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PROVINCIAL NOTICES

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[NO. 174 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD PUBLIC AMENITIES 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 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**

**PUBLIC AMENITIES BY-LAW**

**Purpose of By-Law**

- To promote the achievement of a safe and peaceful environment;
- To provide for procedures, methods and practices to regulate the use and management of public amenities.

**Definitions**

1. In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa: -
- "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;
- "notice"** means official notice displayed at every entrance to or at a conspicuous place at or on a public amenity and in which the municipality shall make known provisions and directions adopted by it in terms of this by-law;
- "public amenity"** means -
- (a) any land, square, camping site, swimming bath, river, public resort, recreation site, nature reserve, zoo-logical, botanical or other garden, park or hiking trail which is the property of the municipality, including any portion thereof and any facility or apparatus therein or thereon;

- (b) any building, structure, hall, room, or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission fees or not; but excluding:
- (i) any public road or street;
  - (ii) any public amenity contemplated in paragraphs (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the municipality, and
  - (iii) any public amenity hired from the municipality;

**Maximum number of visitors**

2. (1) The municipality may determine the maximum number of visitors who may be present at a specific time in or at a public amenity;
- (2) The number contemplated in subsection (1) must be made known by the municipality by means of a notice.

**Admission to and sojourn in a public amenity**

3. (1) A public amenity is, subject to the provisions of this by-law, open to the public on the times determined by the municipality;
- (2) No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.
- (3) The times and places contemplated in subsections (1) and (2), must be made known by the municipality by means of a notice.

**Entrance fees**

4. (1) A visitor to a public amenity must pay entrance fees determined from time to time by the municipality and such entrance fees shall be made known by means of a notice.
- (2) Different entrance fees may be determined in respect of visitors of different ages and the municipality may exempt certain groups of persons from the payment of an entrance fee.

**Nuisances**

5. No person must perform or permit any of the following acts in or at a public amenity -
- (a) the use of language or the performance of any other act which disturbs the good order;
  - (b) the firing of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults without the municipality's written consent;
  - (c) the burning of rubble or refuse;
  - (d) the causing of unpleasant or offensive smells;
  - (e) the production of smoke nuisances;
  - (f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments; or by the use of loudspeakers, radio reception devices, television sets, or similar equipment;
  - (g) the begging for money, food, work or the offering of services, or
  - (h) in any other manner cause a nuisance, obstruction, disturbance or annoyance to the public.

**Health matters**

6. No person must in or at a public amenity-
- (a) dump, drop or place any refuse, rubble, material or any object or thing or permit it to be done, except in a container provided for that purpose in or at the amenity;
  - (b) pollute or contaminate in any way the water in any bath, swimming-bath, dam, spruit, river or water-course;
  - (c) enter any bath or swimming bath while suffering from an infectious or contagious disease or having an open wound on his body;
  - (d) perform any act that may detrimentally affect the health of any visitor to a public amenity.

**Structures**

7. No person must without the written consent of the municipality having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything similar, except the parking of a caravan or tent erected for camping purposes on a site specifically set aside therefore by notice;

**Liquor and Food**

8. (1) No person must, contrary to a provision of a notice, bring into a public amenity any alcoholic or any other liquor or any food of whatever nature.
- (2) No person must on, in or at a public amenity, contrary to a provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice; Provided that the preparation and cooking of food in or at a public amenity must be done in a clean and hygienic manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health; Provided further that no live animals, poultry or fish may be killed or skinned on, in or at a public amenity.

**Animals**

9. (1) No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the municipality.
- (2) The directions contemplated in subsection (1) shall be made known by means of a notice.

**Use of public amenities**

- 10 (1) No person must without the consent of the municipality or contrary to any condition which the municipality may impose when granting such consent-
- (a) arrange or present any public entertainment;
  - (b) collect money or any other goods for charity or any other purpose from the general public;
  - (c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
  - (d) arrange, hold or address any meeting;
  - (e) arrange or hold a public gathering or procession, exhibition or performance;
  - (f) conduct any trade, occupation or business;
  - (g) display, sell or rent out or present for sale or rent any wares or articles;
  - (h) hold an auction;
  - (i) tell fortunes for compensation;
- (2) For the purposes of this by-law "public gathering or procession" means a procession or gathering of 15 or more persons and which is not regulated by national or provincial legislation.

**Safety and Order**

11. (1) No person must, subject to subsection (2), in or at a public amenity-
- (a) damage or disfigure anything within such amenity;
  - (b) use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;
  - (c) light a fire or prepare food, except at a place indicated for that purpose by notice;
  - (d) throw away any burning or smouldering object
  - (e) throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;
  - (f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;
  - (g) behave himself or herself in an improper, indecent, unruly, violent or unbecoming manner;
  - (h) cause a disturbance;
  - (i) wash, polish or repair a vehicle;
  - (j) walk, stand, sit or lie in a flower bed;
  - (k) kill, hurt, follow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;
  - (l) walk, stand sit or lie on grass contrary to the provisions of a notice;
  - (m) lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;
  - (n) play or sit on play park equipment, except if the person concerned is a child under the age of 13 years;
  - (o) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond;
- (2) The municipality may by way of notice and subject to such conditions as the municipality deems necessary and mentioned in the notice, authorise any of the actions contemplated in subsection (1).

**Water**

12. No person may misuse, pollute or contaminate any water source or water supply or waste water in or at any public amenity.

**Laundry and Crockery**

13. No person may in or at a public amenity wash any crockery or laundry or hang out clothes, except at places indicated by notice for that purpose.

**Vehicles**

- 14 (1) No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the municipality;
- (2) The municipality determines the speed limit applicable in a public amenity;
- (3) The directions contemplated in subsection (1) and the speed limit contemplated in subsection (2) must be made known by the municipality by way of notice.

**Games**

15. No game of any nature whatsoever must be played or conducted in or on a public amenity by any person or persons except at places set aside for that purpose by notice and in accordance with the directions of the municipality and which is made known by way of notice.

**Loitering**

16. No person leading the life of a loiterer or who lacks any determinable and legal refuge or who leads a lazy, debauched or disorderly existence or who habitually sleeps in a public street or on a public place or who habitually begs for money or goods or persuades others to beg for money or goods on his behalf, may loiter or linger about in a public amenity.

**Penalties**

17. Any person who -
- (a) contravenes or fails to comply with a provision of these by-laws or a direction adopted by a council under these by-laws and which has been made known by notice, or of a condition imposed under such by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in these by-laws, or not;
  - (b) deliberately obstructs, hampers or handicaps any person in the execution of any power or the performance of any duty or function in terms of any provision of these by-laws; or
  - (c) furnishes false, incorrect or misleading information when applying for permission from a council in terms of a provision of a by-law, is guilty of an offence and if found guilty is punishable with a fine of not exceeding R500 or with imprisonment for a period not exceeding 12 months and, in the event of a continuing contravention, a fine not exceeding R50 or with imprisonment not exceeding one month for each day that the contravention continued.

**Repeal of by-laws**

18. Any by-laws relating to advertising 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**

19. These by-laws are called the Public Amenities by-law, 201....

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**[NO. 175 OF 2010]****NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD PUBLIC SWIMMING POOL 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 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  
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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

### PUBLIC SWIMMING POOLS BY-LAW

#### Definitions

1. In this by-law, words used in the masculine gender include the feminine; the singular includes the plural and vice versa; and unless the context otherwise indicates:-
  - "**manager**" means the employee of the municipality who is in charge of the swimming pools and who has been appointed by the municipality to give effect to this by-law;
  - "**municipality**" means the Local Municipality of .....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 this by-law by virtue of a power vested in the municipality and delegated or subdelegated to such political structure, political office-bearer, councillor, agent or employee;
  - "**notice**" means a clear and legible official notice displayed at every entrance to or at a conspicuous place at a swimming pool and in which the municipality must make known provisions and directions adopted by it in terms of this by-law;
  - "**premises**" means swimming pools owned by or under the management or control of the municipality and available for the use of the public and includes all dressing-rooms and other facilities used in connection therewith and the grounds on which it is erected; and
  - "**swimming pool**" means the swimming pool situated on the premises.

#### Admission to swimming pool

2. (a) No person must enter the premises, nor must any person swim in the swimming pool except on such days and at such times and on such conditions as must be laid down by the municipality from time to time.
- (b) The municipality must post a notice setting forth the days and hours during which the swimming pool must normally be open to the public in a prominent place at or near the entrance to the premises.
- (c) Notwithstanding the fixing by the municipality of the days and hours of normal opening as provided in subsection (a), the municipality may close the swimming pool or part thereof to the public for a specified time and purpose during the open hours; Provided that a notice to that effect be posted at the same place as the notice referred to in subsection (b). When the swimming pool is closed to the public to allow a swimming gala to be held or for the special purposes of a swimming club or other organisation or school, as the case may be, the public may be admitted as spectators or swimmers on such conditions and terms of admission as determined by the organisers of such swimming gala, swimming club or other organisation or school with the approval of the municipality.
- (d) No club, school or other organization or person must use the swimming pool for any gala, meeting, practice or training unless written application is made beforehand to the municipality and only on such conditions as the municipality may determine.

#### Admission

3. (a) No person other than a person who is the holder of an admission ticket must be permitted admission to the premises. Any such person to whom a ticket, as aforesaid, has been issued must at any time while visiting the premises produce such ticket to the manager when requested by him to do so.
- (b) No child under the age of seven years must be permitted admission to the premises unless accompanied by a parent or other responsible person.
- (c) No person who is in a state of intoxication or under the influence of drugs or whom the manager upon reasonable grounds believes to be in such a state must be admitted to the premises. Where such person has been inadvertently admitted, he must vacate the premises without delay on being ordered to do so by the manager.
- (d) No pets must be allowed on the premises.
- (e) The manager must have the right to refuse admission to any person who in terms of this by-law is manifestly not entitled to obtain admission, and in the event of any such person having already obtained admission, to order him or her to leave the premises forthwith.
- (f) Any person who has been refused admission to the premises or who, having gained admission, is ordered by the manager to leave the premises have the right to appeal to the municipality against the decision of the manager.
- (g) No person who has paid for admission and who is subsequently ordered to leave the premises is entitled to a refund of his or her admission fee.
- (h) No firearms, catapults, air-guns, traditional weapons, fireworks or crackers or any dangerous weapon may be brought into the swimming pool area.

#### Use of dressing rooms

4. (a) The municipality must provide on the premises such dressing rooms as it may deem necessary in which persons visiting the swimming pool for the purpose of swimming must change from their ordinary clothes into pooling costumes and vice versa as well as such sanitary conveniences and other facilities as it may deem necessary.

- (b) Separate dressing rooms and sanitary and other conveniences must be provided for both sexes and notices must be erected stating the sex which is entitled to use the respective dressing room and sanitary or other conveniences. No person must enter any such dressing room or other accommodation which has been appropriated or set apart for the use of the opposite sex.

#### **General prohibitions**

5. No person must-
- (a) dress or undress in any place, except in the dressing room or other places provided for such purpose;
  - (b) after having entered the swimming pool, use therein any soap or other substance or preparation for any purpose whatsoever;
  - (c) by any disorderly or improper conduct disturb, injure or molest any other person or obstruct the manager or his or her authorised official in the performance of his other duties, and no person must use any indecent, offensive or profane language or behave in an indecent or offensive manner;
  - (d) bring any glass bottle or any glassware onto the premises;
  - (e) remove, take away, throw down, damage or destroy any furniture, fitting, tool, machinery or other article or thing pertaining to or used on the premises which is the property of the municipality;
  - (f) at any time enter the swimming pool while knowingly suffering from a contagious disease or from an open wound or sore;
  - (g) introduce into or consume or smoke on the premises any intoxicating liquor or drugs;
  - (h) swim in the swimming pool unless clothed in a proper and adequate swimwear, nor appear anywhere on the premises unless he or she is wearing swimwear or is otherwise properly dressed;
  - (i) spit or expectorate on the premises or defecate in the swimming pool or some other place, or leave or deposit any paper, fruit peels or other litter anywhere except in the refuse bins provided for the purpose;
  - (j) use any shower or sanitary convenience in an improper or offensive manner;
  - (k) damage, or by writing, drawing or scribbling thereon or by any other means or in any other manner deface or defile any wall, seat or door, or damage or unlawfully interfere with any facility or appurtenance or any part of the swimming pool;
  - (l) gamble on the premises;
  - (m) play water polo in the swimming pool except at such times and on such conditions as fixed by the municipality, nor must any person play, with or without a ball or other object, any other game likely to cause injury or discomfort to swimmers or spectators;
  - (n) bring or use a surfboard, canoe, boat, punt, raft or other thing which may cause injury on the premises or in the swimming pool;
  - (o) wash any garment or other matter in the swimming pool;
  - (p) discharge any fireworks on the premises;
  - (q) play any musical instrument or make noises thereon whilst utilising the conveniences on the premises, except with the prior written consent of the municipality;
  - (r) deliver, utter or read aloud any public speech, prayer, book or address, or sing any song out loud, or hold or take part in any public meeting or assemblage on the premises, except with the prior written consent of the municipality;
  - (s) refuse to give his or her name and address when requested to do so by the manager;
  - (t) enter the swimming pool with clothing other than normal swimwear;
  - (u) enter the swimming pool area with a bicycle, motorcar, motorbike or any other self-propelled means of transport;
  - (v) interfere with or molest any animal or bird kept on the premises on which a swimming pool is situated, nor must any person interfere with any plant or pick any flower, slip or cutting;
  - (w) organise a function, sale, performance, march or any other gathering on the parking area or in the swimming pool area without the written consent of the manager.

#### **Responsibility of municipality**

6. The municipality is not responsible-
- (a) for the loss or theft of clothing or effects of any description whatsoever left by any person in the dressing rooms or lockers or elsewhere on the premises;
  - (b) for any injuries sustained or illness contracted or alleged to have been sustained or contracted, as the case may be, by any person on the premises or in the swimming pool;
  - (c) for death as a result of drowning or any other cause.

#### **Admission charges**

7. The municipality must from time to time fix the charges for admission to the premises, and such charges must be prominently displayed at the office where the admission charges are paid.

#### **Ejection**

8. Any person contravening any provision of this by-law and any person whom the manager reasonably suspects of having committed any other offence on the premises must immediately leave the premises when ordered to do so by the manager.

**Penalty**

9. Any person who contravenes any provision of this by-law is guilty of an offence and liable upon conviction to-
- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;
  - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued;
  - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

**Repeal of by-laws**

10. Any by-laws relating to public swimming pools adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws.

**Short title**

11. This by-law is called the Public Swimming Pool By-laws, 201....

**[NO. 176 OF 2010]****NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD REFUSE REMOVAL 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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chohne@lgh.f.sgov.za

**SCHEDULE**

**To provide for a refuse removal service in the municipality; and for matters connected therewith.**

**Contents**

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21. Accumulation of refuse
22. Charges
23. Penalty clause
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### Definitions

1. In this By law, unless the context otherwise indicates —
  - "**bin**" means a standard type of refuse bin with a capacity of 0,1 cubic meters or 85 litres as approved by the Municipality and which can be supplied by the Municipality. The bin may be constructed of galvanised iron, rubber or polythene;
  - "**bin liner**" means a plastic bag approved by the Municipality which is placed inside a bin with a maximum capacity of 0,1 cubic meters. These bags must be of a dark colour, 950 mm x 750 mm in size, of low density minimum 40 micrometer diameter or 20micrometer diameter high density;
  - "**builders refuse**" means refuse generated by demolition, excavation or building activities on premises;
  - "**bulky garden refuse**" means refuse such as tree stumps, branches of trees, hedge stumps and branches of hedges and any other grade refuse of quantities more than 2 cubic meters;
  - "**bulky refuse**" means refuse which emanates from any premises, excluding industrial refuse, and which cannot by virtue of its mass, shape, size or quantity be conveniently accumulated or removed in a refuse bin with a bin liner;
  - "**business refuse**" means refuse generated by the use of premises other than a private dwelling-house used solely as a residence, but shall not include builders refuse, bulky refuse, domestic refuse or industrial refuse;
  - "**domestic refuse**" means refuse normally originating from a building used for dwelling purposes, including flats, hospitals, schools, hostels, compounds, benevolent societies, churches and halls situated on private property and which can be easily removed without damaging the bin liner;
  - "**garden refuse**" means refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, plants and flowers;
  - "**Municipality**" means the ..... Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
  - "**occupier**" means any person who occupies any premises or part thereof, without regard to the title under which he or she occupies;
  - "**owner**" means -
    - (a) the person in whom from time to time is vested the legal title to the premises;
    - (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, manager, liquidator or other legal representative;
    - (c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of such premises or a building thereon;
    - (d) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;
    - (e) in relation to -
      - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property; or
      - (ii) a section as defined in the Sectional Title Act, 1986 (Act No 95 of 1986) the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
    - (f) any legal person including, but not limited to -

- (i) a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), a trust *inter vivos*, a trust *mortis causa*, a close corporation registered in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984), a voluntary association;
- (ii) any Department of State;
- (iii) any municipality or board established in terms of any legislation applicable in the Republic of South Africa;
- (iv) any embassy or other foreign entity;

**"public place"** means any road, street, square, park, recreation ground, sport ground, sanitary lane or open space which has —

- (a) in connection with any subdivision or layout of land into erven, lots of plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots of plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (b) at any time been dedicated to the public or
- (c) at any time been declared or rendered as such by the Municipality or other competent authority;

**"special industrial refuse"** means refuse, consisting of a liquid or sludge, resulting from a process or the pre-treatment for disposal purposes of any industrial liquid waste, which in terms of the Municipality's By-laws may not be discharged into a drain or sewer;

**"tariff"** means the tariff of charges as determined from time to time by the Municipality.

#### Removal of refuse

2. (1) The Municipality must provide a service for the collection and removal of business and domestic refuse from premises at the tariff determined by the Municipality.
- (2) The occupier of the premises on which business or domestic refuse is generated, must avail himself or herself of the Municipality's service for the collection and removal of such refuse, except where special exemption is granted by the Municipality.
- (3) The owner of the premises on which business or domestic refuse is generated, is liable to the Municipality for all charges in respect of the collection and removal of refuse from such premises.

#### Notice to the Municipality

3. The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises on which business refuse or domestic refuse is generated, shall within seven days after the commencement of the generation of such refuse notify the Municipality-
  - (a) that the premises is being occupied;
  - (b) whether business refuse or domestic refuse is being generated on the premises.

#### Provision of refuse bins or container units

4. (1) The Municipality must determine the type and number of containers required on a premises.
- (2) If a container is supplied by the Municipality, such container must be supplied free of charge, or at the ruling prices, or at a hiring tariff, as the Municipality may determine;
- (3) If required by the Municipality, the owner of a premises is responsible for the supply of a pre-determined number and type of containers.
- (4) The Municipality may supply container units to a premises if, having regard to the quantity of business refuse generated on the premises concerned, the suitability of such refuse for storage in refuse bins, and the accessibility of the space provided by the owner of the premises in terms of section 5 to the Municipality's refuse collection vehicles, if it considers container units more appropriate for the storage of the refuse than refuse bins: Provided that container units must not be supplied to the premises unless the space provided by the owner of the premises in terms of section 5 is accessible to the Municipality's refuse collection vehicles for container units.

#### Positioning of refuse bins, container units, etc.

5. (1) The owner of the premises must provide adequate space on the premises for the storage of the refuse bins supplied by the Municipality in terms of section 4 or for the equipment and containers mentioned in section 7(1).
- (2) The space provided in terms of subsection (1) must-
  - (a) be in such a position on the premises as will allow the storage of refuse bins without the bins being visible from a street or other public place;
  - (b) where domestic refuse is generated on the premises —
    - (i) be in such a position as will allow the collection and removal of refuse by the Municipality's employees without hindrance;
    - (ii) not be more than 20 meters from the entrance to the premises, used by the Municipality's employees;
  - (c) if required by the Municipality, be so located as to permit convenient access to and egress from such space for the Municipality's refuse collection vehicles;

- (d) be sufficient to house any receptacle used in the sorting and storage of the refuse contemplated in subsections 6(1)(a)(i) and 7(9), as well as any such refuse not being stored in a receptacle: Provided that this requirement does not apply in the case of buildings erected, or the building plans whereof have been approved, prior to the coming into operation of this By-law.
- (3) The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises must place the refuse bins supplied in terms of section 4, in the space provided in terms of subsection (1) and must at all times keep them there.
- (4) Notwithstanding anything to the contrary in subsection (3) contained-
  - (a) in the case of buildings erected, or of which the building plans have been approved prior to the coming into operation of this By-law; and
  - (b) in the event of the Municipality, in its opinion being unable to collect and remove business refuse from the space provided in terms of subsection (1), the Municipality may, having regard to the avoidance of nuisance and the convenience of collection of refuse, indicate a position within or outside the premises where the refuse bins shall be placed for the collection and removal of such refuse and such refuse bins shall then be placed in such position at such times and for such periods as the Municipality may determine.

#### Use and care of containers and bin liners

- 6. (1) Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises must ensure that-
  - (a) all the domestic or business refuse generated on the premises is placed and kept in bin liners for removal by the Municipality: Provided that the provisions of this subsection must not prevent any occupier or owner, as the case may be —
    - (i) who has obtained the Municipality's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption;
    - (ii) from utilising such domestic refuse as may be suitable for making compost;
  - (b) no hot ash, unwrapped glass or other business or domestic refuse which may cause damage to bin liners or which may cause injury to the Municipality's employees while carrying out their duties in terms of this By-law, is placed in bin liners before he or she has taken such steps as may be necessary to avoid such damage or injury;
  - (c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render such bin liners unreasonably difficult for the Municipality's employees to handle or carry, is placed in such bin liners;
  - (d) every container on the premises is covered, save when refuse is being deposited therein or discharged therefrom, and that every container is kept in a clean and hygienic condition;
  - (e) no person deposits refuse in any other place than in the containers provided for that purpose.
- (2) No container may be used for any purpose other than the storage of business, domestic or garden refuse and no fire must be lit in such container.
- (3) In the event of a container having been delivered to premises in terms of subsection 4(4), the occupier of such premises must, 24 hours before the container is likely to be filled to capacity, inform the Municipality thereof.
- (4) The owner of premises to which bins or container units have been supplied in terms of section 4 or 11, is liable to the Municipality for the loss thereof and for any damage caused thereto, except for such loss or damage as maybe caused by the employees of the Municipality.
- (5) Plastic bin liners with domestic or garden refuse, or both, is properly closed and be placed outside the property next to the fence and near the entrance or access road before 07:00 on the day determined by the Municipality for removal of refuse.

#### Compaction of refuse

- 7. (1) Should the quantity of domestic or business refuse generated on premises be such that, in the opinion of the Municipality, the major portion of such refuse is compactable, or should the owner or occupier of premises wish to compact such refuse, such owner or occupier, as the case may be, must increase the density of that portion of such refuse as is compactable by means of approved equipment designed to shred or compact refuse and must put the refuse so treated into an approved plastic, paper or other disposable container or into a compaction unit container, and the provisions of section 4 shall not apply to such compactable refuse.
- (2) The capacity of the plastic, paper or other disposable container referred to in subsection (1) must not exceed 0,1 cubic meters.
- (3) After the refuse, treated as contemplated in subsection (1), has been put into a plastic paper or other disposable container, such container must be placed in a container or container unit.
- (4) Insofar as the provisions of subsection (1) make the compaction of domestic or business refuse compulsory, such provisions must not apply until a period of 6 months has elapsed from the date of the serving of a notice to this effect by the Municipality.

"Approved" for the purpose of subsection (1), means approved by the Municipality, regard being had to the suitability of the equipment or container for the purpose for which it is to be used, as well as the reasonable requirements of the particular case from a public health, storage and refuse collection and removal point of view.

- (6) The containers mentioned in subsection (1) must be supplied by the owner or the occupier, as the case may be.
- (7) If the container referred to in subsection (1) is made of steel, such container must, after the collection thereof and after it has been emptied by the Municipality, be returned to the premises.
- (8) The Municipality must remove and empty the containers referred to in subsection (1) at such intervals as the Municipality may deem necessary in the circumstances.
- (9) The provisions of this section must not prevent any owner or occupier of premises, as the case may be, after having obtained the Municipality's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption.

#### **Removal and disposal of garden refuse, bulky garden refuse and other bulky refuse**

- 8. (1) The occupier, or in the case of premises occupied by more than one person, the owner of premises on which garden refuse, bulky garden refuse or other bulky refuse is generated, must ensure that such refuse be disposed of in terms of this By-law a reasonable time after the generation thereof.
- (2) Any person may remove and dispose of garden refuse, bulky garden refuse or other bulky refuse.
- (3) Garden refuse, bulky garden refuse or other bulky refuse removed from the premises on which it was generated, must be disposed of on a site designated by the Municipality as a disposal site for such refuse.

#### **The Municipality's special service**

- 9. At the request of the owner or any occupier of any premises, the Municipality must remove bulky garden refuse and other refuse from premises, if the Municipality is able to do so with its refuse removal equipment. All such refuse must be placed within 3 meters of the boundary loading point, but not on the sidewalk.

#### **Responsibility for builders refuse**

- 10. (1) The owner of premises on which builders refuse is generated and the person engaged in the activity, which causes such refuse to be generated, must ensure that —
  - (a) such refuse be disposed of on the terms of section 12 within a reasonable time after the generation thereof;
  - (b) until such time as builders refuse is disposed of, such refuse, together with the containers used for the storing or removal thereof, be kept on the premises on which it was generated.
- (2) Any person may operate a builders refuse removal service. Should the Municipality provide such a service, it must be done at the prescribed tariff.

#### **Containers**

- 11. (1) If containers or other receptacles used for the removal of builders refuse, bulky refuse or other waste material from premises can, in the opinion of the Municipality, not be kept on the premises, such containers or other receptacles may, with the written consent of the Municipality, be placed in the roadway for the period of such consent.
- (2) Any consent given in terms of subsection (1), must be subject to such conditions as the Municipality may deem necessary: Provided that in giving or refusing its consent or in laying down conditions, the Municipality must have regard to the convenience and safety of the public.
- (3) Every container or other receptacle used for the removal of builders refuse shall -
  - (a) have clearly marked on it the name and address or telephone number of the person in control of such container or other receptacle;
  - (b) be fitted with reflecting chevrons or reflectors, which shall completely outline the front and the back thereof; and
  - (c) be covered at all times, other than when actually receiving or being emptied of such refuse, so that no displacement of its contents or dust nuisance may occur.

#### **Disposal of builders refuse**

- 12. (1) Subject to the provisions of subsection (2), all builders refuse must be deposited at the Municipality's refuse disposal sites, after the person depositing the refuse has paid the tariff charge therefore.
- (2) For the purpose of reclamation of land, builders refuse may, with the written consent of the Municipality, be deposited at a place other than the Municipality's refuse disposal sites.
- (3) Any consent given in terms of subsection (2), is subject to such conditions as the Municipality may deem necessary: Provided that in giving or refusing its consent or in laying down conditions, the Municipality shall have regard to —
  - (a) the safety of the public;
  - (b) the environment of the proposed disposal site;
  - (c) the suitability of the area, including the drainage thereof;

- (d) the expected manner and times of depositing of refuse at the site;
- (e) the levelling of the site;
- (f) the control of dust; and
- (g) any other relevant factors.

#### **Notification of generation of special industrial refuse**

13. (1) The person engaged in the activity, which causes special industrial refuse to be generated, must inform the Municipality of the composition thereof, the quantity generated, how it is stored and how and when it will be removed.
- (2) If so required by the Municipality, the notification referred to in subsection (1), must be substantiated by an analysis certified by a qualified industrial chemist.
- (3) Subject to the provisions of this By-law, any person duly authorised by the Municipality, may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.
- (4) The person mentioned in subsection (1), must notify the Municipality of any changes in the composition and quantity of the special industrial refuse that may occur from time to time.

#### **Storing of special industrial refuse**

14. (1) The person referred to in section 13(1), must ensure that the special industrial refuse generated on the premises is kept and stored thereon in terms of subsection (2), until it is removed from the premises in terms of section 15.
- (2) Special industrial refuse stored on premises, must be stored in such a manner that it does not become a nuisance or pollute the environment.
- (3) If special industrial refuse is not stored in terms of subsection (2) on the premises on which it is generated, the Municipality may order the owner of the premises and the person referred to in subsection 13(1), to remove such refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Municipality may remove it at the owner's expense.

#### **Removal of special industrial refuse**

15. (1) No person must remove special industrial refuse from the premises on which it was generated without or otherwise than in terms of the written consent of the Municipality.
- (2) The Municipality may give its consent in terms of subsection (1), subject to such conditions as it may deem fit. In laying down conditions, the Municipality must have regard to —
- (a) the composition of the special industrial refuse;
  - (b) the suitability of the vehicle and container to be used;
  - (c) the place where the refuse shall be dumped; and
  - (d) proof to the Municipality of such dumping.
- (3) The Municipality must not give its consent in terms of subsection (1), unless it is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial refuse and complies with the conditions laid down by the Municipality.
- (4) The person referred to in subsection 13(1), must inform the Municipality, at such intervals as the Municipality may stipulate, having regard to the information to be given to the Municipality in terms of subsection 13(1), of the removal of special industrial refuse, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial refuse removed.
- (5) Should any person be caught in the act of contravening the provisions of this section, such person must dispose of the refuse removed by him or her as directed by the Municipality.

#### **Conduct at disposal sites**

16. (1) Any person who, for the purpose of disposing of refuse, enters a refuse disposal site controlled by the Municipality must -
- (a) enter the disposal site only at an authorised access point;
  - (b) give the Municipality all the particulars required in regard to the composition of the refuse; and
  - (c) follow all instructions given to him or her in regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.
- (2) No person must bring intoxicating liquor onto a disposal site controlled by the Municipality.
- (3) No person must enter a disposal site controlled by the Municipality for any purpose other than the disposal of refuse in terms of this By-law and then only at such times as the Municipality may from time to time determine.

#### **Ownership of refuse**

17. (1) All refuse removed by the Municipality and all refuse at disposal sites controlled by the Municipality is the property of the Municipality and no person who is not authorised by the Municipality to do so, may remove or interfere therewith.

- (2) Only refuse which is generated on premises within the Municipality's area of jurisdiction may be disposed of on the Municipality's refuse disposal sites.

**Littering and dumping**

18. No person must -
- (a) throw, discard, deposit or spill any refuse of any nature into or onto any public place, vacant stand, vacant erf, stream or watercourse;
  - (b) sweep any refuse into a gutter on a public place; or
  - (c) allow any persons under his or her control to do any of the acts referred to in paragraphs (a) and (b).

**Abandoned things**

19. (1) Anything, other than a vehicle, left in a public place, and which may, having regard to —
- (a) the place where it was left;
  - (b) the period that it was left; and
  - (c) its nature and condition,
- be regarded as abandoned, may be removed and disposed of by the Municipality.
- (2) If the identity of the owner of the abandoned thing is known to the Municipality, the Municipality may recover the costs concerning the removal and disposal of such thing, if any, from the owner.
- (3) For the purpose of subsection (1), a shop trolley is deemed not to be a vehicle.

**Access to premises**

20. (1) Where the Municipality provides a refuse collection service, the occupier of premises must grant the Municipality access to the premises for the purpose of collecting and removing refuse and must ensure that nothing obstructs, frustrates or hinders the Municipality in the carrying out of its service.
- (2) Where, in the opinion of the Municipality, the collection or removal of refuse from any premises is likely to result in damage to the premises or the Municipality's property, or injury to the refuse collectors or any other person, it may, as a condition for the provision of a refuse collection service to the premises, require the owner or occupier to indemnify it, in writing, in respect of any such damage or injury or any claims arising out of either.

**Accumulation of refuse**

21. If any category of refuse defined in this By-law accumulates on premises so as to constitute or so as to render it likely that a nuisance will be created thereby, the Municipality may make a special removal of such refuse and the owner is liable in respect of such special removal to pay the tariff charge therefore.

**Charges**

22. (1) Save where otherwise provided in this By-law, the person to whom any service mentioned in this By-law has been rendered by the Municipality, is liable to the Municipality for the tariff charge in respect thereof.
- (2) Services rendered by the Municipality in respect of which a monthly tariff charge is prescribed, must only be discontinued by the Municipality after receipt of a written notification from the owner or occupier of the premises to which the services are rendered, that the generation of domestic or business refuse on the premises has ceased, or when it has become obvious to the Municipality that the generation of such refuse on the premises has ceased.
- (3) Monthly tariff charges is payable until receipt by the Municipality of the notice mentioned in subsection (2), or when it has become obvious to the Municipality that the generation of such refuse on the premises has ceased.

**Penalty clause**

23. Any person who contravenes or fails to comply with any provision of this By-law is guilty of an offence and liable on conviction to a fine or, in default of payment, to imprisonment not exceeding 6 months, or to both a fine and such imprisonment.

**Repeal of laws and savings**

24. (1) Any by-laws relating to Refuse Removal 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.
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision; (if any); of this By-law, as the case maybe.

**Short title**

25. This By-law shall be called the Refuse Removal By-laws, 201... ..

[NO. 177 OF 2010]

**NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD SPORTING FACILITIES 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 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**

**SPORTING FACILITIES BY-LAWS**

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**Definitions**

1. In this by-law, unless the context otherwise indicates -  
**"accessories"** means an object or objects on or in a field, sporting area or course necessary for a particular sport to be performed, such as, but not limited to goal posts, a tennis net, or a flag, and any other feature or fixture;

**"appurtenance"** means any fitting, installation, appliance, device, instrument, apparatus, utensil, tool whatsoever on the premises, such as, but not limited to a lock, cock, tap, valve, pipe and includes any other appliance or any machine;

**"equipment"** means gear used by a person in a sporting activity;

**"facility"** means a sporting facility and includes any appliance, equipment, apparatus or storage facility in or on a facility;

**"municipality"** means the Local Municipality of ..... 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 or any employee acting in connection with this by-law 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;

**"organised sporting activity"** means a sporting activity that is organised or controlled by an organisation, and includes a practice or training session;

**"organisation"** means a sport club, educational institution, or association of people, and includes a group or sport club established by the municipality, which sport club or association or group can be joined by a member of the public;

**"sporting facility"** means any land, area, premises, building or structure, or part thereof, which is administered or controlled by the municipality and which is designated, demarcated, or set aside for a sporting activity, and includes facilities surrounding and normally supplementary to a sporting facility.

**Application of By-laws**

2. This by-law apply to all sporting facilities under the control and administration of the Municipality, but do not apply to land, areas, buildings, and structures regulated by the Municipality's Public Amenities By-laws.

**Administration, control over and maintenance of sporting facilities**

3.
  - (1) The municipality may establish a body or sport committee with the aim of advising it on matters relating to sporting facilities.
  - (2) All sporting facilities must be administered by the municipality in accordance with this By-law.
  - (3) The municipality may acquire land or a building with the aim of developing sporting facilities, or dispose of existing sporting facilities or any rights thereto.
  - (4) A person or organisation who uses or hires sporting facilities does so subject to the provisions of this by-law and in terms of conditions as may be determined by the municipality.
  - (5) Where an organized sporting activity is not organized or controlled by the municipality, a municipal employee may be present.
  - (6) Subject to the terms and conditions stipulated in any contract of hire, and subject to the Free State Gambling and Liquor Act, 2010 (Act No. 6 of 2010) no person -
    - (a) may sell any alcoholic beverage on the premises of a sporting facility without first obtaining express approval for that activity from the municipality;
    - (b) may bring his or her own supply of alcoholic beverages on or into a sporting facility without written authority from an authorised official.
  - (7) If the municipality permits the sale or consumption of alcohol on or in a facility by an organization or body, the sale or consumption is subject to the following conditions:
    - (a) no alcoholic beverage may be served in a glass bottle, glass cup or other container made of glass;
    - (b) beer, cider and alcoholic cordials may be served in cans, kegs, or plastic cups only;
    - (c) the organization or body must maintain good order within the sporting facility.
  - (8) The municipality may close a facility when:
    - (a) The facility is substantially unusable due to -
      - (i) destruction;
      - (ii) severe damage; or
      - (iii) the absence of municipal services;
    - (b) the facility constitutes a danger to human life or property;
    - (c) an emergency has arisen which requires such closure.
  - (9) The municipality may temporarily close a facility for purposes of repair or maintenance or for any other reason in the municipality's discretion.
  - (10) A person who or organization that contravenes subsection (6) or (7) commits an offence.

**Access to sporting facilities and storage facilities**

4.
  - (1) The municipality may by notice posted at or near the entrance to a facility indicate the hours during which it may be used by the public.
  - (2) The municipality reserves the right of access to a facility and an official may instruct a person who has contravened a provision of this bylaw to leave the facility or premises immediately and should the person fail to observe the instruction, the official may remove or cause the person to be removed.

- (3) The municipality has the right to determine the maximum capacity of a sporting facility and an official must, once the maximum capacity has been reached, refuse further access and may take measures necessary to prevent access.

#### Admission fees and other fees

5. The municipality may prescribe fees to be charged for admission to or the hire or use of a sporting facility or equipment.

#### Prohibited behaviour in or on sporting facility or its premises

6. (1) No person may -
- (a) enter any part of a facility otherwise than by an entrance designated for that purpose;
  - (b) enter or remain inside a facility, without permission, or at any time other than during the hours when such facility is open to members of the public, or when access to the facility has been denied;
  - (c) smoke in a sporting facility, except in an open air facility or in those areas which have been designated for this purpose, as indicated by notices to that effect;
  - (d) wear footwear that may damage the surface of a facility;
  - (e) attend or engage in a sporting activity if dressed indecently or if undressed, except in a facility set aside for use by a person of the same sex;
  - (f) relieve himself or herself in any part of the sporting facility other than in the ablution facilities;
  - (g) excluding a child under the age of five years, use change rooms, places of ablution, cubicles, or any other facilities set aside for a particular sex if he or she is not of that particular sex;
  - (h) enter or remain in any area of the sporting facility, which area is reserved for the use of persons of the other sex;
  - (i) use a change room, place of ablution, cubicle or any other facility for longer than is reasonably necessary to undertake an activity intended to be undertaken;
  - (j) use profane or indecent language or behave in any other manner that constitutes a nuisance or unacceptable behaviour towards other persons;
  - (k) destroy, damage or deface any part of a sporting facility, accessories or equipment;
  - (l) discard rubbish other than in a container provided for that purpose;
  - (m) in any manner, interfere with the substance covering the surface of a sporting facility;
  - (n) light any fire;
  - (o) drive, draw, or propel a vehicle, or walk upon or recline on lawn on the premises of a sporting facility if prohibited to do so by a notice on the premises;
  - (p) ride or use in or on a sporting facility a bicycle, roller blades, roller skates, skateboard, tricycle or any similar form of transport or amusement, except in a sporting facility which specifically provides for the riding of such devices;
  - (q) without the prior written consent of the municipality, sell, hawk, advertise, offer for sale or purchase or exhibit any article for sale, lease or hire, distribute a pamphlet, book, handbill or other written or printed matter inside a sporting facility or in the immediate vicinity of the facility;
  - (r) neither inside nor outside a sporting facility, obstruct, resist or interfere with an official in the execution of his or her duties or the exercise of any authority in terms of this by-law;
  - (s) tamper or interfere with an appurtenance in or on the premises of a facility;
  - (t) bring into or keep on a facility an animal, except a guide dog, without the prior consent of the municipality, unless the sporting activity engaged in involves the use of animals;
  - (u) bring into or keep on a facility a weapon or any other dangerous object.
  - (v) erect or attempt to erect any enclosure, tent or similar construction, stall, booth, stand, screen, fence, or drive into the ground any peg or spike without the permission of the official in charge of the facility;
  - (w) behave or conduct himself or herself in a manner which may prejudice good order;
  - (x) bring into or onto a facility any substance or matter which may endanger the safety of people, or which may be used to disrupt proceedings at or spoil the peaceful enjoyment of the facility;
  - (y) behave or conduct himself or herself in a manner which may disrupt a sporting activity; or
  - (z) fail to comply with a lawful instruction given by an official.
- (2) A person who contravenes any of the provisions of this section commits an offence.

#### Organised sporting activities

7. (1) The municipality may allow the use of its facilities by sport organisations, municipal staff, or other persons such as, but not limited to free lance instructors.
- (2) An organization to which a facility or a portion thereof has been allocated for use at regular times, must ensure that only its members use the facility, and should it be impossible for the organisation to use the facilities at those times, the organization must notify the official in charge of the sporting facility beforehand, and should an organization fail to do so, the municipality may suspend or cancel the organisation's further use of the facility.

**Reservation and hiring of sporting facilities**

8. (1) The municipality may set aside or hire out a facility for the purpose of organised sport or for special occasions on such conditions as it may prescribe and the municipality may charge a fee, or may make it available free of charge or grant free admission to selected persons.
- (2) The representative of an organization that wishes to hire a facility must complete and lodge a prescribed application form with the municipality.
- (3) When considering an application the municipality may have, in addition to other relevant factors, due regard to the following:
- the principles and objectives of this by-law;
  - that the sporting facility may be used for lawful purposes only;
  - that the use of the sporting facility will not constitute a nuisance or annoyance to other users of another part of the sporting facility which has not been hired by the organisation, or to the occupiers of neighbouring premises; and
  - that the use of the sporting facility will not constitute a danger to any person or property or negatively affect the environment.
- (4) The municipality may approve the use of a facility subject to any condition it may impose, or it may refuse consent.
- (5) The municipality must, within seven days after the application form has been lodged, in writing notify the organisation if the application has been approved or refused, and -
- if the application is refused, the municipality must supply to the organisation the reasons why the application was refused; or
  - if the application is approved, the municipality must forward a notice of approval which must specify the conditions to which the use of the facility is subject.
- (6) An organisation may not, before the municipality's approval has been received by it, advertise or announce the sporting activity for which it has lodged an application.
- (7) The municipality may, before it approves an application, require of an organization that wishes to make use of a sporting facility to take out, with an insurance company approved by the municipality -
- insurance in an amount approved by the municipality to cover any structural damage which may occur to the sporting facility whilst being used by the organization; and
  - public liability insurance.
- (8) An organization which supplies false information in an application form or with respect to the requirements in subsection (7), or which contravenes subsection (6) commits an offence.

**Cancellation, postponement or extension of reservation**

9. (1) An organisation who has applied for the reservation of a facility, may cancel the application, and where the organisation has paid a fee the municipality will determine the percentage of the paid fee to be refunded to the organisation.
- (2) (a) After approval has been given by the municipality, an organisation may apply for the postponement of the reservation to a later date.
- (b) Approval of the postponement does not result in a penalty or forfeiture of any fees already paid.
- (c) Postponement may be refused if the facility has been reserved.
- (3) An organisation may apply for an extension of the period of use of the sporting facility, and -
- the application must be in writing and lodged at the Municipal Manager's offices; and
  - the facility must be available for such use.
- (4) The municipality may cancel the hire of a facility under the circumstances contemplated in section 8(8), or should the municipality require the facility for municipal purposes at the same time, however, the municipality may refund the fees that have already been paid to it in respect of the reservation;
- (5) Should the municipality cancel a reservation, the municipality must, within a reasonable time and in writing notify the organisation of its decision, however, where a notice is given in terms of section 8(8), the notice is deemed to be effective from the date on which the destruction or damage took place.
- (6) Subject to the provisions of subsection (4), an organisation has no claim against the municipality for loss of use of the sporting facility or for damage arising from a cancellation in terms of subsection (4).

**Termination of hire**

10. (1) On termination of the hire an organisation and an official must inspect the facilities for the purpose of assessing the conditions of the facilities.
- (2) The organisation must -
- return the sporting facility to the municipality in the condition it was when it was hired out to the organisation;
  - repair any damage or breakages;
  - comply with any instructions by the municipality in respect of the cleaning of the sporting facility; and
  - vacate the facility within the period stated in the application; and
  - should the organisation fail to comply with -

- (i) subsection (2)(a), (b) or (c), the municipality may replace, repair or make good any breakages or damages, and recover the costs from the organisation; or
- (ii) subsection (2)(d), the municipality may levy an additional fee for the period during which the organisation occupies the sporting facility after the expiry of the period stipulated in the application.

**Duties of organisation**

11. (1) Before an organisation commences to use the sporting facility, a representative must inspect the facilities, and should he or she find that buildings, structures, accessories or equipment are in a state of disrepair, this fact must be reported to the municipality in writing, and failure to do so is deemed as an acceptance by the organisation that the facilities are in a proper condition.
- (2) The organisation must comply with any conditions determined by the municipality in terms of section 4(4) and take all reasonable measures to ensure that its members and persons attending a sporting activity, as participants, visitors or spectators comply with this by-law.

**Enforcement**

12. (1) An official of the municipality may search any person, vehicle or container in, entering into or being brought onto a facility.
- (2) An official of the municipality may confiscate liquor, or any other dangerous object, substance or matter which may endanger the safety of people in the facility, or which may be used to disrupt proceedings at or spoil the enjoyment of the facility, but must return to the person that which was confiscated when he or she leaves the sporting facility.
- (3) If the official of the municipality finds an unlawful substance as a result of the search contemplated in subsection (1), he or she must immediately alert the South African Police or if he or she is appointed as a peace officer in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), he or she may act in terms of this Act.

**Indemnity**

13. Any person visiting or using a facility does so at his or her own risk and the municipality will not be liable for any injury, loss or damage that such person may suffer while in or on the facility.

**Appeal**

14. A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

**Penalty**

15. A person who or organisation which has committed an offence in terms of this by-law is, on conviction, liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

**Repeal of by-laws**

16. Any by-laws relating to sporting facilities adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws.

**Short title**

17. This by-law is called the Sporting Facilities By-law, 201...

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**[NO. 178 OF 2010]****NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD STORM WATER 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

### STORM WATER BY-LAW

#### Definitions

1. In this by-law, unless inconsistent with the context:-

**"Council"** means:-

- a) the Local Municipality of .....established in terms of the Local Government: Municipal Structures Act, 1998, (Act No. 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) except for the purposes of Chapters 6 and 8, a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Local Government: Systems Act, 2000 (Act No. 32 of 2000) or any other law; as the case may be;

**"engineer"** means the person appointed by the municipality to act as engineer for the purpose of administering this by-law

**"flood level"** means that level reached by flood waters resulting from a storm designated in terms of recognised engineering criteria as being of a frequency to be expected once in every 50 years;

**"flood plain"** means the area subject to inundation by the flood level;

**"municipality"** means the Municipality of .....

**"private storm water system"** means a storm water system owned, operated or maintained by a person other than the Council;

**"storm water"** means water resulting from natural precipitation or accumulation and includes rainwater, groundwater and spring water;

**"storm water system"** means both the constructed and natural facilities, including pipes, culverts, watercourses and their associated floodplains, whether over or under public or privately owned land, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of storm water;

**"water pollution incident"** means an incident or occurrence whereby a substance or matter, other than storm water, is discharged directly or indirectly into the storm water system and which may be a danger to health or may adversely affect the general quality of water in the storm water system to such an extent that public health or the health of natural ecosystems may be threatened, and

**"watercourse"** means:-

- (a) a river, stream, channel or canal in which water flows regularly or intermittently, and
  - (b) a vlei, wetland, dam or lake into which or from which water flows, and
- includes, where relevant, the bed and the banks of such watercourse.

#### Prohibited discharges

2. No person may, except with the written consent of the engineer and subject to any conditions the engineer may impose, discharge, permit to enter or place anything other than storm water into the storm water system.

#### Protection of storm water system

3. No person may, except with the written consent of the engineer and subject to any conditions the engineer may impose-

- (a) damage, endanger, destroy or undertake any action likely to damage, endanger or destroy, the storm water system or the operation thereof;

- (b) discharge from any place, or place onto any surface, any substance other than storm water, where that substance could reasonably be expected to find its way into the storm water system;
- (c) discharge, permit to enter or place anything likely to damage the storm water system or interfere with the operation thereof or contaminate or pollute the water therein;
- (d) construct or erect any structure or thing over or in such a position or in such a manner so as to interfere with or endanger the storm water system or the operation thereof;
- (e) make an opening into a storm water pipe, canal or culvert;
- (f) drain, abstract or divert any water directly from the storm water system, or
- (g) fill, excavate, shape, landscape, open up or remove the ground above, within, under or immediately next to any part of the storm water system.

#### Prevention of flood risk

4. No person may, except with the written consent of the engineer and subject to any conditions the engineer may impose-
- (a) obstruct or reduce the capacity of the storm water system;
  - (b) change the design or the use of, or otherwise modify any aspect of the storm water system which, alone or in combination with other existing or future uses, may cause an increase in flood levels or create a potential flood risk, or
  - (c) undertake any activity which, alone or in combination with other existing or future activities, may cause an increase in flood levels or create a potential flood risk.

#### Studies and assessments

5. (1) The conditions which the engineer may impose in terms of Sections 2, 3, and 4, may include, but are not limited to-
- (a) the establishment of flood lines;
  - (b) the undertaking of impact assessments, and
  - (c) environmental impact studies or investigations which may be required by any applicable environmental legislation.
- (2) The costs of any study undertaken in terms of the provisions of subsection (1), is for the account of the applicant.

#### Water pollution incidents

6. (1) Whenever a water pollution incident takes place on any property or premises-
- (a) the owner of the property or premises on which the incident took place, or is still in the process of taking place, or
  - (b) the person responsible for the incident, if the incident is not the result of natural causes,
- must immediately report the incident to the municipality, and at own cost, take all reasonable measures which will contain and minimise the effects of the pollution.
- (2) If the owner or person responsible for the pollution incident fail to introduce measures to contain and minimise the effects of the pollution or have introduced insufficient measures, the engineer may at the cost of such owner or person-
- (a) undertake cleaning up procedures;
  - (b) rehabilitate the environment;
  - (c) take any other reasonable measures to neutralise the effect of the pollution incident.

#### Storm water systems on private land

7. (1) An owner of property on which a private storm water system is located-
- (a) may not carry out any activity which will or which, in the opinion of the engineer, will adversely affect the functioning of such storm water system;
  - (b) must keep such storm water system functioning effectively; and
  - (c) must undertake the refurbishment and reconstruction thereof if, in the opinion of the engineer, it should be reconstructed or refurbished.
- (2) In cases where the flow of storm water in a private storm water system has been increased as a result of new building developments or changes to the storm water system by the council, the council may, either on request of the owner or on own volition, decide to take over the responsibility for the private storm water system.
- (3) The provisions of sub-section (1) do not apply to the extent that the council has accepted responsibility for any of the duties contained therein, either in a formal maintenance agreement or in terms of a condition of a servitude.

#### Provision of Infrastructure

8. The Council has the power to-
- (a) construct, expand, alter, maintain or lay any drains, pipes or other structures related to the storm water system on or under any immovable property, and ownership of these drains, pipes or structures vests in the municipality;
  - (b) drain storm water or discharge water from any municipal service works into any natural watercourse, and
  - (c) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraph (a).

**Miscellaneous powers of the engineer**

9. (1) The engineer may-
- (a) demolish, alter or otherwise deal with any building, structure or other thing constructed, erected or laid in contravention with the provisions of this by-law;
  - (b) fill in, remove and make good any ground excavated, removed or placed in contravention with the provisions of this by-law;
  - (c) repair and make good any damage done in contravention with the provisions of this by-law or resulting from a contravention;
  - (d) remove anything discharged, permitted to enter into the storm water system or natural watercourse in contravention of the provisions of this by-law;
  - (e) remove anything damaging, obstructing or endangering or likely to obstruct, endanger or destroy any part of the storm water system;
  - (f) seal off or block any point of discharge from any premises if such discharge point is in contravention with the provisions of this by-law, irrespective of whether the point is used for lawful purposes;
  - (g) cancel any permission granted in terms of this by-law if the conditions under which the permission was granted are not complied with;
  - (h) by written notice, direct any owner of property to allow the owner of a higher lying property to lay a storm water drain pipe or gutter over his or her property for the draining of concentrated storm water;
  - (i) by written notice, direct any owner of property to retain storm water on such property or, at the cost of such owner, to lay a storm water drain pipe or gutter to a suitable place indicated by the Council, irrespective of whether the course of the pipe or gutter will run over private property or not. and
  - (j) discharge storm water into any watercourse, whether on private land or not.
- (2) The engineer may, in any case where it seems that any action or neglect by any person or owner of property may lead to a contravention of the provisions of this by-law, give notice in writing to such person or owner of property to comply to such requirements as the engineer may deem necessary to prevent the occurrence of such contravention.
- (3) The engineer may recover all reasonable costs incurred as a result of action taken in terms of subsection (1) from a person who was responsible for a contravention of the provisions of this by-law or the owner of the property on which a contravention occurred.

**Offences and penalties.**

10. Any person who-
- (a) contravenes any provision of this by-law;
  - (b) fails to comply with the terms of any notice issued in terms of this by-law;
  - (c) threatens, resists, hinders or obstructs a councillor or an employee or contractor of the municipality in the exercise of any powers or performance of any duties or function in terms of this by-law,
- is guilty of an offence and, on conviction, liable to the payment of a fine.

**Repeal of by-laws**

11. Any by-laws relating to storm water adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws.

**Short title**

12. These By-laws are called the Storm Water By-laws, 201....
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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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