipal council, village management board or like authority
- (b) Any company incorporated, or registered as such under any law, or
- (c) Any body of persons corporate or un-incorporate.

"Landing field" means the area fenced with wire and reserved for aircraft landing and taking off and for the general handling of aircraft on the ground by persons connected with flying operations or aircraft and shall include the control tower, meteorological office, telecommunications receiving and transmitting stations, South African Airways Office, municipal hangars, flying club office and hangar, Manager's office and the re-fuelling depots of oil companies.

"Public Enclosure" means the fenced off portion of the west side of the airport provided for the use of the public and the parking of vehicles.

2 Admission of General Public

- [2.1] No person shall enter the airport except through recognised entrance thereto. Any pedestrian or vehicle may enter the public enclosure through the gate at any time when such gate is open. The Council may on special occasions, when it is anticipated that a number of persons will desire admission, charge admission, except in respect of persons entering the airport in the normal course of their duties. The rest house, within the public enclosure, shall be, except on the special occasions abovementioned, accessible to the public between the hours of 6 am and 6 pm.

3 Trespass on any part of the Airport

- [3.1] Except as provided for in the foregoing regulation and in Regulation 4, any person trespassing on the airport shall be guilty of an offence.

4 Parking of cars etc.

- [4.1] Cars shall be parked in the parking area designated as such by notice boards or lines marked on the surface thereof and in such a manner as to allow free flow of traffic. Cars shall be parked facing the Terminal Buildings, but when traffic warrants, a member of the South African Police or other duly authorised officers shall take charge of traffic and parking, whose directions shall be obeyed by all persons entering the airport. Drivers of vehicles shall observe the traffic rules and speed limits fixed for the airport area and indicated by notice boards.

5 No person shall have access to the landing field other than:

- [5.1] aircraft passengers,
[5.2] pilots, crew or mechanics duly connected with aircraft; or
[5.3] by permission of the Manager;
[5.4] for the purpose of joy flights or "flips". (On completion of the flight the person or persons concerned shall immediately leave the landing field);
[5.5] pupil pilots sponsored by the Union Government; and
[5.6] members of the ground staff and officials duly authorised to enter thereon when on duty only.

6 Resident mechanics etc.

- [6.1] The names, addresses, telephone numbers and nature of business or occupation of all persons stationed or employed upon the airport or operating there from shall be registered at the manager's office at the airport.

7 Hangars and Workshops

- [7.1] No person shall smoke in any room or building at the airport except in the control tower, rest room or buildings in which smoking is not specifically prohibited by notice board.
- [7.2] All persons executing repairs to aircraft and engines at the airport shall do so in the spaces set aside for the purpose and not on the area reserved for landing and taking off.
- [7.3] No person shall taxi aircraft into or out of hangars.
- [7.4] These regulations shall apply to the Southern Aviation Company's hangar, the hangars leased to any other flying company and to any other workshops or other hangars that may be built upon the airport.
- [7.5] The airport shall be open normally to render service between the hours of 6 am and 6 pm and notice shall be given to the manager by any person desiring any service between the hours of 6 pm and 6 am provided such services shall only be rendered in a case of emergency.

8 Aircraft Parking – Unhoused

- [8.1] All persons parking unhoused aircraft on the airport shall do so in the space set aside for this purpose and shall ensure that they are firmly secured to the ground by ropes and stakes or otherwise when left unattended or during weather which indicates the necessity therefore. Owners of such aircraft shall be held responsible for any damage resulting from failure to comply with the regulation. A "Plane Line" along which unhoused aircraft must be parked for purposes of safety and convenience shall be indicated by the Manager, or by a white ground line, or by white flags.
- [8.2] A "Dead line" shall also be indicated by the Manager and no person, excepting such as are listed in Regulation 4, shall cross the dead line or enter upon the landing field unless for participation in a flight. If any such person is to participate in a flight he shall not cross the dead line until the aircraft in which he is to fly has come to a full stop and the pilot thereof has signalled that he is ready. Such person shall, upon alighting from the aircraft, leave the landing field by the shortest possible route. The dead line shall be indicated by suitable markers and may be changed from time to time as condition require.
- [8.3] Parking spaces and drives shall be provided and cars and other vehicles shall stay within the limits thereof with the exception of vehicles regularly employed in the services of the airport.

9 Running Engines

- [9.1] No person shall start the engine of any aircraft not provided with adequate breaks unless chocks equipped with ropes or other suitable means of pulling them away have been placed in front of the wheels.
- [9.2] No person shall start any aircraft or run it unless a licensed pilot or competent mechanic be in the cockpit attending the controls.
- [9.3] No person shall, so far as practicable, run any aircraft engine in any hangars.
- [9.4] No person shall fuel any aircraft while the engine is running.
- [9.5] Every person starting and warming up an aircraft shall do so only in the places designated for such purpose by the manager. Such person shall at no time tune up engines in such a position that workshops or other buildings or any group of people in the observation area shall be in the path of the slip stream.

10 Arrival

- [10.1] All visiting pilots landing on the airport shall report immediately to the Manager to furnish for registration by him the following information:

Nationality and registration letters,
Owner of the aircraft,
Pilot of aircraft,
Time of arrival,
Number of crew,
Number of passengers,
Pilot's local address and telephone number,
Such other information as may be required for record purposes.

11 Departure

- [11.1] Immediately prior to taking departure, each visiting pilot shall notify the Manager of his intention of doing so. Unless otherwise arranged with the Manager, payment for landing and housing fees, storage and any other services rendered by the airport shall be made before clearance is granted.

12 Learner Pilot

- [12.1] Every learner pilot when flying solo shall display one white streamer on the rudder of the aircraft being used by him.

13 Take off and landing from or on streets, etc.

[13.1] No person shall take off or land from or on any public street or highway without the consent of the Council, and the approval of the Secretary for Civil Aviation.

14 Aircraft compelled to land at night

[14.1] Every pilot of an aircraft landing at night shall before landing make a series of short and intermittent flashes with its navigation lights.

15 Night Local Flights

[15.1] In the event of an independent licensed pilot or an aircraft company desiring to make local night flights for the purpose of giving joy flights for a reward, or otherwise, or for the purpose of advertisement or for testing aircraft or engines or for any other purpose, the responsible person shall apply in writing to the Town Clerk or Manager at least 48 hours before the date on which he desires to make such flight or flights provided that in cases of bona fide emergency, verbal application may be made giving as long notice as possible. No person shall take-off for night local and/or joy flights after 10:45pm and every pilot of any aircraft so flying shall ensure that it is housed not later than 11:15pm.

16 Damaged Aircraft

[16.1] A damaged aircraft shall not, except on the authority of the Secretary for Transport, be removed from its place or otherwise interfered with provided that:

- [i] the damaged aircraft or any part thereof may be removed or interfered with for the purpose of extricating persons, removing mail or for some other urgent reason approved by a magistrate or member of the South African Police.
- [ii] Goods, mails and passenger baggage may be removed from the aircraft under the supervision of the pilot, the Manager or a member of the South African Police.

17 Wrecked Aircraft Obstructions

[17.1] Subject to the provisions of Regulation 14 hereof the aircraft owner, his pilot or agent shall promptly dispose of wrecked aircraft and any parts thereof to avoid all interference with field operations, unless directed to delay such action pending investigation of the accident.

18 Permit for Catering

- [18.1] No person shall engage in the sale of refreshments or any other commodity or service within the confines of the airport without having previously secured a permit from the Council and being in possession of the necessary trading licence.
- [18.2] Any such person holding a catering permit or lease from the council shall pay for all the licence fees payable.
- [18.3] The charge for electricity and water supplied to such person shall be made per meter in accordance with the Council's electricity and water tariff in force.
- [18.4] The caterer shall keep the premises clean, smart and sanitary condition and the kitchen sink free from grease. He shall also allow access to officials of the Public Health Department for periodical inspections.
- [18.5] Prices to be charged for meals and other commodities at the rest house shall be on a reasonable basis comparable with current local prices and a schedule of the proposed charges shall be submitted to the Council for due approval and shall thereafter be displayed in the rest house.
- [18.6] No person shall be permitted to bring into the airport or have in his possession any intoxicating liquor or drugs.
- [18.7] A written agreement shall be entered into between the Council and the caterer, setting forth fully and clearly all the rights and obligations of the caterer.

19 Regulations not to prevent Legal Consequences of Neglect

- [19.1] Nothing in these regulations shall exonerate the owner, pilot, or crew of any aircraft from the consequences of any neglect on his or her part.
- [19.2] The Council accepts no responsibility for any injury or damage sustained by any pilot, passenger, spectator or aircraft while on, in or over the airport not due to negligence on the part of any of the Council's employees.

20 Obstruction of Officials

- [20.1] Any person, or persons who shall obstruct, impede or interfere with the Manager or any other duly authorised officer in the exercise of his powers or in the execution of his duties under these regulations shall be guilty of an offence.

21 Penalties

[21.1] Any person contravening any of the provisions of these regulations shall be guilty of an offence and liable on conviction to a penalty not exceeding R500, and in addition he shall be liable for any expense found by the court to have been incurred by the Council in consequence of any such contravention.

[21.2] If any person flies an aircraft in contravention of or fails to comply with these regulations or any provisions thereof or if any person commits in, or in respect of, any aircraft any act which is a contravention of the regulations or any provisions thereof the owner or hirer of the aircraft and the pilot or commander thereof shall be deemed to have contravened or failed to comply with these regulations provided that it shall be a defence to any proceedings for such contravention of or failure to comply with these regulations if the contravention or failure is proved to have been due to stress of weather or other unavoidable cause.

LOCAL AUTHORITY NOTICE 186



By-law

Building Control Regulations

OCTOBER 2005

SENQU MUNICIPALITY

MUNICIPAL NOTICE

The Municipal Manager of Senqu Municipality hereby publishes in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa, 1996 [Act 108 of 1996] the by-laws supplementary to the National Building Regulations and Building Standards Act, 1977 [Act 103 of 1977] and the Regulations promulgated thereunder, which by-laws will come into effect on the date of promulgation thereof.

BY-LAWS SUPPLEMENTARY TO THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977 [ACT 103 OF 1977] AND THE REGULATIONS PROMULGATED THEREUNDER.

PART A DEFINITIONS

1 Definitions

In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, except where otherwise provided, all words and phrases have the same meanings as those contained in the National Building Regulations and Building Standards Act, 1977 [Act 103 of 1977], the National Building Regulations promulgated thereunder and the User's Code for the application of the National Building Regulations, namely SABS 0400/1990.

"adequate" or **"effective"** means adequate or effective in the opinion of the Council and **"approved"** means approved by the Council, regard being had, in all cases, to all the circumstances of the particular case and to accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose which it is intended to serve;

"anti-siphonage pipe" means any pipe or portion of a pipe provided for the protection by ventilation of the water seal or trap against unsealing by siphonage or backpressure;

"cleaning eye" means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal draining and which remains permanently accessible after completion of the drainage installation;

"communication pipe" any pipe leading from a main to the premises of any consumer as far as the street boundary of such premises situated nearest to such main, or, in cases where the meter is installed inside the premises of any consumer in terms of this part of these by-laws, as far as the inlet of the meter;

"connecting sewer" means that part of a sewerage system which is vested in the Council and by means of which a drain is connected to the Council's sewer;

"connection" means the point where a drain is connected to the connecting sewer;

"conservancy tank" means a tank which is used for the retention and temporary retention of the discharge from a drainage installation and which is emptied at intervals determined by the Council;

"consumer" means the occupier of any premises with whom or which the Council has contracted to supply water or the owner or any person who has entered into a contract with the Council for the supply of water or who is lawfully obtaining water from the Council;

"Council" means the Council of the Municipality of Senqu and/or any duly authorized committee or official of the said Municipality;

"drain" means that portion of a drainage installation other than soil-water pipes, waste-water pipes, ventilation pipes and anti-siphonage pipes, which is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to the connecting sewer or to a common drain or a conservancy tank or septic tank which is situated on the premises;

"drainage installation" means an installation vested in the owner of the premises and includes any drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, anti-siphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting or combination thereof for the collection and conveyance of sewage;

"drainage work" means the construction or reconstruction of or any alteration or addition to, or any work done in connection with a drainage installation but shall not include any work undertaken solely for purposes of repair or maintenance;

"gully" means a pipe fitting incorporating a trap into which waste water is discharged;

"industrial effluent" means any liquid, whether or not containing matter in solution or suspension, which is emitted in the course of or as a result of any trade or industrial operation, including any mining operation, and includes any liquid besides soil-water, waste-water or storm-water;

"main" means any pipe, aqueduct or other work under the exclusive control of the Council and used by it for the purpose of conveying water to consumers, but does not include any communication pipe, as herein defined.

"Municipal Manager" means the person appointed as Municipal Manager by the municipal council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 [Act 117 of 1998] as amended and includes a person acting in this position.

"owner" in relation to immovable property means the person in whom is vested the legal title thereto and includes:

- [a] a person receiving the rent or profits of any land or property from any tenant or occupier thereof, or who would receive such rent or profits if such land or property were leased, whether for his/her own account or as agent for any person entitled thereto;
- [b] in case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- [c] in relation to -
 - [i] a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 [Act 95 of 1986], the developer or the body corporate in respect of the common property, or
 - [ii] a section as defined in such Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;

"premises" means any piece of land, the external surface boundaries of which are delineated on -

- [a] a general plan or diagram registered in term of the Land Survey Act, 1927 [Act 9 of 1927] or in terms of the Deeds Registries Act, 1937 [Act 47 of 1937], or
- [b] a sectional plan registered in term of the Sectional Titles Act, 1986 [Act 95 of 1986],

"purified effluent" means the water discharged from a water care works after purification, either into a water course or for purposes of re-use;

"sanitary fitting" or **"sanitary appliance"** means any soil-water fitting and any waste-water fitting;

"septic tank" means any tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;

"sewage" means soil-water, waste-water or industrial effluent whether separately or together;

"sewer" means any pipe with fittings, vested in the Council and used or designed or intended for use for or in connection with the conveyance of sewage;

"soil-water" means any liquid containing human or animal excreta;

"soil-water fitting" means any fitting used for the reception and discharge of soil-water;

"soil-water pipe" means any pipe, other than a drain, used for the conveyance of soil-water with

or without waste-water;

“stack” means the main vertical component of a drainage installation or any part thereof other than a ventilation pipe;

“stormwater” means any liquid resulting from natural precipitation or accumulation and includes rain-water, spring-water and ground-water;

“tariff” means the tariff of charge regarding the Council’s sewerage services, as determined by the Council from time to time in terms of Section 75A of the Local Government: Municipal Systems Act 2000 or any other applicable law;

“trap” means a pipe fitting or portion of a sanitary appliance designed to retain a water seal in position;

“ventilation pipe” means any pipe or portion of a pipe not conveying any liquid and used to ventilate a drainage installation in order to prevent the destruction of water seals and which leads to the open air at its highest point;

“waste-water” means used water that has not been polluted by soil-water or industrial effluent, and does not include stormwater;

“waste-water fitting” means any fitting used for the reception and discharge of waste-water;

“waste-water pipe” means any pipe, other than a drain, used for the conveyance of water-waste only;

“water care works” means any water works for the purification treatment or disposal of effluent;

“water seal” means the water in a trap, which serves as a barrier against the flow of foul air or gas;

PART B SCOPE OF BY-LAWS

2 Scope of by-laws

[2.1] These by-laws are supplementary to the National Building Regulation and shall apply to every building, sewerage installation and/or water installation, and, regarding sewerage and water installations in particular, to the operation and maintenance of any such installation in any new building or existing building with or without any alteration or addition to such an existing installation, whether or not required by the Council to be made or altered in terms of the National Building Regulations or these by-laws.

- [2.2] Any building, sewerage installation and/or water installation may, at any time after its completion and commissioning, be subjected to such inspection, approval, tests and control as the Council shall deem fit or require.

PART C STREETS AND PAVEMENTS

3 Cat-heads, cranes and platforms

- [3.1] Cat-heads, lifting cranes, platforms and other such contrivances shall not overhang any street or sidewalk without the prior written consent of the Council.

4 Slab footways or pavement

- [4.1] The owner or occupier of an erf adjoining a street, may lay or fix slab footways or pavements on any street sidewalk or footway.
- [4.2] Paving or slabs shall be laid to the grade, line and cross-fall pointed out by the Council and shall conform to the following further requirements:
- [a] For ordinary paving or slabs, the minimum cross-fall shall be 1:100 and the maximum cross-fall 1:25.
 - [b] Non-skid paving or slabs of a type to be approved by the Council shall be used for cross-falls between 1:25 and 1:15: provided that the maximum cross-fall shall not exceed 1:15.
 - [c] Longitudinal grades shall not be steeper than 1:25 for ordinary paving. Slabs and non-skid paving or slabs may be used for longitudinal grades between 1:25 and 1:15: provided that the maximum longitudinal grade shall not exceed 1:15.
- [4.3] When carriage openings are formed in kerbs and cross footways or pavements, such openings shall be paved or slabbed.
- [4.4] The Council may, for purposes of this section, impose such conditions as it may deem necessary in the interests of public safety, the preservation of municipal property and for any such purpose necessitating the imposition of such conditions.

5 Planting on footways and sidewalks

- [5.1] The owner or occupier of an erf adjoining a street may, at his/her own cost, grade and plant with grass any land lying between the erf and that part of the street intended, laid out or made up for the use of vehicular traffic.
- [5.2] The owner or occupier of an erf aforesaid may plant with flowers or small shrubs, a strip of land not exceeding 1m in width immediately adjoining the said erf.

- [5.3] The Council may impose such conditions as it deems necessary, regard being had to public safety, the preservation of municipal property and for any such purpose necessitating the imposition of such conditions.

6 Street gutter bridged

- [6.1] No person shall bridge over or enclose any gutter or stormwater drain under the control of the Council without the prior written consent of the Council.

BUILDINGS

7 Encroachments

- [a] a cantilevered overhanging roof may be erected over the street boundary or building line, at a height of at least 2,75m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof;
- [b] foundations that are at least 0,75m under the ground level may exceed a street boundary or building line with a maximum of 0,5m;
- [c] sunshades and overhead lamps may exceed a street boundary or building line: provided that there shall be a head clearance of at least 2,1m, measured from the finished ground level to the lowest point of such sunshades or overhead lamps;
- [d] eaves projections may exceed the street boundary or building line.

8 Restriction on the erection of buildings within the one-in-fifty-year flood line

- [8.1] No building shall without the prior permission of the Council be erected so that it is, at its nearest point, nearer to the centre of any natural watercourse than a line, as may be determined by the Council, indicating the maximum level likely to be reached on an average every fifty years by flood water in the said watercourse.
- [8.2] For the purpose of this section, a natural watercourse means a topographic land depression which collects and conveys surface stormwater in a definite direction, and includes any clearly defined natural channel, which conveys water in a definite course along a bed between visible banks, whether or not its conformation has been changed by artificial means and whether or not such channel is dry during any period of the year, and includes any river, spruit, and stream.

9 Relay of stormwater from a high-lying erf to a lower lying erf

- [9.1] If, in the opinion of the Council, it is impracticable for stormwater to be drained from any high-lying erf direct to a public street, the owner of any lower lying erf shall be obliged to accept and/or permit the passage of such stormwater and the owner of such high-lying erf, the stormwater from which is discharged over the lower lying erf, shall be liable for a proportionate share of the cost of any pipe-line or drain which the owner of such lower lying erf may find necessary to construct for the purpose of conducting the water so discharged.

10 Enclosures

- [10.1] Where any erf is enclosed in whichever manner, such enclosure shall be designed, erected and maintained according to Schedule I, subject to any other provisions of these By-laws.

SCHEDULE I
CONDITIONS WITH WHICH AN ENCLOSURE SHALL COMPLY

11 Height restrictions

- [11.1] Apart from the provisions of paragraph 3 hereof, no enclosure [except those on Industrial and Business zoned erven] irrespective of the type of material used, may exceed a height of 2.1m.

- [11.2] Apart from the provisions of subparagraph [1] hereof, barbed wire or similar wire and safety spikes may be erected only from a height of 1.75m.

12 Design and appearance

- [12.1] An enclosure, as provided in paragraph 1 hereof, which is visible from an adjacent street or public open space shall comply with the following conditions

- [a] All surfaces which are visible from such street or public open space shall:

- [i] be skilfully finished;
- [ii] be of good quality material;
- [iii] be without defect; and
- [iv] have an exposed or finished side;

- [b] painted surfaces visible from such street or public open spaces, shall be white only or a different colour as approved by the Council.

- [c] If such enclosure is made of precast material and is visible from such street or public open space, it shall only have a brick pattern and be painted white or a different finish or colour as approved by the Council.

- [d] If wood forms part of such enclosure, it shall be thoroughly treated with a wood-preserving agent.

- [12.2] An enclosure, as provided in paragraph 1 hereof, which is visible from any adjacent erf, shall comply with the following requirements:

- [a] All surfaces fronting on the adjacent erven shall be –

- [i] skilfully finished;
- [ii] of good quality material;
- [iii] without defect; and

- [iv] maintenance free
- [b] if applicable, the struts, posts and columns of such an enclosure shall show on the owner's side
- [c] If wood forms part of such enclosure, it shall be thoroughly treated with a wood-preserving agent.

[12.3] General

- [1] Notwithstanding the provisions in paragraphs 1 and 2 hereof –
 - [a] the Council may agree to it that the maximum heights, as stipulated in paragraph 1 hereof, be exceeded;
 - [b] the enclosure, as provided in paragraph 1 hereof, shall, within a distance of 4.5m from any street boundaries or public open space boundaries be splayed or lowered to a height of 1m, if the Council so requires;
 - [c] no barbed wire or similar wire and safety spikes in any area [Industrial - zoned erven excluded] may be visible from any street, public open space or adjacent erf;
 - [d] the enclosure shall be properly maintained to the sole satisfaction of the Council.
 - [e] the height of any enclosure or wall will be measured from natural ground level.

13 Roofs

- [13.1] Sheet metal which is used for roofs and is visible from the street or surrounding erven shall be properly painted within fifteen months after construction thereof if the Council so requires.
- [13.2] No roof surface may have a luminous finish.

**PART D
SEWERAGE**

GENERAL PROVISIONS

14 Connection to sewer

- [14.1] No part of any drainage installation shall extend beyond the boundary of the piece of land on which the building or part thereof served by the drainage installation is erected: provided that, where it considers it necessary or expedient to do so, the Council may permit the owner to lay a drain at his/her own expense through an adjoining piece of land upon proof of the registration of an appropriate servitude or of a notarial deed of joint drainage, as the Council may require.

- [14.2] Subject to the provisions of subsection [3], and without prejudice to the provisions of the National Building Regulations regarding the inspection and testing of drainage installations, the owner of a premises shall, 14 days before the drainage installation on his/her premises will be ready for connection to a connecting sewer, advise the Council of his/her intention to so connect. As soon as the Council has provided the connecting sewer, he/she shall connect the drain to it at his/her own expense.
- [14.3] Any alternative or additional connection required by the owner shall be subject to the approval of the Council and shall be effected at the owner's expense.
- [14.4] No person shall permit the entry of any substance whatsoever other than clean water for testing purposes into any drainage installation before the drainage installation has been connected to the sewer.
- [14.5] Save as may be otherwise authorized by the Council in writing, no person other than an official duly authorized to do so, shall lay and connect any connecting sewer to the sewer.
- [14.6] The conveyance of sewage from two or more premises by means of a common drain to a connecting sewer may be authorized by the Council.

15 Disconnection of Drainage Installations and Conservancy or Septic Tanks

- [15.1] If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner shall cause it to be disconnected and either completely removed or completely filled with earth or other suitable material: provided that the Council may require such tank to be otherwise dealt with, or may permit it to be used for some other purpose subject to such conditions as the Council may consider necessary, regard being had to all the circumstances of the case.
- [15.2] After all the requirements of the National Building Regulations in regard to disconnection have been complied with and on request by the owner, the Council shall issue a certificate to the effect that the disconnection has been completed in terms of the National Building Regulations and that any sewerage charges raised in respect of the disconnected portion of the drainage installation shall cease to be raised with effect from the first day of the month following the issue of such certificate: provided that, until such certificate shall have been issued by the Council, any such charges shall continue to be raised.
- [15.3] When a drainage installation is disconnected from a sewer, the Council shall seal the opening so made and shall recover from the owner the cost of such work in terms of section 14[5].
- [15.4] Any person who, without the permission of the Council, breaks or removes or causes or permits the breakage or removal of any such seal referred to in subsection [3], shall be guilty of an offence.

- [15.5] Where a soil-water fitting has during the month been connected to or disconnected from a drainage installation which discharges into a sewer system, the tariff, excluding the fixed tariff for every erf, stand, premises or other area, with or without improvements, which, in the opinion of the Council, can be connected to a sewer, shall be calculated as if such connection or disconnection had taken place on the first day of the month following the month in which such connection or disconnection was effected.

16 Drainage Work which does not comply with the Requirements

- [16.1] Where any drainage installation has been constructed or any drainage work has been carried out which fails in any respect to comply with any of the provisions of the National Building Regulations or these by-laws, the owner shall, on receipt of a written notice by the Council to do so and notwithstanding the fact that he/she may have received approval of plans in respect of the said installation or work in terms of the National Building Regulations or previous by-laws, carry out such repairs, replacements, maintenance work or alteration to the installation as and within the time which the said notice may specify.
- [16.2] When, in the opinion of the Council, a nuisance exists as a result of the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Council may require the owner, at his/her own expense, to take such action as may be necessary to prevent the recurrence of the said nuisance.
- [16.3] Where any sewage, after being discharged into a drainage installation, enters or overflows any soil-water fitting or waste-water fitting connected to the same drainage installation and leaks from the drainage installation whether by reason of surcharge, back pressure or any other circumstance, the Council may, by notice in writing, require the owner to carry out within the period specified by such notice any work necessary to abate such entry, overflow or leakage of sewage and to prevent any recurrence thereof.
- [16.4] The Council may, instead of serving notice as aforesaid or where such notice has not been complied with within the time prescribed therein, without prejudice to its right also to prosecute the person or body to whom the notice was directed, because of an infringement of the National Building Regulations or these by-laws, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with the provisions of the National Building Regulations or these by-laws and may recover the cost thereof from the owner by the ordinary process of law in terms of subsection [5].
- [16.5] Where any work other than that for which a fixed charge has been determined, is undertaken by the Council, the costs of which it is entitled in terms of these by-laws to recover from any person, there may be included in such costs such claim to be determined by the Council as will cover all expenditure reasonably incurred by the Council.

17 Maintenance

- [17.1] Where any part of a drainage installation is used by two or more owners or occupiers, they shall be jointly and severally liable in terms of this section for the maintenance and repair of such drainage installation.

18 Drainage and Sewer Blockages

- [18.1] No person shall cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as will cause its blockage or ineffective operation.
- [18.2] When the owner or occupier of a premises has reason to believe that a blockage has occurred in any drainage installation thereon, then he/she shall forthwith inform the Council of the facts and take steps to have it cleared.
- [18.3] Where a blockage occurs in a drainage installation any work necessary for its removal shall, subject to the provisions of subsection [5], be undertaken by or under the supervision of a plumber or registered person as required in the National Building Regulations in regard to the control of plumbers and plumbing work.
- [18.4] Any plumber or registered person as aforesaid shall, before proceeding to remove any blockage from a drainage installation, notify the Council by telephone or otherwise of his/her intention to do so, and shall when he/she has done so, notify the Council of that fact and of the nature, location and cause of the said blockage.
- [18.5] The Council shall, whether or not it has been requested by the owner to do so, be entitled, at its own discretion, to remove a blockage from a drainage installation and may recover the costs thereof from the owner in accordance with Section 14[5].
- [18.6] Should the clearing by the Council of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Council shall not be liable for the reinstatement thereof.
- [18.7] Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Council is reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage and the Council may recover such cost from the owner in accordance with Section 14[5].
- [18.8] Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for the clearing of such blockage shall be recoverable in the first place in equal portions from each of the owners thereof, who shall however, be jointly and severally liable for the whole charge.

19 Interference with or Damage to Sewers and Water Care Works

[19.1] Any damage caused to the Council's sewer or any part of its sewerage or water care works by or in consequence of the non-compliance with or contravention of any provision of the National Building Regulations or these by-laws shall be rectified or repaired by the Council at the expense, to be assessed by it, of the person responsible for the said non-compliance or contravention or of causing or permitting same.

20 Entry onto Premises

[20.1] An official authorized by the Council shall have the right to enter upon any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out any inspection or work in connection with a drainage installation which the Council may deem necessary.

[20.2] Any owner or occupier of premises who denies or causes or suffers any other person to deny entry to premises to any official demanding the same in terms of subsection [1], or who obstructs or causes or suffers any person to obstruct such official in the performance of his/her duties, or who withholds or causes or suffers any other person to withhold information required by the official for the purpose of carrying out his/her said duties, or who gives or causes or suffers any other person to give to the official any information which is to his/her knowledge false, shall be guilty of an offence.

21 Manholes on Municipal Property

[21.1] Where, for any reason whatsoever, the provision of adequate means of access to the Council's connecting sewer is impracticable on any private premises, the Council may, at the expense of the owner, cause or permit a manhole to be constructed over the Council's connecting sewer in such public place and in such position and of such materials and dimensions as the Council may decide and, in addition, the owner shall bear the cost, as assessed by the Council, of any alteration to existing services in the public place which may, by reason of the construction of the manhole, be necessary.

[21.2] The owner of the private premises referred to in subsection [1] shall, if so required by the Council, pay rental to the Council for the space occupied by the manholes in the public place.

22 Mechanical Food-Waste or other Disposal Units

[22.1] No person shall incorporate into a drainage installation a mechanical food waste or other disposal unit or garbage grinder which has a power capacity in excess of 500W, unless a standard water meter, which the Council installs and seals at the cost of the owner and to which the Council has the right of access at all times, has been connected into the supply pipe which provides water to the unit.

- [22.2] The Council may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder, either to remove, repair or replace any unit which, in the opinion of the Council, is functioning inefficiently or which may impair the working of the Council's sewerage system.
- [22.3] The owner shall, upon the removal of any such unit or grinder, notify the Council in writing within 14 days of its removal.
- [22.4] The charges as prescribed in the applicable tariff shall be paid in respect of the discharge of a food-waste, other disposal unit or a garbage grinder referred to in subsection [1].

PREVENTION OF WATER POLLUTION

23 Sewage or other Pollutants not to enter Stormwater drains

- [23.1] The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated, shall provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, stormwater drain or watercourse except where, in the case of steam, the Council has specifically permitted such discharge.
- [23.2] Where the hosing down or flushing by rainwater of an open area on any private premises is, in the opinion of the Council, likely to cause the discharge of objectionable matter into any street gutter, stormwater drain, river, stream or other watercourse, whether natural or artificial, or to contribute towards the pollution of any such watercourse, the Council may instruct the owner of the premises to execute, at his/her own cost, whatever measures by way of alterations to the drainage installation or roofing of the area it may consider necessary to prevent or minimize such discharge or pollution.

23 Stormwater not to enter Sewers

- [23.1] No person shall discharge or cause or permit to be discharged any stormwater or any substance other than sewage into a drainage installation.

24 Discharge from Swimming Pools

- [24.1] Water from fountains, boreholes, wells, reservoirs or swimming pools situated on private premises shall be discharged into a drainage installation only with the prior written consent of the Council and subject to such conditions as to place, time, rate of discharge and total discharge as the Council may impose.

25 Permission to Discharge Industrial Effluent

- [25.1] No person shall discharge or cause or permit to be discharged into any sewer, any industrial effluent or other liquid or substance other than soil-water or waste-water without the prior written permission of the Council or, if such permission has been obtained, otherwise than in strict compliance with any and all of the conditions of such permission.
- [25.2] Every person shall, before discharging any industrial effluent into a sewer, make application in writing to the Council for permission to do so on the prescribed form, to be completed in duplicate, and shall thereafter furnish such additional information and submit such samples as the Council may require.
- [25.3] The Council may, at its discretion, having regard to the capacity of any sewer or any mechanical appliance used for sewage or any water care works, whether or not vested in the Council and subject to such conditions as it may deem fit to impose, including the payment of any charge assessed in terms of the relevant tariff, grant permission for the discharge of industrial effluent from any premises into any sewer.
- [25.4] A person to whom permission has been granted in terms of subsection [3] to discharge industrial effluent into a sewer shall, before doing or causing or permitting to be done anything which results in any change in the quantity or discharge or nature of that effluent, notify the Council in writing of the date on which it is proposed that the change shall take place and of the nature of the proposed change.
- [25.5] Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtained permission to do so in terms of subsection [3] shall be guilty of an offence and be liable to such charge as the Council may assess for the conveyance and treatment of the effluent so discharged and for any damage caused as a result of such unauthorized discharge.
- [25.6] Without prejudice to its rights in terms of subsection [5] or of Section 27[2][c], the Council shall be entitled to recover from any person who discharges into a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of Section 27 or which has been the subject of an order issued in terms of Section 27[2], the whole cost of expenses or charges incurred or to be incurred by the Council or of losses suffered or to be suffered as a result of any or all of the following:
- [a] Injury to persons, damage to the sewer or any water care works or mechanical appliance or to any property whatsoever, as the result of the breakdown, either partial or completely of any sewer or water care works or mechanical appliance, whether under the control of the Council or not; or
 - [b] A prosecution in terms of the Water Act, 1956 [Act 54 of 1956], as amended, or any action against the Council consequent on any partial or complete breakdown of any water care works or mechanical appliance caused directly or

indirectly by the said discharge, including fines and damages which may be imposed or awarded against the Council.

- [25.7] Due to any change in circumstances arising from a change in the sewage treatment process or the introduction of new or revised or stricter or other standards by the Council or in terms of the Water Act, 1956 [Act 54 of 1956], as amended or as a result of any amendment of these by-laws or due to any other reason, the Council may from time to time or at any time review, amend, modify or revoke any permission given or any conditions attached to such permission and/or impose new conditions for the acceptance of any industrial effluent into the sewer or prohibit the discharge of any or all such effluent into the sewer or prohibit the discharge of any or all of such effluent into the sewer upon giving adequate written notice in advance of its intention to do so, and, upon expiration of such period of notice the previous permission or conditions, as the case may be, shall be regarded as having lapsed and the new or amended conditions, if any, as the case may be, shall forthwith apply.

26 Control of Industrial Effluent

- [26.1] The owner or occupier of any premises from which industrial effluent is discharged into a sewer, shall provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into any sewer, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other similar reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of these by-laws.
- [26.2] The owner or occupier of any premises on which industrial effluent originated and who intends applying treatment to such effluent before discharging it, shall obtain prior written permission from the Council.
- [26.3] The Council may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him/her, without prejudice to any other provision of the National Building Regulations or these by-laws, to do all or any of the following:
- [a] To subject the effluent before it is discharged into the sewer, to such pretreatment as will ensure that it will at all times conform in all respects with the requirements of Section 27[1] or to modify the effluent cycle of the industrial process to such an extent and in such a manner as in the opinion of the Council is necessary to enable any water care works receiving the said effluent, whether under the control of the Council or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the Water Act, 1956 [Act 54 of 1956], as amended;
 - [b] to restrict the discharge of effluents to certain specified hours and the rate of discharge to a specified maximum and to install, at the expense of the owner or occupier such tanks, appliances and other equipment as in the opinion of the Council may be necessary or adequate for compliance with the said restrictions;

- [c] to install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewer through a separate connection, as directed by the Council, and to refrain from discharging the said effluent through any drainage installation intended or used for the conveyance of domestic sewage or from discharging any domestic sewage through the said separate installation for industrial effluent;
- [d] to construct at his/her own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Council may prescribe;
- [e] to pay, in respect of the industrial effluent discharged from the premises, such charge as may be calculated in terms of the tariff: provided that, where, due to the particular circumstances of any case, the actual chemical oxygen demand [COD] or permanganate value [PV] and the concentration of metals in the effluent cannot be assessed by means of the method of assessment prescribed by the SABS, the Council may use such alternative method of assessment as it may deem expedient and the charge to be levied shall be assessed accordingly;
- [f] to provide all such information as may be required by the Council to enable him to assess the charges payable in terms of the tariff; and
- [g] for the purposes of subsection [f] to provide and maintain at his/her own expense a meter or meters measuring the total quantity of water drawn from any borehole, spring or other source of water, excluding that of the Council, used on the property and discharged as industrial effluent into the sewer.

27 Metering and Assessment of the Volume and Composition of Industrial Effluent

- [27.1] The Council may incorporate, in such position as it shall determine in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purpose of ascertaining the volume or composition of the said effluent, and it shall be an offence for any person to pass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device: provided that the Council may, at its discretion, enter into an agreement with any person discharging industrial effluent into the sewer, determining an alternative method of assessing the quantity of effluent so discharged.
- [27.2] The Council shall be entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner of the premises on which it is installed.
- [27.3] The owner of any premises on which is situated any borehole or well used for a water supply for trade or industrial purposes shall:
 - [a] register such borehole or well with the Council;
 - [b] provide the Council with full particulars of the discharge capacity of the borehole or well; and
 - [c] if the Council has reason to doubt the reliability of the particulars given, carry out, at the expense of the owner, such tests on the discharge capacity of the borehole or well as may, in the opinion of the Council, be necessary for the purpose of these by-laws.

28 Prohibited Discharges

[28.1] No person shall discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which:

- [a]** in the opinion of the Council, may be offensive to or may cause a nuisance to the public;
- [b]** is in the form of steam or vapour or has a temperature exceeding 44°C at the point where it enters the sewer;
- [c]** has a pH value less than 6,0 or greater than 10,0;
- [d]** contains any substance of whatsoever nature likely to produce or emit explosive, flammable, poisonous or offensive gasses or vapours in any sewer;
- [e]** contains any substance having a flashpoint of less than 90°C or which emits a poisonous vapour at a temperature below 93°C;
- [f]** contains any material of whatsoever nature, including, oil, grease, fat or detergents capable of causing interference with the proper operation of water care works;
- [g]** shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
- [h]** contains any substance in such concentration as is likely in the final treated effluent from any water care works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
- [i]** exceeds any of the limits or concentrations of substances specified in Schedule II: provided that the Council may approve such greater limits or concentrations for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of such substance on the sewer or any sewage treatment process if the Council is satisfied that, in the circumstances, the discharge of such substance will not:
 - [i]** damage any sewer, mechanical appliance, water care works or equipment; or
 - [ii]** prejudice the use of sewage effluent for re-use; or
 - [iii]** adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage effluent;
- [j]** contains any substance of whatsoever nature which, in the opinion of the Council:
 - [i]** is not amenable to treatment at the water care works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
 - [ii]** is of such nature as is or may be amenable to treatment only to such degree as to prevent the final treated affluent from the water care works from satisfactorily complying in all respects with any requirement imposed in terms of the Water Act, 1956 [Act 54 of 1956]; or
 - [iii]** whether listed in Schedule II or not, either alone or in combination with

other matter may:

- [aa] generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or entering the Council's sewers or manholes in the course of their duties; or
- [bb] be harmful to sewers, water care works or land used for the disposal of purified sewage effluent; or
- [cc] adversely affect any of the processes whereby sewage is purified or any re-use of purified sewage effluent.

- [28.2] [a] Any person receiving from an official duly authorized thereto by the Council a written order instructing him/her to stop the discharge into the sewer of any substance referred to in subsection [1], shall forthwith stop such discharge.
- [b] Any person who contravenes the provisions of subsection [1] or who fails to comply with an order issued in terms of subsection [2][a], shall be guilty of an offence.
- [c] Notwithstanding the provisions of subsection [2][b], should any person have failed to comply with the terms of an order served on him/her in terms of subsection [2][a] and such discharge is likely, in the opinion of the Council, to cause damages to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Council may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until such time as the industrial effluent complies in all respects with the Council's requirements as prescribed in terms of these by-laws, in which event the person responsible for the discharge shall forthwith stop it, or if he/she fails to do so, the Council may prevent him/her from proceeding with the discharge.

SCHEDULE II

LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

- 1 Subject to the provisions of Section 27[1] of these by-laws:
- [1.1] The limits of the PV, pH and electrical conductivity of sewage are as follows:
- [a] PH-within the range 6,0-10,0;
 - [b] Electrical conductivity not greater than 300m/Sm at 20°C.
- [1.2] The maximum permissible concentrations of pollution expressed in milligrams per litre [mg/l] are as follows:
- [a] **GENERAL:**
 - [i] PV-not to exceed: 1 400mg/l;
 - [ii] Caustic alkalinity [expresses as CaCO₃]: 2 000 mg/l;
 - [iii] Substances in suspension [including fat, oil, grease, waxes and like substance]; 2 000mg/l;
 - [iv] Substances soluble in petroleum ether: 500mg/l;
 - [v] Sulphides, hydro-sulphides and polysulphides [expressed as S]: 50mg/l;

- [vi] Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or water care works [expressed as HCN]: 20mg/l;
- [vii] Formaldehyde [expressed as HCHO]: 50mg/l;
- [viii] Phenolic compounds: 1,0mg/l;
- [ix] Non-organic solids in suspension: 100mg/l;
- [x] Chemical oxygen demand [COD]: 5 000mg/l;
- [xi] All sugars and/or starches [expressed as glucose]: 1 500mg/l;
- [xii] Available chlorine [expressed as Cl]: 100mg/l;
- [xiii] Sulphates and sulphites [expressed as SO₄]: 1 800mg/l;
- [xiv] Fluorine-containing compounds [expressed as F]: 5mg/l;
- [xv] Anionic surface activators: 500mg/l;
- [xvi] Orthophosphate [expressed as P]: 10mg/l.

[b] METALS

- [i] Group 1:
 - [aa] Chromium [expressed as Cr];
 - [bb] Copper [expressed as Cu];
 - [cc] Nickel [expressed as Ni];
 - [dd] Zinc [expressed as Zn];
 - [ee] Silver [expressed as Ag];
 - [ff] Cobalt [expressed as Co];
 - [gg] Cadmium [expressed as Cd];
 - [hh] Manganese [expressed as Mn].

The total collective concentration of all metals in Group 1 [expressed as indicated above] in any sample of the effluent, shall not exceed 20mg/l, nor shall the concentration of any individual metal in any sample exceed 5mg/l.

- [ii] Group 2:
 - [aa] Lead [expressed as Pb];
 - [bb] Selenium [expressed as Se];
 - [cc] Mercury [expresses as Hg].

The total collective concentration of all metals in Group 2 [expressed as indicated above], in any sample of the effluent shall not exceed 50mg/l, nor shall the concentration of any individual metal in any sample exceed 20mg/l.

- [iii] Group 3:
 - [aa] Arsenic [expressed as As];
 - [bb] Boron [expresses as B].

The total collective concentration of the metals in Group 3 [expresses as indicated above] in any sample of the effluent shall not exceed 20mg/l.

[c] RADIO-ACTIVE WASTE:

- [i] Radio-active waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department:

provided that, notwithstanding the requirements set out above in this Schedule, the Council reserves the right to limit the total mass of any substance or impurity discharges per 24 hours into the sewers from any premises.

provided further that the method of testing in order to ascertain the concentration of any substance mentioned above shall be the test normally used by the Council for this purpose. Any person discharging into a sewer any substance referred to in the Schedule, may ascertain the details of the appropriate test from the Council.

PART E WATER

29 Connection from mains

- [29.1] All communication pipes which are intended for preventive or automatic use in case of fire shall be laid by the Council as far as the boundary of the consumer's property
- [29.2] Such communication pipes shall be used only for fire extinguishing purposes.
- [28.3] No take-off of any kind shall be made, other than those in connection with automatic sprinklers and drenchers, hydrant connections or necessary for a pressure tank upon the top of a building, which tank shall be controlled by a suitable ball tap.

30 Valves in Communication Pipes

- [30.1] Every communication pipe shall be fitted with a proper stop valve, which said valve shall be -
- [a] supplied by the Council at the expense of the consumer;
 - b] installed between the consumer's property and the main;
 - [c] of the same diameter as the communication pipe;
 - [d] in such position as may be determined by the Council.

31 Additions to System

- [30.1] No further sprinkler shall be added or connected to any existing fire extinguishing system after such system has been connected to the mains without the prior written consent of the Council.

32 Extension of System to other premises

- [32.1] No extension or connection from any fire extinguishing system to other premises shall be made, and in the event of any such connection or extension being made, the Council shall be entitled to enter upon any premises and to take all steps necessary to disconnect such connection or extension at the cost of the persons responsible for such extension or connection.

33 Inspection and approval of Fire Extinguishing Service

- [33.1] No supply of water shall be made or given until the fire extinguishing system has been inspected and the Council has certified in writing that such service is in

accordance with these by-laws and the work has been carried out to the Council's satisfaction

34 Connection to be at pleasure of the Council

[34.1] Connection to the mains shall be at the pleasure of the Council, which shall be entitled to disconnect any fire extinguishing services at any time.

35 Installation of Reflux Valve

[35.1] In all private installations where a fire pump connection is installed, a reflux valve to close off the supply from the Council's mains when the fire pump connection is being used shall be installed between the boundary of the property and the fire pump connection.

36 Sprinkler system

[36.1] A sprinkler system may be installed in direct communication with the main, but the Council shall not be deemed to guarantee any specified pressure of water at any time.

[36.2] When an automatic sprinkler system has been installed and completed, the owner shall advise the Council in writing within 14 days of the date of completion of the installation of such sprinkler system.

37 Header tank or duplicate supply from mains

[37.1] In the event of a header tank being installed above ground level, it must be provided with an overflow pipe, which shall discharge in such a position as to be readily observable, and shall not be led away by any down-pipe to any drain.

**PART F
NOTICES**

38 Notices

[38.1] Every notice, order or other document issued or served by the Council in terms of these by-laws shall be valid if signed by the Municipal Manager or an official of the Council duly authorized thereto by the said Municipal Manager.

[38.2] If a notice is to be served on a person in terms of these by-laws, such service shall be effected by:

[a] Delivering the notice to him personally or to his duly authorized agent or:

- [b] By delivering the notice at his residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there;
 - [c] If he has nominated an address for legal purposes, by delivering the notice to such an address; or
 - [d] By registered or certified post addressed to his last known address.
 - [e] In the case of a body corporate, by delivering it to the registered office or the business premises of such a body corporate;
 - [f] If service cannot be effected in terms of the aforesaid sub-sections by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place on the land to which it relates.
- [38.3] Any notice, order or other document served in terms of these by-laws on any person shall be so served by delivering it, or a true copy thereof, to the person to whom it is addressed personally or at his last known residence or place of business or by posting it to him by registered post.
- [38.4] In every notice, order or other document issued or served in terms of these by-laws, the premises to which it relates shall be specified but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his name is not known.

PART G PENALTY CLAUSE

39 Penalty Clause

- [39.1] Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and liable upon conviction to –
- a] a fine or imprisonment for a period not exceeding six months or either such fine or such imprisonment or both such fine and such imprisonment;
 - [b] in the case of a continuing offence, an additional fine or an additional period of imprisonment of 10 days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
 - [c] a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

LOCAL AUTHORITY NOTICE 187



SENQU MUNICIPALITY

BY-LAWS

BUSINESSES AND STREET TRADING

JULY 2005

SENQU MUNICIPALITY

MUNICIPAL NOTICE

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] By-Law relating to Business and Street Trading, which by-law shall come into operation on the date of publication thereof.

BY-LAWS RELATING TO BUSINESS AND STREET TRADING

1. Definitions

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

"Act" means Business Act 1991, any other business licensing law applicable in the Province of Eastern Cape, inclusive of any regulations made in terms thereof

"Approval" means approval by the Council, or by a committee of the Council, or by councillors or officials acting in terms of powers delegated to them; and "approve" has a corresponding meaning.

"Business" means any commercial activity, professional practice or trade, including any street trading.

"Council" means the legislative and executive authority of the Senqu local municipality

"Councillor" means a member of the council of the Senqu municipality

"Law Enforcement Officer" means an employee of the Municipality appointed by the Council to enforce its by-laws and in possession of an appointment card issued by the Council attesting thereto; any member of the South African Police Service or a municipal police service; any peace officer; or any traffic officer appointed in terms of the Road Traffic Act, 1989.

"Municipal Manager" means the person appointed by the Senqu Council in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 and includes a person acting in this capacity

"Municipal Area" means the area of jurisdiction of the Senqu Municipality;

"Public Place" includes any street, road, thoroughfare, sanitary passage, square or open space shown on a general plan of a township or settlement, filed in the deeds registry or Surveyor-General's office, and all land (other than erven shown on the general plan) the control of which is vested, to the entire exclusion of the owner, in the Senqu Municipality or to which the owners of erven in the township have a common right, and for purposes of this definition "settlement" means a group of pieces of land or of subdivisions of a piece of land which are used or

intended for use mainly for farming or horticulture , and includes a combination of such groups which is suitable for inclusion in one property register;

"Street Trader" means a person who carries on the business of street trading as contemplated in Schedule 5B of the Constitution and without derogating from the generality of this activity, includes any person who in a public place sells, supplies or offers any goods or services for reward as a vendor, pedlar or hawker, but does not include a person who sells newspapers only.

"Township" means a group of pieces of land, or of subdivisions of a piece of land, which are combined with public places and are used mainly for residential, industrial, business or similar purposes, or intended to be so used;

"Senqu Municipality" means the local municipality of Senqu established in term of Section 12 of the Local Government: Municipal Structures Act of 1998, and when referred to as an entity means a municipality as described in Section 2 of the Local Government: Municipal Systems Act, 2000 and when referred to as a geographic area means the area as determined in terms of the Local Government: Municipal Demarcation Act, 1998.

2. Licences Required By Certain Businesses

- [2.1] No person shall, within the municipal area, carry on any business without a valid licence if such business is required to be licensed in terms of the Act or any other applicable legislation.
- [2.2] Every person who is required to hold a licence or licenses in terms of 2.1 above shall comply with every condition or requirements set out in such licence as issued by the appropriate licensing authority.

3. Prohibitions

- [3.1] Any person intending to carry on any permanent business activity within the municipality of Senqu shall notify the Council in writing his or her intention to commence business, such notification to reach the offices of the municipality at least 14 clear days prior to the intended date of the proposed commencement of the business, advising the Council of the type of business to be conducted and give details of the premises, if any, to be used for the conduct of such business.
- [3.2] No person shall carry on any business in or on any premises unless such activity or use is permitted in terms of the applicable town-planning scheme.
- [3.3] No person shall carry on the business of a street trader except with the written permission of the Council and subject to such conditions as the Council may impose.

4 Street Trading

[4.1] No person shall carry on the business of a street trader in any road or public place within 30 metres of

- [i] a building owned or occupied by an organ of state, a place of worship or a national monument
- [ii] a building in which business is being carried out in goods mainly the same or similar to the goods being sold by the street trader concerned;

except to the extent that a notice on the spot permits the carrying on of such street trading.

[4.2] No street trader shall fail to ensure that any structure, container, surface, or other object used for the preparation, display, storage or transportation of goods is in a good state of repair and in a clean and tidy condition.

[4.3] Street trading activities may only be conducted between the hours of 07h00 and 19h30, provided, however, that the Council may, upon application, permit individual street traders to conduct business activities outside of these hours which times shall be specified in such permit.

[4.4] No street trader shall allow any article used in the course of the business concerned to remain on any sidewalk or pedestrian access way outside of authorised street trading hours.

[4.5] No street trader shall take up a position or place his wares or property on a sidewalk in such a manner that pedestrian traffic is substantially obstructed, nor shall a street trader occupy a demarcated stand or area, unless in possession of a permit authorising his or her occupation of such stand or area.

[4.6] No street trader shall in any way obstruct free access to any entrance or exit from any building or premises, fire hydrant, pedestrian arcade or mall, loading zone, parking bay, bus or taxi stop, pedestrian crossing or other facility for vehicular or pedestrian traffic, nor shall any street trader obstruct access to or the use of any refuse receptacles, or other facilities designed or provided for use by the public.

[4.7] No street trader shall fail to keep the area or stand occupied for the purpose of conducting such business in a clean and sanitary condition and free of litter.

[4.8] Any street trader engaged in cooking or preparing any food shall take all reasonable steps to ensure that no fat, oil or other substance drops, spills or overflows onto the surface of any sidewalk or splashes against any building or sidewalk.

[4.9] A street trader shall not sleep overnight in any public place, nor erect any structure for the purpose of providing shelter, provided however it shall be lawful a street trader during the authorised hours in which business may be conducted to provide shelter by means of umbrellas or similar devices.

[4.10] No street trader shall carry on business or take up a position in or on any public place where the Council, by notice on the spot has prohibited such activity.

- [4.11] Any person carrying on the business of street trading shall, when required to do so by a law enforcement officer, produce for inspection any written authorisation or permit issued in terms of these by-laws.

5 Restriction On Trading In Certain Areas

- [5.1] The Council may within any township area restrict or prohibit street trading in public places or portions thereof and may determine that trading may be carried out only within the confines of areas demarcated for such purpose.
- [5.2] Upon application, the Council may issue a permit allowing the applicant to carry out street trading from such demarcated area subject to such terms and conditions that the Council deems appropriate

6 Enforcement

- [6.1] Any person who contravenes or fails to comply with the provisions of these by-laws shall be guilty of any offence and on conviction liable to a fine or imprisonment as hereinafter provided
- [6.2] A law enforcement officer may remove and impound any goods that people carrying on the business of street trader, when requested do so, have failed or refuse to remove from an area where such trading is unlawful; and may also remove and impound any goods abandoned by any street trader
- [6.3] All goods to be impounded shall be delivered to a duly authorised employee of the Council who shall place such goods in safe custody and account of their disposal
- [6.4] Any person from whom goods have been removed and impounded may within a period of seven clear days redeem such goods from the Council upon payment of a daily storage fee as determined by the Council from time to time
- [6.5] For the purposes of this section of the by-laws "goods" besides its ordinary meaning shall include any receptacle, equipment or vehicle associated with the business being conducted by the street trader concerned

7. Offences

- [7.1] The fines and penalties applicable to offences in terms of these by-laws are:
- [i] Upon conviction of a first offence, the guilty party shall be liable to a fine not exceeding R500, as adjusted from time to time in terms of the Adjustment of Fines Act, No 101 of 1991, or in default of payment, to imprisonment for a period not exceeding 14days
 - [ii] In the case of a continuing offence, the guilty party shall be liable to a further fine not exceeding R100 as adjusted from time to time;
 - [iii] Upon conviction of a second or subsequent offence, the guilty party shall be liable to a fine not exceeding R1000, as adjusted from time to time or in default of payment to imprisonment for a period not exceeding 30days.

- [iv] A Court convicting a person of an offence in terms of these by-laws may impose an alternative sentence in lieu of a fine or imprisonment.

8. Jurisdiction

- [8.1] Notwithstanding anything to the contrary contained in any law relating to Magistrates Courts, a Magistrate shall have jurisdiction, on application by the Council, to make an Order for the enforcement of any of the provisions of these by-laws or of any approval, refusal, or condition granted or applicable in terms hereof..

9. Repeals

- [9.1] These by-laws repeal and replace all other by-laws relating to business hitherto applied in the areas now under the jurisdiction of the Senqu Municipality.

AN EXPLANATORY MEMORANDUM

Whilst at first sight it may be argued that business activity stands to be controlled solely by the Businesses Act 1991, this is not the case. The Businesses Act deals mainly with the necessity or otherwise of a person obtaining a license to trade.

The Businesses Act also caused some major complications for local government in regard to the control of business activity in general and street trading in particular.

These by-laws deal in the main with street trading activities, but add measures to put the Council in a better position to control business activity in general.

LOCAL AUTHORITY NOTICE 188



By-law

Commonage

JULY 2005

SENOU MUNICIPALITY

MUNICIPAL NOTICE

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the by-laws relating to Commonages which by-laws shall come into operation on the date of publication thereof.

COMMONAGE BY-LAW

Preamble

The purpose of these by-laws is to promote the achievement of a safe and sound environment for the benefit of all residents and to provide for the conservation of the commonage through the prohibition of damage or destruction to vegetation, bird and animal life, the removal of any material and the unlawful occupation of the commonage.

1 Definitions

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

"commonage" means any land or portion of land which is in possession or under control of the municipality and which has been set aside, allocated or reserved by the Council or any competent authority for use as commonage land by the local community of the municipality.

"Council" means the Council of the Municipality.

"municipality" means the Municipality of Senqu established in terms of Section 12 of the Municipal Structures Act, 117 of 1998 as amended and includes the Council, any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"Municipal Manager" means a person appointed by the Council in terms of Section 82 of the Local Government: Municipal Structures Act 1998 as amended as Municipal Manager and includes any person acting in this post.

2 Prohibited Actions

- [2.1] No person shall erect any hut, shelter, kraal, habitation or structure of any kind nor occupy, camp or squat on any portion of the commonage without the prior written consent of the municipality given under the hand of its Municipal Manager or any official duly authorized by him.
- [2.2] No person shall without prior permission of the municipality, accumulate, dump or deposit or cause to be accumulated, dumped or deposited on any portion of the commonage any derelict motor cars, other vehicles or machinery or any parts thereof.
- [2.3] No person shall on the commonage dig or remove soil, clay, sand, gravel or boulders without being in possession of a valid and current permit issued by the municipality.
- [2.4] The municipality may issue permits upon payment in advance of the charges fixed by it for the removal of soil, clay, sand, gravel or boulders from sites it may demarcate on the commonage specifically for this purpose.
- [2.5] Any permit issued by the municipality in terms of subsection [b] shall contain conditions pertaining to the manner in which soil, clay, sand, gravel or boulders may be dug or removed from the commonage as well as the reinstatement of the land in a manner which complies with applicable law.
- [2.6] No person shall cut, damage, burn, destroy, gather or remove any plants, shrubs, trees, timber, firewood, brushwood, manure or any grass on the commonage without the prior written permission of the municipality given under the hand of its Municipal Manager or any official duly authorized by him.
- [2.7] No person shall interfere with or cause damage to any fence, gate, drinking trough, water tap or other appliance or thing, or set fire to the pasture or any bush, tree or shrub on the commonage.
- [2.8] No person shall make use of any road over the commonage other than such road or roads as may be determined or earmarked by the municipality from time to time.
- [2.9] No person shall deposit or in any way leave any poison for whatever purpose on the commonage without the prior written permission of the municipality given under the hand of its Municipal Manager or an official authorized by him.
- [2.10] The municipality may cause traps to be set for vermin on the commonage and any person interfering with or damaging such traps in any way or letting loose or removing or causing to be loosened or removed any vermin therefrom or in any way disposing of any bodies therefrom without the prior written approval of the municipality given under the hand of its Municipal Manager or an official authorized by him, shall be guilty of an offence.

- [2.11] No person shall kill, catch, capture or hunt or attempt to kill, catch, capture or hunt any game or birds of whatsoever description on the commonage.
- [2.12] No person shall set traps of whatsoever description on the commonage without the prior written consent of the municipality given under the hand of its Municipal Manager or an official authorized by him; in the event, that a trap is being set for vermin as indicated in [9].
- [2.13] No person shall destroy the nest of any birds or water-fowl on the commonage or remove the eggs or young therefrom.

3 Establishment of Rifle Range or Rifle Ranges

- [3.1] The municipality may set apart any portion of the commonage for the purpose of a rifle range or rifle ranges and no person shall practice target shooting with any rifle on any other portion of the commonage except on such range or ranges and subject to such conditions as the municipality may approve and which conditions shall be clearly stated in the official languages recognized by the Council in a notice erected at a rifle range or ranges established in terms of this section.

4 Use of Commonage for grazing purposes

- [4.1] The municipality may, subject to any title deed restriction pertaining to a commonage, permit the grazing of livestock and cultivate in areas of the commonage which it shall demarcate specifically for this purpose and subject to such conditions and upon the payment of such fees as the Council may, from time to time determine.

5 Round up of Stock

- [5.1] The Council may at owner's risk, collect from time to time all animals found depasturing on the commonage with a view to ascertaining whether such animals are registered with the Council. All stray animals or animals not registered with the Council or animals not claimed, may be impounded by any authorised officer of the Council and in addition thereto the owner shall be guilty of an offence.

6 Municipal Dipping Tank

- [6.1] All stock brought to the commonage from elsewhere for the first time shall be registered with the Council and shall be dipped at the municipal dipping tank. All stock grazing on the commonage may be dipped if so desired by the owner, and shall be dipped from time to time as and when directed by the Council. Stock shall be dipped at owner's risk and the Council shall not be liable for any injury to or loss of any such stock. Dipping charges in all cases shall be determined by Council from time to time and shall include the use of the municipal pens.

7 Municipal Pens

- [7.1] Any person making use of the municipal pens for purposes other than the dipping of stock, shall obtain a permit at the municipal offices at a prescribed fee as determined by Council from time to time.

8 Inhabitants

- [8.1] Every inhabitant shall, on obtaining a permit from the Council, be entitled to depasture on the commonage a specified number of stock as determined from Council from time to time. Fees payable in respect of such stock shall be fixed by the Council.

9 Camps

- [9.1] The Council may from time to time –

- [i] indicate the camp or camps which shall be available for the depasturage of stock of inhabitants;
- [ii] determine the number and kind of stock which may be depastured in each camp;
- [iii] after notice thereof has been given, close certain camps and prohibit the depasturage of stock therein for such periods as the Council may deem fit.

10 Cow Camps

- [10.1] The Council may enclose any portion of the commonage for the depasturage of milk cows only, on such terms and conditions as it may deem fit and on payment of a fee determined by Council from time to time.

11 Bulls, Stallions etc.

- [11.1] No person shall allow or permit any bull, stallion, jackass or ram over the age of six months to depasture or be at large on the commonage. Any bull, stallion, jackass or ram found on the commonage in contravention of this regulation may be impounded by any authorised officer of the Council, and the owner thereof shall be guilty of an offence.

12 Bricks, etc.

- [12.1] No person shall make bricks or quarry stone on or remove from any land under the control of the Council any stone, gravel, sand or clay without a permit from the Council and then only at or from such places as the Council shall determine, subject to such notice, failing which, the Council may remove such bricks and appurtenances and shall not be liable for any compensation or damages in consequence of such action.

- [12.2] Fees for the aforementioned permit in [12.1] will be determined by Council from time to time.

13 Squatting and Camping

- [13.1] No person shall erect any hut, shelter, kraal or structure of any kind, or camp or squat on or occupy any land under the control of the Council or any street, road, thoroughfare or public place. In the event of any such structure being erected in contravention of this regulation, the Council, through its duly appointed officials, shall have the right to break down and destroy such erection, and the owner thereof, shall, in addition to the penalty imposed for a breach of the regulations, be liable for the expense incurred in connection with the breaking down and removal thereof.

14 Protection of Water Supply

- [14.1] No person or picnic party shall be allowed within the water area, or borehole, pumping plant or reservoir enclosure without the permission of the Council.

15 Gates

- [15.1] Any person who shall pass through any gate in any fence on the commonage shall securely close such gate after he has passed through, and no person shall enter or leave the commonage where it is fenced, except by the gates provided in such fence, no shall any person drive any stock through any fence on the commonage.

16 Offences and Penalties

- [16.1] Any person who contravenes or fails to comply with the provisions of these by-laws shall be guilty of an offence and shall, upon conviction, be liable to –
- [i] a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment; and-
 - [ii] in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and-
 - [iii] a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

17 Repeal of By-Laws

- [17.1] Any by-law adopted by the Municipality or the Council of a Municipality now comprising an administrative unit of the Municipality and relating to a commonage is, from the date of promulgation of this by-law, hereby repealed.

LOCAL AUTHORITY NOTICE 189



By-law

Community Fire Services

JULY 2005

SENQU MUNICIPALITY**MUNICIPAL NOTICE**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-laws relating to Community Fire Safety.

BY-LAWS RELATING TO COMMUNITY FIRE SAFETY**Preamble**

The Council of the Senqu Municipality recognises: -

- that everyone has the constitutional right to an environment that is not harmful to their safety or well-being;
- that losses due to fire and the subsequent economic and social impact on people, property and infrastructure causes unnecessary hardship;
- that the protection of all sectors of the community against fire is an important aspect in the development and sustainability of the economy;
- that certain aspects of the daily existence need to be controlled in such a manner as to prevent and reduce the effects of fire on the community as a whole;
- that the community has a vital role to play in achieving the objectives of these by-laws, and
- that the benefits of a fire-safe environment should be accessible to all.

Purpose and scope of these by-laws

The purpose and scope of these by-laws are:

- to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the Municipality;
- to repeal all existing similar by-laws of the Municipality;
- to provide for procedures, methods and practices to regulate fire safety within the area of jurisdiction of the Municipality.

Application of these by-laws

These by-laws are applicable to all persons within the area of jurisdiction of the Municipality including formal and informal sectors of the community and economy.

CHAPTER 1

1 Definitions

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

"above ground storage tank" means a tank situated above ground for the storage of a flammable liquid;

"automatic releasing hold-open device" means a device used to hold open a fire door and which operates on the detection of a fire to close the fire door;

"boundary" means any lateral or street boundary of a site;

"building" means:

- [i] Any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with:
 - [a] the accommodation or convenience of human beings or animals;
 - [b] the manufacture, processing, storage or sale of any goods;
 - [c] the rendering of any service;
 - [d] the destruction or treatment of combustible refuse or combustible waste;
 - [e] the cultivation or growing of any plant or crop;
- [ii] any wall, swimming pool, reservoir or bridge or any other structure connected therewith;
- [iii] any fuel pump or any tank used in connection therewith;
- [iv] any part of a building, including a building as defined in paragraph [i], [ii] or [iii];
- [v] any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm water disposal, electricity supply or other similar service in respect of such building;

"bund wall" means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 110% of the contents of the tank;

"chief fire officer" means the person in charge of a service, or the acting chief officer, as contemplated in the Fire Brigade Services Act;

"combustible material" means combustible refuse, combustible waste or any other material capable of igniting;

"combustible refuse" means combustible rubbish, litter or material that is discarded, refused, rejected, or considered worthless;

"combustible waste" means combustible waste material which is salvageable, retained or collected for scrap or reprocessing and includes all combustible fibres, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffing, metal fines, and any mixture of the above items, or any other salvageable combustible waste material;

"Constitution" means the Constitution of the Republic of South Africa, 1996 [Act 108 of 1996];

"controlling authority" means either a chief fire officer, the Municipal Manager or their respective delegates as contemplated in these by-laws;

"dangerous goods" means a flammable gas, liquid or solid as contemplated in SABS 0228;

"division separating element" means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations [T1] read with the SABS 0400;

"emergency evacuation plan" means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;

"emergency route" means that part of an escape route that provides fire protection to the occupants of any building and which leads to an escape door;

"emergency vehicle" means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;

"entertainment and public assembly occupancy" means a place where people gather to eat, drink, dance or participate in other recreation;

"escape door" means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space which leads to a street or public place;

"escape route" means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;

"escape route plan" means a diagram indicating the floor layout, the occupant's current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger;

"Fire Brigade Services Act" means the Fire Brigade Services Act, 1987 [Act 99 of 1987];

"fire damper" means an automatic damper and its assembly that complies with the requirements contained in SABS 193;

"fire door" means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;

"fire extinguisher" means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

"fire hazard" means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;

"fire lanes" means the road, path or other passageway constructed or designated to allow access for emergency vehicles;

"fire protection system" means any device or system designed and installed to -

- [i] detect, control or extinguish a fire, or
- [ii] alert occupants or the fire service, or both, to a fire, but excludes portable and mobile fire extinguishers;

"fire wall" means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the National Building Regulations [T1] read with SABS 0400;

"flammable gas" as contemplated in SABS 0228, means a gas that at 20⁰ C and at a standard pressure of 101,3 kilopascals:

- [i] is ignitable when in a mixture of 13% or less [by volume] with air, or
- [ii] has a flammable range with air of at least 12 percentage points, regardless of the lower flammable limit;

"flammable liquid" means a liquid, or mixtures of liquids, or a liquid containing solids in solution or in suspension that give off a flammable vapour at or below 60,5⁰C and also includes a liquid within the following danger groups as determined in SABS 0228:-

"flammable solid" - as contemplated in SABS 0228, means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or

solids that are desensitised [wetted] explosives that can explode if not diluted sufficiently;

"flammable substance" means a flammable liquid or a flammable gas;

"flammable store" means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 46 of this By-laws;

"Hazardous Substances Act" means the Hazardous Substances Act, 1973 [Act 15 of 1973];

"Municipality" means the Senqu Municipality;

"Municipal Manager" means a person appointed in terms of section 82 of the Municipal Structures Act;

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 1998 [Act 117 of 1998] as amended;

"Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 [Act 32 of 2000] as amended;

"National Building Regulations" means the regulations promulgated in terms section 17[1] of the National Building Regulations and Building Standards Act, 1977 [Act 103 of 1977], and:

- [i] National Building Regulations [A2] means the provisions regulating the submission of building plans and particulars to the Municipality;
- [ii] National Building Regulations [A20] means the provisions regulating the classification and designation of occupancies;
- [iii] National Building Regulations [A21] means the provisions regulating the population of a building;
- [iv] National Building Regulations [T1] means the provisions regulating general requirements for fire protection of a building, and
- [v] National Building Regulations [T2] means the provisions regulating the offences for non-compliance with the National Building Regulations [T1];

"National Road Traffic Act" means the National Road Traffic Act, 1996 [Act 93 of 1996];

"non-combustible" means a substance or material classified as non-combustible when tested in accordance with SABS 0177: Part 5;

"occupancy" means the particular use or type of use to which a building or portion thereof, is normally put or intended to be put as provided for in the National Building Regulations [A20];

"occupancy separating element" means a building element or component which separates one occupancy in a building from another and has a fire resistance of not

less than that required by the National Building Regulations [T1] read with the SABS 0400;

"Occupational Health and Safety Act" means the Occupational Health and Safety Act, 1993 [Act 85 of 1993];

"operator" means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the National Road Traffic Act;

"owner" means:

- [i] in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;
- [ii] in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;
- [iii] in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation; provided that such a person is not the owner mentioned in [b]; and
- [iv] in the event of the controlling authority being unable to determine the identity of a person mentioned in [a], [b] and [c], any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

"person in charge" means:

- [i] in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the premises;
- [ii] in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;
- [iii] in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in [a], and
- [iv] in the event of the controlling authority being unable to determine the identity of a person mentioned in [a], [b] and [c], any person who is in the opinion of the controlling authority deemed to be in charge of such premises, building or installation;

"population" means the population determined in accordance with the National Building Regulations [A21];

"premises" means any building, beach, land, terrain, road, or vehicle and can include a vessel, train or aircraft;

"public place" means any square, park, recreation ground or open space which:

- [i] is vested in the Municipality;
- [ii] the public has the right to use, or
- [iii] is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;

"public road" means any road, street or thoroughfare or any other place [whether a thoroughfare or not] which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes:

- [i] the verge of any such road, street or thoroughfare;
- [ii] any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- [iii] any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"SABS Codes" means South African Bureau of Standards SABS Codes of Practice and Specifications issued in terms of the Standards Act;

"service" means a fire brigade service as defined in the Fire Brigade Services Act:

"site" means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;

"Standards Act" means the Standards Act, 1993 [Act 29 of 1993];

"State" means: -

- [i] any department of state or administration in the national, provincial or local sphere of government, or
- [ii] any other functionary or institution:
 - [a] exercising a power or performing a function in terms of the Constitution or a provincial constitution, or
 - [b] exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer;

"storage vessel" means a pressure vessel as defined in the regulations for pressure vessels promulgated in terms of the Occupational Health and Safety Act;

"summary abatement" means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

"tank" for purposes of chapter 9 of these by-laws, means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;

"these by-laws" includes any Schedules published in terms of these by-laws;

"underground tank" means a tank used or intended to be used for the storage of flammable liquid wholly sunk into and below the surface of the ground;

"vehicle" means a vehicle as defined in the National Road Traffic Act and includes the following:

- [i] **"road tank vehicle"** means a tank truck, tank trailer, or truck-tractor and tank-semi-trailer combination;
- [ii] **"tank-semi-trailer"** means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, the semi-trailer is drawn by a truck-tractor or another trailer, through a fifth wheel connection part of the load rest on the towing vehicle;
- [iii] **"tank trailer"** means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, when the tank trailer is drawn by a tank truck, practically all of its load rests on its own wheels;
- [iv] **"tank truck"** means a single, self-propelled vehicle with a tank mounted on it;
- [v] **"truck-tractor"** means a self-propelled vehicle used to pull a tank-semi-trailer, and
- [vi] any other vehicle, which in the opinion of the controlling authority, is a vehicle contemplated in chapter 9 of these by-laws.

CHAPTER 2**ADMINISTRATIVE PROVISIONS****2 Administration and enforcement**

- [2.1] The chief fire officer is responsible for the administration and enforcement of these by-laws.
- [2.2] Where no chief fire officer has been appointed in terms of the Fire Brigade Services Act, the Municipal Manager is responsible for the administration and enforcement of these by-laws.
- [2.3] Where there is no service established in the area of jurisdiction of the Municipality, the Municipal Manager is responsible for the administration and enforcement of these by-laws.

3 Delegation

- [3.1] A chief fire officer may delegate any power granted to him in terms of these by-laws in accordance with section 19 of the Fire Brigade Services Act.
- [3.2] A Municipal Manager may delegate any power granted to him in terms of these by-laws in accordance with the system of delegation of the Municipality developed in terms of Section 59 of the Municipal Systems Act.

4 Enforcement provisions

- [4.1] A controlling authority may, whenever he regards it necessary or expedient to do so, enter any premises at any reasonable time to ensure compliance with these by-laws.
- [4.2] A controlling authority has the authority to summarily abate any condition which is in violation of any provision of these by-laws and which presents an immediate fire hazard or other threatening danger.
- [4.3] A controlling authority must remedy any violation mentioned in subsection [2], by performing any act, and may also:
- [i] call for the immediate evacuation of the premises;
 - [ii] order the closure of the premises until such time as the violation has been rectified;
 - [iii] order the cessation of any activity, and
 - [iv] order the removal of the immediate threat.
- [4.4] Any costs of such action must be borne by the person deemed by a controlling authority to be responsible for the existence of such condition.

5] Authority to investigate

Notwithstanding anything to the contrary contained in any other law, a controlling authority has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

6 Failure to comply with provisions

[6.1] When a controlling authority finds that there is non-compliance with the provisions of these by-laws, excluding the situation in section 4[2], a written notice must be issued and include the following:

- [i] confirmation of the findings;
- [ii] provisions of these by-laws that are being contravened;
- [iii] the remedial action required, and
- [iv] set forth a time for compliance.

[6.2] An order or notice issued under these by-laws must be served either by personal delivery or registered mail upon a person who is in the opinion of the controlling authority, deemed to be the appropriate person.

[6.3] For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice must be mailed by registered mail, to the last known address of the owner, the person in charge of the premises or both.

7 Denial, suspension or revocation of an approval or a certificate

[7.1] A controlling authority may refuse, suspend or revoke an approval or a certificate required by these by-laws for: -

- [i] failure to meet the provisions of these by-laws for the issuance of the approval or certificate, or
- [ii] non-compliance with the provisions of the approval or certificate.

8 Records required

The safekeeping of all relevant records and documents is the responsibility of the controlling authority.

9 Charges

[9.1] The Municipality may determine the fees payable by a person on whose behalf the controlling authority rendered a service as contemplated in section 10 of the Fire Brigade Services Act.

[9.2] The Municipality may charge a fee for the provision of an inspection, re-inspection or any other service as well as the issuing of permits, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.

10 Indemnity

- [10.1] The Municipality, controlling authority or a member of a service is not liable for damage or loss as a result of, but not limited to, bodily injury, loss of life or loss of or damage to property or financial loss, or consequential loss, which is caused by or arises out of or in connection with anything done or performed or omitted in good faith in the exercise or performance of a power, function or duty conferred or imposed in terms of these by-laws.

11 Reporting a fire hazard and other threatening danger

- [11.1] An owner or the person in charge of the premises, upon discovering any evidence of a fire hazard or other threatening danger pertaining to these by-laws, must immediately notify the controlling authority.

CHAPTER 3**FIRE PROTECTION OF BUILDINGS****12 General**

The controlling authority in terms of section 4[3] or section 6[1] of these by-laws must abate a contravention of the National Building Regulations relating to fire and safety of buildings.

13 Access for emergency vehicles

- [13.1] When, in the opinion of the controlling authority, premises are not readily accessible from public roads it must be provided with emergency vehicle access and, notwithstanding the provisions in the National Building Regulations [T1], may be required to comply with the following:
- [i] An access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises.
 - [ii] A motorised or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device.
 - [iii] Fire lanes must be provided for all premises which are set back more than 45 metres from a public road or exceed nine metres in height and are set back over 15 metres from a public road.
 - [iv] Fire lanes must be at least four metres in width, the position of which must be decided upon after consultation with the controlling authority, and the area from ground level to a clearance height of four metres above the fire lane must remain unobstructed.
 - [v] A cul-de-sac that is more than 90 metres in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.

[13.2] The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the controlling authority.

[13.3] It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

14 Division and occupancy separating elements

[14.1] An owner or person in charge of a building may not alter a division or occupancy separating element in anyway that would render it less effective or to allow flame, heat or combustion products from penetrating into the adjacent compartment or structure.

15 Fire doors and assemblies

[15.1] Subject to the provisions of SABS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.

[15.2] A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Municipality.

[15.3] A fire door and assembly may not be rendered less effective through the following actions:

- [i] altering the integrity, insulation or stability of a particular class of door;
- [ii] disconnecting the self-closing mechanism;
- [iii] wedging, blocking or obstructing the door so that it cannot close;
- [iv] painting the fusible link actuating mechanism of a door;
- [v] disconnecting or rendering less effective an electric or electronic release mechanism, or
- [vi] any other action that renders a fire door or assembly less effective.

16 Escape Routes

[16.1] A component which forms part of an escape route such as the feeder routes, access doors, emergency routes and escape doors must not be obstructed or rendered less effective in any way, which could hinder or prevent the escape of any person from a building in the case of fire or any other emergency.

[16.2] A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Municipality.

[16.3] Where required by the controlling authority, an escape route must be clearly indicated with signage, which complies with SABS 1186, indicating the direction of travel in the event of fire or any other emergency.

17 Tents

[17.1] Prior to the erection and usage of a tent as an occupancy contemplated in the National Building Regulations [A20], an applicant must:

- [i] submit an application in terms of the National Building Regulations [A2] to the Municipality for the erection and usage of the tent, and
 - [ii] submit an application in terms of the section 22 of these by-laws to the controlling authority for a temporary population certificate.
- [17.2] The application submitted in terms of subsection [1][a] must comply with the following:
- [i] The tent must be erected at least 4,5 metres from a boundary, combustible store or material and the controlling authority may require that this distance be increased should the situation require it.
 - [ii] Where tents are erected adjacent to one another, an unobstructed minimum distance of 4,5 metres must be provided between them and where applicable between the stakes and guidelines of the adjacent tents, in order to ensure emergency vehicle access.
 - [iii] The requirements set out in the National Building Regulations [T1] must be complied with in the following instances:
 - [a] where the population of a tent exceeds 25 people;
 - [b] where a tent is occupied during the hours of darkness;
 - [c] for seating arrangements and aisle dimensions, and
 - [d] for the provisions of fire extinguishers.
 - [iv] The population density of a tent must comply with the National Building Regulations [A21].
 - [v] No cooking may be carried out in the tent occupied by the public and where cooking is required, it must be carried out in a separate tent or an area to which the public does not have access.
 - [vi] No open fire is permitted in a tent and any other flame emitting device, such as a candle, lantern or torch but not limited thereto, is only permitted in a tent after approval by the controlling authority.
 - [vii] No open fire or flame is permitted within five metres of a tent, stake or guideline of a tent.
 - [viii] Smoking is prohibited in a tent and a "No Smoking" sign must be prominently displayed at each entrance and must comply with SABS 1186: Part 1.
 - [ix] Lighting and wiring installed in a tent must comply with the requirements set out in SABS 0142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.
- [17.3] Notwithstanding the provisions in subsections [17.1] and [17.2], the controlling authority may request the applicant to fulfil additional requirements for the erection and usage of a tent.

CHAPTER 4**FIRE SAFETY EQUIPMENT****18 Fire extinguishers**

- [18.1] Fire extinguishers must be provided and installed on premises as required by the controlling authority and in accordance with the National Building Regulations [T1] and [T2].
- [18.2] Fire extinguishers must be maintained strictly in accordance with the requirements of the Occupational Health and Safety Regulations, SABS 1475: Part 1, SABS 1571, SABS 1573 and SABS 0105: Part 1.
- [18.3] A juristic or a natural person may not fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SABS 1475: Part 1, unless such a person is the holder of a permit issued by the South African Bureau of Standards or certificate of competence issued by the South African Qualifications Certification Committee.
- [18.4] The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection [3].
- [18.5] When the controlling authority finds that a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection [3], the controlling authority must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.
- [18.6] When, in the opinion of the controlling authority, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the controlling authority must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SABS 1475: Part 1 and SABS 1571.
- [18.7] A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.
- [18.8] A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

119 Testing and maintenance of fire protection systems

- [19.1] A fire protection system must be tested and maintained on a regular basis and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.

- [19.2] A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable the parties who monitor the fire protection system.
- [19.3] A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations [T2] read in conjunction with a recognised national code or standard, and in the absence of a national code or standard an applicable international code or standard must be used.
- [19.4] A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.
- [19.5] The person carrying out the maintenance of a fire protection system must inform the owner or person in charge of the premises in writing, of any defects discovered, maintenance performed or still outstanding, and where the person in charge has received such notice, he must without delay inform the owner accordingly.
- [19.6] The owner or person in charge of the premises must immediately notify the controlling authority when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the controlling authority as soon as the system is restored.
- [19.7] The owner or person in charge of the premises must take all steps deemed necessary by the controlling authority to provide alternate equipment to maintain the level of safety within the premises.

20 Interference with and access to fire protection systems and fire extinguishers

A person is not permitted to render less effective, inoperative, inaccessible, or tamper and interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

21 Fire alarms and fire hydrants

- [21.1] Without compensation to the owner of the premises concerned, the controlling authority may cause:
- [i] a fire alarm;
 - [ii] a transmission instrument for calls of fire or other emergency, or
 - [iii] a transmission instrument for warning residents of a fire or other emergency to be affixed to any building, wall, fence, pole or tree.
- [21.2] Without compensation to the owner of the premises concerned, the controlling authority may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall, fence, pole, tree, road, pavement or hydrant cover with a board, decal, metal plate or painted marker or by any other means.

- [21.3] The controlling authority may at any time cause a fire alarm, other transmission instrument mentioned in subsection [1], board, decal, metal plate or painted marker to be removed without compensating an owner of the premises concerned.
- [21.4] An unauthorised person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument mentioned in subsection [1], board, decal, metal plate or painted marker.
- [21.5] A person may not render less effective, inoperative, inaccessible, or tamper and interfere with a fire hydrant.

CHAPTER 5

PUBLIC SAFETY

[22] Prevention and control of overcrowding

- [22.1] Prior to the usage of the premises for entertainment or public assembly, the owner or person in charge of such premises must submit an application for a population certificate to the controlling authority, as prescribed in the Schedule 2 of these by-laws.
- [22.2] The controlling authority may request additional information from the applicant.
- [22.3] Notwithstanding the provision in subsection [1], the controlling authority may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations [A20].
- [22.4] A temporary population certificate is valid for a period not exceeding 30 calendar days.
- [22.5] The controlling authority must refuse to issue the temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations [T1], and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.
- [22.6] If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, he must act in terms of sections 4[2] or 6[1] and section 7 of these by-laws.
- [22.7] The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to the premises for which the certificate was issued, the owner or person in charge of the premises must re-apply for the certificate in accordance with subsection [1].

- [22.8] The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.
- [22.9] The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.
- [22.10] A person must vacate the premises that are overcrowded when instructed to do so by the controlling authority, the owner or person in charge of the premises.

23 Attendance of a service

- [23.1] When the controlling authority is of the opinion that a service is required to be in attendance during a function in a place used for entertainment or public assembly, he may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- [23.2] When the attendance of a service during a function in a place used for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with section 9 of these by-laws.

24 Formulation of an emergency evacuation plan

- [24.1] The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons [including staff], must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- [24.2] The controlling authority may order the owner or person in charge of the premises, other than those contemplated in subsection [1], to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- [24.3] The plan mentioned in subsections [1] and [2] must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- [24.4] The emergency evacuation plan must be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- [24.5] The register mentioned in subsection [4] must contain the following information:
- [i] the date and time of the test;
 - [ii] the number of participants;
 - [iii] the outcome of the test and any corrective actions required, and
 - [iv] the name and signature of the person supervising the test.

[24.6] The register, together with the emergency evacuation plan, must be available on the premises for inspection by the controlling authority.

[24.7] The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

25 Displaying of escape route plans

[25.1] In a hospital, residential institution, hotel, guest house, hostel or other similar occupancy designed or intended for or used by patients, residents or transient persons, irrespective of the population, the escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.

[25.2] The displaying of escape route plans for any other premises is subject to the approval of the controlling authority.

26 Barricading of vacant buildings

The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse therefrom and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the Municipality which will prevent the creation of a fire hazard caused by the entering of an unauthorised person.

CHAPTER 6

HOUSEKEEPING

27 Combustible waste and refuse

[27.1] The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.

[27.2] Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other threatening danger as prescribed in the applicable legislation, dealing with the storage and disposal of that specific type of combustible waste and refuse, or in the absence of applicable legislation as determined by the controlling authority.

28 Dust

[28.1] The owner or person in charge of the premises or a portion thereof may not allow the accumulation of dust in quantities sufficient to create a fire or other threatening danger and must store or dispose of the dust as prescribed in the applicable legislation dealing with the storage and disposal of that specific type of dust.

29 Combustible or flammable substances and sweeping compounds

- [29.1] Notwithstanding anything to the contrary contained in any other law, only approved water-based solutions or detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.
- [29.2] The use of sawdust or similar combustible materials to soak up combustible or flammable substances spilled or dropped in the course of a process, is prohibited.

30 Accumulations in chimneys, flues and ducts

The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

31 Sources of ignition

- [30.1] Smoking, the carrying of matches, the use of heating or other flame-emitting devices, or the use of any spark-producing equipment is prohibited in areas containing combustible or flammable substances, and where equipment or tools are necessary to conduct or maintain an operation, it must be intrinsically safe and specifically designed for that purpose.
- [30.2] Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.
- [30.3] An adequate distance, as deemed appropriate by the controlling authority, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- [30.4] Portable heaters must be secured so that it cannot be overturned and the controlling authority may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

32 Smoking

- [32.1] If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and "No Smoking" signs must be displayed as directed by the controlling authority and the signs must comply with SABS 1186: Part 1.
- [32.2] A person may not remove a "No Smoking" sign.
- [32.3] A person may not light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.

[32.4] Where smoking is allowed, provisions must be made for the safe disposal of the smoking material and matches to prevent the creation of a fire hazard or other threatening danger.

[32.5] A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a road or any other place.

33 Electrical fittings, equipment and appliances

[33.1] A person may not cause or permit an electrical supply outlet to be overloaded.

[33.2] A person may not cause or permit an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.

34 Flame-emitting device

[34.1] A person may not cause or permit a flame-emitting device, such as a candle, lantern or torch, but not limited thereto, to be used in a manner which is likely to create a fire hazard or other threatening danger.

CHAPTER 7

FIRE HAZARDS

35 Combustible material

[35.1] A person may not store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside the premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.

[35.2] The owner or person in charge of the premises may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.

36 Lighting of fires and burning of combustible material

[36.1] The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.

[36.2] A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.

[36.3] The owner or person in charge of the premises used in respect of an occupancy of entertainment or public assembly must ensure that a cooking fire or flame-emitting

device is placed in designated areas so as to prevent a fire hazard or other threatening danger.

- [36.4] Burning may take place on State land, a farm, a small holding, or land within a proclaimed township that is not utilised for residential purposes provided that the prior approval is obtained from the controlling authority which approval shall be applied for in writing after approval has been obtained in terms of the applicable legislation set out in Schedule 3.

CHAPTER 8

FLAMMABLE SUBSTANCES

37 Application of this Chapter

Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, this Chapter regulates flammable substances in the local government sphere so as to prevent and reduce fire hazards or other threatening dangers.

38 Storage and use of a flammable substance

- [38.1] Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Municipality, in accordance with the National Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed.
- [38.2] Prior to the commissioning of an above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations [T1], SABS 0131: Parts 1 and 2, SABS 089: Part 3 and SABS 087: Parts 1,3 and 7 [whichever is applicable] in the presence of the controlling authority.
- [38.3] Notwithstanding subsection [2], the controlling authority may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, to be pressure-tested in accordance with the provisions of the National Building Regulations [T1].
- [38.4] The controlling authority must be notified at least 48 hours prior to the pressure test.
- [38.5] Prior to the alteration of the premises that impacts on the fire safety of an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the premises must notify the controlling authority, who may call for the premises or installation to be rendered safe.
- [38.6] The owner or person in charge of the premises may not store or use:

- [i] a flammable gas in excess of 19 kilogram, or
- [ii] a flammable liquid of a danger group [i], [ii], [iii] or
- [iii] in excess of 200 litres,

unless he has obtained a flammable substance certificate from the controlling authority.

39 Flammable substance certificate

- [39.1] The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 38[6], must submit an application to the controlling authority as prescribed in the Schedule 2 of these by-laws.
- [39.2] The controlling authority may request additional information from the applicant.
- [39.3] The controlling authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations [T1] as well as additional requirements set out in these by-laws, and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises in accordance with section 38[6] and the issuing of the certificate.
- [39.4] A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed or when section 38[5] applies.
- [39.5] If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the flammable substances certificate, he must act in terms of sections 4[2] or 6[1] and section 7 of these by-laws.
- [39.6] Notwithstanding subsection [5], when in the opinion of the controlling authority, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.
- [39.7] A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the controlling authority.
- [39.8] A flammable substance certificate is valid only:
- [i] for the installation for which it was issued;
 - [ii] for the state of the premises at the time of issue, and
 - [iii] for the quantities stated on the certificate.
- [39.9] The flammable substance certificate must be available on the premises for inspection at all times.

- [39.10] The controlling authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.

40 Permanent or temporary above ground storage tank for a flammable liquid

- [40.1] In this section, only a permanent or temporary above ground tank used for the storage of flammable liquids is regulated.
- [40.2] A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the controlling authority, on the merit of the situation, provided that the following requirements are complied with:
- [i] if it has a capacity not exceeding 9 000 litres and is not used for the storage of flammable substances with a flash point below 40°C;
 - [ii] to be on the premises for a period not exceeding six months;
 - [iii] the entire installation must comply with SABS 0131: Part 1 or SABS 0131: Part 2 whichever is applicable, and
 - [iv] written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the controlling authority for the erection of the tank.
- [40.3] Notwithstanding section 38[1], if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Municipality for approval in terms of the National Building Regulations [T1].
- [40.4] The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.
- [40.5] The rated capacity of a permanent or temporary tank must provide sufficient usage to permit expansion of the product contained therein by reason of the rise in temperature during storage.
- [40.6] A permanent or temporary tank must be erected at least 3,5 metres from boundaries, buildings and other flammable substances or combustible materials.
- [40.7] A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- [40.8] A permanent or temporary tank must have a bund wall.
- [40.9] Adequate precautions must be taken to prevent spillage during the filling of a tank.
- [40.10] Sufficient fire extinguishers, as determined by the controlling authority, must be provided in weatherproof boxes in close proximity to a tank.

- [40.11] Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SABS 1186: Part 1.
- [40.12] The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: Part 1.
- [40.13] An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- [40.14] The electrical installation associated with the above ground storage tank must comply with SABS 0108 and SABS 089: Part 2.

41 Underground storage tank for a flammable liquid

- [41.1] The installation of underground storage tanks, pumps, dispensers and pipework at service stations and consumer installations must be in accordance with National Building Regulations [T1] read in conjunction with SABS 0400, SABS 089: Part 3 and SABS 0131: Part 3.

42 Bulk storage depot for flammable substances

- [42.1] The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations [T1], read in conjunction with SABS 089: Part 1.

43 Small installations for liquefied petroleum gas

- [43.1] Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with SABS 087: Part 1.

44 Liquid petroleum gas installation in mobile units and small non-permanent buildings

- [44.1] A liquid petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with SABS 087: Part 2.

45 The fuelling of forklift trucks and other LP gas operated vehicles

The fuelling of forklift trucks and other LP gas operated vehicles shall be in accordance with SABS 087: Part 8

46 The storage and filling of refillable liquid petroleum gas containers

- [46.1] Storage and filling sites used for refillable liquid petroleum gas containers of capacity not exceeding 9kg must be in accordance with SABS 087: Part 7.

47 Bulk storage vessel for liquid petroleum gas

- [47.1] The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations [T1], read in conjunction with SABS 087: Part 3.

48 Termination of the storage and use of flammable substances

- [48.1] If an above ground or underground tank installation, liquid petroleum gas installation or associated pipework is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must:

- [i] within seven days of the cessation, notify the controlling authority in writing thereof;
- [ii] within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
- [iii] within six months of the cessation, remove the installation including any associated pipework, from the premises entirely, unless the controlling authority otherwise instructs, and
- [iv] restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven days of the completion of the removal of the installation.

- [48.2] If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the controlling authority to fill the tank with liquid cement slurry.

49 Reporting accidents

- [49.1] If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the controlling authority.

50 Flammable stores

- [50.1] The construction of a flammable store must be in accordance with the National Building Regulations [T1] read in conjunction with SABS 0400.

- [50.2] The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.

- [50.3] The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.

- [50.4] Notwithstanding the National Building Regulations [T1] read in conjunction with SABS 0400:

- [i] the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;
 - [ii] the ventilation of a flammable store must be achieved by the use of air bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m² of wall area or part thereof, so that vapour cannot accumulate inside the store;
 - [iii] the air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 meshes per metre, and
 - [iv] the wire gauze must be held in position by metal straps, a metal frame or cement.
- [50.5] When required by the controlling authority, the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements:
- [i] the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
 - [ii] the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 metre above roof height or at least 3,6 metres above ground level, whichever is the greater;
 - [iii] ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store, and
 - [iv] the ducting must be as short as possible and must not have sharp bends.
- [50.6] Notwithstanding the National Building Regulations [T1] read in conjunction with SABS 0400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.
- [50.7] When required by the controlling authority, a flammable store door must be a D-class fire door, which complies with SABS 1253.
- [50.8] Notwithstanding the National Building Regulations [T1] read in conjunction with SABS 0400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
- [50.9] No other electrical apparatus may be installed in the flammable store.
- [50.10] A flammable store must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling and mild steel pipework leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimetre block letters.

- [50.11] Racking or shelving erected in the flammable store must be of non-combustible material.
- [50.12] The flammable store must be identified by the words, "Flammable Store-Bewaarplek vir Vlambare Vloeistowwe-Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo", and the permissible quantity allowed within the flammable store, indicated in 100 millimetre block letters on both the inside and outside of all doors communicating directly with the store.
- [50.13] The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.
- [50.14] A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.
- [50.15] Sufficient fire extinguishers, as determined by the controlling authority, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.
- [50.16] Any hand tool used in the flammable store must be intrinsically safe.
- [50.17] A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the controlling authority has been notified in terms of the following procedure:
- [i] within seven days of the cessation, notify the controlling authority in writing thereof;
 - [ii] within 30 days of the cessation, remove the flammable substance from the flammable store and render it safe, and
 - [iii] within 30 days of the cessation, remove all signage.
- [50.18] Subject to the provisions in this section, the controlling authority may call for additional requirements to improve the fire safety of a flammable store.

51 Container handling and storage

- [51.1] All flammable substance containers must be kept closed when not in use.
- [51.2] A person may not extract flammable liquids from a container of a capacity exceeding 20 litres, unless the container is fitted with an adequately sealed pump or tap.
- [51.3] Flammable liquid containers must be labelled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.
- [51.4] Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.

- [51.5] All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours therefrom.
- [51.6] An empty flammable liquid container must be placed in a flammable store.
- [51.7] Where a flammable store is not available for the storage of empty flammable liquid containers, the controlling authority may permit such storage in the open, provided that:
- [i] the storage area must be in a position and of sufficient size which in the opinion of the controlling authority, will not cause a fire hazard or other threatening danger;
 - [ii] the storage area is well ventilated and enclosed by a wire mesh fence and:
 - [a] the fence supports are of steel or reinforced concrete;
 - [b] has an outward opening gate that is kept locked when not in use, and
 - [iii] when the floor area exceeds 10 m² an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key;
 - [iv] the storage area is free of vegetation and has a non-combustible firm level base;
 - [v] a two metre distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials;
 - [vi] when the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material;
 - [vii] open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SABS 1186: Part 1, and
 - [viii] fire-fighting equipment is installed as determined by the controlling authority.
 - [ix] An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

52 Spray rooms and booths

- [52.1] A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act.

53 Liquid petroleum gas containers

- [53.1] A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SABS 087: Part 1 and SABS 019.
- [53.2] A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.

- [53.3] A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SABS 087: Part 7.

CHAPTER 9

TRANSPORTATION OF DANGEROUS GOODS

54 Dangerous goods certificate

- [54.1] The operator of a vehicle designed for the transportation of dangerous goods may not operate such a vehicle in the jurisdiction of the controlling authority, unless he has obtained a dangerous goods certificate issued by a fire brigade service in terms of the National Road Traffic Act.
- [54.2] An operator of a vehicle mentioned in subsection [54.1], must submit an application to the controlling authority as prescribed in Schedule 2 of these by-laws.
- [54.3] The controlling authority may request additional information from the applicant.
- [54.4] The controlling authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with [whichever is applicable to the vehicle] the requirements of SABS 087: Part 4, SABS 089: Part 1, SABS 0230, SABS 1398, SABS 1518, and where the controlling authority is of the opinion that the non-compliance of a vehicle can be remedied, he must instruct an operator of a vehicle in writing to take all reasonable steps to remedy the defaults prior to the use of the vehicle in accordance with subsection [54.1] as well as the dangerous goods certificate.
- [54.5] A dangerous goods certificate must be renewed annually, on or before the date as indicated on the dangerous goods certificate or whenever major maintenance or repairs have been performed on the vehicle.
- [54.6] If at any time, the controlling authority becomes aware that the usage of a vehicle is not in accordance with the dangerous goods certificate, he must act in terms of section 4[2] or 6[1] and section 7 of these by-laws.
- [54.7] A consignor may not supply a flammable substance to an operator of a vehicle mentioned in subsection [1], unless the operator is in possession of a valid dangerous goods certificate issued by the controlling authority.
- [54.8] A consignee may not receive a flammable substance from an operator of a vehicle mentioned in subsection [54.1], unless the operator meets the requirement in subsection [7].
- [54.9] A dangerous goods certificate is valid only:
[i] for the vehicle for which it was issued;
[ii] for the state of the vehicle at the time of issue, and
[iii] for the quantities stated on the certificate.

- [54.10] The dangerous goods certificate must be available in the vehicle mentioned in subsection [54.] for inspection at all times.
- [54.11] The controlling authority must keep records of all vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.

CHAPTER 10

GENERAL PROVISIONS

55 State Bound

- [55.1] These by-laws bind the State and any person in the service of the State.

56 Offences and penalties

- [56.1] Any person who:-
- [i] contravenes any of the provisions of these by-laws or fails to comply therewith, or
 - [ii] contravenes or fails to comply with any order made hereunder or any notice served in connection herewith,

is guilty of an offence and liable to a maximum fine or imprisonment as prescribed in the Fire Brigade Services Act.

- [56.2] The imposition of a penalty for any contravention may not excuse the contravention nor must the contravention be permitted to continue.

- [56.3] The controlling authority must instruct a person found guilty to correct or remedy the contravention or defect concerned within a time period specified by the controlling authority.

57 Repeal of laws and savings

- [57.1] Any by-laws pertaining to community fire safety or fire services adopted by the Municipality or the Council of a Municipality now comprising an administrative unit of the Municipality are repealed.

- [57.2] In the event of any conflict between the provisions of these by-laws and the provisions in any other legislation excluding national and provincial legislation, the provisions of these by-laws shall prevail.

- [57.3] A certificate that was issued, a written notice that was served or any other enforcement act done in terms of a by-law repealed in subsection [1], within six months prior to the commencement of these by-laws shall be deemed to be a certificate issued, a notice served or an enforcement act done by a controlling authority in terms of these by-laws.

58 Short title and commencement

- [58.1] These by-laws are called the Community Fire Safety by-laws and come into operation on the date of publication thereof in the Provincial Gazette.

SCHEDULE 1**BYLAW 1****DANGER GROUP BASED ON FLAMMABILITY**

1	2	3
Danger Group	Closed Cup Flash Point	Initial Boiling Point
I	-	≤ 35
II	< 23	> 35
III	$\geq 23 \geq 60.5$	> 35
IV	$> 60.5 - 100$	> 35

SCHEDULE 2**Forms**

- A. Population Certificate Application
- B. Population Certificate
- C. Flammable Substance Certificate Application
- D. Flammable Substance Certificate
- E. Dangerous Goods Certificate Application
- F. Dangerous Goods Certificate

A. Population Certificate Application

For official use only Permanent / Temporary (Delete which is not applicable) Application No. _____ File No. _____						SENQU MUNICIPALITY					
Population Certificate Application Application for a Population Certificate is made in terms of Section 21 (1) of the Community Fire Safety By-law.											
Name of applicant:						Telephone No.					
						Cell No.					
Name of business:						Telephone No.					
						Cell No.					
Type of business, e.g. bar, nightclub etc:											
Erf No:											
On what floor of the building is the venue situated i.e. ground, 1 st etc?											
Street address:											
Suburb:						Code					
Details of Premises											
How many floors does the building have?						How many floors are occupied by the venue for which this application is being made?					
Square metres of usable area per floor of venue Indicate a separate square meterage for each floor occupied by the venue in the blocks below						Expected Population					
						Number of exits per floor Indicate exits per floor separately in the blocks below					
Floor	Floor	Floor	Floor	Floor	Floor	Floor	Floor	Floor	Floor	Floor	Floor
()	()	()	()	()	()	()	()	()	()	()	()

- 1) The controlling authority may refuse to issue the certificate applied for if the premises do not comply with the requirements of the National Building Regulations.
- 2) The controlling authority may prescribe any additional conditions deemed necessary to render the premises safe prior to the issuing of the certificate.
- 3) The certificate is valid only for the premises for which it is issued and is not transferable.
- 4) If the occupancy or ownership of the premises changes, the owner or person in charge must apply for a new certificate.

Signature of applicant	
Print Name	
Date	
Address	
For Controlling Authority: (Signature)	
<i>Print Name</i>	
<i>Date</i>	
<i>A certificate fee is payable to THE SENQU MUNICIPALITY in respect of this application and the subsequent inspection.</i>	

B. Population Certificate

For Official use only Permanent / Temporary (Delete which is not applicable) Application No. _____ File No. _____						SENQU MUNICIPALITY					
Population Certificate This population certificate is issued in terms of Section 21 of the Community Fire Safety By-law.											
Name of certificated owner:						Telephone No.					
						Cell No.					
Name of certificated business:						Telephone No.					
						Cell No.					
Occupancy:											
Erf No:											
The venue is situated on the _____ floor of the premises (ground, 1 st , 2 nd etc)											
Street address:											
Suburb:											
Details of Premises											
Number of floors in the building						Number of floors occupied by the venue					
Square metres of usable area per floor of the venue						Approved Population					
						A. Number of exits per floor					
Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()

	Maximum population per floor					
	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()
<p>1) The certificate is issued in terms of Section 21 of the Community Fire Safety By-law and is valid only for the premises for which it was issued.</p> <p>2) If the occupancy or ownership of the premises changes, the owner or person in charge must apply for a new certificate.</p> <p>3) The certificate must be displayed in a clearly visible and conspicuous position in the premises for which it was issued.</p>						
For controlling authority (signature)						
Print name						
Date						

C. Flammable Substance Certificate Application

For official use only Application No. _____ File No. _____		SENQU MUNICIPALITY	
Flammable Substance Application Application for the storage and use of flammable substances in terms of Section 38(1) of the Community Fire Safety By-law.			
Name of applicant:			
Trading as:			
Type of business, e.g. shop:			
ERF No.			
Street address:			
Suburb:		Code	
Manner of storage Each installation/tank or flammable store must be individually itemised	Itemised quantity of products e.g. 1x23 m ³ tank, 2x5x48 kg LPG manifold, contents of flammable store	Product e.g. petrol, diesel, LPG	
See reverse side for additional information			
Remarks:			
Signature of applicant:			
Address:			
Telephone No:			

July 2005

D. Flammable Substance Certificate

For official use only Application No. _____ File No. _____ Certificate No. _____		SENQU MUNICIPALITY	
Flammable Substance Certificate Permission for the storage and use of flammable substances in terms of Section 37(6) of the Community Fire Safety By-law			
Name of applicant:			
Trading as:			
Type of business, e.g. shop:			
ERF No.			
Street address:			
Suburb:		Code	
In terms of Section 37(6) of the Community Fire Safety By-law the above-mentioned premises are certified to store and/or use the following flammable substances			
Manner of storage Each installation/tank or flammable store must be individually itemised	Itemised quantity of products e.g. 1x23 m ³ tank, 2x5x48 kg LPG manifold, contents of flammable store	Product e.g. petrol, diesel, LPG	
See reverse side for additional information			

E. Dangerous Goods Certificate Application

For official use only		SENQU MUNICIPALITY	
Application No. _____			
File No. _____			
Dangerous Goods Certificate Application in respect of flammable materials. Application for a dangerous goods certificate in terms of The National Road Traffic Act (No. 93 of 1996)			
Address of operator			
Name of operator:			
Trading as:			
ERF No.			
Street address:			
Suburb:		Code	
City			
Location of vehicle			
ERF No.			
Street address:			
Suburb:		Code	
City			
B. Details of vehicle for which a certificate of registration is required			
Type or class of vehicle			
Vehicle Registration No.			
Dangerous Goods Registration number			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture of tank			
Engine No. (if applicable)			
Chassis No.			

Quantity of flammable substance to be conveyed		
Flammable liquid (l)		
Flammable gas (kg)		
Flammable solid (kg)		
Remarks:		
Operator (signature)		
Address:		Print name:
Telephone No:		Fax No:
For controlling authority: (signature)		
For official use only		
<p>A certificate fee is payable to THE SENQU MUNICIPALITY in respect of this application and the Subsequent inspection.</p>		
Signature of receiving official _____		Date: _____
Name of receiving official: _____		Designation : _____

F. Dangerous Goods Certificate

For official use only		SENQU MUNICIPALITY	
Application No. _____			
File No. _____			
Dangerous Goods Certificate in respect of flammable materials.			
Dangerous goods certificate issued in terms of The National Road Traffic Act (No. 93 of 1996)			
This is to certify that the vehicle, particulars of which are given below, has been examined and found to comply with the relevant sections of S.A.B.S 0230 for the conveyance of flammable substances notwithstanding that such vehicle is subject to all other applicable legislation.			
Details of Operator			
Name of Operator			
Trading as:			
Street Address			
Suburb		Code	
City			
Details of Vehicle			
Type or class of vehicle			
Registration No.			
Dangerous Goods Registration Number			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture			
Engine No. (if applicable)			
Chassis No.			

Quantity of flammable substance to be conveyed	
Flammable liquid (l)	
Flammable gas (kg)	
Flammable solid (kg)	
This certificate of registration is not a warranty of fitness of the vehicle herein described and any operator, driver or other person interested should satisfy themselves as to the roadworthiness, construction and condition of the aforementioned vehicle.	
This certificate is issued by THE SENQU MUNICIPALITY and is valid until _____	
Date of Renewal _____	
Date of Expiry _____	
Controlling Authority (Signature) _____ Date of issue _____	
Name of issuing official (Print name) _____	
Designation _____	

SCHEDULE 3
Applicable legislation

With reference to section 35(4): -

Title	No.
Atmospheric Pollution Prevention Act, 1965	Act 45 of 1965
Conservation of Agricultural Resources Act, 1983	Act 43 of 1983
Forest Act, 1984	Act 122 of 1984
National Forest Act, 1998	Act 84 of 1998
National Veld and Forest Fire Act, 1998	Act 101 of 1998
National Water Act, 1998	Act 36 of 1998

SCHEDULE 4
SABS Codes of Practice and Specifications

SABS Code	Title
SABS 019	Portable metal containers for compressed gas –basic design, manufacture, use and maintenance.
SABS 087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500l and a combined water capacity not exceeding 3000l per installation.
SABS 087: Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5000l.
SABS 087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SABS 087: Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.

SABS Code	Title
SABS 089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SABS 089: Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector
SABS 0105: Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.
SABS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SABS 0131: Part 2	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SABS 0142	The wiring of premises.
SABS 0177: Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.
SABS 193	Fire dampers.
SABS 0228	The identification and classification of dangerous substances and goods.
SABS 0230	Transportation of dangerous goods – Inspection requirements for road vehicles.
SABS 0232: Part 1	Transportation of dangerous goods – Emergency information systems, Part 1: Emergency information systems for road transportation.
SABS 0400	The application of the National Building Regulations.

SABS Code	Title
SABS 1186: Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.
SABS 1253	Fire doors and fire shutters.
SABS 1398	Road tank vehicles for flammable liquids.
SABS 1475: Part 1	The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers.
SABS 1518	Transportation of dangerous goods – Design requirements for road tankers.
SABS 1571	Transportable rechargeable fire extinguishers.
SABS 1573	Portable rechargeable fire extinguishers – Foam type extinguishers.

LOCAL AUTHORITY NOTICE 190



By-law

KEEPING OF DOGS

JULY 2005

SENQU MUNICIPALITY

MUNICIPAL NOTICE

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] By-Law relating to the Keeping of Dogs which by-law shall come into operation on the date of publication thereof.

BY-LAW RELATING TO THE KEEPING OF DOGS

Purpose of By-Law

The purpose of these by-laws is to provide for the control over the amount of dogs that may be kept, the breeding with dogs, control over dogs by their owners, impounding of stray dogs and the prevention of nuisances through the keeping of dogs.

1 Definitions

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

“**dog**” for the purpose of sections 3 and 4 means a dog over the age of six months;

“**keep**” in relation to a dog, includes to have such dog in possession, under control or in custody or to harbour such dog;

“**owner**”, in relation to a dog, means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control over a dog on any premises within the area of jurisdiction of the Municipality.

“**municipality**” means the Municipality of Senqu established in terms of Section 12 of the Municipal Structures Act, 117 of 1998 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“**premises**” means any piece of land registered in a deeds registry as an erf, lot, plot, or stand as part of a township or subdivision, or a stand or lot forming part of a piece of land laid out as a township or subdivision, but not yet registered, or a portion of such erf, stand or lot and includes residential sites outside townships provided by government departments, semi-government institutions or industries.

“**public place**” means any square, park, recreation ground, sports ground, lane, open space or enclosed place vested in the Municipality or other state authority or indicated

as such on the Surveyor General's records or utilised by the public or zoned as such in terms of the applicable zoning scheme or at any time declared or rendered such by the municipality or any other competent authority.

"public road" means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes-

- [a] the verge of any such road, street or thoroughfare;
- [b] any footpath, sidewalk or similar pedestrian portion of a road reserve;
- [c] any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- [d] any other work or object belonging to such road, street or thoroughfare, footpath or sidewalk, and
- [e] any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether or not access to such a parking area or place is free of charge.

2. Application of by-law

- [2.1] The provisions of section 3 of these by-laws shall not apply to premises which are zoned for agricultural purposes, provided that a person keeping dogs on premises so zoned shall not be exempted from compliance with any other provision of these by-laws or any other legislation which may be applicable to such premises.
- [2.2] The provisions of section 13 shall not apply to a guide dog which is bona fide utilised to accompany a blind person.

3. Number of dogs

- [3.1] Subject to the provisions of section 5, no person shall keep more than two dogs on any premises without the prior written consent of the municipality.
- [3.2] A licensed breeder of dogs who wishes to keep more than two dogs on –
 - [i] premises zoned for agricultural purposes, shall be entitled to do so without any restrictions.
 - [ii] premises zoned for any purpose other than agricultural purposes, must obtain the prior written consent of the municipality thereto.
- [3.3] An application for the municipality's consent shall not be considered by the municipality unless it is satisfied that the size of the premises on which the dogs are to be kept is not less than 5 000 m².
- [3.4] The municipality's consent to keep more than two dogs on a premises, shall be granted subject to such conditions and restrictions as the municipality may deem fit to impose.
- [3.5] The municipality may at any time revoke a consent granted in terms of this by law.

4 Control of dogs**[4.1] No person shall –**

- [i]** permit any bitch on heat owned or kept by him to be in any public road or public place without supervision;
- [ii]** urge any dog to attack, worry or frighten any person or animal, except where reasonably necessary for the defence of such first-mentioned person or his property or the property of any other person;
- [iii]** keep any dog which –
 - [a]** by barking, yelping, howling or whining;
 - [b]** by having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept, or
 - [c]** by behaving in any other manner-

interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours, or

- [iv]** permit any dog owned or kept by such person –
 - [a]** to be in any public road or public place while suffering from mange or any other infectious or contagious disease;
 - [b]** which is ferocious, vicious or dangerous to be in any public road or public place, unless it is muzzled and held on a leash and under control of himself or some responsible person;
 - [c]** to trespass on private property;
 - [d]** to constitute a hazard to traffic using any public road;
 - [d]** to constitute or to his knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept, or
 - [f]** to be in any public road or public place except on a leash and under control of some responsible person.

5. Fencing of property

- [5.1]** No person shall keep a dog if the premises where such a dog is kept, is not properly and adequately fenced to keep such dog inside the confines of such premises when it is not on a leash.

6. Dogs shall not be a source of danger

- [6.1]** Any person who keeps a dog on any premises shall keep such dog in such manner as not to be a source of danger to employees of the municipality entering upon such premises for the purpose of carrying out their duties. A notice to the effect that a dog is being kept on such premises shall be displayed in a conspicuous place.

7. Removal of offensive matter

- [7.1] If any dog defecates in any public road or public place, any person in charge of such dog shall forthwith remove the excrement by placing it in a plastic or paper bag or wrapper and disposing of it in a receptacle provided for the deposit of litter or refuse.

8 Dogs on premises where food is sold

- [8.1] Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale, shall not permit any dog to be or remain in or at such shop or place.

9 Seizure, impounding and destruction of dogs

- [9.1] If any dog suffering from mange or any other infectious or contagious disease, or which is ferocious, vicious or dangerous, or which is badly injured is found in any public road or public place, it may be seized and destroyed by the municipality.
- [9.2] The municipality may seize and impound at a place designated by it any dog which is found in any public road or public place in contravention of the provisions of these by-laws.
- [9.3] A dog impounded in terms of section 15 may be released to the owner of such dog upon payment of a fee determined by the municipality in addition to any costs, fines or taxes which may be outstanding in respect of such dog.

10 Liability

- [10.1] The municipality shall not be liable for any injury suffered or disease contracted by or damage caused to any dog as a result of or during its seizure, impoundment, detention or destruction in terms of these by-laws.

11. Penalty clause

- [11.1] Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and liable upon conviction to a penalty not exceeding –
- [i] a fine or imprisonment for a period of six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
 - [ii] in the case of a continuing offence, to an additional fine or an additional period of imprisonment of ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
 - [iii] a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

12. Repeal of By-Laws

- [12.1] Any by-law relating to the keeping of dogs adopted by the municipality or any municipality now comprising an administrative unit of the municipality is repealed from the date of promulgation of these by-laws.

LOCAL AUTHORITY NOTICE 191



By-law

Dumping and Littering

JULY 2005

SENQU MUNICIPALITY**MUNICIPAL NOTICE**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law relating to Dumping and Littering which by-law shall come into operation on the date of publication thereof.

DUMPING AND LITTERING BY-LAW**1. Definitions**

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

“**Council**” means the Senqu Municipality;

“**dump**” means to dispose of waste in any manner other than a manner permitted by law and includes, without derogating from the generality of the foregoing, to deposit, discharge, spill or release waste, whether or not the waste is in a container or receptacle, in or at any place whatsoever, whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments and sewage and stormwater systems. The act of “littering”, which retains its ordinary meaning, is excluded from the definition of “dump”;

“**person**” includes a natural person, company, closed corporation, trust, association and partnership;

“**waste**” means any matter, whether liquid or solid or a combination thereof, which is a by-product, emission, residue or remainder of any product, process or activity and which has been discarded, but excludes any radioactive matter.

2. Dumping And Littering

[2.1] No person may—

- (a) litter or cause or permit littering of waste;
- (b) dump or cause or permit the dumping of waste.

[2.2] If the provisions of subsection (1) are contravened, Council may direct, by way of a written notice in terms of subsection (5), any or all of the following persons—

- (a) any person who committed, or who directly or indirectly caused or permitted, the contravention;
- (b) the generator of the waste, whether or not the generator is responsible for the contravention;
- (c) the owner of the land or premises where the contravention took place, if the owner failed to take the steps set out in subsection (3);
- (d) the person in control of, or any person who has or had, at the time of the contravention, a right to use, the land or premises where the contravention took place, if that person failed to take the steps set out in subsection (3);
- (e) any person who negligently failed to prevent the contravention from taking place, to cease the contravention in a specified time, or to prevent a further contravention or the continuation of the contravention, and to take whatever steps Council considers necessary to clean up or remove the waste, to rehabilitate the affected facets of the environment and to ensure that the waste, and any contaminated material which cannot be cleaned or rehabilitated, is disposed of lawfully.

[2.3] A person who owns land or premises, or who is in control of or has a right to use land or premises, may not use or permit the use of the land or premises for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for this purpose.

[2.4] Council may issue notices—

- (a) for the purposes of giving directions in terms of subsection (2);
- (b) for compelling persons to comply with their obligations under subsections (3); and
- (c) for any other purpose under this by-law, and may, in the notice, specify a reasonable time within which the directions given in the notice must be complied with.

[2.5] In addition, or as an alternative to, the steps set out in subsection (2), or if a person fails to comply with directions given in a notice issued under subsection (4), Council may itself take whatever steps it considers necessary to clean up or remove the waste, to rehabilitate the premises or place and affected facets of the environment at which the waste has been dumped and to ensure that the waste, and any contaminated material which cannot be cleaned or rehabilitated, is disposed of lawfully. Council

may then recover the costs of taking these steps from any of the persons listed in subsection (2), who shall be jointly and severally liable therefore.

- [2.6] The costs claimed under subsection (5) must be reasonable and may include, but are not limited to, labour, administrative, overhead, investigation and prosecution costs.

3. Offences

- [3.1] Any person who—

- [i] contravenes section 2(1)(a);
- [ii] contravenes section 2(3);
- [iii] fails to comply with the terms of any notice issued under section 2(4);
- [iv] obstructs Council when Council is taking steps under section 2(5),

is guilty of an offence.

4. Penalties And Convictions

- [4.1] Any person guilty of an offence under section 3(1) is liable to a fine or imprisonment for a period not exceeding 60 days, or to both a fine and such imprisonment.

- [4.2] Any person guilty of an offence under sections 3(2), 3(3), 3(4) and 3(5) is liable to a fine or imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

- [4.3] A court shall, on a second and on subsequent convictions of a person guilty of an offence under section 3(2) of this by-law, impose a sentence of a fine or imprisonment for a period not less than one year, or of both a fine and such imprisonment; provided that if the court is satisfied that substantial and compelling circumstances exist which justify the imposition of a lesser sentence, the court shall enter those circumstances on the record of the proceedings and may impose such a lesser sentence.

- [4.4] A court convicting a person of a first offence under this by-law may impose a sentence of community service in place of a fine or imprisonment.

- [4.5] A court may, when considering sentence, take into account as aggravating circumstances that, inter alia—

- (a) a convicted person has delayed in complying with the terms of any notice or directions given to the person under this by-law;

- (b) a financial advantage was or would have been gained by a convicted person in consequence of the commission of the offence.
- (c) The dumped waste posed a potential or actual threat to public health, public safety or the environment.

[4.6] If a person is convicted of an offence under this by-law which has caused damage to or loss of property or which has had an adverse impact on the environment then, in addition to any other sentence it imposes, the court may—

- (a) if the property belongs to another person, and on the application of the injured person or the prosecutor acting on the instructions of the injured person, order the convicted person to pay the injured person compensation for the damage or loss in accordance with section 300 of the Criminal Procedure Act, 51 of 1977;
- (b) order the convicted person to, at his or her cost, and to the satisfaction of the Council, repair the damage and/or make good the loss and/or rehabilitate the environment.

[4.7] If a person is convicted of an offence under this by-law, the court may, in addition to any other punishment which it imposes, issue an order compelling the person to comply, within a period determined by the court, with the relevant provisions of this by-law or, where applicable, with the relevant provisions of any notice issued under this by-law.

[4.8] If—

- (a) a manager, agent or employee does or omits to do an act which it was his or her task to do or refrain from doing and which, under this by-law, is an offence for the employer to do or refrain from doing; and
- (b) the act or the omission of the manager, agent or employee took place because the employer failed to take all reasonable steps to prevent the act or omission, then the employer is guilty of the offence and proof of the act or omission by the manager, agent or employer is prima facie evidence that the employer is guilty under this subsection; provided that no penalty other than a fine shall be imposed if a conviction is based on this subsection.

5. Repeal

The laws set out in Schedule 1 are hereby repealed to the extent set out in the third column of that Schedule.

LOCAL AUTHORITY NOTICE 192



By-law

LIQUOR TRADING

JULY 2005

Liquor Trading By-Law

0

March 2005

SENQU MUNICIPALITY**MUNICIPAL NOTICE**

It is hereby published for general information that the Municipal Council of Senqu, acting under the authority of section 11(3) (m) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), read with sections 22(2) (d) and 42(b) of the Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003), taken decision on, and passed, a by-law relating to liquor trading hours.

LIQUOR TRADING BY-LAW**1 Definitions**

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

“**Act**” means the Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003);

“**Board**” means the Eastern Cape Liquor Board established by Section 4 of the Liquor Act;

“**Council**” means the Senqu Municipal Council;

“**Premises**” includes any place, land, building or conveyance or any part thereof, which is registered or seeking to be registered, to permit trade in liquor;

“**Regulations**” means the regulations, published as Notice No. 1143 of 8 April 2004, made under the Act;

“**Residential premises**” means premises zoned to permit residential purposes as per the applicable Zoning Scheme Regulations;

“**Trading hours**” means time when an establishment opens to the time that the establishment shall cease to trade or operate as effected in Schedule 1 of this By-law.

2 Purpose of By-Laws

[2.1] The Council, acting in terms of the powers granted to it in the Act, adopts these by-laws with the aim of determine the hours during which liquor may be sold and reserving its right to make proposals to the Eastern Cape Provincial Administration regarding trading hours (section 42(b)).

3 Application of By-Law

[3.1] This By-law shall be applicable in respect of all registered premises situated within the area of jurisdiction of the Council where trade in liquor conducted or intended to be conducted.

4 Legislative Framework

[4.1] These By-laws fall within the legislative framework of the –
[i] Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)
[ii] Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
[iii] Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
[iv] Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003).

5 Trading Hours

[5.1] The Council has determined the trading hours of the different types of registrations listed in Schedule 1.

6 Penalties

[6.1] Any person who contravenes or fails to comply with the provisions of this By-law is guilty of an offence and upon conviction will be liable to a fine, imprisonment or both, to be determined by Council from time to time.

7 Short Title and Commencement

[7.1] These By-laws may be cited as the Liquor By-laws and come into force on date of publication in the Provincial Gazette.

SCHEDULE 1**TYPE OF REGISTRATION TRADING HOURS**

Sec.20(a) – Registration in terms of the Liquor Act for retail sale of liquor off-consumption from the premises where liquor is sold Monday to Saturday 08h00 to 20h00 Sunday 08:00 to 13h00.

Sec.20 (b) – Registration in terms of the Liquor Act for the retail sale of liquor for consumption on the premises where liquor is sold. Monday to Saturdays 10h00 to 24h00 Sunday 10h00 to 22h00.

Sec.20 (d) Registration in terms of the Liquor Act for the retail sale of liquor and consumption at special events. Trading hours to be determined by Liquor Board.

Sec.20 (e) Registration in terms of the Liquor Act for micro-manufacturing. Monday to Saturday 08h00 to 17h00, Sunday 08h00 to 13h00.

LOCAL AUTHORITY NOTICE 193



By-Law

Municipal Honours

JULY 2005

SENQU MUNICIPALITY

MUNICIPAL NOTICE

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law relating to Municipal Honours which by-law shall come into operation on the date of publication thereof.

MUNICIPAL HONOURS BY-LAW

1 Introduction

Senqu Municipality gives the power of giving the Freedom and Awards as an honourable tribute to such persons as may be considered deserving.

Senqu Municipality desires to take into consideration and recognize exceptional, distinguished and dedicated service to the municipality and wishes to honour in appropriate manner persons who have displayed exceptional, distinguished and dedicated service.

Senqu Municipality grants and recognises the Freedom of Entry to Military Regiments and Units of the South African National Defence Force.

2 Categories

- [I] Category I: Conferment of the Freedom of the City
- [II] Category II: Granting of Freedom of Entry to Military Regiments and Units of the South African National Defence Force
- [III] Category III: Senqu Municipality People Award
- [IV] Category IV: Municipality of Gold Award or Economic Growth Excellence Award
- [V] Category V: Service Delivery Excellence Award
- [VI] Bravery Award: in recognition of individuals or persons who have risked their lives and demonstrated bravery.

The Mayor may award the freedom and Awards of the Municipality, also posthumously, annul such awards and restore an annulled award. The Freedom and Awards of the Municipality may be awarded to South African citizens in the following categories:

[2.1] Category I : Conferment Of The Freedom Of The City

For outstanding contributions not only to the struggle for freedom and democracy but also for the promotion of equality, for rendering meaningful services to the people of Senqu, community upliftment, education and skills development, child, youth and women development and the combating of HIV/AIDS.

[i] *Insignia*

The Mayor requests the honorary person to sign the scroll of freedom, which will thereafter be signed by the Mayor and the Municipal Manager, after which the Municipal Manager will seal the scroll with the seal of the Municipal Council.

After the scroll has been sealed, the Mayor places the scroll in the casket, which must be made available for the occasion, and hands it to the honorary person.

The honorary person receives a neck decoration, consisting of a 9ct gold medallion bearing the City's Coat of Arms, circled by a laurel wreath with the wording Senqu Municipality honorary person. On the back of the medallion the honorary person's full name and the date when the freedom of the City was granted would be inscribed. The medal would be suspended with a gold ribbon around the neck.

The spouse of the honorary person receives a miniature of the neck decoration as described for the honorary person in the form of a brooch inscribed with his or her name and date at the back of the medallion.

[ii] *Relationship With Senqu Municipality*

When the Municipality officially grants the honorary Freedom of the City to a person, it does not give the person any better rights in law than he or she already has. The granting of the honorary title by the Municipality is purely the recognition by the Municipality of the important contribution that the person makes or has made to the welfare of the Municipality and its inhabitants.

The honorary person does not enjoy any constitutional privileges but nevertheless enjoys the deeper significance of receiving the highest honour the Municipality can bestow. The honorary person is invited to all civic functions hosted by the Municipality and is included in the civic funeral policy of the Senqu Municipality.

[2.2] Category II : Granting of the Freedom of Entry to Military and Units of the South African National Defence Force

[i] *Freedom of the Senqu Municipality Regiments*

Senqu Municipality grants the Freedom of Entry to regiments that have had a long and illustrious association with the Municipality and in recognition of outstanding services rendered to the Municipality in particular or the country in general.

[ii] *Commitment from the Freedom Regiments*

[a] The Freedom of Senqu Municipality Regiments are proud to have played their part in the establishment of the new South Africa brought about by the April 1994 elections.

[b] The Regiments have pledged their continued support and loyalty to the Senqu Municipality and all its citizens and have confirmed their intention of maintaining and strengthening the close association that exists between them and the Senqu Municipality.

[c] This commitment is symbolically depicted by the 1,25 metre Freedom Regiments Sword which hangs in the Council Chamber, of which the Mayor is the custodian.

[d] In the above spirit, the Regiments wish to interact with the Municipal Council to determine what they can do for the Municipality.

[iii] *The Freedom of the Senqu Municipality Regiments Association*

[a] The Association advises the Municipality Council on applications for the granting of the freedom of entry to military units.

[b] The Association's Chairperson is invited to the annual Mayoral Inauguration to represent all the Freedom Regiments.

[c] The Chairperson of the Association pays the formal respects of the Freedom.

[d] The Council at its discretion hosts Civic Dinners in honour of the Freedom Regiments.

[e] The Mayoral Couple are invited to attend the Association's Annual formal dinner.

[f] The Association assists in the organisation of the Mayor's Remembrance Sunday Service in November each year and the Freedom Regiments participate in the march past the Cenotaph and lay wreaths on that occasion.

[iv] ***Freedom of Entry***

In the event of the Council deciding to grant the Freedom of Entry to a regiment or unit it is usually done on the following conditions:

- [a] That the event be commemorated by a combined Freedom of Entry parade of 500 officers and men from the City Hall to the Mayor.
- [b] That a suitable scroll and casket be presented by the Mayor to the regiments of unit being granted the Freedom of Entry at the cost of the Council, to be followed by an appropriate function, should the Mayor wishes to exercise this prerogative.
- [c] Subject to the prior consent of the Council and the Chief Magistrate, the member regiments and units of the Association be permitted to exercise their Freedom of Entry either individually or collectively, by marching through the streets of the Municipality with fixed bayonets, colours flying and drums beating.
- [d] The Senqu Municipality undertakes to honour the Freedom of the Municipality Regiments in such manner and times as the Mayor or Council may deem appropriate.
- [e] The Senqu Municipality accepts the pledge of the Freedom of the Municipality Regiments of their continued support and loyalty to the Municipality and all its citizens.
- [f] The Mayor continues to be the Custodian of the Freedom Regiments Sword hanging in the Council Chamber.

[2.3] **Category III: Senqu Municipality People Award**

For exceptional service in human rights in the Senqu Municipality, whose achievements have served the interest of the Senqu Municipality in respect of human rights, unity, democracy, non-sexist and non-racial society.

[i] ***Insignia***

The recipient receives a neck decoration, consisting of a 24ct gold plated medallion bearing the City's Coat of Arms, with the wording Senqu Municipality People Award. On the back of the medallion, the recipient's full name and the date when the award was granted would be inscribed. The medal would be suspended with a ribbon in the national colours around the neck.

The spouse of the recipient receives a miniature of the neck decoration as described for the recipient in the form of a broach inscribed with his or her name and date at the back of the medallion.

[2.4] Category IV: Municipality Of Gold Award Or Economic Growth Excellence Award

For persons whose achievements have contributed to economic growth of the Senqu Municipality and to job creation for the residents of the municipal area.

[i] *Insignia*

The recipient receives a neck decoration, consisting of a 24ct gold plated medallion bearing the City's Coat of Arms, with the wording Senqu Municipality Gold Award. On the back of the medallion the recipient's full name and the date when the award was granted would be inscribed. The medal would be suspended with a ribbon in the national colours around the neck.

The spouse of the recipient receives a miniature of the neck decoration as described for the recipient in the form of a brooch inscribed with his or her name and date at the back of the medallion.

[2.5] Category V: Service Delivery Excellence Award

To win the main award, the individual or group or organisation must have made a special/outstanding contribution to the fostering/generation/promotion of service delivery within Senqu Municipality where the benefits of such contribution have had a tangible impact on the welfare of people or communities in the Senqu Municipal area.

[i] *Aims of The Excellence Award*

- [a] Create awareness of service delivery excellence
- [b] Foster Civic Pride
- [c] Promote a culture of excellence
- [d] Reward and recognise positive achievements.
- [e] Recognise outstanding achievements by individuals, organisations, groups and institutions acting within the Senqu Municipal area.

[ii] *Areas*

- [a] Water And Electricity
- [b] Environmental Management
- [c] Safety and Crime Prevention
- [d] Health Services
- [e] Maintenance and Development of Roads
- [f] Sport and Recreation
- [g] Transport Services
- [h] Housing Delivery
- [i] Arts and Culture
- [j] Emergency Services

[k] Community Empowerment through Social Services

[iii] **Insignia**

The recipient receives a neck decoration, consisting of a silver plated medallion bearing the City's Coat of Arms, with the wording Senqu Municipality Service Delivery Excellence Award. On the back of the medallion the recipient's full name and the date when the award was granted would be inscribed. The medal would be suspended with a ribbon in the national colours around the neck.

[iv] **Officials of the Awards**

The officials of the awards are the following:

- [a] The Mayor as the Patron of the award, and
- [b] The Municipal Manager, who administers and keeps the award.

[v] **Eligibility of Awards**

An award can be made to any individual, organisation or business residing in the Senqu Municipality. The judging Committee will have the final decision on the eligibility and the prize of the winner/s. Special attention will be given to non governmental organisations, historically marginalised communities and persons.

[vi] **Overall Process**

[a] **Timing**

The awards will run on an annual basis, commencing on the first day of July in the current year and ending on the last day of June of the following year.

[b] **Process**

A public notice would be published in local newspapers, inviting nominations from the public. External experts in the respective categories may also make nominations to the judging committee. Nominations must be received in writing and the judging committee would review all entries received annually. Nominations would be considered by the judging committee, which has the discretion to confer and takes the final decision on the freedom awards and entry to the Senqu Municipality. The Office of the Municipal Manager must prepare a report to Council for information.

[c] **Judging**

The judging committee will be chaired by the Mayor and comprised of the Council Speaker, Council Chief Whip, Councillors (appointed by the Mayor) and the Municipal Manager.

[d] **Recognition**

It is recommended that, where possible, awards be in whatever form, which will assist in the development of projects to be identified as sustainable and have a long-term viability.

[e] Awards Dinner

The awards will be presented at an annual dinner, for which corporate buy-in will be sought in the form of tables and sponsorship to raise funds.

LOCAL AUTHORITY NOTICE 194



BY-LAW

NOISE POLLUTION

JULY 2005

SENQU MUNICIPALITY

MUNICIPAL NOTICE

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] By-Law relating to Noise Pollution, which by-law shall come into operation on the date of publication thereof.

BY-LAWS RELATING TO NOISE POLLUTION

1. Definitions

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

"continuous sound" means any sound occurring for a duration of more than 3 minutes, or occurring continually, sporadically or erratically but totaling more than 3 minutes in any 15 minute period of time;

"decibel" means the ratio between levels of sound pressure expressed as 20 times the logarithm to the base of 10 of the said ratio;

"duly authorized" means authorized by the Municipality;

"farm land" means land classified as a farm pursuant to the provisions of the Assessment Act;

"heat pump" means a device which has the capability to transfer heat from the air outside a building or structure to the air inside a building or structure or vice versa, by means of a compressible refrigerant and includes an air conditioner, condenser, compressor, refrigeration unit and all equipment and devices accessory thereto;

"point of reception" means:

- i). any place on a parcel where sound originating from any source, other than a source on such parcel, is received; or
- ii. any place on a highway sound is received;

"quiet zone" means any area of land or highway included within any zone under the provisions of the Town Planning Zoning Scheme of the Municipality in effect from time to time other than land in an Industrial zone or Commercial zone on which no residential dwelling units have been constructed;

"sound" means the oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (i.e., elastic, viscous) or the superposition of such propagated oscillations, which oscillations are capable of causing an auditory sensation;

"sound level" is the average of the medians of 5 or more sets of lower and upper measurements of a series of A-weighted sound pressure levels read or recorded at a point of reception on a slow response of a sound level meter;

"sound level meter" means a sound measuring device designated to meet the

"structure" means any construction, except a building, affixed to or sunk into land and includes fences and walls and excludes paved parking surfaces, on-grade patios and boats.

"water pump" means a pump which circulates water in a swimming pool or hot tub.

2 General prohibition

[2.1] No person shall make or cause to be made any noise or sound in or on a highway or elsewhere in the Municipality which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity thereof.

[2.2] No person shall shout, use a megaphone or make other noise in or at or on streets, wharves, docks, piers, steamboat landings, railway stations, or other public places which disturbs or tends to disturb the quiet, peace, rest, enjoyment comfort or convenience of the neighbourhood or of persons in the vicinity thereof.

3 Private property

[3.1] No person, being the owner of occupier or being in possession or control of real property shall suffer or permit any person to make or cause to be made any noise or sound therein or thereon which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity thereof.

4 Animals

- [4.1] No person shall harbour or keep any animal or bird which by causing frequent or loud noise disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons at or near the source of such noise or sound.

5 Dogs

- [5.1] The sound made by a dog barking, howling or creating any kind of sound continually or sporadically or erratically for any period of time in excess of ten minutes is, in the opinion of Council, an objectionable noise.
- [5.2] It shall be unlawful for any person to harbour or keep a dog which shall make an objectionable noise by barking, howling or creating any kind of sound continually or sporadically or erratically for any period of time in excess of ten minutes.

6 Heat pumps and water pumps

- [6.1] The Council is of the opinion that the operation of a heat pump or water pump resulting in a sound level at a point of reception located in a Quiet Zone in excess of 50 decibels between 7:00 a.m. and 10:00 p.m. on any day, or in excess of 45 decibels between 10:00 p.m. and 7:00 a.m. of the following day is objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- [6.2] No person shall emit or cause, suffer or permit the emission of sound from the operation of a heat pump or a water pump resulting in a sound level at a point of reception located in a Quiet Zone in excess of:
- [i] 50 decibels between 7:00 a.m. and 10:00 p.m. on any day, or
 - [ii] 45 decibels between 10:00 p.m. and 7:00 a.m. of the following day.

7 Engine retardant brakes

- [7.1] The Council believes that the noise produced by the use of an engine retardant brake on a motor vehicle on any highway in the Municipal area of Senqu, is objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals and members of the public.

- [7.2] No person shall use an engine retardant brake while operating a motor vehicle on a highway in the Municipal area of Senqu except to assist in stopping or slowing down the vehicle in an emergency.

8 Shopping centers

- [8.1] No person shall make, cause or permit to be made or caused continuous sound on any land within a Shopping Centre Zone, the sound level of which exceeds 58 decibels measured at a point of reception in a Quiet Zone any time between 9:00 a.m. and 10:00 p.m.
- [8.2] Sections 2 and 3 of this bylaw shall not apply to any continuous sound made in a Shopping Centre Zone between 9:00 a.m. and 10:00 p.m. which does not exceed 58 decibels measures at a point of reception in a Quiet Zone.
- [8.3] The provisions of this bylaw shall not apply to -
- [i] the sound emitted from a heat pump or water pump, or
 - [ii] sounds caused by building or property maintenance or repair activities.

9 Sound measurement

- [9.1] A sound level measurement shall be sufficient for all purposes if it is carried out in accordance with the following:
- [i] sound level measurements shall be taken with a sound level meter;
 - [ii] sound levels shall be measured on the A-weighted network and the slow meter response;
 - [iii] the sound level meter shall be complete with calibrator and windscreen and shall be operated in the following manner:
 - [a] Sound level meters shall be used and operated in accordance with manufacturer's instructions. The sound level meter shall be calibrated before and after readings have been taken.
 - [b] When determining the sound level from a source, the ambient or background noise or sound level shall be established at the appropriate position and during the relevant period of time wherever possible before taking sound measurements from the source. No measurement should be attempted if the difference is 3 decibels or less.

- [c] Sound measurements shall be made at a distance of approximately 10 feet from any wall, buildings or other reflecting structures with the microphone appropriately oriented to eliminate as much as possible all reflected sound.

10 Exempt noise

[10.1] The provisions of this bylaw shall not apply to:

- [i] The use, in a reasonable manner, of any apparatus or mechanism for the amplification of the human voice or of music in a public park or square in connection with any duly authorized public meeting, public celebration or other public gathering.
- [ii] Any duly authorized parade or performance by a military or other band.
- [iii] Any vehicle or equipment of the Municipality, the Police Department or any other public body engaged in carrying out a public service or carrying out work in or on a highway, park or the Municipal Public Works Yard.
- [iv] The sounding of a horn or other signaling device upon any vehicle, boat or train, where such sounding is properly and necessarily used as a danger or warning signal.
- [v] The erection, demolition, construction, reconstruction, altering or repairing of any building or other structure within the Municipality or the excavating of any street, highway, lane or any other land between the hours of 7:00 a.m. and 9:00 p.m. on each day except Sunday, or in the case of urgent necessity, at any other time during the week if such work is essential to the health, safety or protection of the public.
- [vi] Persons and their agents, servants, and employees or independent contractors under contract therewith and their agents, servants, and employees who are engaged in work of an essential or emergency nature and being done for the primary purpose of ensuring the health, safety or welfare of the residents of the Municipality.
- [vii] The use of bells or chimes on churches or any public body.
- [viii] Any delivery or collection service between the hours of 6:00 a.m. and 9:00 p.m. on each day except Sunday and any statutory holiday in any commercial, industrial or public zone as defined in the Zoning Bylaws of the Municipality, and between the hours of 7:00 a.m. and 9:00 p.m. on each day except Sunday and any statutory holiday in all other districts defined in the said Zoning Bylaw.

- [ix] Any sound or noise caused by a farming activity carried out in a reasonable manner on farmland between the hours of 7:00 a.m. and 9:00 p.m.
- [x] Any sound or noise caused by a farming activity carried out in a reasonable manner on farmland between the hours of 9:00 p.m. and 7:00 a.m. if:
 - [a] in the circumstances it is essential that the activity take place during such hours; or
 - [b] the activity must, in accordance with sound farming practice, take place between such hours.
- [xi] The use of a lawnmower between the hours of 8:00 a.m. and 9:00 p.m. on any day.
- [xii] Any sound or noise caused by blasting or the operation of drills, compressors or other equipment used to prepare land for blasting between the hours of 8:00 a.m. and 5:00 p.m. on each day except Sunday or a statutory holiday.

11 Offences

- [11.1] Any person who violates any provision of this bylaw is guilty of an offence and liable upon summary conviction to a fine to be determined by Council from time to time.

12 Repeal of By-laws

- [11.2] Any provision of any By-laws relating to Noise Pollution adopted by the Council or any Council of a municipality now comprising and Administrative unit of the Council are hereby repealed

LOCAL AUTHORITY NOTICE 195



By-law

Prevention of Nuisances

JULY 2005

SENQU MUNICIPALITY**MUNICIPAL NOTICE**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] By-Law relating to the Prevention of Nuisances, which by-law shall come into operation on the date of publication thereof.

BY-LAW RELATING TO THE PREVENTION OF NUISANCES**1. Definitions**

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

"Council" means the Council of Senqu Municipality or any political structure, political office bearer, Councillor, or any staff member acting under Council's delegated or sub-delegated authority;

"erf" means any land, whether vacant, occupied or with buildings thereon;

"municipal area" means the municipal area of Senqu;

"municipality" means the Municipality of Senqu established in terms of Section 12 of the Municipal Structures Act, 117 of 1998;

"objectionable material" means garden litter, rubbish, waste material, rubble, scrap metal, article or thing, disused motor cars, machinery or other vehicles, as well as the disused parts thereof, refuse from any building operations, or any refuse capable of being dumped on any land or premises, including new or used building materials not necessarily required in connection with bona fide building operations actually in progress on any land, and includes any solid, liquid or gas which is or may become offensive or dangerous or injurious to health or which materially interferes with the ordinary comfort or convenience of the public;

"public nuisance" means any act, omission or condition which is offensive and/or injurious and/or dangerous to health and/or which materially interferes with the ordinary comfort, convenience, peace or quiet of the public and/or which adversely affects the safety of the public;

"public place" means any square, building, park, recreation ground or open space which:-

- [a] is vested in the Municipality;
- [b] the public has the right to use, or

- [c] is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;

"public road" means any road, street or thoroughfare or any other place [whether a thoroughfare or not] which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes:-

- [a] the verge of any such road, street or thoroughfare;
- [b] any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- [c] any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

2. Enforcement

- [2.1] The Council may, whenever it regards it necessary to do so, enter any premises at any reasonable time to ensure compliance with these by-laws.

3. Behaviour and conduct

- [3.1] Notwithstanding the provisions of any other by-law, no person shall:

- [a] dump, accumulate or place or cause or permit to be dumped, accumulated or placed objectionable material in or on any erf, street, drain, water furrow, sewer, thoroughfare, public square or commonage except at such place or places as the Council may from time to time set aside or approve for such purposes, provided however that the Council may permit public garages, workshops and other trades, subject to such conditions as may be imposed in each case, to keep, store, repair, dismantle or re-assemble any motor vehicle or other vehicle or apparatus on premises approved by the Council;
- [b] do work on any erf or use any building or land for purposes calculated, in the opinion of the Council, to depreciate or to disfigure such erf or to interfere with the convenience or comfort of the neighbours thereof or to become a source of danger to any person;
- [c] carry on any trade, business or profession on any erf in the municipal area which may in the opinion of the Council be a source or become a source of discomfort or annoyance to the neighbourhood;
- [d] deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or any objectionable material or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any erf, street or public place;
- [e] allow any erf to be overgrown with bush, weeds or grass or other vegetation except cultivated trees, shrubs and grass to such extent that, in the opinion of the Council or any duly authorised employee of the Council it may be used as a shelter by vagrants, wild animals or vermin or may threaten the public health or the safety of any member of the community or may promote the spread of fires;

- [f] allow any erf to be dirty, neglected or infested with rodents, snakes, mosquitoes, flies, ticks, bugs or other insects harmful to health, or allow any offensive odours or gasses to emanate from such erf;
- [g] allow the fencing of any erf to fall into a state of disrepair or to become unsightly or dilapidated;
- [h] allow any building or structure or any portion thereof on any erf to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;
- [i] use or cause or permit to be used any stoep and/or verandah of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying, keeping, selling or offering for sale any goods, articles or merchandise;
- [j] use or cause or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;
- [k] enclose or cause or permit the enclosing of any stoep or verandah of any shop or business premises by means of movable or immovable structures, objections, articles or devices otherwise than by such means as the Council may approve;
- [l] keep on his premises any animal or bird which creates a disturbance or a nuisance to the neighbours by making frequent and excessive noise;
- [m] deposit or keep or cause or suffer to be deposited or kept any night soil on any premises, except in a proper sanitary convenience approved by the Council and in accordance with any by-law of the Council;
- [n] keep or cause or suffer to be kept upon his premises any sanitary convenience of such nature that it is a nuisance or is offensive or injurious or dangerous to health;
- [o] befoul, misuse or damage any public convenience or any convenience provided in any public building or place of public entertainment;
- [p] carry or convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;
- [q] bury or dispose of any dead body in any unauthorised place;
- [r] permit the carcass of any animal, being his property or of which he is in charge, and which has died on his premises or elsewhere in the municipal area, to remain unburied;
- [s] cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal on any land or premises owned or occupied by him or of which he is in charge to be or become

- so foul or in such a state or to be so situated or constructed as to be offensive or dangerous or injurious to health;
- [t] cause or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises owned or occupied by him, whether occupied for trade, business, manufacturing, dwelling or any other purpose, into any street or on any land;
 - [u] commit or cause or permit to be committed, any act which may pollute any water which inhabitants of the municipality have the right to use or which is provided or deserved for the use of such inhabitants;
 - [v] bathe or wash himself or any animal or article or clothing or any other article or thing in any public stream, pool or water trough or at any public hydrant or fountain or at any place which has not been set aside by the Council for any purpose;
 - [w] disturb the public peace in any street or public place by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd or by organising any demonstration or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon or by any other riotous, violent or unseemly behaviour at any time of the day or night, or by loitering in any street or public place or by gathering in crowds on pavements;
 - [x] advertise wares or services in any street or public place by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells in such manner as to constitute a public nuisance in the neighbourhood;
 - [y] in or upon any property or premises disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noises, or by shouting, wrangling, quarrelling and singing or by playing therein or thereon a musical instrument or use or permit to be used any musical instruments, radios, television sets or the like or any loudspeaker or other device for the reproduction or amplification of sound, in such manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises and materially interferes with the ordinary comfort, convenience, peace or quiet of the occupiers of surrounding properties;
 - [z] in any street or public place use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the peace;
 - [za] solicit alms in any street or public place or endeavour by the exposure of wounds, sores, injuries or deformities or the production of begging letters to obtain alms, or
 - [zb] cleanse or wash any vehicle or part in any street or public place.

4. Failure to comply with provisions

- [4.1] Where any material, article or thing of whatsoever nature has been accumulated, dumped, stored or deposited on any erf, or where there is an overgrowth of bush, weeds, grass or vegetation on any erf in contravention of section 3[a], [d] and [e] the Council may serve a notice on -

- [a] the person directly or indirectly responsible for such accumulation, dumping, storing or depositing;
- [b] the owner of such material, article or thing, whether or not he is responsible for such accumulation, dumping, storage or depositing;
- [c] the owner of the erf on which such accumulation, dumping, storage or depositing takes place, whether or not he is responsible therefore, or
- [d] the owner of the erf on which there is an overgrowth of bush, weeds, grass or vegetation -

requiring such persons or owners to dispose of, destroy or remove such material, article or thing or to clear such overgrowth to the satisfaction of the Council.

- [4.2] Should any person or owner fail to comply with the requirements of a notice in terms of subsection [1] within the period stipulated by the Council, the Council may itself dispose of or destroy or remove such material, article or thing, or clear the overgrowth from any erf at the cost of any one or more of the persons or owners mentioned in subsection [1] [a], [b], [c] and [d].

- [4.3] Where on any erf there is a contravention of section 3[b], [f], [g], [h] and [t] the Council may at its discretion serve a notice on either the owner or the occupier to abate the nuisance within a defined period to be stated in such notice.

5. Sanitary facilities at construction sites

- [5.1] Every person engaged in building operations, road construction or construction work of any nature shall, when required to do so by the Council, provide adequate sanitary accommodation for himself and his employees to the satisfaction of and in accordance with any requirements specified by the Council.

6. Unlawful occupation

- [6.1] No person shall, without the permission of the Council, occupy or permit to be occupied for human habitation any caravan, tent or other similar shelter of any description except on an authorised camping or caravan site controlled by the Council or any other camping or caravan site which conforms with the provisions of the by-laws relating to such caravan parks or camping sites.
- [6.2] The Council may serve notice on any person who occupies a caravan, tent or shelter in contravention of subsection [1] to vacate such caravan, tent or shelter within 3 days after the service of such notice upon him, failing which, such person shall be guilty of an offence.

7. Penalties

- [7.1] Any person who contravenes or fails to comply with any provision of these by-laws or any notice served in terms thereof shall be guilty of an offence and be liable upon conviction to -

- [i] a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- [ii] in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- [iii] a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

8. Repeal of By-Laws

- [8.1] Any by-law relating to the prevention of nuisances adopted by the municipality or any municipality now comprising an administrative unit of the municipality is repealed from the date of promulgation of these by-laws.

LOCAL AUTHORITY NOTICE 196



BY-LAW

PUBLIC AMENITIES

JULY 2005

SENQU MUNICIPALITY

MUNICIPAL NOTICE

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law relating to Public Amenities, which by-law shall come into operation on the date of publication thereof.

BY-LAW RELATING TO PUBLIC AMENITIES

1. Definitions

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

"Public Amenity Area" means the area adjacent to the recreation area designated as such by the Council by notice on the spot and includes any amenity as contemplated by Item 1 of Schedule 5B of the Constitution; any coastal conservation area or reserve declared as such by the Council.

"Council" means the legislative and executive authority of the Senqu local municipality.

"Craft" means any boat or other vessel which is not a surfcraft or wind-surfer;

"Jet ski" means a motorised device, not exceeding 3m in length and carrying not more than 2 people, used or designed exclusively for recreational purposes and "jet skiing" has a corresponding meaning.

"Law Enforcement Officer" means an employee of the municipality appointed by the Council to enforce its by-laws and in possession of an appointment card issued by the Council attesting thereto; any member of the South African Police Service or a municipal police service; any peace officer; or any traffic officer appointed in term of the Road Traffic Act, 1989, until the Act is amended.

"Life-saver" means any person employed or appointed in the capacity by this municipality and includes any member of the South African Surf Life-Saving Association or of any affiliated life-saving club or association of life-savers;

"Municipality" means the area of jurisdiction of the Senqu Municipality and includes the shore line situate within or adjoining the area

"Promenade" means any public walkway, used as such by the public within a recreation area.

"Notice on the spot" means an adequate notice in any of the official languages generally in use in the municipality erected or posted in a prominent position and maintained in a legible state;

"Public amenity" means –

- [i] any land, square, camping site, swimming-bath, public resort, recreation site, nature reserve, zoological, botanical or other garden, park or hiking trail including any portion thereof and any facility or apparatus therein or thereon, but excluding any public road or street;
- [ii] any building, structure, hall, room or office including any part thereof and any facility or apparatus therein and municipal infrastructure, which is the property of, or is possessed, controlled or leased by the municipality or any other organ of state, to which the general public has access, whether on payment of an admission fee or not;

"Shore" means the land adjacent to the waterline.

"Senqu Municipality" means the local municipality of Senqu established in term of Section 12 of the Local Government: Municipal Structures Act of 1998, and when referred to as an entity means a municipality as described in Section 2 of the Local Government: municipal Systems Act, 2000 and when referred to as a geographic area means the area as determined in terms of the Local Government: Municipal Demarcation Act, 1998.

"Wind-surfer" means a rudderless device which is fitted with a sail, is propelled on the surface of the water by the action of the wind and is designed to carry one person and "wind-surfing" and "wind-surf" have a corresponding meaning,

2. Applicability of By Laws

- [2.1] These by-laws shall apply, save where the context otherwise requires, to all public amenities within the geographic area as defined.

3. Offences Relating to Nuisances and Offensive Behaviour

- [3.1] Any person shall be guilty of an offence who -

- [i] deposits or discharges upon the shore area or in the any public amenity water area or in any bathing pool, any offal, rubbish or anything liable to be a nuisance or a danger to public safety or public health; or

- [ii] whilst suffering from any infectious or contagious disease enters or remains on the shore or in the water or in any bathing pool; or
- [iii] whilst upon or in the shore, public amenity or in any bathing pool -
 - [a] uses any obscene, offensive or indecent language; or
 - [b] behaves in an offensive, improper or disorderly manner; or
 - [c] wilfully or negligently does any act which causes discomfort to other users of the shore or public amenity or any bathing pool, or is likely to cause a breach of the peace.

[3.2] No person shall in or at a public amenity -

- [i] dump, drop or place any refuse, rubble, material or any object or permit it to be done, except in a container provided for that purpose in or at the amenity;
- [ii] pollute or contaminate in any way the water in any water feature, swimming bath, dam, river or water-course;
- [iii] perform any act that may detrimentally affect the health or safety of any visitors to a public amenity.

[3.3] No person shall, without the written consent of the Council having first been obtained erect or establish in or on a public amenity any structure, shelter or any thing else, except a caravan or tent erected for camping purposes on a site specifically set aside therefore by notice.

4. Prohibition of Bathing within Areas Considered Unsafe

- [4.1] Bathing at any public amenity may be prohibited either as a permanent or as a temporary measure on the grounds that it is unsafe.
- [4.2] Bathing at any public amenity may be prohibited by a lifesaver on duty, for so long as he/she may consider the condition of the water unsafe.
- [4.3] Any permanent prohibition under this regulation shall be indicated by notice on the spot and any temporary prohibition by any other recognisable and intelligible marker at both ends of the prohibited area.
- [4.4] This permanent prohibition extends to preserving the quality of water intended for human consumption.

5. Law of Tickets

- [5.1] All admission tickets issued by the Municipality will make reference to the appropriate sections of the applicable by-law and this will be deemed compliant with the law of tickets.

6 Offences Relating to Bathing

Any person shall be guilty of an offence who -

- [6.1] bathes in or from any area in which bathing has been prohibited in terms of Regulation 4;
- [6.2] hangs onto, sits upon or causes to sink any safety ropes provided for the protection of bathers, or in any way interferes with such safety ropes or other appliances provided for the assistance of bathers in distress;
- [6.3] enters or remains in any bathing pool contrary to a reasonable prohibition by the person having authority over or placed in charge of such bathing pool as evidenced by a notice on the spot.

7. Damage to Property

- [7.1] Any person who interferes with, misuses or damages any building, closet, shelter, changing booth, or other amenity or infrastructure and service thereto provided for the use of the public, or who disregards, or, in contravention of directions as to the use to which the same may be put, fails to observe the terms of notices in any of the official languages, affixed to any such building, structure or amenity by this municipality or any person having authority to maintain such building, structure or amenity on the water-line or public amenity, shall be guilty of an offence.

8. Animals in Public Amenity Area

- [8.1] Any person who, within a designated public amenity area of the municipality, causes or allows any dog or other animal belonging to him or her or in his or her charge to enter or remain within such area or in any bathing pool whereon or wherein the Council has by notice on the spot prohibited the presence of dogs or animals shall be guilty of an offence.
- [8.2] Any dog not under control or apparently not under control of any person may, if found within a designated public amenity area of municipality contrary to by-laws 7.1 hereof, may be impounded by any member, employee or servant of the municipality and may be removed to a pound,

there to be dealt with in accordance with the by-laws or regulations relating to the keeping of dogs at such pound.

- [8.3] Any person who causes or allows any horse, pony or other animal belonging to him or her or in his or her charge to enter or remain within a designated public amenity area within the area of jurisdiction of the municipality, except with permission given in writing and subject to such terms and conditions as the Council may deem fit to impose, shall be guilty of an offence.

9. Firearms

- [9.1] Any person who discharges a firearm from any designated public amenity area shall be guilty of an offence: provided that it shall not be an offence if a firearm is used with permission given in writing and subject to such terms and conditions as the Council may deem fit to impose for -

- [i] firing of blank cartridges during competitions or during sport meetings organised on or in the designated public amenity area and;
- [ii] for the collection of specimen of water life or birds or animals for scientific purposes;

10. Interference With Notice Boards

- [10.1] Any person, other than a person authorised to do so by the Council, who moves, defaces or otherwise interferes with any notice board, notice or marker erected, posted or placed on the designated public amenity area by the Council, or by its direction, in terms of these by-laws shall be guilty of an offence.

11. Prohibition of Entertainment and Trade

- [11.1] Any person who, for reward or gain conducts an entertainment or business or trade of any sort on the designated public amenity area without the written permission given by the Council on such terms and conditions as in each case may by the Council be deemed fit, shall be guilty of an offence.

12 Vehicles On Designated Public Amenity Areas

- [12.1] Any person shall be guilty of an offence that, within the area of jurisdiction of this municipality and without the written consent of the Council introduces into or rides or drives any motor vehicle, animal-drawn vehicle, bicycle, rollerskates, "heelies" or similar, or skateboards, onto the designated public amenity areas, which excludes public roads, thoroughfare or parking area.
- [12.2] Paragraph 12.1 of this regulation shall not apply in respect of the person in charge of any ambulance whilst lawfully in use as such, or in respect of any vehicle used in lieu of an ambulance in time of emergency, or of any vehicle used by any organ of state, or service utility in pursuance of official duties.

13 Life-Saving Devices

- [13.1] Any person, other than a lifesaver or, a member, employee or servant of the municipality, who, save in time of emergency, touches, handles or in any way makes use of or damages any life-line, lifebuoy, or any other life-saving appliance, installed or maintained upon the shore, or any public bathing or boating area designated public amenity, shall be guilty of an offence.
- [13.2] Any person who impairs or impedes the operation of any life-saving appliance or device while it is in use on the shore or in the water of a bathing or boating area of a designated public amenity, shall be guilty of an offence.

14 Control of Boats

- [14.1] The Council may within the municipal area- -
- [i] set aside by notice on the spot, a place or places on the shore and any area for the launching, landing, beaching, keeping, letting or hiring of boats, jet skis or craft;
 - [ii] set aside by notice on the spot, a place or places for the exclusive use of different types of boats or craft or for the use only of boats or craft belonging to members of boat clubs
 - [iii] prohibit the use or operation of any boat, jet ski or craft, or type thereof, from certain parts of the shore, and may differentiate between boats, jet skis or craft belonging to or used by members of boat clubs and those belonging to or used by non-members of such clubs;

- [iv] make the operation or use of boats, jet skis or craft or certain types thereof, within or from any part of the shore or any part of water, subject to its written permission granted on such terms and conditions as it may deem fit to impose; and
- [v] authorise any lifesaver or person appointed in terms of by 19 to prohibit the use of any boat, jet ski or craft within the shore or the water for so long as he/she may consider the condition of the water unsafe or that the use of such boat, jet ski or craft is likely to cause discomfort or injury to other users or is likely to lead to a breach of the peace.

[14.2] Any person who launches, lands, beaches, keeps, lets or hires or otherwise uses any boat, jet ski or craft contrary to by-laws 13.1 hereof shall be guilty of an offence unless such act is done in an emergency or in order to save life.

[14.3] Fishing is prohibited in an area designated for boating.

15 Control of Wind-Surfing

[15.1] Wind-surfing in any part of water within the municipal area may be prohibited by the Council

- [i] either temporarily or permanently, or
- [ii] temporarily by a lifesaver or a person officially appointed by the Municipality

on the grounds that it is unsafe or is likely to cause discomfort or injury to other users of the shore or water or a breach of the peace.

[15.2] Any permanent prohibition shall be indicated by notice on the spot at both ends of the prohibited area and any temporary prohibition shall periodically be brought to attention by the use of a public address system or by personal warning.

[15.2] Any person who windsurfs in contravention of any prohibition contemplated herein shall be guilty of an offence.

16 Control of Camping

[16.1] The Council may, by notice on the spot, prohibit camping on any part of the shore or any designated public amenity area.

- [16.2] Any person who erects a tent or camps on the shore or any designated public amenity area without the written permission of the Council, shall be guilty of an offence.

17 Control of Anglers

- [17.1] No person shall fish or angle from any part of the shore or any designated public amenity area within the municipal area that the Council, by notice on the spot, declares to be an area in which fishing or angling is prohibited. Where fishing or angling is not so prohibited no person shall throw, cast or swing any line or gear in such a manner as to cause danger or annoyance to any other person.

- [17.2] No person shall leave any bait, fishhook or refuse on the shore.

- [17.3] Boating is prohibited in a designated fishing area.

- [17.4] Any person failing to abide by or comply with the foregoing shall be guilty of an offence.

18 Control of Fires

- [18.1] Any person who kindles a fire on the shore or any designated public amenity area without obtaining the prior written permission of the Council, which permission may be given subject to such terms and conditions as the Council may deem fit to impose, shall be guilty of an offence.

19 Control of Piers, Groynes, Etc.

- [19.1] Any person, other than a member, employee, or servant of this municipality whilst on duty, who enters upon any pier, groyne or other structure erected for the protection of the shore within the municipal area, except with the prior written permission of the Council, shall be guilty of an offence.

20 Promenade

- [20.1] No person may bring onto or drive or ride on any promenade any bicycle, skateboard, roller skate, "heelies" or similar, skateboards, quad bikes, motor cycle, vehicle or transport device provided that this is not applicable to people confined to a wheelchair.

[20.2] Any person failing to abide by or comply with the foregoing shall be guilty of an offence.

21 Penalty

[21.1] Any person who-

[i] contravenes or fails to comply with any provisions of these by-laws;

[ii] fails to comply with any lawful direction of a law enforcement officer or municipal official given to him or her in terms of these by-laws;

[21.2] shall be guilty of an offence and on conviction liable to a fine or imprisonment as determined by Council annually in accordance with the Local Government Municipal Finance Management Act, no. 56, 2003.

[21.3] The fines and penalties applicable to offences will be determined by Council from time to time, it being noted that penalties increase for repeat offences.

22 Observance of By-Laws

[22.1] Any person who contravenes provisions of these by-laws is guilty of an offence and when directed by a law enforcement officer/authorised municipal official shall immediately cease such behaviour.

23 Jurisdiction.

[23.1] Notwithstanding anything to the contrary contained in any law relating to Magistrates Courts, a Magistrate shall have jurisdiction, on application by the Council, to make an Order for the enforcement of any of the provisions of these by-laws or of any approval, refusal, or condition granted or applicable in terms hereof.

24 Savings and Repeals.

[24.1] These by-laws repeal and replace all other by-laws relating to the shore and public amenities hitherto applied in the areas now under the jurisdiction of the Senqu Local Municipality.

Explanatory Memorandum

As custodian of public amenities and the shore and adjoining recreational areas the Council has the task of balancing the right of people to have access to these important amenities with the need to ensure that the sensitive natural environment is preserved.

Accordingly these proposed by-laws are intended to apply to designated public amenity areas within the Senqu municipal area. As a result a critical element as to effectiveness of the proposed measure depends largely on the definition of "Public Amenities".

The types of activities taking place in public amenity areas are many and varied as are the many ways in which people enjoy themselves. The different parts in the by-laws seek to group categories of uses to facilitate better control by the Council and the officials charged with the administration and enforcement of the Council's policy as may be enunciated in by-laws when adopted and promulgated.

LOCAL AUTHORITY NOTICE 197



BY LAW

PUBLIC ROADS

JULY 2005

SENQU MUNICIPALITY

MUNICIPAL NOTICE

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law relating to Public Roads and Miscellaneous, which by-law shall come into operation on the date of publication thereof.

BY-LAW RELATING TO PUBLIC ROADS AND MISCELLANEOUS

1. Definitions

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

"authorised official" means –

- (a) a member of the Police established in terms of section 64A of the South African Police Service Act, 1995 (Act No. 68 of 1995); or
- (b) any person or official authorised in writing as such by the Council.

"Council" means –

- (a) the Senqu Municipality
- (b) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (c) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be.

"demarcated space" means a space so laid out and marked on the roadway as a place within which a vehicle is to be parked;

"municipal store" means the municipal store of the Council;

"parking meter" means a device for registering and visibly recording of a parking period in accordance with the insertion of a coin or other prescribed object therein and includes a post or fixture to which it is attached;

"parking period" means that period of parking in a demarcated space which is permitted by the insertion into the parking meter allocated to such space of a coin or other object as prescribed;

"prescribed" means determined by resolution of the Council from time to time;

"prescribed fee" means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

"public road" means a square, road, sidewalk, island in a road, subway, avenue, bridge, public passageway and any thoroughfare shown on the general plan of a township or in respect of which the public has acquired a prescriptive or other right of way and which is vested in the Council.

"storekeeper" means the person in the service of the Council who holds the position of storekeeper or a person acting in that capacity;

"token" in respect of a trolley, means a sign on which the name or trade name and the address of the owner appears;

"watercourse" means a watercourse as defined in section 1 of the National Water Act, 1998 (Act No. 36 of 1998);

2. Interpretation

If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

3. Public Roads and Miscellaneous

[3.1] Ropes, wires or poles across public road

No person may place any rope, wire or pole on, under or across any public road, or hang, or place anything whatsoever thereon, without the prior written permission of the Council.

[3.2] Damage to trees

No person may climb upon, or break or damage or in any way mark or paint on any tree on any public road within the municipal area of the Council, and no person may, without the prior written permission of the Council, lop, top, trim, cut down or remove any such tree unless the person is authorised to do so in terms of these By-laws or any other law.

[3.3.] Barbed wire, dangerous and electrical fencing**[i] No owner or occupier of land –**

- [a]** other than an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause, or permit to be erected, any barbed-wire fence or any railing, paling, wall or other barrier which, by reason of spikes or other sharp or pointed protrusions or otherwise by reason of the nature of its construction or design, is or may become a danger to any member of the public using such public road;
- [b]** including an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause, or permit to be erected, or after one year from the date of commencement of these by-laws, have along a public road any electrified fence, railing or other electrified barrier unless –

- [ii]** the fence, railing or other barrier is erected on top of a wall built of brick, cement, concrete or similar material, which wall may not be less than 1,8 metres high; and
- [iii]** the fence, railing, or other barrier is designed and installed in accordance with any relevant specifications determined by the Council and any standard issued in terms of the Standards Act, 1993 (Act No. 29 of 1993); or
- [iv]** may erect, or cause, or permit to be erected, any electrified fence, railing, wall or other electrified barrier referred to in paragraph (b) without the prior written permission of the Council, in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).
- [v]** The full technical details of the proposed electrified fence, railing, wall or other electrified barrier must accompany any application for permission submitted to the Council.

[3.4] Protection of public roads

No person may place upon or off-load on a public road any material or goods that are likely to cause damage to a public road unless the person has taken reasonable precautions to protect the surface of the public road against damage.

[3.5] Cleanliness of public roads

- [i] No person may spill, drop or place or permit to be spilled, dropped or placed, on a public road any matter or substance that may interfere with the cleanliness of the public road, or cause or is likely to cause annoyance, danger or accident to any person, animal, vehicle or other traffic using the public road, without removing it or causing it to be removed from the public road immediately.
- [ii] If the person referred to in subsection (1), fails to remove the matter or substance, the Council may remove such matter or substance and recover the cost of removal from that person.

[3.6] Article placed in building facing public road

No person may place any article likely to cause injury or damage to any person or property if it were to fall on a public road, in any near a public road without taking all reasonable steps to prevent it falling onto the public road.

[3.7] Damaging of Council's property

Subject to the provisions of section 10, no person may deface, tamper, damage, remove, or in any way interfere with any of the Council's property or work on or along any public road.

[3.8] Cleaning and repairing on public roads

No person may clean or repair any part of a vehicle or wash, dry or paint any article or object on any public road except in the case of an emergency breakdown of a vehicle, when emergency repairs may be done.

[3.9] Excavations in public roads

- [i] No person may make or cause to be made any hole, trench, pit or tunnel on or under any public road or remove any soil, metal or macadam therefrom without the prior written permission of the Council, unless such person is authorised to do so in terms of these by-laws or any other law.
- [ii] A person, who requires the permission in terms of subsection (1), must comply with the requirements contained in Schedule 2 to these by-laws.
- [iii] A person referred to in subsection (2) must pay the prescribed fee.
- [iv] A person referred to in subsection (2) must, if applicable, pay the prescribed fee for lane rental provided for in Schedule 2 to these by-laws.

[3.10] Defacing, marking or painting public roads

No person may in any way deface, mark or paint any public road or part of a public road or any structure related to such road, without the prior written permission of the Council.

[3.11] Races and sports events

- [i] An application for consent to hold a race or sports event on any public road in terms of regulation 317(2) of the National Road Traffic Regulations, 2000, under the National Road Traffic Act, 1996 (Act No. 93 of 1996), must be submitted in writing to the Council on the prescribed form at least 60 days prior to the envisaged event.
- [ii] The applicant must pay the prescribed deposit for the costs to be incurred by the Council during and after the race or sports event, to the Council prior to commencement of the race or sports event and an adjustment must be made after the conclusion of the race or sports event as soon as the Council has determined actual costs incurred by it.

[3.12] Loitering on public roads

No person may -

- [i] lie, sit stand, congregate, loiter or walk, or otherwise act, on any public road in a manner that may obstruct traffic;
- [ii] jostle or loiter at or within 20 metres of the entrance of any place of public worship during the time of divine service or during an assembly at the place of worship or departure from such place of the congregation so as to obstruct or annoy any person going to, attending at, or leaving such place of worship.

Any person contravening subsection (3.12) must, upon instruction by an authorised official, discontinue doing so.

[3.13] Loitering and touting at places of public entertainment

- [i] No person may loiter or, except when forming part of a queue, congregate on any public road within 20 metres of the entrance to any place of public entertainment so as to obstruct traffic or persons proceeding to, attending at, or departing from such place of entertainment.
- [ii] No person may, without the prior written permission of the Council tout or solicit a driver of any motor vehicle who parks a motor vehicle at a place of entertainment for the purpose of or under pretext of looking after or watching over the motor vehicle during the assembly thereat or the departure therefrom.

[3.14] Public decency

- [ii] No person may appear unclothed or indecently clothed on any public road.
- [iii] No person may on or in view of any public road urinate, excrete, behave in any indecent manner by exposing his or her person or otherwise, make use of any indecent gesture, or commit, solicit or provoke any person to commit any riotous, disorderly or indecent act.
- [iv] No person may on any public road sing any obscene or profane song, or use any profane, foul, indecent or obscene language.
- [v] No person may on any public road in any way loiter or solicit or inconvenience or harass any other person for the purpose of begging.
- [vi] No person may on a public road use any threatening, abusive or insulting words or gestures or behaviour with intent to cause a breach of the peace or whereby a breach of the peace is likely to be occasioned.

[3.15] Public road collections

- [i] No collection on a public road may be organised or held without the prior written permission of the Council.
- [ii] Application for such permission must be made on a form provided for this purpose by the Council.
- [iii] Every application must be accompanied by proof that the organisation or person intending to hold the public road collection is authorised to collect a contribution in terms of the Nonprofit Organisations Act, 1997 (Act No. 71 of 1997), or the Fund-raising Act, 1978 (Act No. 107 of 1978), as the case may be.
- [iv] The Council may grant permission referred to in subsection (1) to an organisation or person to hold a collection on a specified public road, date and at a specified time and reserves the right to determine the number of collections which may be held on any one day on the public road so specified.
- [v] Every organisation or person, holding a public road collection is entitled to use his, her or its own identifiable collection boxes and if any organisation or person does not possess any boxes, the Council's collection boxes may be used upon payment of the prescribed fee.

[3.16] Control of stormwater and watercourses on public road

- [i] No person may, without prior written permission of the Council, which permission may be conditional or unconditional -
 - (a) lead or discharge any water on or over or across a public road; or

- (b) by any means whatever, raise the level of water in any river, dam or watercourse so as to cause interference with or endanger any public road.
- [ii] The Council may, subject to any laws which may be applicable and after obtaining consent of the owner and the occupier, if any, of the land concerned -
 - (a) deviate any watercourse, stream or river if the deviation is necessary for the protection of a public road or structure related to a public road or for the construction of a structure connected with or belonging to a public road;
 - (b) divert stormwater from or under any public road onto private property other than land occupied by buildings, other structures or improvements; and
 - (c) pay reasonable compensation as agreed between the owner or occupier and the Council, for any damage caused as a result of any action taken in terms of paragraph (a) or (b) or failing such agreement, compensation determined by arbitration in terms of the Arbitration Act, 1965 (Act No 42 of 1965).

[3.17] Obstruction on public roads

No person may deposit or cause to be deposited or leave or cause to be left any sand, stone, earth, bricks, timber, lime, cement or other building or excavated material of whatever nature on any portion of any public road, sidewalk or footway unless it is deposited within an enclosure in respect of which the prior written permission of the Council has been obtained.

[3.18] Planting on sidewalks

No person may plant or cause to be planted, any tree, shrub or other plant on any public road or any sidewalk, footway or road reserve forming part thereof, which obstructs or interferes with pedestrian traffic on such sidewalk, footway or road reserve or allow any such tree, shrub or plant to remain on that sidewalk, footway or road reserve.

[3.19] Permission to hoard in footway

- [i] Any person who intends erecting, removing, altering, repairing or painting any part of a building or structure or carrying out any excavation, on part of any land which is within 2 metres of a public road, must before commencing any such work, enclose or cause to be enclosed a space in front of such part of the building, structure or land by means of a hoarding, fence or other enclosure or an enclosure specified in a permit issued in terms of subsection [3.19]
- [iii]

- [ii] If the enclosure contemplated in subsection [3.19] [i] occupies or projects over any portion of a public road, the person concerned must apply for a written permit to the Council and if the person making the application is not the owner of the building or land on which the work is to be done, the owner must countersign the application.
- [iii] The Council may determine what portion of the public road is necessary for the purpose of carrying out any operations contemplated in subsection [3.19] [i], and in every case where it determines that portion of a public road may be used for such purpose, grant a permit in writing specifying the portion which may be occupied for such purpose and the conditions under which such permit is granted.
- [iv] The Council reserves the right to withhold the issue of a permit required in terms of subsection [3.19] [iii], until all prescribed fees have been paid and the acceptance of any such permit by the applicant without objection, is taken to indicate that all kerbs, gutters and other works in the portion of the public road concerned were in good order and condition on the date of issue of such permit.
- [v] Every permit granted by the Council for the erection of a hoarding, fence, scaffolding or an enclosure or a planked shed, must specify the area and precise position of that part of the public road where the enclosure, overhanging or covering is permitted and the period for which the permit is granted.

4. Offences and penalties

Any person who –

- [i] contravenes or fails to comply with any provisions of these by-laws;
- [ii] fails to comply with any notice issued in terms of these by-laws; or
- [iii] fails to comply with any lawful instruction given in terms of these by-laws; or
- [iv] who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these by-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

5. Repeal of by-laws

These by-laws repeal and replace all other by-laws relating to public roads and related items contained herein, hitherto applied in the areas now under the jurisdiction of the Senqu Municipality.

LOCAL AUTHORITY NOTICE 198



BY LAW

ROAD TRAFFIC

JULY 2005

LOCAL GOVERNMENT NOTICE**MUNICIPALITY OF SENQU**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Laws relating to Road Traffic which shall come into operation on the date of publication thereof.

BY-LAW RELATING TO ROAD TRAFFIC**1 Definitions**

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

"Goods Vehicle" means a motor vehicle other than a motorcar or bus, designed or adapted for the conveyance of goods on a public road and includes a truck-tractor, motorcycle or motor tricycle;

"Heavy motor vehicle" means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicles exceeds 3,500kg;

"Licensed Motor Vehicle Attendant" means a motor vehicle attendant who is the holder of a current licence issued in terms of these By-laws;

"Motor Vehicle Attendant" means a person who, at the request or with the consent of the person in charge of a motor vehicle, undertakes for reward to supervise or take care of such motor vehicle while it is parked in a public street;

"Municipality" means the Senqu Municipality;

"Minibus" means a motor vehicle designed or adapted solely or principally for the conveyance of a not more than nine persons but not more than sixteen persons including the driver.

"The Act" means the National Road Traffic Act 1996, as amended from time to time;

"The Regulations" means any regulations promulgated under the Act.

2. Use of Roads Demarcated into Traffic Lanes

- [2.1] When any roadway has been demarcated into traffic lanes, a driver of a vehicle shall drive so as to be entirely within a single traffic lane and shall not cause or permit his vehicle to encroach over any lane line demarcating such traffic lane, except when moving from one lane into or across another.
- [2.2] All vehicles proceeding along any public road demarcated into traffic lanes at less than the normal speed of traffic at the time and place and under the conditions then existing, all animal-drawn vehicles and all heavy motor vehicles shall be driven in the left-hand traffic lane then available for traffic or as close as practicable to the left edge of the roadway, except when overtaking another vehicle proceeding in the same direction or when making a right-hand turn.

3 Vehicles Not To Be Driven On Sidewalks

- [3.1] No person shall drive, draw or propel any vehicle (other than a perambulator, invalid's chair or the like) upon any footpath or sidewalk designed for use by pedestrians, except when it is necessary to do so to cross (by the shortest route) any such sidewalk or footpath for the purpose of entering or leaving any property abutting thereon.

4 Roller Skating And Use Of Soap Box Carts

- [4.1] No person shall use rollerskates, skateboard, soapbox cart or any similar article to which rollers or wheels are fixed or cause or permit them to be used upon a public road or sidewalk provided however that the Council in its discretion authorise the use of such in connection with organised events.

5 Control Of Parking Places

- [5.1] Whenever the public or any number of persons are entitled or allowed to use, as a parking place, any area of land, including land which is not part of a public road or a public place, law enforcement officers shall, in cases of emergency or when it is desirable in the public interest, have authority to direct and regulate traffic thereon, and no person shall disregard the instructions of any law enforcement officer while so engaged.

6 Repair Of Motor Vehicles On Public Roads Prohibited

- [6.1] No person shall repair any motor vehicle in any public street or place within the Municipality; provided that this By-law shall not prohibit the carrying out of minor repairs necessitated by a temporary or sudden stoppage of such vehicle for the purpose of setting such vehicle in motion.

7 Excessive Noise

- [7.1] No person shall operate a motor vehicle upon a public road in such a manner as to cause any excess noise that can be avoided by the exercise of reasonable care on his part.

8 Parking Regulations

- [8.1] No person operating or in charge of a vehicle on a public road shall:

- [i] allow such vehicle to remain stationary in a loading zone between the hours of 07:00 and 17:00 Mondays to Fridays and 07:00 to 12:00 Saturdays except where any such day is a Public Holiday or during such other restricted hours as may be specified in respect of any particular loading zone by a road traffic sign or marking.
- [ii] in the case of a vehicle other than a goods vehicle, for more than five minutes continuously and only while actually loading or off-loading persons or goods and while a licensed driver is in attendance at such vehicle; or
- [iii] in the case of a goods vehicle for more than thirty minutes continuously and only while the vehicle is being actually loaded or unloaded;
- [iv]
 - [a] no person shall keep any vehicle stationary in a loading zone for any other purpose. The driver of a vehicle, other than a goods vehicle, stationary in a loading zone shall remove such vehicle from there immediately upon being directed to do so by a law enforcement officer, notwithstanding that it has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.
 - [b] in the case of a vehicle other than a bus, allow such vehicle to remain stationary in a bus stop between the hours of 06h00 and 18h00.
 - [c] park such vehicle in any public road within the Municipality for a period beyond that indicated on any road traffic sign duly erected in terms of the Act or regulations as the case may be.

- [8.2] No driver or other person in charge of any vehicle which has been parked in a parking area defined as such by road traffic signs shall move such vehicle from the position in which it was parked and again park that vehicle within a distance of 22,9 metres of the place where it was so parked until an interval of thirty minutes shall have elapsed after so moving such vehicle.

- [8.3] No heavy motor vehicle designed, adopted or used for the conveyance of goods shall, without the written permission of the Chief Traffic Officer, be parked by any person between the hours of 7:00 p.m. and 5:00 a.m. anywhere in the Municipality, except on private land or on those portions of the following public

roads on which there have not been displayed road traffic signs regulating such parking.

- [8.4] No person shall park a vehicle upon a traffic island, unless directed to do so by a Law enforcement officer.
- [8.5] No dealer shall park or allow to be parked in any public road within the Municipality, any vehicle which has been placed in his custody or under his control or which is in his possession for the purpose of sale, exchange or garaging, in the course of any dealers' business carried on by him unless at the time such vehicle is being used for demonstration or testing purposes or is in the course of being delivered to the owner or purchaser thereof.
- [8.6] No person responsible for the control of a business of recovering or repairing vehicles shall park, cause or permit to be parked, in any public road or place within the Municipality any vehicle that is in an obvious state of disrepair which has been placed in his charge in the course of the said business.

9 Exemption of Medical Practitioners and Certain Nurses from Parking Restrictions

- [9.1] A registered medical practitioner or nurse, shall be exempt from the provisions of any law relating to parking in force in the Senqu municipal area when using, on *bona fide* professional domiciliary visits, a motor vehicle on which is displayed a badge conforming with the requirements of subsection (2) hereof issued on the authority of the Chief Traffic Officer.
- [9.2]
 - [i] The badge shall be a windscreen sticker badge of a design approved by the Chief Traffic Officer displaying on the face thereof, a serial number, and the name of the person to whom it is issued.
 - [ii] The badge shall be displayed on the lower nearside corner of the windscreen and shall have a pocket in which is inserted a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked. The address shown on the card must be easily legible from outside the vehicle.
 - [iii]
 - [a] Written application for the issue of a badge shall be made in a form approved by the Chief Traffic Officer.
 - [a] The Chief Traffic Officer shall keep a register in which he shall record the serial number allocated by him of the badge the issue of which has been authorised by him and the name of the holder.
 - [c] No duplicate badge shall be issued without the prior consent of the Chief Traffic Officer.

- [d] Where the Chief Traffic Officer has reason to believe that any holder is abusing the privileges conferred by a badge he shall notify the issuing body which shall thereupon withdraw the badge from the holder and the privileges conveyed by the badge shall thereupon cease.

10 Prohibitions and Restrictions on use of Certain Roads by bll br Certain Classes of Vehicles

- [10.1] [i] Except with the written permission of the Chief Traffic Officer, no person shall operate any animal drawn vehicle on any public road within the Municipality.
- [ii] In granting any permission in terms of (a) hereof, the Chief Traffic Officer may impose any restrictions or conditions that he may deem necessary in the interest of traffic.

11 Pedestrian Crossings

- [11.1] [i] Where marked pedestrian crossings are in existence within an intersection, no pedestrian shall cross or attempt to cross such intersection except within any such marked pedestrian crossing.
- [ii] Wherever a robot (or traffic control light signal) embodying pedestrian signals is in operation at an intersection, no pedestrian shall commence to cross the roadway in any pedestrian crossing at such intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which he is proceeding; provided that where no pedestrian signals are in operation at an intersection, but such intersection is controlled by a robot (or traffic control light signal), no pedestrian shall commence to cross the roadway in any pedestrian crossing at such intersection while the red light of such robot, or traffic control light signal is displayed in the direction opposite to that in which he is proceeding.
- [iii] Wherever a robot (or traffic control light signal) embodying pedestrian signals is in operation at a pedestrian crossing elsewhere than at an intersection, no pedestrian shall commence to cross the roadway in such pedestrian crossing when the red light of a pedestrian signal is displayed in the direction opposite to that in which he is proceeding.
- [11.2] A pedestrian crossing the roadway within a demarcated pedestrian crossing, whether at an intersection or otherwise, shall walk on the left of such pedestrian crossing.

[11.3] No person or persons shall sit or lie on any sidewalk, footpath or public road, neither shall any persons stand, congregate or walk so as to obstruct the movement of traffic or to the annoyance or inconvenience of the public after being requested by a law enforcement officer to move on or disperse.

[11.4] No pedestrians, when in or upon a public road, shall carelessly, negligently or recklessly disregard or endanger his own safety or the safety of any person or vehicle using the public road.

12 Motor Vehicle Attendants

[12.1] No person shall act as motor vehicle attendant within the Municipality, except under authority of a written permit granted by the Chief Traffic Officer, which permit the Chief Traffic Officer may grant, subject to such conditions as he may determine, or refuse.

[12.2] Every permit granted in terms of subsection (1) hereof shall, unless cancelled or suspended in terms of subsection (6) hereof, be valid until the 31st December of the year of issue.

[12.3] No person authorised in terms of this By-law to act as a motor vehicle attendant shall charge an amount more than that determined by the Council from time to time for his services in connection with any one motor vehicle.

[12.4] Every motor vehicle attendant shall, upon demand by a law enforcement officer or a member of the public who engages or proposes to engage his services, produce the permit issued to him in terms of subsection (1) hereof.

[12.5] A permit granted in terms of subsection [12.1] hereof may be revoked or suspended by the Chief Traffic Officer if the holder thereof -

- [i] commits a breach of this By-law or of any condition subject to which the permit was granted;
- [ii] leaves unattended any motor vehicle left in his care;
- [iii] while performing his duties as a motor vehicle attendant, is or becomes intoxicated;
- [iv] directs the driver of any motor vehicle into an area in which the parking or stopping of vehicles is prohibited;
- [v] fails to observe or carry out the lawful instructions of any law enforcement officer.

[12.5] With the exception of a person holding a permit issued in terms of subsection [12.1] hereof who has been authorised by the Chief Traffic Officer in writing specifically or generally to do so, or who is acting on the authority or under the control a law enforcement officer, no person shall -

- [i] on more than one occasion within any period of 30 minutes direct or offer to direct the driver of any motor vehicle into any area on a public street or public place; or
- [ii] in a public street or public place make an offer to provide care for or supervision of a motor vehicle whilst it is parked in such street or place.

[12.6] No person shall in a public street or public place -

- [i] clean or wash any motor vehicle; or
- [ii] offer to clean or to wash any motor vehicle.

[2.7] No person shall in a public street or public place inform or threaten the driver or person in charge of a motor vehicle that such vehicle will or may suffer damage or be stolen unless it is left in his care or under his supervision.

[12.8] If on a charge of contravening any of the provisions of this section the accused person avers that the driver or person in charge of a motor vehicle made a request of him concerning the motor vehicle, the onus of proof in respect thereof shall rest upon the accused person.

13 Penalties

Any person who contravenes any of the provisions of these By-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R200 in the case of a first conviction, or in the case of a second or subsequent conviction, for the same offence, a fine not exceeding R400, or in default of payment of any fine imposed in either case, imprisonment for any period not exceeding three months.

14 Repeals

These by-laws repeal and replace all other by-laws relating to road traffic hitherto applied in the areas now under the jurisdiction of the Senqu Municipality.

LOCAL AUTHORITY NOTICE 199



By-law

Street Lighting

JULY 2005

SENQU MUNICIPALITY**MUNICIPAL NOTICE**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law relating to Street Lighting which by-law shall come into operation on the date of publication thereof.

STREET LIGHTING BY-LAW**1. Purpose and Intent**

It is the intent of this bylaw is to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems in the Senqu Municipality. The purpose of this bylaw is standardize lighting systems to be designed, constructed, and installed to: control glare and light trespass, minimize obtrusive light, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment.

2. Definitions

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

"Shielded" Means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected within the property on which the light is mounted.

"Outdoor lighting fixture". Means an outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including searchlights, spotlights or floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, security lighting, billboards or street lighting.

"Zone of Vision". The central area that the eye can see clearly without moving and is surrounded by the peripheral vision.

"Installed Lighting". Attached, or fixed in place, whether or not connected to a power source.

“Fully-shielded lights”: (also know as full cut-off lights) Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

“Luminaire”. Means the complete lighting system, including the lamp and the fixture

“Lumen”. The unit used to measure the actual amount of light, which is produced by a lamp.

Examples of lamp types of 4050 lumens and below are (the acceptability of a particular light is decided by its lumen output, not wattage; check manufacturer's specifications):

- [i] 200 Watt Standard Incandescent
- [ii] 150 Watt Tungsten-Halogen (quartz)
- [iii] 50 Watt High Pressure Sodium
- [iv] 50 Watt Cool White Fluorescent
- [v] 30 Watt Low Pressure Sodium

“Watt”. The unit used to measure the electrical power consumption of a lamp.

“Foot-candle”. A unit of luminance amounting to one lumen per square foot.

“Lux (lx)”.- The SI unit of luminance. One lux is one lumen per square meter.

“Sky Glow”.. Is when light emitting from a luminaire shining into the sky and reflected by humidity and dust

“Glare”.. Is caused by a harsh uncomfortably bright light emitting from a luminaire shining into the cone of vision causing reduced vision or momentary blindness when shining into one's cone of vision.

“Light Trespass”: The shining of light, produced by a luminaire, not exceeding 0.5 foot-candle 1 meter beyond the property line on which it is located.

“Direct Light”... Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

“Up-light”... Any light form a luminaire that shines above the horizontal at angles above the horizontal plane, causing illumination of the sky.

3 Shielding Of Outdoor Light Fixtures

- [3.1] All outdoor lighting fixtures shall be shielded, to minimize up-light. Building mounted incandescent type fixtures shall be shielded or activated by motion sensor.
- [3.2] Outdoor floodlighting shall be shielded in such a manner that the lighting system will not produce light trespass.

4 Limiting Trespassing of Light Beyond Property Line

- [4.1] All light fixtures, shall be located, aimed and or shielded so as no direct light trespasses beyond the property line on which the light is mounted. City lighting is limited to a higher trespass of 0.5 footcandle at 3 meters beyond the property line, but the direct light must be aimed at the designated design area.

5 Nonconforming Light Fixtures

- [5.1] In addition to other exemptions provided in the Bylaw, an outdoor lighting fixture not meeting these provisions shall be allowed if the fixture is extinguished by an automatic shutoff device between sundown and sunrise.
- [5.2] No outdoor recreational facility, whether public or private, shall be illuminated after sundown except when the facility is in use.
- [5.3] The use of searchlights or laser source light or any similar high intensity light for outdoor advertising or entertainment, except in emergencies by police and fire personnel or at their direction; or for meteorological data gathering purposes is prohibited. Temporary exemption to this may be granted if approved by Council.

6 New Construction

[6.1] Submission Contents

- [i] The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this Code. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit:
- [ii] Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
- [iii] Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections

where required); photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off or light emissions; a map of the lighting distribution with intensity levels and a summary of calculations.

[6.2] Additional Submission.

The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this By-law will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

[6.3] Construction Development Plan Certification.

If any development proposes to have installed street or other common or public area outdoor lighting, the final plan shall contain a statement certifying that the applicable provisions of the Senqu Municipality Outdoor Lighting By-law will be adhered to.

[6.4] Lamp or Fixture Substitution.

Should any outdoor light fixture or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building official for his approval, together with adequate information to assure compliance with this By-law, which must be received prior to substitution.

7. Exemptions

[7.1] The following are exempt from the requirements:

- [i]** All residential outdoor light fixtures using any incandescent lamp or lamps of 100 total watts or less are exempt from all requirements of this bylaw.
- [ii]** Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within does not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects.
- [ii]** Navigational and general life safety lighting systems required.

8. Violations, Legal Actions, and Penalties

[8.1] Violation

It shall be a civil infraction for any person to violate any of the provisions of this By-law. Each and every day during which the violation continues shall constitute a separate offense.

[8.2] Violations and Legal Actions

If, after investigation, the By-law Enforcement Officer finds that any provision of the By-law is being violated, he shall give notice by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the thirty-day period, the By-law Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this By-law and to collect the penalties for such violations.

[8.3] Penalties

A violation of this By-law, or any provision thereof, shall be punishable by a civil penalty to be determined by Council from time to time, for any corporation, association, or other legal entity) for each violation. The imposition of a fine under this By-law shall not be suspended. Each day of violation after the expiration of the thirty-day period provided in paragraph 8.2 shall constitute a separate offense for the purpose of calculating the civil penalty.

9 Repeals

Any by-law relating to Street Lighting adopted by the Municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

LOCAL AUTHORITY NOTICE 200



By-law

**Unsightly and
Neglected Buildings and Premises**

JULY 2005

LOCAL GOVERNMENT NOTICE**MUNICIPALITY OF SENQU**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Laws relating to Unsightly and Neglected Buildings and Premises which shall come into operation on the date of publication thereof.

**BY-LAW RELATING TO UNSIGHTLY AND
NEGLECTED BUILDINGS AND PREMISES****1 Definitions**

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

“building” has the meaning assigned thereto in section 1 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), as amended;

“Council” means the Municipal Council of Senqu and includes any employee to whom the Council has delegated powers to enforce and/or perform duties in terms of these by-laws;

“municipal area” means the area under the jurisdiction and control of the Council;

“owner” means

- [a] The person in whom from time to time is vested the legal title to premises;
- [b] In a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative.
- [c] In a case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises with a building thereon;
- [d] In the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof
- [e] In relation to –
 - [i] A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act 95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property, or

- [ii] A section as defined in such Act, the person in whose name such a section is registered under a sectional title deed and includes the lawfully appointed agent of such a person
- [f] any legal person including but not limited to:
 - [i] A company registered in terms of the Companies Act, 1973 (Act 61 of 1973), a Trust, a Closed Corporation registered in terms of the Closed Corporations Act, 1984 (Act 69 of 1984) and a Voluntary Association.
 - [ii] Any Department of State.
 - [iii] Any Council of Board established in terms of any legislation applicable to the Republic of South Africa.
 - [iv] Any Embassy or other foreign entity.

“premises” means any land, whether vacant, occupied or with buildings thereon, situated within the municipal area.

2 Where upon any premises there is, in the opinion of the Council-

- [2.1] a building which is unsightly, neglected or offensive and which causes the value of surrounding properties to be detrimentally affected;
- [2.2] a growth of neglected lawns, trees shrubs or other cultivated vegetation.
- [2.3] An unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material;
- [2.4] An accumulation of motor wrecks or used motor parts, which -
 - [i] detracts from the appearance of surrounding properties, or
 - [ii] is offensive to the owners or occupiers of adjacent premises-

the Council shall serve a notice in writing on the owner or occupier of such premises requiring him or her or it to improve such building or the condition of such premises to a standard acceptable to the Council which standard shall be stated in the notice within a specified period which shall not exceed ninety (90) days from the date of the notice.

3 If the owner fails to comply with the requirements of the notice served on him or her or it in terms of Section 2 of these by-laws within the period specified in such notice, such owner shall be guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months.

- 4 Alternatively and instead of instituting legal action against the owner in terms of Section 3 of these by-laws and provided no written objections from such owner have been received before the expiry date of the period specified in the notice served on him, her or it, the Council shall assume that such owner has no objection and tacitly agrees that the Council may, without any further notice to him or her or it, enter upon such premises and, at his or her or its cost and through its officials or a contractor appointed by the Council on a tender or quotation basis, execute the work necessary to comply with the requirements of the said notice.
- 5 The Council shall be entitled to recover the cost of the work undertaken in terms of Section 4 in any court of law from the owner so in default.
- 6 A certificate under the hand of the Municipal Manager of the Municipality stating the cost of the work referred to in Section 5 shall be conclusive proof thereof.
- 7 Any by-laws promulgated by the Senqu Municipality or any Municipal Council of an administrative unit now forming part of the said Municipality and pertaining to any matter regulated in these by-laws shall, from the date of promulgation of these by-laws, be repealed.

LOCAL AUTHORITY NOTICE 201



By Law

**WATER SUPPLY, SANITATION SERVICES
AND INDUSTRIAL EFFLUENT**

July 2005

SENQU MUNICIPALITY**MUNICIPAL NOTICE**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Laws relating to Water Supply, Sanitation Services and Industrial Effluent which shall come into operation on the date of publication thereof.

**BY-LAWS RELATING TO WATER SUPPLY,
SANITATION SERVICES AND INDUSTRIAL EFFLUENT****CHAPTER I****General provisions****Part 1: Definitions****1 Definitions**

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

"accommodation unit" in relation to any premises, means a building or Section of a building occupied or used or intended for occupation or use for any purpose;

"Act" means the Water Services Act, 1997 [Act No. 108 of 1997], as amended from time to time;

"approved" means approved by the Municipality;

"authorised agent" means a person authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power under, these by-laws;

"best practicable environmental option" means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

"borehole" means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;

"Building Regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977];

"communal water services work" means a consumer connection through which water services are supplied to more than one person;

"connection pipe" means a pipe, the ownership of which is vested in the Municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I;

"connecting point" means the point at which the drainage installation joins the connecting sewer;

"connecting sewer" means a pipe owned by the Municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way leave or by agreement;

"consumer" means –

- [a] any occupier of any premises to which or on which the Municipality has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the Municipality for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the Municipality has agreed to provide water services; or
- [b] a person that obtains access to water services provided through a communal water services work;

"drain" means that portion of the drainage installation that conveys sewage within any premises;

"drainage installation" means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;

"drainage work" includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;

"duly qualified sampler" means a person who takes samples for analysis from the sewage disposal and storm water disposal systems and from public waters and who has been certified to do so by an authorised agent;

"effluent" means any liquid whether or not containing matter in solution or suspension;

"emergency" means any situation that poses a risk or potential risk to life, health, the environment or property;

"environmental cost" means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;

"fire hydrant" means an installation that conveys water for fire fighting purposes only;

"fixed quantity water delivery system" means a water installation, which delivers a fixed quantity of water to a consumer in any single day;

"flood level [1 in 50 year]" means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;

"flood plain [1 in 50 year]" means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;

"high strength sewage" means sewage with a strength or quality greater than standard domestic effluent;

"industrial effluent" means effluent emanating from industrial use of water, includes for purposes of these by-laws, any effluent other than standard domestic effluent or storm water;

"installation work" means work in respect of the construction of, or carried out on a water installation;

"main" means a pipe, other than a connection pipe, vesting in the Municipality and used by it for the purpose of conveying water to a consumer;

"measuring device" means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;

"meter" means a water meter as defined by the Regulations published in terms of the Trade Metology Act, 1973 [Act No. 77 of 1973], or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;

"Municipality" means the Municipality of Senqu and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"occupier" means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

"owner" means -

- [a] the person in whom from time to time is vested the legal title to premises;
- [b] in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- [c] in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
- [d] in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- [e] in relation to -
 - [i] a piece of land delineated on a Sectional plan registered in terms of the Sectional Titles Act, 1986 [Act No. 95 of 1986], the developer or the body corporate in respect of the common property, or
 - [ii] a Section as defined in the Sectional Titles Act, 1986 [Act No. 95 of 1986], the person in whose name such Section is registered under a Sectional title deed and includes the lawfully appointed agent of such a person;

"person" means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

"pollution" means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it -

- [a] less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- [b] harmful or potentially harmful -
 - [i] to the welfare, health or safety of human beings;
 - [ii] to any aquatic or non-aquatic organism;

"premises" means any piece of land, the external surface boundaries of which are delineated on -

- [a] a general plan or diagram registered in terms of the Land Survey Act, 1927 [Act No. 9 of 1927], or in terms of the Deeds Registries Act, 1937 [Act No. 47 of 1937]; or

[b] a Sectional plan registered in terms of the Sectional Titles Act, 1986 [Act No. 95 of 1986];

[c] a register held by a tribal authority;

"prescribed tariff or charge" means a charge prescribed by the Municipality;

"public notice" means notice to the public in a manner determined by the council;

"public water" means any river, watercourse, bay, estuary, the sea and any other water to which the public has the right of use or to which the public has the right of access;

"sanitation services" has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and the disposal of industrial effluent;

"service pipe" means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

"sewage" means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include storm water;

"sewage disposal system" means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the Municipality and which may be used by it in connection with the disposal of sewage.

"sewer" means any pipe or conduit which is the property of or is vested in the Municipality and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;

"standard domestic effluent" means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality, but shall not include industrial effluent;

"storm water" means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

"terminal water fitting" means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;

"trade premises" means premises upon which industrial effluent is produced;

"water fitting" means a component of a water installation, other than a pipe, through which water passes or in which it is stored;

"water installation" means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the Municipality;

"water services" has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and the disposal of industrial effluent;

"water supply services" has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and the disposal of industrial effluent;

"water supply system" means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the Municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

"wet industry" means an industry which discharges industrial effluent; and

"working day" means a day other than a Saturday, Sunday or public holiday.

[1.1] Any word or expression used in these by-laws to which a meaning has been assigned in –

[i] the Act will bear that meaning; and

[ii] the National Building Regulations and Building Standards Act, 1997 [Act No. 103 of 1977], the Building Regulations will in respect of Chapter III bear that meaning, unless the context indicates otherwise.

[1.2] Any reference in Chapter I of these by-laws to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which it is applicable.

Part 2: Application for water services

2 Application for water services

[2.1] No person shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the Municipality on the prescribed form for such services for a specific purpose and to which such application has been agreed.

[2.2] Where a premises or consumer are provided with water services, it shall be deemed that an agreement in terms of subsection [2.1] exists.

- [2.3] The Municipality must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the tariffs and / or charges associated with each level of services.
- [2.4] A consumer must elect the available level of services to be provided to him or her or it.
- [2.5] A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such services are available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- [2.6] An application agreed to by the Municipality shall constitute an agreement between the Municipality and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- [2.7] A consumer shall be liable for all the prescribed tariffs and / or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these by-laws or until such time as any arrears have been paid.
- [2.8] In preparing an application form for water services the Municipality will ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person. In the case of illiterate or similarly disadvantaged persons, the Municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- [2.9] An application form will require at least the following minimum information -
- [i] certification by an authorised agent that the applicant is aware of and understands the contents of the form;
 - [ii] acceptance by the consumer of the provisions of these by-laws and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
 - [iii] name of consumer;
 - [iv] address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
 - [v] address where accounts will be sent;
 - [vi] source of income of the applicant;

- [vii] name and address of the applicant's employer, where appropriate;
- [viii] if water will be supplied, the purpose for which the water is to be used; and
- [ix] the agreed date on which the provision of water services will commence.

[2.10] Water services rendered to a consumer are subject to the provisions of these by-laws and the conditions contained in the relevant agreement.

[2.11] If a municipality refuses an application for the provision of water services or is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services, the Municipality will inform the consumer of such refusal and/or inability, the reasons therefor and, if applicable, when the Municipality will be able to provide such water services.

3 Special agreements for water services

The Municipality may enter into a special agreement for the provision of water services to -

- [3.1] an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
- [3.2] an applicant outside its area of jurisdiction, if such application has been approved by the Municipality having jurisdiction in the area in which the premises are situated.

Part 3: Tariffs and charges

4 Prescribed tariffs and charges for water services

All tariffs and or charges payable in respect of water services rendered by the Municipality in terms of these by-laws, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date will be determined by the Municipality by a resolution passed by the Council in accordance with:

- [4.1] its tariff policy;
- [4.2] any by-laws in respect thereof; and
- [4.3] any regulations in terms of Section 10 of the Act.

[5] Fixed charges for water services

[5.1] The Municipality may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with –

- [i]** its tariff policy;
- [ii]** any by-laws in respect thereof; and
- [iii]** any regulations in terms of Section [10] of the Act.

[5.2] Where a fixed charge is levied in terms of subsection [1], it shall be payable by every owner or consumer in respect of water services provided by the Municipality to him, her or it, whether or not water services are used by him, her or it.

Part 4: Payment**6 Payment of deposit**

[6.1] Every consumer must, on application for the provision of water services and before such water services will be provided by the Municipality, deposit with the Municipality a sum of money as determined in terms of the Municipality's credit control policy except in the case of a pre-payment measuring device being used by the Municipality.

[6.2] The Municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.

[6.3] No interest shall be payable by the Municipality on the amount of a deposit held by it in terms of this Section.

[6.4] An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the Municipality if it has not been claimed within twelve months of the termination of the agreement.

7 Payment for water services provided

[7.1] Water services provided by the Municipality to a consumer shall be paid for by the consumer at the prescribed tariff or charge determined in accordance with Sections 4 and 5, for the particular category of water services provided.

[7.2] A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.

- [7.3] The Municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.

Part 5: Accounts

8 Accounts

- [8.1] Monthly accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the Municipality.
- [8.2] Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable.

Part 6: Termination, limitation and discontinuation of water services

9 Termination of agreement for the provision of water services

- [9.1] A consumer may terminate an agreement for the provision of water services by giving to the Municipality notice in writing of his or her intention to do so.
- [9.2] The Municipality may, by notice in writing of not less than thirty working days, advise a consumer of the termination of his, her or its agreement for the provision of water services if -
- [i] he, she or it has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;
 - [ii] he, she or it has failed to comply with the provisions of these by-laws and has failed to rectify such failure to comply on notice in terms of Section 17.
 - [iii] in terms of an arrangement made by it with another water services institution to provide water services to the consumer.
- [9.3] The Municipality may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

10 Limitation and / or discontinuation of water services provided

- [10.1] The Municipality may limit or discontinue water services provided in terms of these by-laws -

- [i] on failure to pay the prescribed tariffs or charges on the date specified in the Municipality's by-laws relating to credit control.
 - [ii] on failure to comply with any other provisions of these by-laws, after notice in terms of Section 17 were given;
 - [iii] at the written request of a consumer;
 - [iv] if the agreement for the provision of services has been terminated in terms of Section 9 and it has not received an application for subsequent services to the premises within a period of 90 [ninety] days of such termination;
 - [v] the building on the premises to which services were provided has been demolished;
 - [vi] if the consumer has interfered with a limited or discontinued service; or
 - [vii] in an emergency.
- [10.2] The Municipality will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of subsection [1].

Part 7: General provisions

11 Responsibility for compliance with these by-laws

- [11.1] The owner of premises is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to any installation.
- [11.2] The consumer is responsible for compliance with these by-laws in respect of matters relating to the use of any installation.

12 Exemption

- [12.1] The Municipality may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of these by-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the Municipality shall not grant exemption from any Section of these by-laws that may result in -
- [i] the wastage or excessive consumption of water;
 - [ii] the evasion or avoidance of water restrictions;
 - [iii] significant negative effects on public health, safety or the environment;

- [iv] the non-payment for services;
- [v] the installation of pipes and fittings which are not approved in terms of these by-laws; and
- [vi] the Act, or any regulations made in terms thereof, is not complied with.

[12.2] The Municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection [1].

13 Unauthorised use of water services

[13.1] No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Municipality for the rendering of those services.

[13.2] The Municipality may, irrespective of any other action it may take against such person in terms of these by-laws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the Municipality for the rendering of those services,

- [i] to apply for such services in terms of Sections 2 or 3; and
- [ii] to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these by-laws.

[13.3] The provisions of Section 17 shall apply to a notice in terms of subsection [13.2] above.

[14] Change in purpose for which water services are used

Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the Municipality.

[15] Interference with water supply system or any sanitation services

[15.1] No person other than the Municipality shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these by-laws or an authorised agent.

[15.2] No person other than the Municipality shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

16 Obstruction of access to water supply system or any sanitation services

- [16.1] No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- [16.2] If a person contravenes subsection [1], the Municipality may -
- [i] by written notice require such person to restore access at his or her own expense within a specified period; or
 - [ii] if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

[17] Notices and documents

- [17.1] A notice or document issued by the Municipality in terms of these by-laws must be deemed to be duly authorised if the authorised agent signs it.
- [17.2] If a notice or document is to be served on an owner, consumer or any other person in terms of these by-laws such service shall be effected by -
- [i] delivering it to him or her personally or to his or her duly authorised agent;
 - [ii] delivering it at his or her residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
 - [iii] if he or she has nominated an address for legal purposes, delivering it to such an address;
 - [iv] if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;
 - [v] sending by pre-paid registered or certified post addressed to his or her last known address;
 - [vi] in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
 - [vii] if service cannot be effected in terms of subsections [a] to [f], by affixing it to a principal door of entry to the premises concerned.
- [17.3] In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

18 Power to serve and compliance with notices

- [18.1] The Municipality may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of these by-laws or of any condition imposed thereunder to remedy such breach within a period specified in the notice.
- [18.2] If a person fails to comply with a written notice served on him or her by the Municipality in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including –
- [i] undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - [ii] limiting or discontinuing the provision of services; and
 - [iii] instituting legal proceedings.
- [18.3] A notice in terms of sub-Section [1] will –
- [i] give details of the provision of these by-laws not complied with;
 - [ii] give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - [iii] specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
 - [iv] specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
 - [v] indicate that the Municipality –
 - [a] may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - [b] may take any other action it deems necessary to ensure compliance.
- [18.4] In the event of an emergency the Municipality may without prior notice undertake the work required by subsection [3][e][i] and recover the costs from such person.

- [18.5] The costs recoverable by the Municipality in terms of subsections [18.3] and [18.4] is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

19 Power of entry and inspection

- [19.1] A municipality may enter and inspect any premises –

- [i] for the purposes set out in and in accordance with the provisions of Section 80 of the Act;
- [ii] for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

[20] False statements or information

No person shall make a false statement or furnish false information to the Municipality or falsify a document issued in terms of these by-laws.

[21] Offences

- [21.1] No person may –

- [i] unlawfully and intentionally or negligently interfere with any water services works of the Municipality;
- [ii] refuse or neglect to provide information or provide false information reasonably requested by the Municipality;
- [iii] refuse to give access required by a municipality in terms of Section 19;
- [iv] obstruct or hinder a municipality in the exercise of his or her powers or performance of his or her functions or duties under these by-laws;
- [v] contravene or fail to comply with a provision of these by-laws;
- [vi] contravene or fail to comply with a condition or prohibition imposed in terms of these by-laws;
- [vii] contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of these by-laws; or

[i] fail to comply with the terms of a notice served upon him or her in terms of these by-laws;

[21.2] Any person who contravenes any of the provisions of subsection 1 shall be guilty of an offence and liable on conviction to:

[i] a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,

[ii] in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,

[iii] a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality result of such contravention or failure.

CHAPTER II

Water supply services

Part 1: Connection to water supply system

22 Provision of connection pipe

[22.1] If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.

[22.2] If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.

23 Location of connection pipe

[23.1] A connection pipe provided and installed by the Municipality shall -

[i] be located in a position agreed to between the owner and the Municipality and be of a suitable size as determined by the Municipality;

[ii] terminate at -

- [a] the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right; or
- [b] the outlet of the water meter if it is situated on the premises; or
- [c] the isolating valve if it is situated on the premises.

[23.2] In reaching agreement with an owner concerning the location of a connection pipe, the Municipality shall ensure that the owner is aware of:

- [i] practical restrictions that may exist regarding the location of a connection pipe;
- [ii] the cost implications of the various possible locations of the connection pipe;
- [iii] whether or not the Municipality requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Municipality to connect to such installation.

[23.3] A municipality may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the Municipality and for obtaining at his or her cost, such servitudes over other premises as may be necessary.

[23.4] An owner must pay the prescribed connection charge.

24 Provision of single water connection for supply to several consumers on same premises

[24.1] Notwithstanding the provisions of Section 22 only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.

[24.2] Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Municipality may, in its discretion, provide and install either -

- [a] a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - [b] a separate measuring device for each accommodation unit or any number thereof.
- [24.3] Where the Municipality has installed a single measuring device as contemplated in subsection [2][a], the owner or the person having the charge or management of the premises, as the case may be, -
- [a] must, if the Municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units –
 - [i] a separate measuring device; and
 - [ii] an isolating valve; and
 - [b] will be liable to the Municipality for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- [24.4] Notwithstanding subsection [1], the Municipality may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising Sectional title units if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- [24.5] Where the provision of more than one connection pipe is authorised by the Municipality under subsection [4], the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

25 Interconnection between premises or water installations

- [25.1] An owner of premises shall ensure that no interconnection exists between –
- [a] the water installation on his or her premises and the water installation on other premises; or
 - [b] where several accommodation units are situated on the same premises, the water installations of the accommodation units;
- unless he or she has obtained the prior written consent of the Municipality, and complies with any conditions that it may have imposed.

26 Disconnection of water installation from connection pipe

- [26.1] The Municipality may disconnect a water installation from the connection pipe and remove the connection pipe if -
- [a] the agreement for supply has been terminated in terms of Section 9 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
 - [b] the building on the premises concerned has been demolished.

Part 2: Communal water services works**27 Provision of a water services work for water supply to several consumers**

- [27.1] A municipality may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate, provided that the consumers to whom water services will be provided through that water services work has been consulted in respect of the level of service, tariff that will be payable and location of the work.

Part 3: Temporary supply**28 Water supplied from a hydrant**

- [28.1] The Municipality may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.
- [28.2] A person who desires a temporary supply of water referred to in subsection [1] must apply for such water services in terms of Section 2.
- [28.3] The supply of water in terms of subsection [1] must be measured.
- [28.4] The Municipality may for purposes of measuring provide a portable water meter to be returned to the Municipality on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the Municipality and will be provided subject any conditions imposed by the Municipality.

Part 4: Standards and general conditions of supply**29 Quantity, quality and pressure**

- [29.1] Water supply services provided by the Municipality will comply with the minimum standards set for the provision of water supply services in terms of Section 9 of the Act.

30 General conditions of supply

- [30.1] The Municipality may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will be responsible therefor.
- [30.2] The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- [30.3] If in the opinion of the Municipality the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

Part 5: Measurement of water supply services**31 Measuring of quantity of water supplied**

- [31.1] The Municipality will measure the quantity of water supplied at regular intervals.
- [31.2] Any measuring device through which water is supplied to a consumer by the Municipality and its associated apparatus shall be provided and installed by the Municipality, shall remain its property, and may be changed and maintained by the Municipality when deemed necessary by it.
- [31.3] The Municipality may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- [31.4] If the Municipality installs a measuring device on a service pipe in terms of subsection [3], it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
- [31.5] If the Municipality installs a measuring device together with its associated apparatus on a service pipe in terms of subsection [3], the owner shall -

- [a] provide a place satisfactory to the Municipality in which to install it;
 - [b] ensure that unrestricted access is available to it at all times;
 - [c] be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - [d] ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation; and
 - [e] make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Municipality on the measuring device.
- [31.6] No person other than an authorised agent shall -
- [a] disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - [b] break a seal which the Municipality has placed on a meter; or
 - [c] in any other way interfere with a measuring device and its associated apparatus.
- [31.7] If the Municipality considers that, in the event of the measuring device being a meter, that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- [31.8] The Municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

32 Quantity of water supplied to consumer

- [32.1] For purposes of assessing the quantity of water measured by a measuring device installed by the Municipality on the premises of a consumer or, where applicable, estimated or determined by the Municipality in terms of any provision of these by-laws, it will, for the purposes of these by-laws, be deemed, unless the contrary can be proved, that -
- [a] the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - [b] the measuring device was accurate during such period;

- [c] the entries in the records of the Municipality were correctly made; and
 - [d] if water was supplied to, or taken by a consumer without its passing through a measuring device, the estimate by the Municipality of the quantity of such water was correct.
- [32.2] Where water supplied by the Municipality to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Municipality, the Municipality may for the purpose of rendering an account estimate, in accordance with subsection [3], the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.
- [32.3] For the purposes of subsection [2], an estimate of the quantity of water supplied to a consumer shall be based on, as the Municipality may decide -
- [a] the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in subsection [2] was discovered; or
 - [b] the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in subsection [3][a].
- [32.4] Nothing in these by-laws shall be construed as imposing on the Municipality an obligation to cause any measuring device installed by the Municipality on any premises to be measured at the end of every month or any other fixed period, and the Municipality may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.
- [32.5] The Municipality must, on receipt from the consumer of written notice of not less than 7 [seven] days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
- [32.6] If a contravention of Section 31[6] occurs, the consumer shall pay to the Municipality the cost of such quantity of water as in the Municipality's opinion was supplied to him or her.
- [32.7] Until such time that a measuring device has been installed in respect of water supplied to a consumer, the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.

- [32.8] Where in the opinion of the Municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the Municipality may in terms of its tariff policy determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.

33 Defective measurement

- [33.1] If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the Municipality is defective he or she may take the steps as provided for in the Municipality's by-laws relating to credit control and debt collection.

34 Special measurement

- [34.1] If the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.
- [34.2] The installation of a measuring device referred to in subsection [1], its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality.
- [34.3] The provisions of Sections 31[5] and 31[6] shall apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection [1].

35 No reduction of amount payable for water wasted

- [35.1] A consumer shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

Part 6: Installation work

36 Approval of installation work

- [36.1] If an owner wishes to have installation work done, he or she must first obtain the Municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- [36.2] Application for the approval referred to in subsection [1] shall be made on the prescribed form and shall be accompanied by -
- [a] the prescribed charge, if applicable;

- [b] copies of the drawings as prescribed by the Municipality, giving information in the form required by clause 4.1.1 of SABS Code 0252 : Part I; and
 - [c] a certificate certifying that the installation has been designed in accordance with SABS Code 0252 : Part I or has been designed on a rational basis.
- [36.3] The provisions of subsections [1] and [2] shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- [36.4] Authority given in terms of subsection [1] shall lapse at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
- [36.5] A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of subsection 1.
- [36.6] If installation work has been done in contravention of subsection [1] or [2], the Municipality may by written notice require the owner of the premises concerned to –
- [a] comply with that regulation within a specified period;
 - [b] if work is in progress, to cease the work; and
 - [c] to remove all such work which does not comply with these by-laws.

37 Provision and maintenance of water installations

- [37.1] An owner must provide and maintain his or her water installation at his or her own cost and, where permitted in terms of subsection [2], must ensure that the installation is situated within the boundary of his or her premises.
- [37.2] Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his or her premises, an owner shall obtain the written consent of the Municipality or the owner of the land on which such portion is situated, as the case may be.

38 Use of pipes and water fittings to be authorised

- [38.1] No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the Municipality.

- [38.2] Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection [1] must be made on the form prescribed by the Municipality and be accompanied by the prescribed charge.
- [38.3] A pipe or water fitting may be included in the Schedule referred to in subsection [1] if -
- [a] it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - [b] it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.
- [38.4] The Municipality may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.
- [38.5] A pipe or water fitting shall be removed from the Schedule if it -
- [a] no longer complies with the criteria upon which its inclusion was based; or
 - [b] is no longer suitable for the purpose for which its use was accepted.
- [38.6] The current schedule shall be available for inspection at the office of the Municipality at any time during working hours.

39 Labelling of terminal water fittings and appliances

- [39.1] All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:
- [a] the range of pressure in kPa over which the water fitting or appliance is designed to operate;
 - [b] the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures -
 - [i] 20 kPa
 - [ii] 100 kPa
 - [iii] 400 kPa

Part 7: Water pollution, restriction and wasteful use of water**40 Owner to prevent pollution of water**

[40.1] An owner shall provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health or adversely affect the potability of water or affect its fitness for use, into -

- [a] the water supply system; and
- [b] any part of the water installation on his or her premises.

41 Water restrictions

[41.1] The Municipality may by public notice to prevent the wasteful use of water in terms of Section 42 or in the event of a water shortage, drought or flood -

- [a] prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for -

- [i] specified purposes;
- [ii] during specified hours of the day or on specified days; and
- [iii] in a specified manner; and

- [b] determine and impose -

- [i] limits on the quantity of water that may be consumed over a specified period;
- [ii] charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subsection [1][b][i]; and
- [iii] a general surcharge on the prescribed charges in respect of the supply of water; and

- [c] impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.

[41.2] The Municipality may limit the application of the provisions of a notice contemplated by subsection [1] to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.

[41.3] The Municipality may -

- [a] take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of sub-section [1]; or

- [b] continue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection [1], subject to notice in terms of Section 18;

[41.4] The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection [1].

42 Waste of water unlawful

[42.1] No consumer shall permit -

- [a] the purposeless or wasteful discharge of water from terminal water fittings;
- [b] pipes or water fittings to leak;
- [c] the use of maladjusted or defective water fittings;
- [d] an overflow of water to persist; or
- [e] an inefficient use of water to persist.

[42.2] An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection [1].

[42.3] If an owner fails to take measures as contemplated in subsection [2], the Municipality shall, by written notice in terms of Section 18, require the owner to comply with the provisions of subsection [1].

[42.4] A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.

[42.5] The Municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

Part 8: General provisions

43 Notification of boreholes

[43.1] The Municipality may, by public notice, require -

- [a] the owner of any premises within the area of jurisdiction of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and

- [b] the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.

[43.2] The Municipality may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Municipality, before sinking the borehole.

[43.3] Boreholes are subject to any requirements of the National Water Act, 1998 [Act No. 36 of 1998].

[43.4] The Municipality may by notice to an owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to –

- [a] obtain approval from it for the use of a borehole for water services in accordance with Sections 6, 7 and 22 of the Act;
- [b] adhere to conditions imposed by it in respect of the use of a borehole for water services; and
- [c] to pay a fixed charge imposed by it in respect of the use of such a borehole.

44 Sampling of water

[44.1] The Municipality may take samples of water obtained from a source, authorised in terms of Sections 6 or 7 of the Act, other than the water supply system for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of Section 9 of the Act.

[44.2] The prescribed charge for the taking and testing of the samples referred to in subsection [1] shall be paid by the person to whom approval to use the water for potable water was granted in terms of Section 6[1] of the Act.

45 Supply of non-potable water by the Municipality

[45.1] The Municipality may on application in terms of Section [3] agree to supply non-potable water to a consumer, subject to such terms and conditions as the Municipality may impose.

[45.2] Any supply of water agreed to in terms of subsection [1] shall not be used for domestic or any other purposes, which, in the opinion of the Municipality, may give rise to a health risk.

[45.3] No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.

[45.4] The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the Municipality or the malfunction of a treatment plant.

46 Testing of pressure in water supply systems

[46.1] The Municipality may, on application by an owner and on payment of the prescribed charge, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.

47 Pipes in streets or public places

[47.1] No person shall for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of any municipality, except with the prior written permission of that Municipality and subject to such conditions as it may impose.

CHAPTER III

Sanitation services

Part 1: Standards and general provisions

48 Standards for sanitation services

[48.1] Sanitation services provided by the Municipality will comply with the minimum standards set for the provision of sanitation services in terms of the Section 9 of the Act.

[49] Objectionable discharge to sewage disposal system

[49.1] No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance -

[a] which does not comply with the standards and criteria prescribed in Sections 66 to 69 below;

[b] which contains any substance in such concentration as will produce or be likely to produce in the effluent produces for discharge at any sewage treatment plant or sea outfalls discharge point or in any public water any

offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;

- [c] which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
 - [d] which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
 - [e] which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, 1998 [Act No. 36 of 1998];
 - [f] which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the Municipality for the sewage disposal system, other than in compliance with the permissions issued in terms of these by-laws; and
 - [g] which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- [49.2] No person shall cause or permit any storm water to enter the sewage disposal system.
- [49.3] The Municipality may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures, which would ensure compliance with these by-laws, and to report such findings to an authorised agent.
- [49.4] If any person contravenes any provision of subsection [1] or subsection [2] he or she shall within twelve hours, or earlier if possible, advise the Municipality of the details of the contravention and the reasons for it.

Part 2: On-site sanitation services and associated services

50 Application for infrastructure

- [50.1] If an agreement for on site sanitation and associated services in accordance with Section 2 exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and –
- [a] pay the prescribed charge for the installation of necessary infrastructure; or

- [b] with the approval by the Municipality and at the request of the owner, install the connecting sewer or on site sanitation services in accordance with the specifications of the Municipality.

- [50.2] A municipality may specify the type of on site sanitation services to be installed.

51 Services associated with on-site sanitation services

- [51.1] The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the Municipality in accordance with a removal and collection schedule determined by the Municipality.

- [51.2] Copies of the collection and removal schedule will be available on request.

52 Charges in respect of services associated with on-site sanitation services

- [52.1] Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will cover all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.

- [52.2] Charges shall be payable in terms of the Municipality's tariff policy when the service is rendered.

Part 3: Sewage disposal

53 Provision of a connecting sewer

- [53.1] If an agreement for the use of the sewage disposal system in accordance with Section 2 exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on the approved form and –

- [a] pay the prescribed charge for the installation of such a connecting sewer; or

- [b] with the approval by the Municipality and at the request of the owner, install the connecting sewer in accordance with any specifications of the Municipality.

- [53.2] If an application is made for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.

54 Location of connecting sewer

[54.1] A connecting sewer provided and installed by the Municipality or owner in terms of Section 53 shall –

- [a]** be located in a position agreed to between the owner and the Municipality and be of a size determined by an authorised officer;
- [b]** terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Municipality or over which it has a servitude or other right or when subsection [3] applies, at the connecting point designated in terms of that subsection;

[54.2] In reaching agreement with an owner concerning the location of a connecting sewer, the Municipality shall ensure that the owner is aware of

- [a]** practical restrictions that may exist regarding the location of a connecting sewer pipe;
- [b]** the cost implications of the various possible locations of the connecting sewer;
- [c]** whether or not the Municipality requires the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Municipality to connect to such installation.

[54.3] A municipality may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by the Municipality and for obtaining at his or her cost, such servitudes over other premises as may be necessary.

[54.4] An owner must pay the prescribed connection charge.

[54.5] Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations the rate and time of discharge into the sewer shall be subject to the approval of the Municipality.

55 Provision of one connecting sewer for several consumers on same premises

[55.1] Notwithstanding the provisions of Section 54 only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.

- [55.2] Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the Municipality may, in its discretion, provide and install either -
- [a] a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
 - [b] a separate connecting sewer for each accommodation unit or any number thereof.
- [55.3] Where the Municipality has installed a single connecting sewer as contemplated in subsection [2][a], the owner or the person having the charge or management of the premises, as the case may be, -
- [a] must if the Municipality so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units -
 - [i] a separate connecting sewer; and
 - [ii] an isolating valve;
 - [b] will be liable to the Municipality for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.
- [55.4] Notwithstanding subsection [1], the Municipality may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- [55.5] Where the provision of more than one connecting sewer is authorised by the Municipality under subsection [4], the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

56 Interconnection between premises

An owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on other premises, unless he or she has obtained the prior written consent of the Municipality and complies with any conditions that it may have imposed.

[57] Disconnection of draining installation from connecting sewer

[57.1] The municipality may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if -

- [a]** the agreement for provision has been terminated in terms of Section 12 and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or
- [b]** the building on the premises concerned has been demolished.

Part 4: Sewage delivered by road haulage**58 Acceptance of sewage delivered by road haulage**

[58.1] A municipality may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the Municipality's sewage treatment plants by road haulage.

59 Written permission for delivery of sewage by road haulage

[59.1] No person shall discharge sewage into the Municipality's sewage treatment plants by road haulage except with the written permission of the Municipality and subject to such period and any conditions that may be imposed terms of the written permission.

[59.2] The charges for any sewage delivered for disposal to the Municipality's sewage treatment plants shall be assessed by the Municipality in accordance with the prescribed tariffs or charges.

60 Conditions for delivery of sewage by road haulage

[60.1] When sewage is delivered by road haulage-

- [a]** the time of delivery shall be arranged with the Municipality; and
- [b]** the nature and composition of the sewage shall be established to the satisfaction of the Municipality prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of these by-laws.

61 Withdrawal of permission for delivery of sewage by road haulage

[61.1] The Municipality may withdraw any permission, after giving written notice if its intention to a person permitted to discharge sewage by road haul if the person -

- [a] fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A" or in the written permission; or
- [b] fails or refuses to comply with any notice lawfully served on him or her in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed on him or her in terms of any permission granted to him or her; and
- [c] fails to pay the assessed charges in respect of any sewage delivered.

Part 5: Disposal of industrial effluent and trade premises

62 Application for disposal of industrial effluent

- [62.1] A person must apply for the permission to discharge industrial effluent into the sewage disposal system of the Municipality in terms of Section 2[1].
- [62.2] The Municipality may, if in its opinion the capacity of a sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.
- [62.3] The provisions of Chapter 1 will mutatis mutandis apply to any permission to discharge industrial effluent.
- [62.4] Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of Section 4 of the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977], also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection [1].

63 Unauthorised discharge of industrial effluent

- [63.1] No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in terms of the written permission of the Municipality and in accordance the provisions of this part.
- [63.2] A person to whom such permission is granted shall pay to the Municipality any prescribed charges.

[64] Quality standards for disposal of industrial effluent

- [64.1] A person to whom permission has been granted in terms of Section 62 must ensure that no industrial effluent is discharged into the sewage disposal system of the Municipality unless it complies with the standards and criteria set out in Schedule A hereto.

[64.2] The Municipality may by writing in the permission concerned, relax or vary the standards in Schedule A, provided that the Municipality is satisfied that any such relaxation or variation represents the best practicable environmental option.

[64.3] In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option a municipality will consider-

- [a] whether the applicant's undertaking is operated and maintained at optimal levels;
- [b] whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
- [c] whether the applicant is implementing a program of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the Municipality;
- [d] the cost to the Municipality of granting the relaxation or variation; and
- [e] the environmental impact or potential impact of such a relaxation or variation.

[64.4] Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A or any other standard laid down in a written permission.

65 Conditions for disposal of industrial effluent

[65.1] The Municipality may in the written permission or at any time, by written notice, require a person to -

- [a] subject the industrial effluent to such preliminary treatment as in the opinion of the Municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule A before being discharged into the sewage disposal system;
- [b] install such equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the Municipality will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;
- [c] install for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such person from disposing of his or her industrial effluent at

any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;

- [d] construct on any pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the Municipality may prescribe;
 - [e] provide all such information as may be required by the Municipality to enable it to assess the tariffs or charges due to the Municipality;
 - [f] provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these by-laws;
 - [g] cause any meter, gauge or other device installed in terms of this Section to be calibrated by an independent authority at the cost of that person at such intervals as required by the Municipality and copies of the calibration to be forwarded to it; and
 - [h] cause his or her industrial effluent to be analysed as often and in such manner as may be prescribed by the Municipality and provide it with the results of these tests when completed.
- [65.2] The cost of any treatment, plant, works or analysis which the person mentioned in subsection [1] may be required to carry out, construct or install in terms of subsection [1] shall be borne by the said person;
- [65.3] The written permission of the Municipality must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.
- [65.4] In the event that industrial effluent that does not comply with the standards in Schedule A or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the Municipality must be informed of the incident and the reasons therefore within twelve hours of such discharge.

66 Withdrawal of written permission for disposal of industrial effluent

- [66.1] The Municipality may withdraw any permission, after giving written notice if its intention to a person permitted to discharge industrial effluent into the sewage disposal system if the person –
- [a] fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of this by-laws or the written permission;

- [b] fails or refuses to comply with any notice lawfully served on him or her in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed in terms of any permission granted to him or her; or
- [c] fails to pay the assessed charges in respect of any industrial effluent discharged.

[66.2] The Municipality may on withdrawal of any written permission -

- [a] in addition to any steps prescribed in these by-laws, and on written notice authorise the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the Municipality's tariff of charges; and
- [b] refuse to accept any industrial effluent until it is satisfied that adequate steps have been taken to ensure that the industrial effluent to be discharged conforms with the standards prescribed in these by-laws.

Part 6: Measurement of quantity of effluent discharged to sewage disposal system

67 Measurement of quantity of standard domestic effluent discharged

- [67.1] The quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the Municipality; provided that where the Municipality is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Municipality may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- [67.2] Where a premises is supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity of standard domestic effluent will be a percentage of the total water used on that premises as may be reasonably estimated by the Municipality.

68 Measurement of quantity of industrial effluent discharged

- [68.1] The quantity of industrial effluent discharged into the sewage disposal system shall be determined -
 - [a] where a measuring device is installed by the quantity of industrial effluent discharged from a premises as measured through that measuring device; or
 - [b] until such time as a measuring device is installed by a percentage of the water supplied by the Municipality to that premises.

[68.2] Where a premises is supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity of standard industrial effluent will be a percentage of the total water used on that premises as may be reasonably estimated by the Municipality.

[68.3] Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Municipality may on application reduce the assessed quantity of industrial effluent.

69 Reduction in the quantity determined in terms of Sections 67 and 68

[69.1] A person shall be entitled to a reduction in the quantity determined in terms of Sections 67 and 68 in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted or a leakage was undetected if the consumer demonstrates to the satisfaction of the Municipality that the said water was not discharged into the sewage disposal system.

[69.2] The reduction in the quantity shall be based on the quantity of water loss through leakage or wastage during the leak period.

[69.3] The leak period shall be either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.

[69.4] The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding 3 [three] months, for the same length of time. In the event of no previous consumption history being available the average water consumption will be determined by the Municipality, after due consideration of all relevant information.

[69.5] There shall be no reduction in the quantity if the loss of water directly or indirectly resulted from the consumer's failure to comply with or is in contravention of these by-laws.

Part 7: Drainage installations

70 Construction or installation of drainage installations

[70.1] Any drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.

[70.2] [a] Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type or equivalent having—

- [i] a pit of 2,m³ capacity;
 - [ii] lining as required;
 - [iii] a slab designed to support the superimposed loading; and
 - [iv] protection preventing children from falling into the pit;
- [b] The ventilated improved pit latrine must conform with the following specifications –
- [i] the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place.
 - [ii] the ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
 - [iii] the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
 - [iv] the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
 - [v] must be sited in a position that is independent of the residential structure;
 - [vi] must be sited in positions that are accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
 - [vii] in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress;
 - [viii] in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil;
 - [ix] the latrine must have access to water for washing hands.

71 Drains in streets or public places

- [71.1] No person shall for the purpose of conveying sewage derived from whatever source, lay or construct a drain on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of the Municipality and subject to such conditions as it may impose.

72 Construction by the Municipality

- [72.1] The Municipality may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of these by-laws or the Building Regulations, will be constructed by the Municipality against payment, in advance or on demand, of all costs associated with such construction.

73 Maintenance of drainage installation

- [73.1] The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- [73.2] Any person who requests the Municipality to clear a drainage installation will be liable to pay the prescribed tariff.
- [73.3] A municipality may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any Section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff or charges.

74 Installation of pre-treatment facility

- [74.1] A municipality may require that any new premises must be provided with a minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sewage disposal system.

[75] Protection from ingress of floodwaters

- [75.1] Where the premises is situated in the 1 in 50 years flood plain the top level of service access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level, except, in the case of service access holes and inspection chambers, where the cover is secured in place by approved means.

SCHEDULE A**Acceptance of industrial effluent for discharge into the sewage disposal system**

No industrial effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions.

The effluent shall not contain concentrations of substances in excess of those stated below:-

Large Works general quality limits are applicable when an industry's effluent discharges in a catchment leading to the sewage works of greater than 25 M/d capacity. Small Works quality limits apply for catchments leading to sewage works with less than 25 M/d capacity.

GENERAL QUALITY LIMITS	LARGE WORKS > 25 M/d	SMALL WORKS < 25 M/d	UNITS
1. Temperature [C]	< 44 C	< 44 C	Degrees Celcius
2. pH	6 < pH < 10	6,5 < pH < 10	pH units
3. Oils, greases, waxes of mineral origin	50	50	mg/
4. Vegetable oils, greases, waxes	250	250	mg/
5. Total sugar and starch [as glucose]	1 000	500	mg/
6. Sulphates in solution [as SO_4^{2-}]	250	250	mg/
7. Sulphides, hydrosulphides [as S^{2-}] and polysulphides	1	1	mg/
8. Chlorides [as C]	1 000	500	mg/
9. Fluoride [as F]	5	5	mg/
10. Phenols [as phenol]	10	5	mg/
11. Cyanides [as CN]	20	10	mg/
12. Settleable solids	Charge	Charge	m /
13. Suspended solids	2 000	1 000	mg/
14. Total dissolved solids	1 000	500	mg/
15. Electrical conductivity	-	400	MS/m
16. Anionic surfactants	-	500	mg/
17. C.O.D.	Charge	Charge	mg/

GENERAL QUALITY LIMITS	LARGE WORKS > 25 M/d	SMALL WORKS < 25 M/d	UNITS
Heavy Metal Limits			
18. Copper [as Cu]	50	5	mg/
19. Nickel [Ni]	50	5	mg/
20. Zinc [Zn]	50	5	mg/
21. Iron [Fe]	50	5	mg/
22. Boron [B]	50	5	mg/
23. Selenium [Se]	50	5	mg/
24. Manganese [Mn]	50	5	mg/
25. Lead [Pb]	20	5	mg/
26. Cadmium [Cd]	20	5	mg/
27. Mercury [Hg]	1	1	mg/
28. Total Chrome [Cr]	20	5	mg/
29. Arsenic [As]	20	5	mg/
30. Titanium [Ti]	20	5	mg/
31. Cobalt [Co]	20	5	mg/
TOTAL METALS	100	20	mg/

Special limitations

- [1] No calcium carbide, radioactive waste or isotopes
- [2] No yeast and yeast wastes, molasses spent or unspent
- [3] No cyanides or related compounds capable of liberating HCN gas or cyanogen
- [4] No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21 C

LOCAL AUTHORITY NOTICE 202



By-law

CEMETERIES

OCTOBER 2005

SENQU MUNICIPALITY

MUNICIPAL NOTICE

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law relating to Cemeteries, which by-law shall come into operation on the date of publication thereof.

1 Definitions

In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

"adult" means a deceased person over the age of 12 years and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1,40m in length and 400 mm in width;

"after hour fee" means a fee over and above the set norm of fee for burial or cremation outside normal week day cemetery operating hours save in the case of cremations or burials which because of religious belief are undertaken after such hours or in the case of burial where the mourners undertake to close the grave;

"ashes" means the cremated remains of a body;

"berm" means a concrete base on which a memorial is erected;

"berm section" means a section in a cemetery set aside by the Council where memorial work is erected on a berm;

"Births and Deaths Registration Act" means Births and Deaths Registration Act, 1992 (Act 51 of 1992);

"body" means any dead human body including the body of a stillborn child;

"burial order" means an order issued in terms of the Births and Deaths Registration Act;

"burial" means burial or inhumation into earth or any other form of burial and includes mausoleum and any other mode of disposal of a body;

"cemetery" means a cemetery within the meaning as contemplated in Schedule 5B of the Constitution and includes any land or part thereof within the municipality set aside by the Council set aside for the inhumation of corpses;

"child" means a deceased person who is not an adult;

"Council" means –

- [a] the municipal council of the Senqu Municipality and any committee or person to which or whom an institution has been given or any power has been delegated or sub-delegated in terms of, or as contemplated in Section 59 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) or the context so requires, means the aforesaid Senqu Municipality;
- [b] a service provider in respect of any power, function or duty of the Council as contemplated in paragraph (a), assigned by it for the purposes of these By-Laws to that service provider in terms of section 81(2) of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000);

"cremated remains" means all recoverable ashes after the cremation process;

"exhumation" means the removal of a body from its grave;

"garden of remembrance" means a section of a cemetery set aside for the erection of memorial work, placing or scattering of ashes;

"grave" means any piece of land excavated for the burial of a body within a cemetery and includes the contents, headstone or other marker of such place and any other structure on or associated with such place;

"grave of conflict" means the grave of a person who died while defending the country;

"hero" means a person who performed a heroic act for the Country and is given the status of a hero by Council;

"heroes acre" means an area of land set aside for the burial of a hero;

"indigent person" means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organisation or Non Governmental Organization can be found to bear the burial or cremation costs of such deceased person and **"pauper"** bears the same meaning;

"indigent relief" means assistance received for burial or cremation of an indigent person;

"landscape section" means a section in a cemetery set aside by the Council where memorial work is restricted to a plaque or memorial slab;

"lawn section" means a section in a cemetery set aside by the Council where memorial work is restricted to a headstone only;

"medical officer of health" means the officer appointed by Council or any other person acting in the capacity of the medical officer of health;

memorial section" means a section of a cemetery set aside for erection of memorials;

"memorial wall" means a wall in a cemetery provided for the placement of inscribed tablets commemorating deceased persons;

"memorial work" means any headstone, monument, plaque or other similar work erected or intended to be erected in any cemetery or crematorium commemorating a deceased person and includes a kerb demarcating a grave and a slab covering a grave;

"municipal area" means the area under the control and jurisdiction of the Senqu Municipal Council;

"niche" means a compartment in a garden of remembrance for the placing of ashes;

"normal operational hours" means Monday to Friday 08h00 to 15h00 excluding Saturdays, Sundays and Public holidays;

"NGO" means a Non Governmental Organization;

"office hours" means Monday to Friday 07h00 to 16h00 excluding Saturdays, Sundays and Public holidays;

"prescribed" means prescribed by the Council;

"prescribed fee" means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993(Act No. 209 of 1993), or any other applicable legislation;

"regulation" means a regulation published in terms of the Ordinance;

"stone mason" means a person carrying on business as a stone mason; **"tomb"** means an above ground burial vault;

"Victim of Conflict" means a person defined in section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

CHAPTER 1**DISPOSAL OF A BODY****[2] REQUIREMENTS FOR DISPOSAL OF A BODY**

[2.1] A person may only bury a body in a cemetery with -

- (a) the permission of the Officer-in-charge; and
- (b) at a date and time arranged for such burial with the Officer-in-charge.

[3] APPLICATION FOR BURIAL

[3.1] Application

- (a) A person intending to bury a body must submit a duly completed application form to the Officer-in-charge for approval.
- (b) The next of kin of the deceased or such other person who is authorized by the next of kin of the deceased must sign such application.
- (c) Despite the provisions of paragraph (b) the Officer-in-charge may, if he or she is satisfied that the signature of the next of kin cannot be obtained timeously, approve an application by an interested party.
- (d) The applicant must -
 - (i) submit the application at least three working days before the burial;
 - (ii) indicate whether the application is in respect of a first, second or third burial, in respect of a particular grave;
 - (iii) indicate the proposed date and time for such burial

[3.2] The Officer-in-charge must approve an application if -

- (a) it is accompanied by an original burial order in terms of the Births and Deaths Registration Act;
- (b) a prescribed fee has been paid;

[3.3] The Officer-in-charge must, where necessary, take into account the customs of the deceased and the people responsible for the burial.

[4] RESERVATION OF A GRAVE

- [4.1] An application to reserve a grave must be made to the Officer-in-charge.
- [4.2] A surviving spouse of the deceased may apply for an adjoining grave to be reserved, if available.
- [4.3] The Officer-in-charge must allocate to the applicant another grave within the cemetery, where persons other than the applicant mistakenly utilized a reserved grave.
- [4.4] A grave will be reserved only upon payment of the prescribed fee.

[5] POSTPONEMENT OR CANCELLATION OF A BURIAL

- [5.1] An applicant must give notice of postponement or cancellation of a burial in the duly completed application form to the Officer-in-charge, who must approve the application at least one working day before the burial.
- [5.2] In a case of a cancellation of a burial-
 - (a) a refund will not be made to the applicant for costs incurred for opening an existing grave;
 - (b) the Council will only refund the applicant for costs incurred for opening a new grave.

6 NUMBER OF BODIES IN A COFFIN

- [6.1] Only one body in a coffin may be allowed for burial.
- [6.2] Burial of more than one body in a coffin is allowed if application is made to and approved by the Officer-in-charge and the prescribed fee has been paid;
- [6.3] Such application may be made in respect of -
 - (a) family members who either died together or where another family member dies before burial of the other member of the family has taken place.
 - (b) a mother and child who died during childbirth;
 - (c)
 - (i) two people living together as partners; or
 - (ii) unrelated deceased persons, whose families have no objection

[7] BURIAL AND SUBSEQUENT BURIALS

- [7.1] Burial must take place only in a grave allocated by the Officer-in-charge.
- [7.2] Subject to paragraph (b) not more than two burials may be permitted in a grave;
- (a) A third burial may be allowed only if-
- (i) an application has been made to the Officer-in-charge and a written permission has been granted;
 - (ii) the grave has been deepened; and
 - (iii) prescribed fee has been paid;
- (b) A person who has been given permission for either a second or third burial must -
- (i) give at least two days notice; and
 - (ii) at his or her own cost remove and subsequent to the burial replace all memorial work on such a grave.

[8] PRIVATE RIGHTS

- [8.1] The holder of Private Rights includes -
- (a) a person who purchased the grave or who received the grave as a gift from the purchaser and whose name appears in the register of the Council;
 - (b) a person who paid the burial tariffs in respect of the first burial in the grave;
 - (c) a person to whom private rights to a grave have been transferred;
 - (d) a person who inherited the private rights .
- [8.2] The Private Rights in a grave are transferable, but such transfer becomes effective on registration by the Council.
- [8.3] If there is a dispute about the holder of private rights, the dispute must be referred to the Officer-in-charge for determination.

[9] SIZES OF GRAVES

[9.1] Subject to the provisions of section 10 the standard size of a grave is as follows –

- (a) an adult's grave must measure 2 300 mm in length and 900 mm in width and 2000 mm in depth
- (b) a child's grave shall must measure 1500 mm in length and 700 mm in width and 1 500 mm in depth.

[10] ENLARGING AND DEEPENING A GRAVE

[10.1] An applicant for a burial may, by giving at least 24 hours notice before the burial, request that a grave be enlarged or deepened.

[10.2] If a coffin is too big for the size of an adult grave, such grave will be enlarged to accommodate such coffin.

[10.3] If a child's coffin is too large for a child's grave it must be buried in an adult's grave, on payment of the prescribed fee.

[10.4] A grave may, on application and on payment of a prescribed fee, be deepened for burial of a third coffin.

[11] COFFINS

[11.1] Coffins to be placed in a grave must be made of natural wood or other perishable material.

[11.2] Lead coffins not permitted.

[12] COVERING OF COFFINS

[12.1] every coffin must be covered with at least 300mm of soil immediately after burial;

[12.2] There must be at least -

- (a) 1 200mm of soil between a coffin of a buried adult and the surface of the ground; or
- (b) 900mm of soil in the case of a coffin of a child.

[12.3] The provisions of subsection (2) do not apply to the burial in a tomb.

[13] BODY BAGS

[13.1] If there is more than one body in a coffin each body must be contained in a separate body bag.

[13.2] A body intended for burial at a cemetery must sealed in a body bag inside a coffin, except if it is contrary to the tradition, customs or religious beliefs of the deceased person or the applicant.

CHAPTER 2**FUNERALS****[14] RELIGIOUS OR MEMORIAL SERVICES**

- [14.1] A person who desires to have a religious or memorial service at a cemetery or must apply to the Officer-in-charge and pay the prescribed fee.

[15] CONTROL OF HEARSE AT THE CEMETERY

- [15.1] No person in the cemetery may –
- (a) drive a hearse or cause a hearse to be driven except on a designated road way;
 - (b) park a hearse or detain a hearse on the road way after the coffin has been removed from the hearse; or
 - (c) park a hearse in such a manner that it interferes with other burials in progress.

[16] CONVEYANCE OF COFFINS AND BODIES

- [16.1] An applicant in terms of section 4 is responsible at own cost for ensuring that a coffin is conveyed to the cemetery for burial .
- [16.2] No person must in any street, cemetery, or other public place convey a body in a disrespectful manner.

[17] INSTRUCTIONS AT CEMETERIES

- [17.1] The Officer-in-charge at the cemetery may issue instructions relating to -
- (a) parking of vehicles;
 - (b) funeral procession;
 - (c) duration of a service.
- [17.2] Every person taking part in a funeral procession at the cemetery or attending a cremation service must comply with all reasonable instructions of the Officer-in-charge.

[18] DURATION OF SERVICE

- [18.1] No person must occupy a chapel at a cemetery for the purpose of a funeral service or cremation for more than 30 minutes, without the permission of the Officer-in-charge and payment of the prescribed fee.

[19] HOURS FOR BURIAL

- [19.1] A burial must take place only between 08h00 and 16h00.
- [19.2] The Officer-in-charge may, on such conditions as he or she may determine, and on payment of the prescribed fee, give permission to bury outside the stipulated hours.
- [19.3] If the burial takes place outside the stipulated hours, the applicant will provide tools and assume the responsibility of closing the grave.
- [19.4] If the applicant requires the Council to provide the service outside the stipulated hours, the Council may provide such service on payment of the prescribed after hours tariffs, subject to such conditions as the Officer-in-charge may determine.

CHAPTER 3**RE – OPENING OF GRAVES AND EXHUMATIONS****[20] CONDITIONS OF EXHUMATIONS**

- [20.1] No person may exhume or cause to be exhumed a body otherwise than in accordance with the prescriptions of the Act and the written consent of the:
- (a) Council;
 - (b) provincial Department of Health;
 - (c) Officer-in-charge and
 - (d) Council's Medical Officer of Health.
- [20.2] Whenever an exhumation is to take place, the Officer-in-charge must inform the Area Commissioner of the South African Police Services.
- [20.3] An exhumation may not take place when the cemetery is open to the public and must take place under the supervision of the Officer-in Charge.
- [20.4] A member of the South African Police Services must always be present when an exhumation is being conducted.
- [20.5] If remains are to be exhumed from any grave, only the undertaker under the supervision of the Officer-in-charge must cause the grave to be excavated for such exhumation;
- [20.6] If a grave is to be excavated for exhumation, the Officer-in-charge must be given 48 hours written notice before the time of exhumation.
- [20.7] A person who wishes to exhume the remains of a pauper or indigent person must pay the costs incurred by the Council at the time of burial, to the Officer-in-charge.
- [20.8] The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized.
- [20.9] The South African Police Services must -
- (a) if there is proof of illegal burial immediately exhume the body; and
 - (b) take it to a government mortuary for investigation.
- [20.10] A grave of victims of conflict and a grave, which is older than 60 years, must be exhumed with the permission of South African Heritage Resources Agency.
- [20.11] A Commonwealth War grave must be exhumed according to section 3 of the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992).

21 EXHUMATION AND REBURIAL

Cemeteries

October 2005

[21.1] The Council may, if a body has been buried in contravention of these by-laws, cause the body to be exhumed and re-buried in another grave.

[21.1] The relatives of the deceased must be -

- (a) notified of the intended exhumation and re-burial; and
- (b) allowed to attend.

22 SCREENING OF EXHUMATION

[22.1] The grave from which the body is to be exhumed must be screened from view of the public during the exhumation.

[22.2] The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

CHAPTER 4**CARE OF GRAVES****[23] GARDENING OF GRAVES AND OTHER OBJECTS ON GRAVE**

[23.1] The Council is responsible for keeping cemeteries clean unless these by-laws provide otherwise.

[23.2] No person must –

- (a) plant, cut or remove plants, shrubs or flowers on a grave without the permission of the Officer-in-charge; or
- (b) plant, cut or remove plants, shrubs or flowers on the berm section;

[23.3] A person may only erect, place or leave, an object or decoration on a grave during the first 30 days following the burial.

[23.4] Natural or artificial flowers contained in receptacles may be placed on a grave at any time, but in a grave within a berm section or with a headstone, such flowers may only be placed in the socket provided.

[23.5] The Officer-in-Charge may –

- (a) remove all withered natural flowers, faded or damaged artificial flowers and any receptacle placed on a grave; or
- (b) 30 days after publishing a general notice remove all objects of decoration, if it is in the public interest.

[23.6] The Council is not liable for any loss or damage to any object on a grave unless such loss or damage is as a result of the negligence of employees of the Council.

CHAPTER 5**MEMORIAL SECTION****[24] ERECTION OF MEMORIAL WORK**

[24.1] A person intending to erect a memorial work must make an application in the duly completed application form to the Officer-in-Charge.

[24.2] Such application must be made not less than five working days before the date of erection.

[24.3] Memorial work may only be erected during working hours but may, with the approval of the Officer-in-charge be erected outside working hours.

[24.4] No person must—

- (a) erect memorial work or bring material into a cemetery for the purpose of erecting memorial work, without the written consent of the Officer-in-charge;
- (b) remove memorial work for additional inscriptions or other alterations without the consent of the Officer-in-charge; or
- (c) erect a memorial work on a Saturday, Sunday or a public, without the written consent of the Officer-in-charge.

[24.5] The Council is not liable for damage to memorial work resulting from any subsiding soil.

[24.6] A person erecting a memorial work must at the request of the Officer-in-Charge produce the written consent.

[24.7] Memorial work or material to be used in the erection of such work must not be conveyed in a cemetery or crematorium in a manner that may damage the roadways, pathways, lawns, grounds or other memorials.

[24.8] Any surplus material or rubble, resulting from the erection of any memorial, work must be removed by the person responsible for such erection, immediately after completion.

[25] INFERIOR MEMORIAL WORK

[25.1] The Council may prohibit the erection of a memorial work or may remove erected memorial work which is –

- (a) of inferior workmanship or quality;
- (b) is indecent, offensive or objectionable; or
- (c) in contravention of these by-laws, without compensating the owner.

[26] INSCRIPTION ON MEMORIAL WORK

[26.1] Any memorial work must display the number assigned to the grave by the Officer-in-Charge, in permanent and visible markings –

- (a) on the side of the base of the memorial work;
- (b) on the upper surface, in the lower left hand corner of a tablet erected on a grave in a landscape section.

[26.2] The name of the maker, designer or erector of the memorial work may appear on the work and must be placed at the base of the memorial work.

[27] DISMANTLING OF MEMORIAL WORK

[27.1] Only a holder of private rights or a person authorised in writing by the holder of such rights may, with the written permission of the Officer-in-charge dismantle, alter or disturb any memorial work on a grave.

[27.2] Dismantled memorial work must either be removed from a cemetery or be left on the grave on which such memorial work had been erected.

[27.3] The officer-in-charge may in the case of a second or subsequent burial in such grave permit memorial work to be left elsewhere in the cemetery for a period not exceeding 30 days after such burial.

[27.4] The person dismantling the work must immediately after the work is completed remove any surplus material, or rubble resulting from the dismantling of any memorial work.

[27.5] If a holder of rights or person referred to in subsection (1) –

- (a) fails to re-erect dismantled memorial work within 30 days after it was dismantled; or
- (b) such memorial work is left within the cemetery in contravention of subsection (2), the Council may give 30 days written notice to such holder of rights or person, instructing him or her to remove such memorial work from the cemetery with any rubble resulting therefrom, at his or her own expense or to re-erect such memorial work.

[27.6] If any memorial work has –

- (a) been damaged;
- (b) become a danger to the public; or
- (c) been erected in contravention of these by-laws,

the Council may give written notice to the holder or person, instructing him or her, at his or her own expense, within a period specified in the notice, to –

- (i) alter or make such memorial work safe so that it complies with the provisions of these by-laws;
- (ii) dismantle and remove such memorial work from the cemetery together with all rubble resulting therefrom.

[27.7] If such holder or person fails to comply with a notice in terms of subsection (5) or (6), the Council may –

- (a) re-erect the memorial work;
- (b) dismantle and dispose of the memorial work and remove any rubble resulting therefrom; or
- (c) make the memorial work safe,

and such holder or person will be liable for any costs incurred by the Council.

[27.8] The Council may without giving any notice, or incurring any liability to the holder of rights or person –

- (a) dismantle the memorial work and remove it and any rubble resulting therefrom, except memorial work classified as National Heritage; or
- (b) make the memorial work safe,

if such memorial work has become so dangerous to the public that immediate steps to safeguard the public are essential.

[27.9] After the Council has acted in terms of subsection (8), it must immediately, in writing, notify the holder of rights or person that, unless he or she reclaims the memorial work from the cemetery within a specified period, the Council will dispose of the memorial work.

[27.10] Such holder of rights or person is liable for costs incurred by the Council.

[27.11] If the holder of rights or person fails to pay the costs or to reclaim the memorial work dismantled by the Council, the Council may dispose of such memorial work in any manner it deems fit.

[27.12] If any proceeds are derived from the disposal, such proceeds will be offset against the cost of the dismantling, removal, storing and disposing of memorial work and rubble resulting therefrom.

[28] GENERAL REQUIREMENTS FOR MEMORIAL WORK

- [28.1] Memorial work must be constructed or made of durable material, with a life expectancy of at least 25 years preferably South African Bureau of Standards approved.
- [28.2] Any person erecting memorial work in a cemetery must do so with the approval of the Officer-in-charge.
- [28.3] A person erecting memorial work must comply with the following requirements-
- (a) when joining any part of the memorial work to any other part of the memorial work the person must use copper or galvanized iron pins as follows-
 - (i) for memorial work up to a height of 500mm, two or more pins of at least 5mm thick and 100mm long;
 - (ii) for memorial work 501mm up to a height of 1000mm two or more pins at least 10mm thick and 200mm long; or
 - (iii) for memorial work 1001mm and higher at least two or more pins 20mm thick and 300mm long;
 - (b) any part of memorial work which rests on the ground, stone or foundation must be properly secured and bedded;
 - (c) a material of uneven thickness must not be used;
 - (d) the undersides of every flat memorial work and the base of every memorial work must be sunk at least 50mm below the natural level of the ground;
 - (e) a border which is more than 225mm above the surface of the ground or more than 200mm deep must not be used without the consent of the Council;
 - (f) all memorial work and border stones must be securely clamped with round copper or galvanized iron clamps;
 - (g) all memorial work up to 150mm in thickness must be securely attached to the base;
 - (h) all the components of memorial work must be completed before being brought in a cemetery;
 - (i) footstones must consist of one solid piece;
 - (j) in all cases where memorial work rests on a base -
 - (i) such memorial work must have a foundation;
 - (ii) such memorial work must be set with cement mortar;
 - (iii) the bottom base of a single memorial work must not be less than 900mm long 220mm wide x 250mm thick and that of a double memorial work not less than 2286mm long x 200mm wide x 250mm thick; and
 - (iv) if loose stone chips are placed on a grave, the level of such stone chips must not be higher than 10mm below the level of the surrounding kerbstones.

[29] REQUIREMENTS FOR MEMORIAL WORK IN LAWN SECTION

[29.1] The following provisions apply to memorial work and graves in a Lawn Section-

- (a) the dimensions of the base of any headstones on an adult's grave must not exceed 900mm in length and 260mm in width, but if the base of the headstone is erected over two adjoining graves, such base must not exceed 2200mm in length and 260mm in width;
- (b) the dimensions of the base of any headstone of a child's grave must not exceed 610mm in length and 260mm in width, but if the base of the headstone is erected over two adjoining graves such base must not exceed 1200mm in length and 260mm in width;
- (c) no portion of any headstone must extend beyond the horizontal dimensions of its base;
- (d) headstones must be erected on the concrete berms supplied by the Council, except in the case of a temporary erection where the applicant must provide a foundation suitable to support the headstone, until the Council has installed the berm;
 - (i) no part of any memorial work must exceed 1500mm in height above the berm;
 - (ii) any headstone must be so positioned that the front edge of the headstone is at least 130mm from the edge of the berm;
- (e) no object other than a headstone which may incorporate more than two sockets for receptacles for flowers must be placed on any grave; and
- (f) a vase in which natural flowers or artificial flowers and foliage may be placed in a socket built in the headstone and such vase must not exceed 300mm in height;
- (g) a kerb demarcating any grave and a slab covering are not permitted;

[30] REQUIREMENTS FOR MEMORIAL WORK IN MEMORIAL SECTION

[30.1] The maximum horizontal measurements of any memorial work erected on a grave in a memorial section must -

- (a) in the case of an adult's grave, be 2500mm in length and 1050mm in width; or
- (b) in the case of a child's grave, be 1500mm in length and 900mm in width.

31 REQUIREMENTS FOR MEMORIAL WORK IN LANDSCAPE SECTION

[31.1] The Council may set aside a section in a cemetery as a landscape section;

[31.2] Memorial work erected on a grave in a landscape section must -

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- (a) not exceed 500mm in length, 500mm in width and a minimum of 30mm thick;
- (b) not be made of ferrous material.

[31.3] The memorial work must be embedded horizontally on the ground level on a suitable foundation.

[31.4] Where memorial work is restricted to a plaque or memorial slab, 500 mm by 500mm, such plaque or memorial slab must be placed horizontal at 30 mm below grass level.

CHAPTER 6**DISPOSAL OF CREMATED REMAINS****[31] BURIAL AND EXHUMATION OF ASHES**

- [32.1] A person who wants to bury ashes in a grave, exhume ashes from a grave or scatter ashes must make an application to the Officer-in-charge.
- [31.2] The Officer-in-charge must, on payment of a prescribed fee give written permission to the applicant for burial or exhumation or scattering of ashes, and prepare such grave for burial or exhumation of ashes.
- [31.3] An ash grave in a wall of remembrance must measure 610mm in length and 610mm in width.

[32] USE OF NICHE AND SPACES, AFFIXING OF MEMORIAL

- [32.1] Ashes may be deposited in a garden of remembrance if an application accompanied by a prescribed fee is made to the Officer-in-charge and if the Officer-in-charge gives written permission.
- [32.2] A niche or a space abutting on a path in a garden of remembrance or a niche or a space in a memorial wall, must not be used for storing ashes or for affixing memorial work, without the consent of the Officer-in-Charge and payment of the prescribed fee.
- [32.3] Identity plaques must be made of material approved by the Officer-in-charge and affixed simultaneously with the placing of the ashes.
- [32.4] Ashes and plaques may be removed with the consent of the Officer-in-Charge.
- [32.5] Flower holders may be affixed to the plaque only with the consent of the Officer-in-charge.

CHAPTER 7**PAUPERS AND INDIGENT PERSONS****[33] PAUPERS AND INDIGENT BURIALS**

- [33.1] A person making an application for an indigent or pauper's burial must make a declaration to that effect.
- [33.2] A pauper or an indigent person may be buried according to the conditions determined by the Council.

CHAPTER 8**GENERAL****[34] PROHIBITED ACTS****[34.1] No person**

- (a) under the age of 16 years must enter any cemetery or only when accompanied by an adult or with the consent of the Officer-in-charge;
- (b) must enter or leave any cemetery, except by the gateway provided;
- (c) must enter any office or enclosed place in a cemetery where entry is prohibited without the consent of the Officer-in-charge, which may be given only when such person is attending business connected with such cemetery or crematorium.

[34.2] No person must, within any cemetery -

- (a) interfere with any fountain, statue, monument, equipment, fence, grave or Council property;
- (b) pick, damage, deface or destroy any flower, plant or seed;
- (c) damage, deface or remove any memorial work, grave, building, fence or fixtures;
- (d) throw litter outside containers provided by the Council for that purpose;
- (e) sit, stand, walk, climb, draw or write on any grave or memorial work;
- (f) swim, bath or wash himself him or herself or any animal in a pond, fountain, artificial watercourse, dam or stream;
- (g) reside in a cemetery or, without the written consent of the Officer-in-charge, build any structure or encroach on any land;
- (h) capture, chase, shoot at or interfere with any fish, bird or animal except where licensed to do so, or take, touch or damage birds' eggs or nests;
- (i) light any fire or burn any object unless there is a special provision made by the Council;
- (j) drive, ride or park any vehicle, bicycle, tricycle or push-cart, wear roller blades or draw or propel any vehicle, except in the places and at the times referred to in these By-laws;
- (k) drive or ride any vehicle, except in the places referred to in paragraph (j) at a speed exceeding 15 km per hour;
- (l) carry on or solicit business, hold any demonstration or perform an activity which is not normally associated with a cemetery;
- (m) cause a nuisance or commit any offensive or indecent act;
- (n) play any game except in designated areas;
- (o) use a facility provided for the opposite sex;
- (p) brew, sell or drink alcohol or abuse drugs;
- (q) play any musical instrument without the written consent of the Officer-in-charge;
- (r) deliver a public speech except for a funeral service or cremation, without the written consent of the Officer-in-charge,

- (s) do anything which may endanger or cause disturbance to any person ;
- (t) hold organized functions, advertise, dig any hole, trench or place any tent, caravan, booth screen, stand or any construction or obstruction, without the written consent of the Officer-in-charge;
- (u) undertake any community or voluntary work, without the written consent of the Officer-in-charge
- (v) make any film, without the written consent of the Officer-in-charge, and payment of the prescribed fee;
- (w) remain between sunset and sunrise without the written consent of the Officer-in-charge;
- (x) bring or allow an animal, except a guide dog, without the consent of the Officer-in-charge;
- (y) hinder, obstruct or resist the Officer-in-charge or any officer of the Council in the performance of his or her duties or in the exercise of any authority assigned to him or her by or in terms of these By-laws.

[34.3] Any animal found in a cemetery may be impounded .

[35] PENALTY CLAUSE

[35.1] Any person who-

- (a) Contravenes any provision of these By-laws;
- (b) fails to comply with any notice issued in terms of these By-Laws;
- (c) fails or fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) obstructs or hinders authorized representative or employee of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine of R5000,00 or in default of payment of such a to imprisonment for a period not exceeding six months.

[36] Repeal

These bylaws repeal and replace all other bylaws relating to cemeteries hitherto applied in the areas now under the jurisdiction of the Senqu Municipality.