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PROVINCIAL NOTICE

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[NO. 148 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD BED AND BREAKFAST AND GUEST HOUSE BY-LAW**

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.
- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director  
Systems And Capacity Building  
Department of Cooperative Governance  
and Traditional Affairs  
Local Government Branch  
PO Box 211  
BLOEMFONTEIN  
9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

**SCHEDULE**

**BED AND BREAKFAST AND GUEST HOUSE BY-LAW**

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**DEFINITIONS**

1. In these By-laws, words applying to any individual shall include persons and groups, and the masculine gender shall include the feminine gender and the singular number shall include the plural and vice versa, and unless the context otherwise indicates -  
**"authorised official"** means any person authorised as such by the Council for purposes of these By-laws to perform and exercise any or all of the functions specified therein;  
**"bed and breakfast facility"** means a-  
 (a) commercial accommodation establishment operated from a private single dwelling house;  
 (b) managed by a resident owner or resident lessee;  
 (c) providing sleeping accommodation and breakfast;  
 (d) aimed primarily at the tourist or business market; and  
 (e) where the facilities and services offered are for the exclusive use and benefit of overnight registered guests,  
 and the term **"guest house facility"** has a corresponding meaning;  
**"Council"** means the Council of the ..... Local Municipality or its successors in law, its Executive Committee, and any committee or person or other body acting by virtue of any power delegated to it in terms of legislation;

"lettable room" means a habitable room;

"Licensing Authority" means any local authority, or person or body, designated or appointed under section 2 of the Business Act, 1991 (Act No 71 of 1991);

"Municipality" means the.....Local Municipality established in terms of Section 12 of the Municipal Structures Act, 1998 (Act No. 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;

"nuisance" means any condition or conduct which is injurious or offensive to any person or which is dangerous to or compromises the health or safety of any person, or which causes an annoyance or disturbance to any person or to the residents of any area or which constitutes a threat or a potential threat to the environment or which causes harm or damage to the environment, or which may potentially harm or damage the environment;

"special consent" means the Council's special consent granted in terms of Council's applicable Town Planning Scheme;

"Town Planning Scheme" means the Town Planning Scheme(s) of the Municipality.

### REQUIREMENTS FOR PREMISES

2. (1) No person may operate a bed and breakfast or a guest house facility on any premises unless he or she has complied with all applicable legislation, including:-
  - (a) the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) where all buildings constructed on the premises must comply with this Act and its regulations;
  - (b) the Council's applicable Town Planning Scheme with specific reference to parking, floor area ratio, height, coverage and zoning, number of rooms, if prescribed by a Town Planning Scheme applicable to the area where the property is located and with Council's Outdoor Advertising Bylaws with reference to signage.
  - (c) the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972) and the Regulations governing general hygiene requirements for food premises and the transport of food, formulated under the Health Act, 1977 (Act No 63 of 1977), where a Certificate of Acceptability must be obtained from the Council's Senior Health Inspector.
  - (d) the Broadcasting Act, 1999 (Act No 4 of 1999) if the lettable room is supplied with a television set;
  - (e) the South African Music Rights Organisation (SAMRO) where a license is required if background music is to be played to the guests;
  - (f) the Free State Gambling and Liquor Act, 2010, (Act no. 6 of 2010) if liquor, including complimentary drinks, are served to guests;
  - (g) the Tobacco Products Control Act, 1993 (Act No 83 of 1993) where it is a requirement that signs are displayed in areas designated for smoking and no -smoking signs are displayed elsewhere;
- (2) The premises must provide:
  - (a) access to bedrooms and bathrooms at all times for registered guests;
  - (b) a serviceable lock and key (for privacy) to each lettable room;
  - (c) an area where breakfast can be served, adequate for the use of, and easily accessible to any guest on the premises;
  - (d) a bathroom and toilet for each lettable room suitably placed in a separate compartment which is close to the lettable room and is easily accessible to the guest/s of a lettable room and separate to that of the owner of the facility;
- (3) No kitchen facility may be provided to guests in the lettable rooms;
- (4) The operation of the facility may not detract from the residential character and amenities of the property or the immediate surroundings;
- (5) The facility must be of such a nature that the predominant land use is retained and if in a residential area, the residential character of the house is retained.
- (6) The facility may not include a place of public assembly or a place of public amusement.

### SPECIAL CONSENT AND BUSINESS LICENSE REQUIRED TO OPERATE A BED AND BREAKFAST OR GUEST HOUSE FACILITY

3. (1) A person who wants to operate a bed and breakfast or guest house facility must apply to the Council in writing in the prescribed format for Council's special consent;
- (2) When the Council receives an application for such special consent and, before deciding whether or not to approve the application, the Council -
  - (a) may request the applicant to provide any further information which the Council considers relevant to enable it to make an informed decision;
  - (b) will take into consideration -
    - (i) the scale and size of the proposed establishment in relation to character of the area;

- (ii) whether the premises are suitable for the proposed use;
- (iii) whether there is sufficient on-site parking facilities for motor vehicle and
- (iv) any other matter which would, in its opinion, interfere with the amenities and character of the neighbourhood; and
- (c) must ensure that the relevant premises are inspected by authorised officials as soon as reasonably possible.
- (3) Subject to subsection (2), the Council may -
  - (a) approve the application for special consent subject to such terms and conditions that are reasonably aimed at eliminating or reducing the risk, if any, which is likely to be caused by the relevant activity; or
  - (b) refuse the application for special consent.
- (4) The applicant must also apply for and obtain a Business License from the Licensing Authority for the area in which the facility is located.

#### **SUSPENSION, CANCELLATION AND AMENDMENT OF SPECIAL CONSENT**

- 4. (1) The Council may by written notice to the owner of the property on which a special consent was granted, suspend or cancel the special consent -
  - (a) with immediate effect, if the authorised official reasonably believes that it is urgently necessary to do so to eliminate or reduce a significant risk to public health posed by a nuisance; or
  - (b) after expiry of the period stipulated in a notice affording the owner a reasonable opportunity to comply with the notice and the owner having failed to comply with the notice.
- (2) The Council may add to the conditions of the special consent by written notice to the owner of the property, if the authorised official reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the special consent was issued.

#### **DUTIES OF OPERATOR OF BED AND BREAKFAST OR GUEST HOUSE FACILITY**

- 5. A person who operates a bed and breakfast or guest house facility must -
  - (a) be resident on the property;
  - (b) abide by all relevant health, fire, business, labour, town planning and media laws and regulations;
  - (c) ensure that the application for Council's special consent to operate a bed and breakfast or guest house facility is accompanied by letters of consent from the registered owners of the adjoining properties;
  - (d) keep all sanitary, ablution and water supply fittings in good working order;
  - (e) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen and cloths of whatever nature used in connection with the facility in a clean, hygienic and good condition at all times;
  - (f) supply fresh linen and unused soap for each letting; and
  - (f) take adequate measures to eradicate pests on the premises.

#### **APPEALS**

- 6. (1) Any person whose rights are affected by a decision of the Council or of any authorized official under these Bylaws may in terms of Section 62 of the Local Government Municipal System Act, 2000 (Act No 32 of 2000), appeal against the decision by giving written notice of the appeal and the reasons for the appeal to the municipal manager within 21 days of the date of the issue of the notification of the decision.
- (2) The municipal manager will refer the appeal to the appropriate appeal authority in terms of the Local Government Municipal Systems Act, 2000 (Act No 32 of 2000). The appeal authority must commence with the appeal within 6 weeks and decide the appeal within a reasonable period.

#### **OFFENCES AND PENALTIES**

- 7. Any person who -
  - (1) contravenes or fails to comply with a provision of these Bylaws or a direction issued by the Council in terms of these Bylaws, or a condition imposed under these Bylaws;
  - (2) obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of these Bylaws; or
  - (3) furnishes false, incorrect or misleading information when applying for permission from the Council in terms of a provision of these Bylaws,
 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, or to both fine and imprisonment.

#### **REPEAL OF BY-LAWS**

- 8. Any by-laws relating to bed and breakfast and guest house facilities 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.

#### **SHORT TITLE**

- 9. This by-law is called the By-law Relating to Bed and Breakfast and Guest House Facilities, 201..

[NO. 149 OF 2010

**NOTICE IN TERMS OF SECTION 14(2)(b) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: STANDARD BUILDING REGULATIONS BY-LAW**

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.
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 PO Box 211  
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Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

**SCHEDULE**

**BY-LAWS SUPPLEMENTARY TO THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977 (ACT No. 103 OF 1977) AND THE REGULATIONS PROMULGATED THEREUNDER.**

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**Definitions**

- 1 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, SABS 0400/1990.
- "adequate" or "effective"** means adequate or effective in the opinion of the Council;
- "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 ..... 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 must 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 the legal title is vested 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 No. 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 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 term of the Sectional Titles Act, 1986 (Act No. 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;

**"storm water"** 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 (Act No. 32 of 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 storm water,

**"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;

#### Scope of By-Laws

2. (1) These by-laws are supplementary to the National Building Regulation and applies 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 bylaws.
- (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 must deem fit or require.

#### Cat-heads, cranes and platforms

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

#### 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.

- (2) Paving or slabs must be laid to the grade, line and cross-fall pointed out by the Council and must conform to the following further requirements:
  - (a) For ordinary paving or slabs, the minimum cross-fall must 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 must be used for cross-falls between 1:25 and 1:15: provided that the maximum cross-fall must not exceed 1:15.
  - (c) Longitudinal grades must 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 must not exceed 1:15.
- (3) When carriage openings are formed in kerbs and cross footways or pavements, such openings must be paved or slabbed.
- (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.

**Planting on footways and sidewalks**

5. (1) The owner or occupier of an erf adjoining a street may, at his or 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.
- (2) The owner or occupier of an erf aforesaid may plant flowers or small shrubs in a strip of land not exceeding 1 meter in width immediately adjoining the said erf.
- (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.

**Street gutter bridged**

6. No person must bridge over or enclose any gutter or storm water drain under the control of the Council without the prior written consent of the Council.

**Encroachments**

7. (1) 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.
- (2) 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.
- (3) Sunshades and overhead lamps may exceed a street boundary or building line: provided that there is a head clearance of at least 2, 1m, measured from the finished ground level to the lowest point of such sunshades or overhead lamps.
- (4) Eaves projections may exceed the street boundary or building line.

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

8. (1) No building must 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.
- (2) For the purpose of this section, a natural watercourse means a topographic land depression which collects and conveys surface storm water 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.

**Minimum erf size**

9. Subject to the town planning scheme of the Municipality and any other legislation, all erven within the jurisdiction of the Municipality must be at least 400 m<sup>2</sup> in size

**Restriction of additional buildings**

10. (1) No person may erect a building additional to a building already approved by the Municipality; Provided that the Municipality may grant approval for such building subject to the applicable legislation.
- (2) If no prior approval for such building was obtained, the owner of the erf must within 14 days after receipt of a notice issued in accordance with section 41, demolish the building.
- (3) Should the owner fail to demolish the building within the time period, referred in subsection (2), the Municipality may demolish the building and the owner will be liable for the reasonable cost associated with such demolition.

**Relay of storm water from a high lying erf to a lower lying erf**

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

**Enclosures**

12. Where any erf is enclosed in whichever manner, such enclosure must be designed, erected and maintained according to sections 13, 14 and 15.

**Height restrictions**

- 13 (1) No enclosure except those on Industrial and Business zoned erven irrespective of the type of material used, may exceed a height of 2.1m.
- (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.

**Design and appearance**

14. (1) An enclosure which is visible from an adjacent street or public open space must comply with the following conditions-
- (a) All surfaces which are visible from such street or public open space must:
    - (i) be skillfully 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, must 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 must 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 is thoroughly treated with a wood-preserving agent.
- (2) An enclosure, as provided in sub section (1) which is visible from any adjacent erf, must comply with the following requirements:
- (a) All surfaces fronting on the adjacent erf must be –
    - (i) skillfully 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 must show on the owner's side
  - (c) If wood forms part of such enclosure, it must be thoroughly treated with a wood-preserving agent.
- (3) Notwithstanding the provisions in these By-laws -
- (a) the enclosure, as provided in subsection (1), must, 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;
  - (b) 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;
  - (c) the enclosure must be properly maintained to the sole satisfaction of the Council.
  - (d) the height of any enclosure or wall will be measured from natural ground level.

**Roofs**

15. (1) Sheet metal which is used for roofs and is visible from the street or surrounding erven must be properly painted within fifteen months after construction thereof if the Council so requires.
- (2) No roof surface may have a luminous finish.

**Connection to sewer**

16. (1) No part of any drainage installation must 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 or 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.
- (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 must, 14 days before the drainage installation on his or her premises will be ready for connection to a connecting sewer, advise the Council of his or her intention to so connect. As soon as the Council has provided the connecting sewer, he or she must connect the drain to it at his/her own expense.

- (3) Any alternative or additional connection required by the owner must be subject to the approval of the Council and is effected at the owner's expense.
- (4) No person must 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.
- (5) Save as may be otherwise authorized by the Council in writing, no person other than an official duly authorized to do so, may lay and connect any connecting sewer to the sewer.
- (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.

#### **Disconnection of Drainage Installations and Conservancy or Septic Tanks**

17. (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 must 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.
- (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 must 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 must cease to be raised with effect from the first day of the month following the issue of such certificate: provided that, until such certificate is issued by the Council, any such charges must continue to be raised.
- (3) When a drainage installation is disconnected from a sewer, the Council must seal the opening so made and must recover from the owner the cost of such work in terms of section 14(5).
- (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), is guilty of an offence.
- (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, must 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.

#### **Drainage Work which does not comply with the Requirements**

18. (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 must, on receipt of a written notice by the Council to do so and notwithstanding the fact that he 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.
- (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 or her own expense, to take such action as may be necessary to prevent the recurrence of the said nuisance.
- (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.
- (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 to also 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 bylaws and may recover the cost thereof from the owner by the ordinary process of law in terms of subsection (5).
- (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 bylaws 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.

#### **Maintenance**

19. Where any part of a drainage installation is used by two or more owners or occupiers, they are jointly and severally liable in terms of this section for the maintenance and repair of such drainage installation.

#### **Drainage and Sewer Blockages**

20. (1) No person must 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.

- (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 must forthwith inform the Council of the facts and take steps to have it cleared.
- (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.
- (4) Any plumber or registered person as aforesaid must, before proceeding to remove any blockage from a drainage installation, notify the Council by telephone or otherwise of his or her intention to do so, and must when he or she has done so, notify the Council of that fact and of the nature, location and cause of the said blockage.
- (7) The Council must, 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 18(5).
- (5) 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 is not liable for the reinstatement thereof.
- (8) 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 is liable for the cost of clearing the blockage and the Council may recover such cost from the owner. in accordance with Section 18(5).
- (9) 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 is recoverable in the first place in equal portions from each of the owners thereof, who must however, be jointly and severally liable for the whole charge.

#### **Interference with or Damage to Sewers and Water Care Works**

21. 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 must be rectified or repaired by the Council at the expense, of the person responsible for the said non-compliance or contravention or of causing or permitting same.

#### **Entry onto Premises**

22. (1) An official authorized by the Council has 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.
- (2) Any owner or occupier of premises who denies or causes or instructs 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 instructs any person to obstruct such official in the performance of his or her duties, or who withholds or causes or instructs any other person to withhold information required by the official for the purpose of carrying out his said duties, or who gives or causes or instructs any other person to give to the official any information which is to his/her knowledge false, is guilty of an offence.

#### **Manholes on Municipal Property**

23. (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 must 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.
- (2) The owner of the private premises referred to in subsection (1) must, if so required by the Council, pay rental to the Council for the space occupied by the manholes in the public place.

#### **Mechanical Food-Waste or other Disposal Units**

24. (1) No person must 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.
- (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.
- (3) The owner must, upon the removal of any such unit or grinder, notify the Council in writing within 14 days of its removal.
- (4) The charges as prescribed in the applicable tariff must be paid in respect of the discharge of a food-waste, other disposal unit or a garbage grinder referred to in subsection (1).

**Sewage or other Pollutants not to enter Storm water drains**

25. (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, must provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, storm water drain or watercourse except where, in the case of steam, the Council has specifically permitted such discharge.
- (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, storm water 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.

**Storm water not to enter Sewers**

26. No person must discharge or cause or permit to be discharged any storm water or any substance other than sewage into a drainage installation.

**Discharge from Swimming Pools**

27. Water from fountains, boreholes, wells, reservoirs or swimming pools situated on private premises is 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.

**Permission to Discharge Industrial Effluent**

28. (1) No person must 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.
- (2) Every person must, before discharging any industrial effluent or other liquid substance 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 must thereafter furnish such additional information and submit such samples as the Council may require.
- (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.
- (4) A person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer must, 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 must take place and of the nature of the proposed change.
- (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) is 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.
- (6) Without prejudice to its rights in terms of subsection (5) or of Section 29(3)(c), the Council is 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:
- (7) Injury to persons, damage to the sewer or any water care works or mechanical appliance or to any property 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
- (8) A prosecution in terms of the National Water Act, 1998 (Act No. 36 of 1998), 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.
- (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 National Water Act, 1998 (Act No. 36 of 1998), 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 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 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, are regarded as having lapsed and the new or amended conditions, if any, as the case may be, must forthwith apply.

**Control of Industrial Effluent**

29. (1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer, must 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.
- (2) The owner or occupier of any premises on which industrial effluent originated and who intends applying treatment to such effluent before discharging it, must obtain prior written permission from the Council.
- (3) The Council may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him or her, subject 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 pre-treatment 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 National Water Act, 1998 (Act No. 36 of 1998), 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 or her own expense 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 (CODJ 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 is assessed accordingly;
  - (f) to provide all such information as may be required by the Council to enable it to assess the charges payable in terms of the tariff; and
  - (g) for the purposes of subsection (f) to provide and maintain at his or 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.
  - (h)

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

30. (1) The Council may incorporate, in such position as it determines 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 is 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.
- (2) The Council is 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.
- (3) The owner of any premises on which is situated any borehole or well used for a water supply for trade or industrial purposes must:
- (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.

**Prohibited Discharges**

31. (1) No person must 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 the Annexure: 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
  - (ii) 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 effluent from the water care works from satisfactorily complying in all respects with any requirement imposed in terms of the National Water Act, 1998 (Act No. 36 of 1998); or
    - (iii) whether listed in the Annexure 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.
- (2) (a) Any person receiving from an official duly authorized thereto by the Council a written order instructing him to stop the discharge into the sewer of any substance referred to in subsection (1), must 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), is 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 or 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 must forthwith stop it, or if he or she fails to do so, the Council may prevent him from proceeding with the discharge.

**Connection from mains**

32. (1) All communication pipes which are intended for preventive or automatic use in case of fire must be laid by the Council as far as the boundary of the consumer's property.
- (2) Such communication pipes must be used only for fire extinguishing purposes.
- (3) No take-off of any kind is 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 must be controlled by a suitable ball tap.

**Valves in Communication Pipes**

33. Every communication pipe must be fitted with a proper stop valve, which said valve must 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 must be determined by the Council.

**Additions to System**

34. No further sprinkler must be added or connected without the prior written consent of the Council to any existing fire extinguishing system after such system has been connected to the mains.

**Extension of System to other premises**

35. No extension or connection from any fire extinguishing system to other premises must be made. In the event of any such connection or extension being made, the Council is 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.

**Inspection and approval of Fire Extinguishing Service**

36. No supply of water must 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

**Connection to be at pleasure of the Council**

37. Connection to the mains is at the pleasure of the Council, which is entitled to disconnect any fire extinguishing services at any time.

**Installation of Reflux Valve**

38. 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 must be installed between the boundary of the property and the fire pump connection.

**Sprinkler system**

39. (1) A sprinkler system may be installed in direct communication with the main, but the Council must not be deemed to guarantee any specified pressure of water at any time.
- (2) When an automatic sprinkler system has been installed and completed, the owner must advise the Council in writing within 14 days of the date of completion of the installation of such sprinkler system.

**Header tank or duplicate supply from mains**

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

**Notices**

41. (1) Every notice, order or other document issued or served by the Council in terms of these by-laws is valid if signed by the Municipal Manager or an official of the Council duly authorized thereto by the said Municipal Manager.
- (2) If a notice is to be served on a person in terms of these by-laws, such service is effected by:
- (a) delivering the notice to him or her personally or to his or her duly authorized agent;
  - (b) delivering the notice at his or her 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 or she has nominated an address for legal purposes, by delivering the notice to such an address;
  - (d) registered or certified post addressed to his or her 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; or
- (3) If service cannot be effected in terms of sub-section (2) 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.
- (4) Any notice, order or other document served in terms of these by-laws on any person must be so served by delivering it, or a true copy thereof, to the person to whom it is addressed personally or at his or her last known residence or place of business or by posting it to him or her by registered post.
- (5) In every notice, order or other document issued or served in terms of these by-laws, the premises to which it relates must be specified but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

**Penalty Clause**

42. Any person who contravenes or fails to comply with any provision of these bylaws is 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.

**Repeal of By-Laws**

43. Any by-laws relating to building regulations 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.

**Short Title**

44. This by-law is called the By-law Relating to Building Regulations, 201..

**ANNEXURE****LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES**

Subject to the provisions of Section 29(1) of these by-laws:

- (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.
- (2) The maximum permissible concentrations of pollution expressed in milligrams per liter [mg/l] are as follows:
  - (a) GENERAL:
    - (i) PV-not to exceed: 1 400mg/l;
    - (ii) Caustic alkalinity (expresses as CaCO<sub>2</sub>): 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 SO<sub>4</sub>): 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, must not exceed 20mg/l, nor must 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 must not exceed 50mg/l, nor must 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 (expressed as indicated above) in any sample of the effluent must not exceed 20mg/l.
- (c) RADIO-ACTIVE WASTE:  
 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 Annexure, 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 is the test normally used by the Council for this purpose. Any person discharging into a sewer any substance referred to in the Annexure, may ascertain the details of the appropriate test from the Council.

[NO. 150 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD CEMETERIES AND CREMATORIA BY-LAW**

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.
- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director  
 Systems And Capacity Building  
 Department of Cooperative Governance  
 and Traditional Affairs  
 Local Government Branch  
 PO Box 211  
 BLOEMFONTEIN  
 9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

**SCHEDULE**

**CEMETERIES AND CREMATORIA BY-LAW**

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**CHAPTER 1: INTERPRETATION**

**Definitions**

1. (1) In these by-laws, unless the context otherwise indicates:-  
**“Administrator of cemeteries”** means the head of the section or department of the Council which has the responsibility for the administration of the cemeteries of the Council, and any person acting in his or her stead or any person duly authorised by the Council to act on his or her behalf.

- “**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 1,40 m in length and 400 mm in width;
- “**after-hours 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 set aside by the Council in a cemetery, where memorial work is erected on a berm;
- “**Births and Deaths Registration Act**” means the Births and Deaths Registration Act, 1992 (Act No. 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 a tomb and any other mode of disposal of a body;
- “**cemetery**” means any land or part thereof within the municipal area set aside by the Council or approved by the Council as a cemetery;
- “**child**” means a deceased person who is not an adult;
- “**columbarium**” means the place set aside in the basement of the crematorium or chapel for the placement in a niche of a receptacle containing ashes;
- “**Commonwealth war grave**” means any grave, tombstone, monument or memorial connected with a Commonwealth war burial in terms of the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992);
- “**Council**” means –
- (a) the Local Municipality of ..... Established in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended, exercising its legislative and executive authority through its municipal Council; or
  - (b) its successor in title; or
  - (c) 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
  - (d) 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.
- “**cremation**” means the process of disposing of a human body by fire;
- “**crematorium**” includes the buildings in which the ceremony is conducted and the cremation is carried out;
- “**crematorium section**” means a section of a cemetery or crematorium set aside by the Council for the burial of ashes;
- “**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 or crematorium set aside for the erection of memorial work , placing or scattering of ashes, but does not include a columbarium;
- “**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 the 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 includes a pauper;
- “**indigent relief**” means assistance received for the 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 the erection of memorials;
- “**memorial wall**” means a wall in a cemetery or crematorium section provided for the placement of inscribed tablets commemorating deceased persons;
- “**memorial work**” means any headstone, monument, plaque, or other work, or object, erected or intended to be erected in any cemetery or crematorium to commemorate 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 Council; “**niche**” means a compartment in a columbarium or garden of remembrance for the placing of ashes;

“normal operational hours” means Monday to Friday 08:00 to 15:00 excluding Saturdays, Sundays and Public holidays;

“office hours” means Monday to Friday 07:00 to 16:00 excluding Saturdays, Sundays and Public holidays;

“officer-in-charge” means the registrar of a crematorium appointed in terms of Regulation 21 of the Regulations Relating to Crematoria and Cremations, made in terms of Ordinance No. 18 of 1965, and includes a person authorized by the Council to be in control of any cemetery;

“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;

“South African Heritage Resources Agency” means the South African Heritage Resources Agency, established in terms of section 11 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)

“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).

- (2) 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.

## CHAPTER 2: DISPOSAL OF A BODY

### Requirements for disposal of a body

2. (1) No person shall save with the prior written consent of the Council, dispose of or attempt to dispose of a body, other than by burial in a cemetery or by cremation in a crematorium.
- (2) A person may not bury or cremate a body in a cemetery without -
- the permission of the officer-in -charge; and
  - arranging a date and time of such burial with such officer-in- charge.

### Application for burial

3. (1) (a) A person intending to bury a body must complete and submit the prescribed 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 -
- submit the application at least three working days before the burial;
  - indicate whether the application is in respect of a first, second or third burial, in respect of a particular grave; and
  - Indicate the date and time for such burial.
- (2) The officer-in-charge must approve an application if -
- it is accompanied by an original burial order in terms of the Births and Deaths Registration Act;
  - the prescribed fee has been paid; and
  - an application in terms of subsection (1) has been submitted.
- (3) The officer-in-charge must, where necessary, take into account the customs of the deceased, and the people responsible for the burial.

### Reservation of a grave

4. (1) An application to reserve a grave must be made to the officer-in -charge.
- (2) A surviving spouse of the deceased may apply for an adjoining grave to be reserved.
- (3) The officer-in-charge must allocate another grave within the cemetery to the applicant, where persons other than the applicant mistakenly utilized a reserved grave.
- (4) A grave will be reserved only upon payment of the prescribed fee.

### Postponement or cancellation of a burial

5. (1) An applicant must give notice of the postponement or cancellation of a burial, by completing the prescribed application form, to the officer-in-charge, who must approve the application at least one working day before the burial.

- (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.

**Number of bodies in a coffin**

- 6. (1) Only one body in a coffin is allowed for burial or cremation.
- (2) Burial of more than one body in a coffin may be allowed if application is made to and approved by the officer-in-charge and the prescribed fee has been paid;
- (3) Such application may be made in respect of -
  - (a) family members who either died together or a short while after each other, and the burial of the first dying member has not yet taken place;
  - (b) a mother and child who died during childbirth;
  - (c) two people who have lived together as partners; or
  - (d) unrelated deceased persons, whose families have no objection.

**Burial and subsequent burials**

- 7. (1) Burial may take place only in a grave allocated by the officer-in -charge.
- (2) (a) Subject to paragraph (b), not more than two burials may be permitted in a grave;
- (b) A third burial may be allowed only if-
  - (i) an application has been made to the officer-in -charge and written permission has been granted;
  - (ii) the grave has been deepened; and
  - (iii) a prescribed fee has been paid;
- (c) 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.

**Private rights**

- 8. (1) The holder of private rights includes –
  - (a) a person who purchased a grave or who received a grave as a gift from the purchaser and whose name appears in the register of the Council;
  - (b) a person who paid the prescribed burial fees 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 .
- (2) The private rights in a grave are transferable, but such transfer only becomes effective on registration by the Council.
- (3) If there is a dispute about the holder of private rights, the dispute must be referred to the officer-in -charge for determination.

**Sizes of graves**

- 9. Subject to the provisions of section 7 and 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 must measure 1 500 mm in length and 700 mm in width and 1 500 mm in depth.

**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.
- (2) If a coffin is too large for the size of an adult grave, such grave must be enlarged to accommodate such coffin.
- (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.
- (4) A grave may, on application and on payment of the prescribed fee, be deepened for burial of a third coffin.

**Coffins**

- 11. (1) Coffins to be placed in a grave must be made of natural wood or other perishable material.
- (2) Coffins intended for cremation must be constructed mainly of timber or wood derivatives.

**Covering of coffins**

- 12. (1) Every coffin must be covered with at least 300 mm of soil immediately after burial;
- (2) There must be at least -
  - (a) 1 200 mm of soil between a coffin of a buried adult and the surface of the ground; or
  - (b) 900 mm of soil in the case of a coffin of a child.
- (3) The provisions of subsection (2) do not apply to a burial in a tomb.

**Body bags**

13. (1) If there is more than one body in a coffin each body must be contained in a separate body bag.  
 (2) A body intended for burial at a cemetery or cremation in a crematorium must be sealed in a body bag inside a coffin, unless this is contrary to the tradition, customs or religious beliefs of the deceased person or the applicant

**CHAPTER 3: FUNERALS****Religious or memorial services**

14. A person who desires to have a religious or memorial service at a cemetery or crematorium must apply to the officer-in-charge and pay the prescribed fee.

**Control of hearses at the cemetery**

15. No person in a cemetery may –  
 (a) drive a hearse or cause a hearse to be driven except on a designated roadway;  
 (b) park a hearse or detain a hearse on a roadway 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.

**Conveyance of coffins and bodies**

16. (1) An applicant in terms of section 3 is responsible at his or her own cost for ensuring that a coffin is conveyed to the cemetery for burial or to the crematorium for cremation.  
 (2) No person may in any street, cemetery, crematorium or other public place convey a body in a disrespectful manner.

**Instructions at cemeteries**

17. (1) The officer-in-charge at the cemetery may issue instructions relating to –  
 (a) the parking of vehicles;  
 (b) a funeral procession;  
 (c) the duration of a service.  
 (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.

**Duration of service**

18. No person may 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.

**Hours for burial**

19. (a) Subject to paragraph (b) burial may take place only between 08h00 and 15h00.  
 (b) 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.  
 (c) If the burial takes place outside the stipulated hours, the applicant will provide tools and assume the responsibility of closing the grave.  
 (d) 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 fee, subject to such conditions as the officer-in-charge may determine.

**CHAPTER 4: RE – OPENING OF GRAVES AND EXHUMATIONS****Conditions of exhumations**

20. (1) No person may exhume or cause to be exhumed a body without the written consent of the –  
 (a) Premier of the Free State Provincial Government;  
 (b) the Council;  
 (c) the Administrator of cemeteries; and  
 (d) the Council's Medical Officer of Health.  
 (2) Whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services.

- (3) A member of the South African Police Services must always be present when an exhumation is being conducted.
- (4) An exhumation must not take place when the cemetery is open to the public and must take place under the supervision of the officer-in-charge.
- (5) If remains are to be exhumed from any grave, only the undertaker under the supervision of the officer-in-charge, may cause the grave to be excavated for such exhumation;
- (6) (a) 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, and
- (7) (b) The authority referred to in paragraph (1)(d) and the prescribed fee must accompany such notice.
- (7) A person who wishes to exhume the remains of an indigent person must pay the costs incurred by the Council at the time of burial, to the Administrator of Cemeteries.
- (8) The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized.
- (9) The South African Police must -
  - (a) if there is proof of illegal burial immediately exhume the body; and
  - (b) take it to a government mortuary for investigation.
- (10) A grave of victims of conflict and a grave which is older than 60 years may only be exhumed with the permission of the South African Heritage Resources Agency.
- (11) A Commonwealth war grave may only be exhumed in accordance with the provisions of section 3 of the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992).

#### **Exhumation and reburial**

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.
- (2) The relatives of the deceased must be -
  - (a) notified of the intended exhumation and re-burial; and
  - (b) allowed to attend.

#### **Screening off exhumation**

22. (1) A grave from which a body is to be exhumed must be screened from the view of the public during the exhumation.
- (2) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

### **CHAPTER 5: CARE OF GRAVES**

#### **Gardening of graves and other objects on grave**

23. (1) The Council is responsible for keeping cemeteries clean unless these by-laws provide otherwise.
- (2) No person may -
  - (a) plant, cut or remove plants, shrubs or flowers on a grave without the permission of the officer-in-charge;
  - (b) plant, cut or remove plants, shrubs or flowers on the berm section; or
  - (c) place a metal cot on any grave.
- (3) A person may only erect, place or leave, an object or decoration on a grave during the first 30 days following the burial.
- (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.
- (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, for the purpose of beautification of the area.
- (6) The Council is not liable for any loss or damage to any object on a grave unless such loss or damage is a result of the negligence of any employee of the Council.

### **CHAPTER 6: MEMORIAL SECTION**

#### **Erection of memorial work**

24. (1) A person intending to erect a memorial work must make and complete an application on the prescribed application form to the officer-in-charge.
- (2) Such application must be made not less than five working days before the date of erection.

- (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.
- (4) No person may—
  - (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 holiday, without the written consent of the officer-in-charge.
- (5) The Council is not liable for damage to memorial work resulting from any subsiding soil.
- (6) A person erecting memorial work must at the request of the officer-in-charge produce the written consent.
- (7) Memorial work or material to be used in the erection of such work, may not be conveyed in a cemetery or crematorium in a manner that may damage the roadways, pathways, lawns, grounds or other memorials.
- (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 its completion.

#### **Inferior memorial work**

25. 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.

#### **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; and
  - (b) on the upper surface, in the lower left hand corner, of a tablet erected on a grave in a landscape section.
- (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.

#### **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.
- (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.
- (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.
- (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.
- (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) leaves such memorial work 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 there from, at his or her own expense or to re-erect such memorial work.
- (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 of rights or person referred to in subsection (1), 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 there from.

- (7) If such holder of rights or person referred to in subsection (1) 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 there from; or
  - (c) make the memorial work safe, and such holder or person will be liable for any costs incurred by the Council.
- (8) The Council may without giving any notice, or incurring any liability to the holder of rights or person referred to in subsection (1) –
- (a) dismantle the memorial work and remove it and any rubble resulting therefrom, except memorial work that is protected by the provisions of the National Heritage Resources Act, 1999, (Act No. 25 of 1999); 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.
- (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.
- (10) Such holder of rights or person referred to in subsection (1) is liable for costs incurred by the Council, when the Council has acted in the manner contemplated in subsection (8).
- (11) If the holder of rights or person referred to in subsection (1) fails to pay the costs referred to in subsection (10), or to reclaim the memorial work dismantled by the Council, the Council may dispose of such memorial work in any manner it deems fit.
- (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.

**General requirements for memorial work**

28. (1) Memorial work must be constructed or made of durable material, approved by the South African Bureau of Standards with a life expectancy of at least 25 years.
- (2) Any person erecting memorial work in a cemetery or crematorium must do so with the approval of the officer-in -charge.
- (3) A person erecting memorial work must comply with the following requirements-
- (a) when joining any 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 500 mm, two or more pins of at least 5mm thick and 100 mm long;
    - (ii) for memorial work 501 mm up to a height of 1 000 mm, two or more pins at least 10 mm thick and 200 mm long; or
    - (iii) for memorial work 1 001 mm and higher at least two or more pins 20 mm thick and 300 mm 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 50 mm below the natural level of the ground;
  - (e) a border which is more than 225 mm above the surface of the ground or more than 200 mm 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 150 mm in thickness must be securely attached to the base;
  - (h) all the components of memorial work must be completed before being brought into 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 220 mm wide x 250 mm thick and that of a double memorial work not less than 2 286 mm long x 200 mm wide x 250 mm thick; and
    - (iv) if loose stone chips are placed on a grave, the level of such stone chips must not be higher than 10 mm below the level of the surrounding curb stones .

**Requirements for memorial work in lawn section**

29. 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 900 mm in length and 260 mm in width, but if the base of the headstone is erected over two adjoining graves, such base must not exceed 2 200 mm in length and 260 mm in width;
  - (b) the dimensions of the base of any headstone of a child's grave must not exceed 610 mm in length and 260 mm in width, but if the base of the headstone is erected over two adjoining graves such base must not exceed 1 200 mm in length and 260 mm in width;

- (c) no portion of any headstone may 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;
- (e) no part of any memorial work may exceed 1 500 mm in height above the berm;
- (f) any headstone must be so positioned that the front edge of the headstone is at least 130 mm from the edge of the berm;
- (g) (i) no object other than a headstone which may incorporate more than two sockets for receptacles for flowers may be placed on any grave; and  
(ii) a vase containing natural flowers, or artificial flowers and foliage, may be placed in a socket built in the headstone and such vase must not exceed 300 mm in height; and
- (h) a kerb demarcating any grave and a slab covering are not permitted.

#### Requirements for memorial work in memorial section

30. 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 2 500 mm in length and 1 050 mm in width; or
  - (b) in the case of a child's grave, be 1 500 mm in length and 900 mm in width.

#### Requirements for memorial work in landscape section

31. (1) The Council may set aside a section in a cemetery as a landscape section;
- (2) Memorial work erected on a grave in a landscape section must -
- (a) not exceed 500 mm in length, 500 mm in width and a minimum of 30 mm thick;
  - (b) not be made of ferrous material.
- (3) The memorial work must be embedded horizontally on the ground level on a suitable foundation.
- (4) Where memorial work is restricted to a plaque or memorial slab, 500 mm by 500 mm, such plaque or memorial slab must be placed horizontal at 30 mm below grass level.

### CHAPTER 7: CREMATIONS

#### Application for cremation

32. (1) A person intending to cremate must submit the prescribed and duly completed application form supplied by the officer-in-charge for approval not later than 15:00, a day before the intended date of cremation, and such application must be accompanied by -
- (a) a prescribed fee;
  - (b) a burial or removal order issued in terms of the Births and Deaths Registration Act, 1992, (Act No. 51 of 1992); and
  - (c) a death certificate; and
- (2) If all the above requirements are met, the officer-in-charge must approve such application.
- (3) The cremation may only take place in a crematorium.
- (4) If the application is made in terms of subsection (1) in respect of a body of a person-
- (a) who at the time of death was suffering from a communicable disease as defined in section 1 of the Health Act; or
  - (b) in whom at any time a pacemaker or radioactive material was inserted:
- the applicant must clearly indicate this fact and in the case of a body referred to in paragraph (b), whether such pacemaker or radioactive material was removed from the deceased.

#### Cremation times

33. (1) Cremation may take place from Monday to Friday between 09:00 and 14:00.
- (2) No cremation may take place on Saturdays, Sundays, and public holidays.
- (3) Despite the provisions of subsection (1), the officer-in-charge to whom an application is made, may if he or she is satisfied that the case is one of emergency, permit cremation outside cremation time on payment of the prescribed fee.

#### Provision of receptacles

34. (1) The applicant must provide a receptacle for receiving ashes with the full names of the deceased, unless such ashes are to be buried by the Council.
- (2) (a) A receptacle which is intended to be placed in a niche in the columbarium must be made of wood, stone, or other suitable material, and must be of such a size and design as to fit readily into such niche.
- (b) An inscription plate may be affixed to such a receptacle, or the niche may be closed with a suitable marble or other plaque.

**Ash collection and disposal**

35. (1) After cremation the ashes must be entrusted to the care of the person who applied for the cremation, should he or she so desire, if not, be kept by the owner of the crematorium.
- (2) The person collecting the ash must indicate in the prescribed application forms the quantity of ash to be retained for collection.
- (3) If there are no express arrangements for burial or safekeeping, the owner of a crematorium may bury or scatter the ashes in a garden of remembrance.

**Burial and exhumation of ashes**

36. (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.
- (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.
- (3) An ash grave in a crematorium section or wall of remembrance must measure 610 mm in length and 610 mm in width.

**Use of niches and spaces, affixing of memorial**

37. (1) Ashes may be deposited in a columbarium or garden of remembrance if an application accompanied by the prescribed fee is made to the officer-in-charge, and if the officer-in-charge gives written permission.
- (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.
- (3) Identity plaques must be made of material approved by the officer-in-charge and affixed simultaneously with the placing of the ashes.
- (4) Ashes and plaques may be removed with the consent of the officer-in-charge.
- (5) Flower holders may be affixed to the plaque only with the consent of the officer-in-charge.

**Memorial work in crematorium**

38. (1) A person may erect a memorial work in a crematorium in remembrance of the deceased if he or she—
- (a) was cremated at that crematorium in terms of section 32; or
- (b) presents a cremation certificate from another crematorium
- (2) Memorial work erected in a garden of remembrance must be made of marble, granite, or other suitable material, and measure either 230 mm by 150 mm by 25 mm thick, or 250 mm by 305 mm by 25 mm thick, as arranged with the Officer-in-charge, if it is intended -
- (a) to be placed on a space on a memorial wall or on a space abutting on a path in a garden of remembrance;
- (b) to seal a niche, must be of the same material and size as to conform with the memorial work next to it and have no items affixed to it except the lettering or photo of the deceased; or
- (c) for erection on a grave, not exceed 610 mm in length, 610 mm in width and 1,2 m in height.
- (3) Memorial work must only be removed from or affixed to a memorial wall or to a space abutting on a path in the garden of remembrance with the written consent of the Officer-in-charge.

**Book of remembrance, memorial cards and miniature books**

39. (1) If the Council provides a book of remembrance in a cemetery or crematorium, a memorial inscription may be entered in such book on application to the officer-in charge and on payment of the prescribed fee.
- (2) If an inscription is entered in the book of remembrance, an inscription memorial card or an inscribed miniature may be purchased, if it is available, on payment of the prescribed fee.

**Duplicate cremation certificates**

40. A person may obtain a duplicate cremation certificate on application and on payment of the prescribed fee to the officer-in-charge.

**CHAPTER 8: INDIGENT PERSONS****Burial of indigent persons**

41. (1) A person making an application for an indigent person's burial must make a declaration to that effect.
- (2) An indigent person may be buried or cremated according to conditions determined by the Council.
- (3) If an indigent person is cremated the ashes must be retained by the Council for a period of not less than 12 months.

- (4) If ashes are not claimed within the period of 12 months be buried in an ash grave.

**CHAPTER 9: GENERAL**

**Prohibited acts**

42. (1) No person -
- (a) under the age of 16 years may enter any cemetery or crematorium unless when accompanied by an adult, or with the consent of the officer-in-charge;
  - (b) may enter or leave any cemetery or crematorium, except by the gateway provided;
  - (c) may enter any office or enclosed place in a cemetery or crematorium, 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.
- (2) No person may, within any cemetery or crematorium -
- (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 special provision therefore 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 or crematorium;
  - (m) cause a nuisance or commit any offensive or indecent act;
  - (n) play any game except in a designated area;
  - (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; and
  - (y) hinder, obstruct or resist the officer-in-charge or any official 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.
- (3) Any animal found in a cemetery may be impounded and must be released on payment of a fee.

**Penalty clause**

43. Any person who-
- (a) Contravenes or fails to comply with any provision of these By-laws;
  - (b) fails to comply with any notice issued in terms of these By-laws;
  - (c) fails to comply with any lawful instruction given in terms of these By-laws; or
  - (d) obstructs or hinders an authorized official 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 of such a fine 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.

**Repeal of by-laws**

44. Any by-laws relating to cemeteries and cremation 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.

**Short title**

45. These By-laws are called the Cemeteries and Crematoria By-laws, 201...

[NO. 151 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD CHILDCARE SERVICES BY-LAWS**

- [1.] I, MJ Zwane, Member of the Executive Council responsible for Cooperative Governance Traditional Affairs and Human Settlements in the Free State Province in terms of Section 14(2)(b) of the Local Government: Municipal Structures Act, 2000 (Act 32 of 2000) hereby publish standard draft by-laws as set out in the Schedule hereto for public comment.
- [2.] The public and interested parties are invited to submit comments in writing on these proposed standard draft by-laws by not later than 30 days from the date of publication of this notice, to:-

The Chief Director  
 Systems and Capacity Building  
 Department of Cooperative Governance  
 and Traditional Affairs  
 Local Government Branch  
 PO Box 211  
 BLOEMFONTEIN  
 9301

Comments may also be submitted by facsimile to number 086 698 8906 or by e-mail to

chohne@lgh.f.sgov.za

**SCHEDULE**

**CHILDCARE SERVICES BY-LAW**

**1. Definitions**

In these bylaws, unless the context indicates otherwise - "**approved**" means approved by the authorised officer;

"**Authorised officer**" means an officer of the Municipality to whom it has delegated a duty, function or power under these bylaws in relation to the exercise or performance of that duty, function or power; "**child**" means a child admitted to a child-minder service;

"**child-minder service**" means any undertaking involving the custody and care of a maximum of six children apart from their parents or relatives during the whole or part of the day on all or any days of the week;

"**certificate**" means a certificate issued in terms of section (3);

"**certificate holder**" means any person to whom a certificate has been issued in terms of section (3); "**communicable disease**" means a communicable disease as defined by section (1) of the Health Act, 1997 (Act No. 63 of 1977);

"**Municipality**" means the ..... Local Municipality established in terms of Section 12 of the Local Government Municipal Structures Act, 1998(Act No. 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;

"**National Building Regulations**" means the regulations published under the National Building Regulations and Building Standards Act, 1977 (Act No. 105 of 1977);

"premises" means any building or part thereof including outdoor play areas in or upon which a child-minder service is carried on;  
 "prescribed" means prescribed by the authorised officer referred to in section (3).

## 2. Application of bylaws

- (1) These bylaws applies to all child-minder services within the area of jurisdiction of the Municipality.
- (2) Subject to the provisions of sub-section (3), no person must conduct a child-minder service unless it has been registered in terms of section (3) and he is in possession of a valid certificate issued in terms of that section.
- (3) A person who is at the date of commencement of these sections conducting a child-minder service must within one month of the date, or within such extended period as the Municipality may, on application made prior to the expiry of the said period on writing, allow, apply for registration of such service in terms of section (3) and if he or she fails to do so or his application is refused, he or she must, if he or she continues to conduct such service after such period or after refusal of his application be deemed to have contravened sub-section (2).
- (4) A person whose service has been registered in terms of section (3) must in the conduct of his or her service, ensure that it and the premises in which it is conducted complies with all the requirements of this by law and he must comply with the conditions and restrictions imposed upon the registration of the service and if he or she fails to do so he or she is guilty of an offence for which the penalties referred to in section (13) are be applicable.

## 3. Registration of child-minder services

- (1) Every person who intends to conduct a child-minder service must apply to the authorised officer for registration of that service and must supply such information and plans as that officer may require.
- (2) The authorised officer must approve an application and register the service in respect of which it has been made in terms of sub-section (1) if he is satisfied –
  - (a) that the applicant is not a mentally or legally unsuitable person to conduct a child-minder service and that there are no circumstances which are likely to be prejudicial to the health, safety and welfare of children who may be cared for by the service; and
  - (b) that the requirements of sections 6 and 7 have been complied with;
  - (c) that the applicant has not before been convicted of any offence involving abuse of children in any way whatsoever; and must refuse the application if he or she is not satisfied, provided that he may afford an applicant an opportunity of effecting compliance with the requirements of sections 6 and 7 within a prescribed period.
- (3) In approving an application for registration the authorised officer may impose such conditions and restrictions, required in terms of these sections in order to ensure that the health and safety of the children are maintained.
- (4) Upon approval and registration in terms of sub-section (2) the authorised officer must issue a certificate to the applicant which must contain a description of the premises in respect of which the registration has been effected and any conditions or restrictions imposed in terms of sub-section (3), including restrictions as to the number and ages of the children who may be cared for by the service.

## 4. Validity of registration

- (1) Subject to the provisions of sub-section (2) and of section (5), registration and the certificate issued in respect thereof is valid for an indefinite period but must be valid only in respect of the premises referred to in section (3)(4).
- (2) If a certificate holder wishes to transfer his or her service to other premises or if the premises referred to in section (3)(4) are or are to be materially altered so that they no longer comply with the requirements of section (6), the certificate holder must apply to the authorised officer on the prescribed form for the registration of his or her service to be amended accordingly and the provisions of sub-sections (2), (3) and (4) of section (3) are *mutatis mutandis* applicable.
- (3) Registration lapses and the registration certificate issued to the certificate holder ceases to be valid -
  - (a) upon his death;
  - (b) if he or she ceases to conduct his or her service,
- (4) A certificate holder must notify the authorised officer in writing if he or she suspends his or her service or ceases to conduct it.

## 5. Cancellation of registration

- (1) The authorised officer must, by written notice to the certificate holder, cancel registration of a child-minder service if-
  - (a) the certificate holder is convicted of an offence under these sections or pays an admission of guilt in respect of any such offence; or
  - (b) the certificate holder fails to comply with any condition or restriction imposed in terms of section (3)(3); or
  - (c) if it can be readily proven that the authorised officer is of the opinion that the certificate holder is an unsuitable person to conduct a child-minder service, or that circumstances exist that are likely to be prejudicial to the health, safety and welfare of children being cared for by the service.

- (2) Upon cancellation of registration in terms of sub-section (1) the registration certificate ceases to be valid; provided that before cancelling registration the authorised officer may at his or her sole discretion suspend registration to give the certificate holder an opportunity to remedy a defect in the premises or rectify an omission and if the certificate holder does so to his or her satisfaction the authorised officer may elect not to cancel the registration. During the period of such suspension the certificate holder may not conduct his or her child-minder service.
- (3) A certificate holder whose registration has been cancelled in terms of section (1), may within 14 days of the date of the notice by which he was given notice of such cancellation, appeal in writing to the appropriate committee of Municipality against the cancellation and the decision of the committee is final.
- (4) Cancellation of registration in terms of sub-section (1) will not come into effect until the 14 day period referred to in sub-section (2) has lapsed, or in the case of an appeal in terms of the said sub-section until the cancellation is confirmed by the committee.

#### 6. Requirements for premises

The following minimum accommodation and facilities must be provided in respect of the child-minder service at all times that such service is being conducted:

- (a) An adequate, suitable and unobstructed indoor floor area approved by the authorised officer and reserved for the use of the children.
- (b) An approved floor covering to the floor area in terms of paragraph (a) above.
- (c) Adequate facilities for the preparation of meals on the premises.
- (d) An adequate supply of toilet paper and soap must be available and accessible to the children.
- (e) Suitable toilet and wash facilities for children who are not toilet-trained.
- (f) Plastic buckets with a close fitting lid or other approved means for the storage of soiled napkins.

#### 7. Equipment for children

The certificate holder must provide equipment for the children complying with the following requirements:

- (a) approved individual resting or sleeping equipment for each child;
- (b) sufficient crockery and cutlery for the sole use of the children and kept in a clean and good condition at all times.

#### 8. Medical care of children

The certificate holder must -

- (a) observe all children for any signs of illness, indisposition, injury or other abnormal condition, including possible child abuse;
- (b) immediately notify the parent or guardian of such illness, indisposition, injury or other abnormal condition;
- (c) immediately isolate the child so suffering and devote all care necessary to the comfort and treatment of the child whilst on the premises;
- (d) in the event of a communicable disease or detection of signs of possible child abuse, notify the authorised officer and SAPS immediately;
- (e) keep a record of all injuries and illnesses which occurred or manifested themselves whilst the child was on the premises and keep records of injuries observed on the child which have occurred other than at the premises'
- (f) ensure that all children admitted to the child-minder service have completed basic immunisation schedules considered necessary by the authorised officer vested with the powers and functions referred to in section (3); provided that if any child is too young such immunisation must be carried out and completed as soon as the child is old enough.

#### 9. Health and safety measures

(1) The certificate holder must, in the interests of the health and safety of the children -

- (a) take effective precautions for the protection of the children against fires, hot-water installations, electrical fittings and appliances and any other article, condition or thing which may be dangerous or likely to cause injury to any child;
- (b) not accept for admission to the child-minder service or retain in such service any child under the age of five years if there is a swimming or paddling pool on the premises; provided that the provisions of this paragraph must not apply to a person referred to in section (2)(3) in respect of the premises described in the certificate and issued to him or her in terms of section (3)(4) for as long as that certificate remains valid and he or she complies with conditions imposed by the authorised officer in terms of section (3)(3) as to security measures to be taken in relation to the pool on those premises to prevent danger to children;
- (c) where required re -ensure that all gates or doors of outdoor play areas are close-fitting and securely locked or otherwise closed so as to prevent children from entering or leaving the confines of such areas or the premises of their own accord and to prevent the entrance or presence of domestic animals, including dogs;
- (d) equip and maintain a first-aid cupboard with first-aid materials and equipment to the satisfactions of the authorised officer and keep it readily available for use and out of reach of the children;

- (e) store medicines, corrosive and other harmful substances, including alcoholic beverages, in a safe manner and in a place not accessible to the children;
  - (f) ensure that no noxious or poisonous plant or shrub grows on the premises;
  - (g) arrange for the medical examination of employees and other person involved in the conduct of the child-minder service or present on the premises when called upon by the authorised officer to do so and must not allow any such person who is found to be suffering from or to be a carrier of a communicable disease to remain on the premises;
- (2) The provisions of the Regulations relating to Communicable Disease and the Notification Medical Conditions published under Government Notice 2438 dated 30 October 1987 are *mutatis mutandis* applicable to the premises of child-minder services as if they fell within the scope of the expression "teaching institution" in regulation 1 of those Regulations and -
- (a) a breach by a certificate holder if a duty placed upon a principal in terms of those Regulations is deemed to be a breach of these sections;
  - (b) the duties placed upon and the powers vested in a medical officer of health under those Regulations must be placed upon or vest in the authorised officer to whom the powers and functions referred to in section (3) have been delegated for the purposes of these sections.

#### 10. Management responsibilities

The certificate holder must ensure that -

- (a) no refuse receptacle or any other potentially harmful or hazardous thing or material is stored in the outdoor play area used by the children;
- (b) the buckets used for the soiled napkins are kept in a clean and sanitary condition at all times and cleaned regularly with an approved disinfectant;
- (c) the children are at all times under adult supervision;
- (d) meals, which are provided to the children must meet the requirements of the authorised officer;
- (e) prepared infant feeds are supplied by parents or guardians in bottles with covered teats;
- (f) the premises are maintained in a clean, hygienic, safe, sound and pest and rodent free condition.

#### 11. Health register

The certificate holder must maintain a health register reflecting the following details of all children admitted to the child-minder service -

- (a) The child's name and date of birth.
- (b) The name of the parents or guardian and their address.
- (c) The name and address and telephone number of a medical practitioner who may be consulted in emergencies with written authority given by the parents or guardian to send for him.
- (d) Details of immunisation.
- (e) Details of allergies and any medical treatment which each child may be undergoing.

#### 12. Right of entry and inspection of premises and records

Subject to the provisions of Section 101 of the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000) an authorised officer may for any purpose connected with the carrying out of these bylaws, at all reasonable times, enter any premises upon which a child-minder service is conducted, or upon which such officer has reasonable grounds for suspecting the existence of such child-minder service and make such examination, enquiry and inspection thereon as he may deem necessary.

#### 13. Offences and penalties

- (1) Any person who fails to give, or refuses access to any authorised officer, if he or she requests entrance to such premises, or who obstructs or hinders such officer in the execution of his or her duties in terms of these sections or who fails or refuses to give information or to produce records that he or she may lawfully be required to give or produce to such officer, or who gives to such officer false or misleading information knowing it to be false or misleading, is guilty of an offence.
- (2) A person who contravenes any provision of these sections or contravenes any conditions or restrictions imposed upon the granting of an application in terms of section (3) is guilty of an offence and upon conviction liable to the penalties prescribed by a Chief Magistrate of the Magistrate's Court with jurisdiction in the area where the offence was committed.

#### 14. Repeal of By- Laws

Any by-laws relating to Childcare Services 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.

#### 15. Short Title

This By-law is called the Childcare Services By-law, 20...

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**NOTICES**

PLEASE TAKE NOTE THAT AS FROM 1 NOVEMBER 2010 THE BANKING DETAILS OF THE DEPARTMENT OF THE PREMIER WILL BE AS FOLLOWS:

**BANKING DETAILS FOR DEPARTMENT OF THE PREMIER**

NEW BANK:	STANDARD BANK
ACCOUNT NAME:	FSPG: DEPARTMENT OF THE PREMIER
ACCOUNT NUMBER:	240 322 029
BRANCH NAME:	BRANDWAG BRANCH
BRANCH CODE:	05 5534 00
REFERENCE NO.:	AS DISCUSSED UNDERNEATH
ACCOUNT HOLDER:	FSPG: DEPT PREMIER
FAX NO.	(051) 405 4396

- NB: FOR CHEQUES PURPOSE (PAY) PLEASE WRITE FSPG: DEPT. PREMIER.
- YOU ONLY USE REFERENCE NUMBER WHEN YOU PHYSICALLY GO TO BANK AND FILL IN DEPOSIT SLIP. AFTER DEPOSITING, YOU FAX ME BACK YOUR DEPOSIT SLIP AND SUBSCRIPTION FORM PLEASE.
- WHEN DEPOSIT MONEY ELECTRONICALLY YOU WILL USE COMPANY NAME AS A REFERENCE NUMBER AND FAX ME BACK YOUR PROOF OF PAYMENT AND SUBSCRIPTION FORM PLEASE.

<b><u>ENQUIRIES CONTACT:</u></b>	<b><u>TEL NO.</u></b>
MS C TSHABALALA	(051) 403 3139
MRS M.E. MATILE	(051) 403 3590

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**NOTICE**

**PLEASE TAKE NOTE: THAT THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2010 WILL BE ON 10 DECEMBER 2010.**

**THE NEXT PUBLICATION WILL BE ON 14 JANUARY 2011.**

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