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**COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS AND
HUMAN SETTLEMENTS NOTICE**

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COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS AND HUMAN SETTLEMENTS NOTICES
SETSOTO MUNICIPALITY**CEMETERIES AND CREMATORIA BY-LAWS**

The Municipality of Setsoto Local Municipality hereby publishes the Cemeteries and Crematoria By-Laws set out in the Schedule hereto. These By-Laws have been adopted by the Municipal Council on 30 May 2012 and are promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

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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; “**anatomy subject**” means a body delivered to an authorised school of anatomy in terms of the Anatomy Act, 1959 (Act No. 20 of 1959);

“**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 Setsoto 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 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 07:30 to 16:30 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 -
- (a) the permission of the officer-in -charge; and
 - (b) 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 -
- (i) submit the application at least three working days before the burial;
 - (ii) indicate whether the application is in respect of a first, second or third burial, in respect of a particular grave; and
 - (iii) Indicate the date and time for such burial.
- (2) The officer-in-charge must approve an application if -
- (a) it is accompanied by an original burial order in terms of the Births and Deaths Registration Act;
 - (b) the prescribed fee has been paid; and
 - (b) 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; or
 - (e) remains of an anatomy subject.

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 1200 mm in width and 1800 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 Environmental Health Officer.
- (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
- (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 Services 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.

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 of 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; 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 there from.

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 to any other part of the memorial work the person must use copper or galvanized iron pins as follows-
- (i) for memorial work up to a height of 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 INDIGENT PERSONS

Burial of indigent persons

32.
 - (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.

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

CHAPTER 8 GENERAL

Prohibited acts

33.
 - (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

34. 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 or 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 to a fine not exceeding R10000-00 or 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

35. 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 and Commencement

These By-laws are called the Cemeteries and Crematoria By-law of the Setsoto Municipality, Bylaw 02 of 2012, and takes effect on date of promulgation.

SETSOTO MUNICIPALITY

ELECTRICITY SUPPLY BY-LAW

The Municipality of Setsoto Local Municipality hereby publishes the Electricity Supply By-Laws set out in the Schedule hereto. These By-Laws have been adopted by the Municipal Council on 30 May 2012 and are promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

SCHEDULE

Purpose of By-law

- To provide for the supply of electricity to the residents within the Municipality's area of jurisdiction.
- To provide for procedures, methods and practices to regulate such provision of electricity.

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CHAPTER 1 GENERAL

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:-

"accredited person" means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"applicable standard specification" means the standard specifications as listed in Annexure 1 attached to this by-law;

"certificate of compliance" means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

"consumer" in relation to premises means:

- (i) any occupier thereof or any other person with whom the Municipality has contracted to supply or is actually supplying electricity thereat; or
- (ii) if such premises are not occupied, any person who has a valid existing agreement with the Municipality for the supply of electricity to such premises; or
- (iii) if there is no such person or occupier, the owner of the premises;

"electrical contractor" means an electrical contractor as defined in the Regulations;

"electrical installation" means an electrical installation as defined in the Regulations;

"high voltage" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of 44kV<Un - 220 kV. [SABS 1019];

"low voltage" means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltage of 1000V (or a d.c. voltage of 1500 V). [SABS 1019];

"medium voltage" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of 1 kV <Un - 44 kV. [SABS 1019];

"meter" means a device which records the demand and/or the electrical energy consumed and includes conventional and prepayment meters;

"motor load, total connected" means the sum total of the kW input ratings of all the individual motors connected to an installation;

"motor rating" means the maximum continuous kW output of a motor as stated on the maker's rating plate;

"motor starting current" in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energised at its rated voltage with its starter in the starting position and the rotor locked;

"Municipality" means the Municipality of Setsoto established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (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 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;

"occupier" in relation to any premises means-

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;
- (c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein, or
- (d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he is absent from the Republic of South Africa or his whereabouts are unknown;

"owner" in relation to premises means the person in whom is vested the legal title thereto; provided that-

- (a) in the case of immovable property:
 - (i) leased for a period of not less than 50 years, whether the lease is registered or not, the lessee thereof, or
 - (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;
- (b) if the owner as hereinbefore defined-
 - (i) is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curator-ship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or
 - (ii) is absent from the Republic of South Africa, or if his address is unknown to the Municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, and

- (iii) if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property, shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

"point of consumption" means a point of consumption as defined in the Regulations;

"point of metering" means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Municipality or the electrical installation of the consumer, as specified by the Municipality; provided that it shall meter all of, and only, the consumer's consumption of electricity;

"point of supply" means the point determined by the Municipality at which electricity is supplied to any premises by the Municipality;

"premises" means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

"prepayment meter" means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

"Regulations" means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

"retail wheeling" means the process of moving third party electricity from a point of generation across the distribution systems of the Municipality and selling it to a customer;

"safety standard" means the Code of Practice for the Wiring of Premises SABS 0142 incorporated in the Regulations;

"service connection" means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

"service protective device" means any fuse or circuit breaker installed for the purpose of protecting the Municipality's equipment from overloads or faults occurring on the installation or on the internal service connection;

"standby supply" means an alternative electricity supply not normally used by the consumer;

"supply mains" means any part of the Municipality's electricity network;

"tariff" means the Municipality's tariff of charges for the supply of electricity and sundry fees as approved by the Municipality;

"temporary supply" means an electricity supply required by a consumer for a period normally less than one year;

"the law" means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;

"token" means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and vice versa;

"voltage" means the root-mean-square value of electrical potential between two conductors.

Other terms

2. All other terms used in this by-law shall, unless the context otherwise indicates, have the meaning assigned thereto in the Electricity Regulation Act, 2006 (Act 4 of 2006), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

Headings and titles

3. The headings and titles in this by-law shall not affect the construction thereof.

CHAPTER 2 GENERAL CONDITIONS OF SUPPLY

Provision of electricity services

4. (1) Only the Municipality shall supply or contract for the supply of electricity within its area of jurisdiction with the exception of those areas where electricity is supplied by Eskom.
(2) The Municipality may permit the retail wheeling of electricity through its network by another electricity supplier that is licensed for the trading of electricity in terms of the Electricity Regulation Act to the customers of the Municipality.

Supply by agreement

5. A person shall not use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing with the Municipality for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply. If a person uses an electricity supply without entering into an agreement he shall be liable for the cost of electricity used as stated in section 44 of this by-law.

Service of notice

6. (1) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served-
(a) when it has been delivered to that person personally;
(b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
(c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
(d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or

- (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted at a place on the property or premises, if any, to which it relates.
- (2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

Compliance with notices

- 7. Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.

Application for supply

- 8. (1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.
- (2) Applicants for the supply of electricity shall submit the following documents with their application:
 - (a) An identity document or passport, and, in the case of a business, a letter of resolution delegating the authority to the applicant.
 - (b) A valid lease agreement, in the case of a tenant, or, in the case of an owner, a Deed of Sale or other proof of ownership of the premises for which a supply of electricity is required.
- (3) An application for a new temporary supply of electricity shall be considered at the discretion of the Municipality or any duly authorised official of the Municipality, which may specify any special conditions to be satisfied in such case.

Processing of requests for supply

- 9. Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047.

Way leaves

- 10. (1) The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Municipality written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection thereon.
- (2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.
- (3) Servitude to be registered at the cost of the applicant.

Statutory servitude

- 11. (1) Subject to the provisions of subsection (3) the Municipality may within its municipal area-
 - (a) provide, establish and maintain electricity services;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
 - (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
 - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the control of or management of the Municipality it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, be determined either by arbitration or a court of law.
- (3) The Municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Municipality or under the control or management of the Municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.
- (4) All servitudes must be registered accordingly.

Right of admittance to inspect, test and/or do maintenance work

12. (1) The Municipality shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of-
- (a) doing anything authorised or required to be done by the Municipality under this by-law or any other law;
 - (b) inspecting and examining any service mains and anything connected therewith;
 - (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and making any necessary survey in connection therewith;
 - (d) ascertaining whether there is or has been a contravention of the provisions of this by-law or any other law, and
 - (e) enforcing compliance with the provisions of this by-law or any other law,
- (2) The Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by subsection (1), except where the Municipality is authorised to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Municipality and such person or, in the absence of agreement, as may be determined by a court of law.
- (3) The Municipality may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, to allow access to such property to a person and for a purpose referred to in subsection (1).
- (4) The Municipality may gain access to or over any property without notice and may take whatever action as may, in its opinion, be necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency, disaster or power failure.

Refusal or failure to give information

13. (1) A person shall not refuse or fail to give such information as may be reasonably required of him by the Municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.
- (2) The Municipality shall not make any information available concerning the supply or account details for any premises to any third party without the express written permission from the consumer who signed the supply agreement for the supply to the premises concerned except to the owner of a property upon written request to the Municipality.

Refusal of admittance

14. A person shall not wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Municipality in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

Improper use

15. If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may, with or without notice, disconnect the electricity supply but the supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed. The fee as prescribed by the Municipality for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer does not use or deal with the electricity in an improper or unsafe manner.

Electricity tariffs and fees

16. Copies of charges and fees may be obtained free of charge at the offices of the Municipality.

Deposits

17. The Municipality in terms of its approved tariff policy reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Municipality. The amount of the deposit in respect of each electricity installation shall be determined by the Municipality, and each such deposit may be increased if the Municipality deems the deposit held to be inadequate or as a result of non-payment, or as a result of tampering, or as a result of unauthorised connections or reconnections, . Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law. On cessation of the supply of electricity, the amount of deposit, free of any interest, less any payments due to the Municipality shall be refunded to the consumer.

Payment of charges

18. (1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Municipality. The consumer may also be required to pay all charges of other services supplied by the Municipality to ensure a continued supply of electricity.

- (2) All accounts shall be deemed to be payable when issued by the Municipality and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.
- (3) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.
- (4) Where a duly authorised official of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and he is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (5) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is re-connected.
- (6) Notwithstanding the fact that an occupier has an agreement for the supply of electricity, should the owner of immovable property apply for a clearance certificate, in terms of section 118, of the Local Government: Municipal Systems Act, 32 of 2000, then such owner will be liable for all charges due to the Municipality, in respect of the said property, in order to obtain such certificate.

Interest on overdue accounts

19. The Municipality may charge interest on accounts which are not paid by the due date appearing on the account, in terms of an approved Credit and Debt Collection Policy and any related indigent support.

Principles for the resale of electricity

20. (1) Resellers shall comply with the licensing and registration requirements set out in the Electricity Regulation Act and regulations issued under this act.
- (2) Unless otherwise authorised by the Municipality, A person shall not sell or supply electricity, supplied to his premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. If electricity is resold for use upon the same premises, such resale shall be subject to the conditions laid down in the Electricity Regulations, 2006 (Act 4 of 2006), provided that the reseller shall be permitted to recover his actual electricity cost, provided further that he must substantiate these costs if called upon to do so.
- 3) The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Municipality. Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Municipality to its electricity consumers.

Right to disconnect supply

21. (1) The Municipality shall have the right to disconnect the supply of electricity to any premises without notice under the following circumstances:
 - (a) where the person liable to pay for such supply fails to pay any charge due to the Municipality in connection with any supply of electricity which he/she may at any time have received from the Municipality in respect of such premises; or
 - (b) where the Municipality disconnect the supply of electricity where there are outstanding municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties; or
 - (c) where any of the provisions of this by-law and/or the Regulations are being contravened; or
 - (d) where in the opinion of the Municipality there is a case of grave risk to person or property; or
 - (e) where tampering with the service connection or supply mains has occurred; or
 - (f) where the Municipality has disconnect the supply of electricity for reasons of community safety.
- (2) Where any of the provisions of this by-law and/or the Regulations are being contravened, the Municipality should give the person 7 (seven) days notice to remedy his/her default prior to disconnection.
- (3) After disconnection the fee as prescribed by the Municipality shall be paid.
- (4) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

Non-liability of the Municipality

22. The Municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Municipality.

Leakage of electricity

23. Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

Failure of supply

24. The Municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Municipality. When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Municipality shall have the right to charge the consumer the fee as prescribed by the Municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

Seals of the Municipality

25. The meter, service protective devices and all apparatus belonging to the Municipality shall be sealed or locked by the Municipality, and no person who is not an authorised official of the Municipality shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

Tampering with service connection or supply mains

26. (1) A person shall not in any manner or for any reason whatsoever tamper or interfere with any meter, metering equipment, service connection, service protective device, supply mains, load control equipment or any other electrical equipment of the Municipality.
- (2) Where prima facie evidence exists of a consumer and/or any person having contravened subsection (1), the Municipality shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer. The person shall be liable for all fees and charges levied by the Municipality for such disconnection.
- (3) Where interference or damage is caused by any individual, having contravened sub-section (1), legal action may be instituted against such owner or consumer.
- (4) Where a consumer and/or any person has contravened subsection (1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his estimated consumption.

Protection of Municipality's supply mains

27. (1) A person shall not, except with the consent of the Municipality and subject to such conditions as may be imposed-
- (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains;
 - (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains;
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains;
 - (d) make any unauthorised connection to any part of the supply mains or divert or cause to be diverted any electricity there from. Any such unauthorised connection or diversion shall be removed by the Municipality and the costs thereof be recovered from the owner or occupier of the premises on which the unauthorised connection was made or from which electricity was diverted;
 - (e) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision the Municipality shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose and to recover the costs for work done from the owner.
- (2) The Municipality may, subject to written notice of at least 14 days, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.
- (3) The Municipality may in the case of a power failure, emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

Prevention of tampering with service connection or supply mains

28. If the Municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality.

Unauthorised connections

29. A person other than a person specifically authorised thereto by the Municipality in writing shall not directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

Unauthorised reconnections

30. (1) A person other than a person specifically authorised thereto by the Municipality in writing shall not reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Municipality.
- (2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard. Furthermore, the Municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

Temporary disconnection and reconnection

31. (1) The Municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the Municipality for each such disconnection and subsequent reconnection.
- (2) In the event of the necessity arising for the Municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Municipality shall waive payment of the fee hereinbefore referred to.
- (3) The Municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other instances adequate notice shall be given.

Temporary supply

32. It shall be a condition of the giving of any temporary supply of electricity, as defined in this by-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.

Temporary work

33. Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Municipality. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipality may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

Load reduction

34. (1) At times of peak load, or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipality may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. The Municipality shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.
- (2) The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.
- (3) Notwithstanding the provisions of subsection (2), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in subsection (2).

Medium and low voltage switchgear and equipment

35. (1) In cases where a supply of electricity is given at either medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Municipality, be paid for by the consumer.

- (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved and installed by Municipality.
- (3) A person shall not operate medium voltage switchgear without the written authority of the Municipality.
- (4) All earthing and testing of medium voltage equipment linked to the Municipality's network shall be conducted by or under the supervision of Municipality.
- (5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the Municipality.

Substation accommodation

36. The Municipality may, on such conditions as it may be deemed fit, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant. The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

The Municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Municipality, such additional accommodation shall be provided by the applicant at the cost of the Municipality.

Wiring diagram and specification

37. (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the Municipality in duplicate for approval before the work commences.
- (2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the Municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Municipality for approval before any material in connection therewith is ordered.

Standby supply

38. A person shall not be entitled to a standby supply of electricity from the Municipality for any premises having a separate source of electricity supply except with the written consent of the Municipality and subject to such terms and conditions as may be laid down by the Municipality.

Consumer's electricity generation equipment

39. (1) No electricity generation equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. The electricity generation equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment.
- (2) Where by special agreement with the Municipality, the consumer's electricity generation equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Municipality. Under normal operating conditions, any export of surplus energy from the consumer to the Municipality's network shall be subject to special agreement with the Municipality. In the event of a general power failure on the Municipality's network protection equipment shall be installed by the consumer, subject to the Municipality's approval, so as to ensure that the consumer's installation is isolated from the Municipality's network until normal operating conditions are restored. The cost of any specialized metering equipment will be for the consumer's account.

Technical Standards

40. The Municipality may from time to time issue Technical Standards detailing the requirements regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

CHAPTER 3 RESPONSIBILITIES OF CONSUMERS

Consumer to erect and maintain electrical installation

41. Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the consumer at his own expense and in accordance with this by-law and the Regulations.

Fault in electrical installation

42. (1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the Municipality and shall immediately take steps to remedy the fault.
- (2) The Municipality may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

Discontinuance of use of supply

43. In the event of a consumer desiring to discontinue using the electricity supply, he shall give at least two full working days' notice in writing of such intended discontinuance to the Municipality, failing which he shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

Change of occupier

44. (1) A consumer vacating any premises shall give the Municipality not less than two full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he shall remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, he shall make application in accordance with the provisions of section 5 of this by-law, and if he fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply of electricity shall be disconnected, and he shall be liable to the Municipality for the electricity supply from the date of occupation till such time as the supply is so disconnected.
- (3) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of section 5 of this by-law, he shall be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

Service apparatus

45. (1) The consumer shall be liable for all costs to the Municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an act of God or an act or omission of an employee of the Municipality or caused by an abnormality in the supply of electricity to the premises.
- (2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Municipality and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling and/or replacing such equipment.
- (3) Where there is a common metering position, the liability detailed in subsection (1) shall devolve on the owner of the premises.
- (4) The amount due in terms of subsection (1) shall be evidenced by a certificate from the Municipality which shall be final and binding.

**CHAPTER 4
SPECIFIC CONDITIONS OF SUPPLY****Service connection**

46. (1) The consumer shall bear the cost of the service connection, as approved by the Municipality.
- (2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection laid or erected by the Municipality shall vest in the Municipality, and the Municipality shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- (3) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipality.
- (4) The consumer shall provide, fix and/or maintain on his premises such ducts, wireways, trenches, fastenings and clearance to overhead supply mains as may be required by the Municipality for the installation of the service connection.
- (5) Unless otherwise approved by a duly authorized official of the Municipality, each registered erf shall only be provided with one service connection. Where two or more premises belonging to one owner are situated on adjacent erven and the owner operates the properties in a consolidated manner, for safety considerations, only a single bulk supply of electricity shall be made available to such erven.
- (6) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Municipality.
- (7) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (8) In the case of blocks of buildings occupied by a number of individual consumers, separate wireways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

Metering accommodation

47. (1) The consumer shall, if required by the Municipality, provide accommodation in an approved position, the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices. Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of conventional meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (2) Where sub metering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.
- (3) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (4) Where in the opinion of the Municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
- (5) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

**CHAPTER 5
SYSTEMS OF SUPPLY****Load requirements**

48. Alternating current supplies shall be given as prescribed by the Electricity Regulations, 2006 (Act 4 of 2006), and in the absence of a quality of supply agreement, as set out in applicable standard specification.

Load limitations

49. (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Municipality.
- (2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Municipality.
- (3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the Municipality.

Interference with other persons' electrical equipment

50. (1) A person shall not operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is in fact occurring, the consumer shall, at his own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

Supplies to motors

51. Unless otherwise approved by the Municipality the rating of motors shall be limited as follows:
- (1) Limited size for low voltage motors-
The rating of a low voltage single-phase motor shall be limited to 2.2kW and/or the starting current shall not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.
- (2) Maximum starting and accelerating currents of three-phase alternating current motors-
The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm ² , copper equivalent mm ²	Maximum permissible starting current A	Maximum motor rating in kW		
		Direct on line (6 x full-load current) kW	Star/Delta (2,5 x full-load current) kW	Other means (1,5 x full-load current)
		kW	kW	kW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

- (3) Consumers supplied at medium voltage-
In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the Municipality.

Power factor

52. (1) If required by the Municipality, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.
- (2) Where, for the purpose of complying with subsection (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The consumer shall, at his own cost, install such corrective devices.

Protection

53. Electrical protective devices for motors shall be of such a design as effectively to prevent sustained over current and single phasing, where applicable.

**CHAPTER 6
MEASUREMENT OF ELECTRICITY**

Metering

54. (1) The Municipality shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions of section 58(2) of this by-law, in which case the consumption for the period shall be estimated.
- (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- (4) The Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
- (5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality.

Accuracy of metering

55. (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.

- (2) The Municipality shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality shall -
- (i) in the case of a conventional meter, adjust the account rendered;
 - (ii) in the case of prepayment meters, (a) render an account where the meter has been under-registering, or (b) issue a free token where the meter has been over-registering; in accordance with the provisions of subsection (6).
- (3) The consumer shall be entitled to have the metering equipment tested by the Municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of subsections (2) and (6) shall be made and the aforesaid fee shall be refunded.
- (4) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.
- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (6) When an adjustment is made to the electricity consumption registered on a meter in terms of subsection (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in subsection (5) or upon a calculation by the Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- (7) When an adjustment is made as contemplated in subsection (6), the adjustment may not exceed a period of three years preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (8) Where the actual load of a consumer differs from the initial estimated load provided for under section 8(1) to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.
- (9) (a) Prior to the Municipality making any upward adjustment to an account in terms of subsection (6), the Municipality shall-
- (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
 - (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon; and
 - (iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the Municipality may permit why his account should not be adjusted as notified.
- (b) Should the consumer fail to make any representations during the period referred to in subsection 9(a)(iii) the Municipality shall be entitled to adjust the account as notified in subsection 9(a)(i).
- (c) The Municipality shall consider any reasons provided by the consumer in terms of subsection (9)(a) and shall, if satisfied that a case has been made out therefore, adjust the account appropriately.
- (d) If the Municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of subsection (6), the Municipality shall be entitled to adjust the account as notified in terms of subsection 9(a)(i), subject to the consumer's right to appeal the decision of the Municipality in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

Reading of credit meters

56. (1) Unless otherwise prescribed, credit meters shall normally be read at intervals of one month.
- (2) If for any reason the credit meter cannot be read, the Municipality render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (3) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.
- (5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of 6 months preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period. The application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

Prepayment metering

57. (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Municipality.
- (4) The Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and/or tokens.
- (5) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service (including rates) or for any charges previously raised against him in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing, as set out in the section 5 agreement for the supply of electricity.
- (6) The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

**CHAPTER 7
ELECTRICAL CONTRACTORS****Electrical contractors' responsibilities**

58. In addition to the requirements of the Regulations the following requirements shall apply-
- (1) Where an application for a new or increased supply of electricity has been made to the Municipality, the Municipality may at its discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of the Municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.
- (2) The examination, test and inspection that may be carried out at the discretion of the Municipality in no way relieves the electrical contractor/accredited person or the user or lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the Municipality shall not be held responsible for any defect or fault in such electrical installation.

Work done by electrical contractors

59. The Municipality shall not be held responsible for the work done by the electrical contractor/accredited person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

**CHAPTER 8
COST OF WORK****Repair of damage**

60. The Municipality may repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law. The cost of any such work carried out by the Municipality which was necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.

**CHAPTER 9
PENALTIES**

61. (1) Any person who contravenes any of the provisions of sections 5, 7, 13, 14, 20, 25, 26, 27, 29 and 30 of this by-law shall be guilty of an offence.
- (2) Any person who continues to commit an offence after notice has been served on him/her to cease committing such offence or after he/she has been convicted of such offence shall be guilty of a continuing offence.

-
- (3) Any person convicted of an offence under this by-law for which no penalty is expressly provided shall be liable to disconnection and a fine not exceeding R10000-00 (ten thousand Rand) or imprisonment for a period not exceed six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in the case of a continuing offence, to removal of connection whereby reapplication and consumer will be responsible for all cost as well as to an additional fine not exceeding R200-00 (two hundred Rand) or additional imprisonment for a period not exceeding ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.
- (4) Every person committing a breach of the provisions of this by-law shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.

CHAPTER 10 REPEAL OF BY-LAWS

62. Any by-laws relating to electricity supply 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 AND COMMENCEMENT

63. This by-law shall be known as the Electricity Supply Bylaw of the Setsoto Municipality, Bylaw 04 of 2012 and takes effect on date of promulgation.

ANNEXURE 1

"applicable standard specification" means-

SABS 1607 Electromechanical Watt-hour meters,
SABS 1524 Parts 0,1 & 2-Electricity dispensing systems,
SABS IEC 60211 Maximum demand indicators, Class 1.0,
SABS IEC 60521 Alternating current electromechanical Watt-hour meter (Classes 0.5, 1 & 2),
SABS 0142 Code of practice for the wiring of premises;
NRS 047 National Rationalised Specification for the Electricity Supply-Quality of Service,
NRS 048 National Rationalised Specification for the Electricity Supply-Quality of Supply, and
NRS 057 Electricity Metering: Minimum Requirements.

SETSOTO LOCAL MUNICIPALITY

WASTE MANAGEMENT BY-LAW

The Municipality of Setsoto Local Municipality hereby publishes the Waste Management By-Laws set out in the Schedule hereto. These By-Laws have been adopted by the Municipal Council on 30 May 2012 and are promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

SCHEDULE

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**CHAPTER 1
INTERPRETATION, PRINCIPLES AND OBJECTS**

Definitions and interpretation

1. (1) In these By-laws, unless the context otherwise indicates-

“**approved**”, in relation to bins, bin liners, containers, receptacles and wrappers means approved by the Council for the collection and storage of waste;

“**authorised official**” means any official of the Council who has been authorised by the Council to administer, implement and enforce the provisions of these By-laws;

“**bin**” means an approved receptacle for the storage of less than 1,5 cubic metres of waste which may be supplied by the Council to premises in terms of these By-laws;

“**bin liner**” means an approved loose plastic or other suitable material liner for use in the interior of a bin;

“**building waste**” means all waste produced during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rock displaced during such construction, alteration, repair or demolition;

“**bulky waste**” means business waste or domestic waste which by virtue of its mass, shape, size or quantity is inconvenient to remove in the routine door-to-door municipal service provided by the Council;

“**business waste**” means waste, other than hazardous waste, healthcare risk waste, building waste, industrial waste, garden waste, bulky waste, recyclable waste and special industrial waste, generated on premises used for non-residential purposes;

“**commercial service**” means any service, excluding the municipal service, relating or connected with accumulating, collecting, managing, recycling, sorting, storing, treating, transporting, disposing, buying or selling of waste or any other manner of handling waste;

“**container**” means an approved receptacle with a capacity greater than 1,5 cubic metres for the temporary storage of waste in terms of these By-laws;

“**Council**” means -

a) the Local Municipality of Setsoto 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) 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 Systems Act, 2000, or any other law; as the case may be;

“**damage to the environment**” means any pollution, degradation or harm to the environment whether visible or not;

“**dailies**” means putrescible waste generated by hotels, restaurants, food shops, hospitals, and canteens that must be collected on a daily basis, to prevent the waste from decomposing and presenting a nuisance or an environmental or health risk;

“**domestic waste**” means waste generated on premises used solely for residential purposes and purposes of public worship, including halls or other buildings used for religious purposes, but does not include business waste, building waste, garden waste or bulky waste;

“**dump**” means placing waste anywhere other than an approved receptacle or a place designated as a waste handling facility or waste disposal facility by the Council;

“environment” means the surroundings within which humans exist made up of–

- (a) the land, water and atmosphere of the earth,
- (b) micro-organisms, plant and animal life,
- (c) any part or combination of (a) and (b) and the interrelationships among and between them, and
- (d) the physical, chemical aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

“environmental emergency” means any unexpected or sudden occurrence resulting from any act or omission relating to waste which may cause or has caused serious harm to human health or damage to the environment, regardless of whether the potential for harm or damage is immediate or delayed;

“garden service” means the provision of gardening services by a licensee including the cutting of grass, pruning of trees or any other horticultural activity including landscaping, in respect of any domestic, business, commercial or industrial premises;

“garden waste” means waste generated as a result of normal domestic gardening activities, including grass cuttings, leaves, plants, flowers and other similar small and light organic matter, but does not include tree branches with a diameter thicker than 40 mm at any point of its length, bulky waste, building waste or any waste generated as a result of garden service activities;

“garden waste handling facility” means a waste handling facility in or on which garden waste or any other recyclable waste is received and temporarily stored ;

“hazardous waste” means waste containing, or contaminated by, poison, any corrosive agent, any flammable substance having an open flash-point of less than 90 deg C, an explosive, radioactive material, any chemical or any other waste that has the potential even in low concentrations to have a significant adverse effect on public health or the environment because of its inherent toxicological, chemical and physical characteristics;

“health care risk waste” means all hazardous waste generated at any health care facility such as a hospital, clinic, laboratory, medical research institution, dental or medical practitioner or veterinarian;

“industrial waste” means waste generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include building waste, business waste, dailies, special industrial waste, hazardous waste, health care risk waste or domestic waste;

“land reclamation” means the planned and engineered disposal of inert or other appropriate waste for the purpose of constructing any facility or changing the natural features of any piece of land;

“level of service” means the frequency of the municipal service and the type of service point;

“licensee” means any person who has obtained a licence in terms of Chapter 6;

“litter” means any object or matter which is discarded by a person in any place except in an approved receptacle provided for that purpose or at a waste handling facility or waste disposal facility;

“local community” in relation to the Council means that body of persons comprising–

- (a) the residents in the municipal area,
- (b) the ratepayers of the Council,
- (c) any civic organisation and non-governmental, private sector or labour organisation or body which is involved in local affairs within the municipal area, and
- (d) visitors and other people residing outside of the municipal area who, because of their presence in that area, make use of services or facilities provided by the Council;

“municipal manager” means the municipal manager appointed in terms of section 82(1)(a) of the Structures Act;

“municipal service” means the municipal service relating to the collection of waste, including domestic waste, business waste and dailies, provided exclusively by the Council in accordance with Chapter 3 of these By-laws, and which in the case of business waste extends only to waste deposited in bin liners, bins and 240 litre wheeled bins;

“nuisance” means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste, or by littering;

“occupier” includes any person in actual occupation of land or premises without regard to the title under which he or she occupies, and, in the case of premises let, includes the person receiving the rent payable by the lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein;

“owner” includes any person who has the title to land or premises or any person receiving the rent or profits of land or premises, or who would receive such rent or profits if such land or premises were let, whether for his own account or as an agent for any person entitled thereto or interested therein and in relation to premises on a sectional title register opened in terms of section 12 of the Sectional Titles Act, 1986 (Act No. 95 of 1986), means the body corporate as defined in that Act;

“pollution” means any change in the environment caused by –

- (a) any substance; or
- (b) noise, odour, dust or heat, emitted from any activity, including the storage or treatment of any waste or substance, construction and the provision of any service, whether engaged in by any person or an organ of state;

if that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of a natural or managed ecosystem, or on material useful to people, or will have such an effect in the future;

“**premises**” means an erf or any other portion of land, including any building thereon or any other structure utilised for business, industrial, agricultural or residential purposes;

“**prescribed fee**” means a fee determined by the Council by resolution in terms any applicable legislation;

“**public place**” includes any public building, public road, overhead bridge, subway, pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space, vested in the Council, and any road, place or thoroughfare however created which is in the undisturbed use of the public or which the public has the right to use or the right to access;

“**public road**” means any road, street or thoroughfare or any other place, whether a thoroughfare or not, which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes –

(a) the verge of any such road, street or thoroughfare;

(b) any bridge or drift traversed by any such road, street or thoroughfare; and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

“**radioactive material**” means any substance consisting of, or containing, any radioactive nuclide, whether natural or artificial;

“**radioactive waste**” means any radioactive material which is, or is intended to be, disposed of as waste;

“**recyclable waste**” means waste which has been separated from the waste stream, and set aside for purposes of recycling;

“**recycling**” means the use, re-use or reclamation of material so that it re-enters an industrial process rather than becoming waste;

“**resident**”, in relation to the municipal area, means a person who is ordinarily resident within that area;

“**SANS Codes**” means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice as contemplated in Government Notice No. 1373 published in Government Gazette 24002, dated 8 November 2002 in terms of the Standards Act, 1993 (Act No. 29 of 1993);

“**special industrial waste**” means waste consisting of a liquid, sludge or solid substance, resulting from a manufacturing process, industrial treatment or the pre-treatment for disposal purposes of any industrial or mining liquid waste;

“**storage**” means the storage of waste for a period of less than 90 days;

“**Structures Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**sustainable development**” means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to procure that development serves present and future generations;

“**Systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“**target**” means any desired air quality, water quality or waste standard contained in any legislation;

“**verge**” means a verge as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“**waste**” means any undesirable or superfluous matter, material, by-product or residue of any process or activity that has been discarded, accumulated or stored for the purpose of treatment, discarding or recycling and may be liquid or solid, may include products that contain a gaseous component and may originate from domestic, commercial, medical or industrial activities, but does not include any gas or gaseous product which may be regulated by national legislation;

“**waste disposal facility**” means any facility or site which receives waste for treatment or disposal thereof, and which is operated in terms of a permit obtained from the National Department of Water Affairs and Forestry or any other competent authority or if such a facility is an incinerator, subject to registration or such permission as is required by law, and includes a garden waste handling facility;

“**waste generator**” means any person who generates or produces waste;

“**waste handling facility**” means any facility on or in which waste is accepted, accumulated, handled, recycled, sorted, stored or treated prior to its transfer for treatment by way of incineration or for final disposal;

“**waste stream**” means a type of waste, including building waste; business waste; bulky waste; dailies; domestic waste; garden waste; hazardous waste; health care risk waste; industrial waste; recyclable waste and special industrial waste;

“**workplace**” means any place within the municipal area on or in which or in connection with which, a person undertakes the municipal service or a commercial service;

“**wrapper**” means a plastic or other approved material covering that totally encloses bales or slugs of compacted waste.

- (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 Systems Act, or any other law, been assigned to a service provider, the reference in such provision 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.

Principles

2. (1) The Council has the responsibility to ensure that all waste generated within the municipal area is—
- (a) collected, disposed of or recycled in accordance with these By-laws; and
 - (b) that such collection, disposal or recycling takes account of the waste management hierarchy set out in subsection (2).
- (2) The underlying principle of these By-laws is to establish a waste management hierarchy in the following order of priority:
- (a) Avoidance, waste minimisation and waste reduction;
 - (b) re-use;
 - (c) recycling, reprocessing and treatment; and
 - (d) disposal.

- (3) Any authorised official must, as far as reasonably possible, take into account the hierarchy specified in subsection (2).

Main objects

3. (1) The main objects of these By-laws are—
- (a) the regulation of the collection, disposal, treatment and recycling of waste;
 - (b) the regulation of the provision of the municipal service by a service provider and commercial services by licensees; and
 - (c) enhancing sustainable development.
- (2) In pursuing the main objects of these By-laws, and in particular the object set out in subsection (1)(c), the Council must—
- (a) endeavour to minimise the consumption of natural resources;
 - (b) promote the re-use and recycling of waste;
 - (c) encourage waste separation to facilitate re-use and recycling;
 - (d) promote the effective resourcing, planning and delivery of the municipal service and commercial services;
 - (e) endeavour to achieve integrated waste planning and services on a local basis;
 - (f) promote and ensure an environmentally responsible municipal service and commercial service; and
 - (g) endeavour to ensure compliance with the provisions of these By-laws.

CHAPTER 2 WASTE MANAGEMENT INFORMATION SYSTEM

Establishment of an information system

4. (1) The Council must establish and maintain a waste management information system which records how waste is managed within the municipal area.
- (2) The information system may include any information relating to or connected with the management of waste within the municipal area.

Purpose of the information system

5. (1) The purpose of the information system referred to in section 4, is for the Council to—
- (a) record data relating to the implementation of the local waste plan and the management of waste in the municipal area;
 - (b) record information held by the Council in relation to any of the matters referred to in section 6(1);
 - (c) furnish information upon request or as required by law to the national government;
 - (d) gather information and undertake strategic planning regarding potential and actual waste generators, service providers and licensees; and
 - (e) provide information to waste generators, service providers, licensees and the local community in order to —
 - (i) facilitate monitoring of the performance of the Council, service providers and licensees, and, where applicable, waste generators;
 - (ii) stimulate research; and
 - (iii) assist the Council to achieve the main objects of these By-laws specified in section 3.

Provision of information

6. (1) The Council may, subject to the provisions of any other law including the common law, require any waste generator, licensee, service provider or person involved in or associated with the provision of the municipal service or any commercial service within the municipal area to furnish information to the Council which may reasonably be required for the information system, and which may concern—
- (a) significant sources of waste generation and the identification of the generators of waste;
 - (b) quantities and classes of waste generated;
 - (c) management of waste by waste generators;
 - (d) waste handling, waste treatment and waste disposal facilities;
 - (e) population and development profiles;
 - (f) reports on progress in achieving waste management targets;
 - (g) the management of radioactive waste;
 - (h) any information which has been compiled in accordance with section 27(2)(d);
 - (i) markets for waste by class of waste or category; and
 - (j) any other information required by legislation, regulations or guidelines.
- (2) The Council may determine when and how often information must be furnished.

**CHAPTER 3
MUNICIPAL SERVICE**

Part 1: Providing access to municipal services

Duty to provide access to municipal service

7. (1) The Council has a duty to the local community progressively to ensure efficient, affordable, economical and sustainable access to the municipal service.
- (2) The duty referred to in subsection (1) is subject to –
 - (a) the obligation of the members of the local community to pay the prescribed fee, for the provision of the municipal service, which must be in accordance with any nationally prescribed norms and standards for rates and tariffs; and
 - (b) the right of the Council to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of the municipal service.
- (3) The Council must take the following factors into account in ensuring access to the municipal service:
 - (a) The waste management hierarchy set out in section 2(2);
 - (b) the need to use resources efficiently;
 - (c) the need for affordability;
 - (d) the requirements of operational efficiency;
 - (e) the requirements of equity; and
 - (f) the need to protect human health and the environment.

The provision of the municipal service

8. (1) The Council must as far as reasonably possible and subject to the provisions of these By-laws, provide for the collection of domestic waste, business waste and dailies on a regular basis and at a cost to end users determined in accordance with the prescribed fee.
- (2) In relation to the municipal service, the Council may determine-
 - (a) the quantities of waste that will be collected;
 - (b) which residential or commercial premises require an increased frequency of the municipal service for reasons of health, safety or environmental protection;
 - (c) the maximum amount of waste that may be placed for collection without the provision of an additional service or payment of an additional prescribed fee; and
 - (d) requirements for the provision of waste storage areas and access to such areas in respect of premises which are constructed or reconstructed after the commencement of these By-laws.
- (3) The Council may provide, or instruct a generator of waste to provide, an approved receptacle for the storage of domestic waste, business waste and dailies pending collection or the Council may provide such receptacle which remains the property of the Council.
- (4) In providing the municipal service, the Council may determine or designate-
 - (a) collection schedules;
 - (b) locations for placing approved receptacles for collection;
 - (c) which types of waste generated by the occupier of any premises are separable for the purposes of recycling and the conditions for their separation, storage or collection; and
 - (d) which waste items are unsuitable for collection because they do not constitute domestic waste, and if waste is determined to be unsuitable for collection, a process for collection of such waste should be recommended to the owner of the waste.
- (5) The Council may require a generator of dailies or business waste to compact that portion of the waste that is compactable, if the quantity of dailies or business waste generated on premises requires daily removal of more than the equivalent of eight 240-litre bins and if, in the opinion of the Council, the major portion of such waste is compactable.
- (6) An occupier of premises may elect to compact any volume of waste referred to in subsection (5), and place it into an approved receptacle or wrapper, provided-
 - (a) the capacity of the wrapper does not exceed 85 litres and the mass of the wrapper and contents does not exceed 35 kilograms; and
 - (b) after the waste has been compacted and put into the wrapper, it is placed in an approved receptacle and stored so as to prevent damage to the wrapper or any nuisance arising until it is collected.
- (7) Any approved receptacle used in terms of subsection (6) may be collected, emptied and returned to the premises by the Council at such intervals as it may consider necessary.
- (8) The Council may at any time review any decision taken by it in terms of subsection (4).
- (9) The Council must in writing notify every generator of domestic waste, business waste and dailies of any decision taken in terms of subsection (2) or (3) relating to his or her premises.
- (10) Non-receipt of a notice contemplated in subsection (9), does not affect the application of any provision of these By-laws nor the liability to pay any prescribed fee provided for in these By-laws.

Part 2: Using municipal service**Obligations of generators of domestic waste, business waste and dailies**

9. (1) Any person generating domestic waste, business waste and dailies, other than waste which has been designated by the Council as recyclable as contemplated in section 8(4)(c), must place such waste, in an approved receptacle.
- (2) No person may allow an animal in his or her control to interfere with, overturn or damage a receptacle, which has been placed for collection.
- (3) The occupier of premises must ensure that -
- (a) no hot ash, unwrapped glass or other domestic waste, business waste or dailies which may cause damage to approved receptacles or which may cause injury to the Council's employees while carrying out their duties in terms of these By-laws, is placed in an approved receptacle before suitable steps have been taken to avoid such damage or injury;
 - (b) no material, including any liquid, which by reason of its mass or other characteristics is likely to render an approved receptacle unreasonably difficult for employees of the Council to handle or carry, is placed in an approved receptacle;
 - (c) every approved receptacle on the premises is kept closed save when waste is being deposited in it or discharged from it, and every approved receptacle is kept in a clean and hygienic condition;
 - (d) no approved receptacle delivered by the Council is used for any purpose other than the storage of domestic waste, business waste and dailies and, in particular, that no fire is lit in such receptacle;
 - (e) an approved receptacle is placed outside the entrance to the premises before a time and on a day of the week specified by the Council by written notice to the owner or occupier of the premises, except where, on written application to the Council, the Council has indicated in writing that it is satisfied that a person is physically infirm or otherwise incapable of complying with the notice;
 - (f) an approved receptacle, placed in accordance with paragraph (e) is not damaged and properly closed so as to prevent the dispersal of its contents; and
 - (g) dailies are not placed in a receptacle or compactor where they are able to contaminate another waste stream.
- (4) The owner or occupier of premises must provide space and any other facility considered necessary by the Council on the premises for the storage of approved receptacles.
- (5) The space provided in terms of subsection (4), must -
- (a) be in a position on the premises which will allow the storage of any approved receptacle without it being visible from a public road or public place;
 - (b) if dailies are generated on premises -
 - (i) be in a position which will allow the collection and removal of that waste by the Council's employees without hindrance; and
 - (ii) not be more than 20 metres from the entrance to the premises used for the collection of waste by the Council;
 - (c) be so located as to permit convenient access to and egress from such space for the Council's waste collection vehicles;
 - (d) comply with any further requirements imposed by the Council by written notice to the owner or occupier of the premises; and
 - (e) be constructed in accordance with the requirements of any applicable legislation relating to buildings.
- (6) The occupier of premises must place or cause the approved receptacles to be placed in the space provided in terms of subsection (4) and must at all times keep them there.
- (7) Notwithstanding the provisions of subsection (6)-
- (a) in the case of a building erected, or a building, the building plans of which have been approved, prior to the commencement of these By-laws; or
 - (b) in the event of the Council being unable to collect and remove waste from the space provided in terms of subsection (4),
- the Council may, having regard to the avoidance of a nuisance and the convenience of collection of waste, indicate a position within or outside the premises concerned where approved receptacles must be placed for the collection and removal of waste and such receptacles must then be placed in that position at such times and for such period as the Council may require.

Liability to pay for municipal service

10. (1) The owner of premises is liable to pay to the Council the prescribed fee for the provision of the municipal service, and is not entitled to exemption from, or reduction of the amount of such fee by reason of not making use, or of making a partial or limited use, of the municipal service.
- (2) (a) A prescribed fee becomes due and payable on the due date for payment stipulated in the account.
 (b) Non-receipt of an account does not relieve the person concerned of the liability to pay a prescribed fee before or on the due date.

CHAPTER 4 COMMERCIAL SERVICES

Part 1: Provision of commercial services by licensees and flow control

Provision of commercial services by licensees

11. (1) Except in the case of garden waste, only a licensee may provide a commercial service.
- (2) Any person requiring a commercial service must satisfy himself that the contractor is licensed to collect and dispose of the category of waste that has been generated.

Provision for Council co-ordination of waste disposal

12. (1) The Council may by a notice published in the Free State Provincial Gazette, direct that a category of waste be disposed of at a particular waste disposal facility or waste handling facility.
- (2) No person may dispose of a category of waste at a waste disposal facility or waste handling facility which is not designated for receipt of that category of waste in a notice in terms of subsection (1) or designated by the Council under other empowering legislation prior to the commencement of these By-laws.

Part 2: Business, industrial and recyclable waste

Storage of business, industrial and recyclable waste

13. (1) The owner or occupier of premises on which business, industrial or recyclable waste is generated, must ensure that until such time as such waste is collected by a licensee from the premises on which it was generated-
 - (a) the waste is stored in a bulk container or other approved receptacle; and
 - (b) no nuisance or health risk, including but not limited to dust, is caused by the waste in the course of generation, storage or collection.

Collection and disposal of industrial, business and recyclable waste

14. (1) The owner or occupier of premises generating business, industrial or recyclable waste must ensure that-
 - (a) the container in which the waste is stored, is not kept in a public place except when so required for collection;
 - (b) the waste is collected by a licensee within a reasonable time after the generation thereof; and
 - (c) that the service rendered by the licensee is only in respect of that portion of the business, industrial or recyclable waste authorised in the licence concerned.
- (2) A licensee must dispose of business, industrial and recyclable waste at an appropriately permitted waste handling facility or waste disposal facility in compliance with the provisions of section 12(2) and 23.

Part 3: Garden waste and bulky waste

Storage, collection and disposal of garden waste and bulky waste

15. (1) The owner or occupier of premises on which garden waste is generated may compost garden waste on the property, provided such composting does not cause a nuisance or health risk.
- (2) The occupier of the premises on which garden waste is generated and not composted or on which bulky waste is generated must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.
- (3) Any person or licensee may remove garden waste and bulky waste, provided once such waste has been collected from the premises on which it was generated, it is deposited at a garden waste handling facility in accordance with the provisions of section 23.
- (4) (a) At the written request of the occupier of premises, the Council may deliver an approved receptacle to the premises for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste.
- (b) The provisions of section 9, read with the necessary changes, apply to an approved receptacle delivered in terms of paragraph (a).
- (5) If, in the course of providing the municipal service, the Council is of the opinion that it would cause inconvenience to members of the public not, at the same time, to remove garden and bulky waste, the Council may remove such waste if such waste has been placed in an approved receptacle in the space designated for domestic waste, in which event the prescribed fee for domestic waste, read with the necessary changes, applies.

Part 4: Building waste**Generation of building waste**

16. (1) The owner or occupier of premises on which building waste is generated, must ensure that –
- (a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;
 - (b) the premises on which the building waste is generated, does not become unsightly or cause a nuisance as a result of accumulated building waste;
 - (c) any building waste which is blown off the premises, is promptly retrieved; and
 - (d) pursuant to any instruction from the Council, any structure necessary to contain the building waste is constructed.

Storage of building waste

17. (1) The Council may, subject to the provisions of subsection (2), determine conditions to place a receptacle for the storage and removal of building waste on a verge.
- (2) Every receptacle used for the storage and removal of building waste must –
- (a) have clearly marked on it the name, address and telephone number of the person in control of that receptacle;
 - (b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
 - (c) be covered at all times other than when actually receiving, or being emptied of, waste so that no displacement of its contents can occur.

Collection and disposal of building waste

18. (1) The owner or occupier of premises on which building waste is generated, must ensure that the waste is disposed of by a licensee.
- (2) All building waste must be disposed at a waste disposal facility designated for that purpose by the Council in terms of section 12, unless the Council has given written consent for the building waste to be used for the purpose of land reclamation or for recycling.

Part 5: Special industrial, hazardous or health care risk waste**Generation of special industrial, hazardous or health care risk waste**

19. (1) No person may carry on an activity which will generate special industrial, hazardous or health care risk waste, without notifying the Council in writing, prior to the generation of such waste, of the composition of such waste, the estimated quantity to be generated, the method of storage, the proposed duration of storage, the manner in which it will be collected and disposed of, and the identity of the licensee who will remove such waste: Provided that if such waste is being generated as a result of activities which commenced prior to the commencement of these By-laws, the generator must notify the Council as contemplated in this subsection within 180 days of the commencement of these By-laws.
- (2) If so required by the Council, the notification referred to in subsection (1) must be substantiated by an analysis of the composition of the waste concerned, certified by an appropriately qualified industrial chemist.
- (3) The person referred to in subsection (1), must notify the Council in writing of any change occurring with respect to the generation, composition, quantity, method or location of disposal of the special industrial, hazardous, or health care risk waste.

Storage of special industrial, hazardous or health care risk waste

20. (1) Any person carrying on an activity which generates special industrial, hazardous or health care risk waste, must ensure that such waste generated on the premises is kept and stored thereon until it is collected from the premises.
- (2) Special industrial, hazardous or health care risk waste stored on premises, must be stored in such a manner that it does not become a nuisance or causes harm to human health or damage to the environment, and in accordance with the requirements of any applicable legislation relating to buildings.
- (3) Special industrial, hazardous or health care risk waste must be stored in an approved receptacle and for a period not exceeding 90 days or any other maximum period stipulated by the Department of Water and Environmental Affairs, Gauteng provincial government or Council, before collection.

Collection and disposal of special industrial, hazardous or health care risk waste

21. (1) Only a licensee may transport special industrial, hazardous and health care risk waste and must do so in accordance with the requirements of the conditions of the licence issued to him or her under Chapter 6 as well as in the relevant SANS codes, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness, and documentation relating to the source, transportation and disposal of such waste, and subject to the requirements of any other legislation.
- (2) A licensee licensed to collect and dispose of special industrial, hazardous or health care risk waste, must inform the Council at intervals stipulated in the licence issued under Chapter 6, of each removal of special industrial, hazardous or health care risk waste, the date of such removal, the quantity, the composition of the waste removed and the waste disposal facility at which the waste has been disposed of.
- (3) A licensee must dispose of special industrial, hazardous or health care risk waste at a waste disposal facility designated by the Council as a waste disposal facility and in accordance with the provisions of section 23.

**CHAPTER 5
TRANSPORTATION AND DISPOSAL OF WASTE**

Transportation of waste

22. (1) No person may-
- (a) operate a vehicle for the conveyance of waste upon a public road unless the vehicle has a body of adequate size and construction for the type of waste being transported;
 - (b) fail to maintain a vehicle used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times;
 - (c) fail to cover loose waste on an open vehicle with a tarpaulin or suitable net; and
 - (d) cause or permit any waste being transported in or through the municipal area to become detached, leak or fall from a vehicle transporting it, except at a waste disposal facility.
- (2) Subject to the provisions of subsection (1), all transportation of waste must comply with the National Road Traffic Act, 1996 (Act No. 93 of 1996).

Disposal of waste

23. (1) (a) Waste generated in the municipal area must be disposed of at a waste disposal facility where such disposal is permitted by the Council.
- (b) In disposing of waste, a licensee must comply with the provisions of section 12(2) and with the provisions of any other law regulating the disposal of waste.
- (2) No person may burn waste either in a public or private place, for the purpose of disposing of that waste.
- (3) No person may incinerate waste either in a public or private place, except in an incinerator at a place where the relevant national or Free State provincial authorities permit such incineration, or at a place designated by the Council for that purpose.
- (4) Notwithstanding the provisions of subsection (1), a person may dispose of those forms of recyclable waste specified by the Council in a notice in terms of section 12 at a designated garden waste handling facility, but may do so only if all such waste is brought to the facility in a vehicle able to carry a maximum load of one tonne or less.
- (5) The disposal of waste at any waste disposal facility is, in addition to any condition imposed by the National Department of Environmental Affairs, subject to such conditions as the Council may impose, including the hours of opening and closing, the nature of the waste which may be disposed of, the position in any such waste disposal facility in which the waste may be placed and any other matter which the Council considers necessary to ensure the environmentally sound management of waste.
- (6) Every person who enters a waste disposal facility must -
- (a) enter a waste disposal facility at an access point determined by the person in charge of the waste disposal facility;
 - (b) at the request of the person in charge of a waste disposal facility, provide the Council or that person with any information regarding the composition of the waste disposed of or to be disposed of; and
 - (c) comply with any instruction by the person in charge of a waste disposal facility in regard to access to, the actual place where, and the manner in which, waste must be deposited.
- (7) No person may-
- (a) bring any liquor or intoxicating or narcotic substance onto a waste disposal facility or enter such facility under the influence of liquor or such substance;
 - (b) enter a waste disposal facility for any purpose other than the disposal of waste in terms of these By-laws, unless authorised to do so by the person in charge of the waste disposal facility or the Council and then only at such times and subject to such conditions as the Council or such person may impose;
 - (c) dispose of waste at a waste disposal facility where the disposal of the waste concerned is not permitted; or
 - (d) light a fire on a waste disposal facility without the prior written consent of the person in charge of that facility.
- (8) Any person who contravenes subsection (7)(c) is liable for all costs reasonably incurred by the Council in removing or otherwise dealing with the waste concerned.
- (9) The person in charge of a waste disposal facility may at any time require a vehicle or a container on a vehicle brought into the waste disposal facility for the purposes of disposing of waste, to be weighed at a weighbridge.
- (10) The person in charge of a waste disposal facility or an authorised official may, at a waste disposal facility, inspect the content and nature of waste to be disposed of or processed and may take samples and test any waste found on any vehicle to ascertain its composition.
- (11) Any person contravening any preceding provision of this section, may be refused entry or instructed by the person in charge to leave a waste disposal facility and if such person fails or refuses to comply with such instruction, he or she may be removed from such facility by a member of the Local Municipality of Setsoto.
- (12) No person may store waste for more than 90 consecutive days, unless the person has a permit in respect of the premises concerned for a waste disposal facility from the Department of Water and Environmental Affairs in terms of section 20(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- (13) Council may implement and approve tariff for the payment of waste according to weight or size disposed of at the landfill site by private individuals or businesses.

CHAPTER 6 LICENSEES

Licence requirements

24. (1) Subject to the provisions of section 32, no person may collect or transport any of the following waste streams listed in subsection (2) without having obtained from the Council, and being in possession of a licence authorising such collection and transportation:
- (a) business (bulk containerised) waste;
 - (b) industrial waste;
 - (c) special industrial waste;
 - (d) hazardous waste;
 - (e) recyclable waste
 - (f) health care risk waste; and
 - (g) building waste.
- (2) A licence issued under this Chapter -
- (a) is incapable of cession or assignment without the prior written consent of the Council;
 - (b) is valid only for the category of waste specified therein; and
 - (c) expires one year after the date of issue subject to the provisions of sections 28(4) and 32(2).

Licence applications

25. (1) An application for a licence to provide a commercial service must be
- (a) made in writing on a form prescribed by the Council and accompanied by the documentation specified in that form; and
 - (b) accompanied by the prescribed fee.
- (2) The Council must consider each application, having regard to the following:
- (a) The applicant's compliance, where relevant, with the National Road Traffic Act, 1996, and with these By-laws;
 - (b) the environmental, health and safety record of the applicant; and
 - (c) the nature of the commercial service to be provided.
- (3) Before considering an application made in terms of subsection (1), the Council may require the applicant to furnish such information as it may require.
- (4) After considering the application in terms of subsection (2), the Council must either—
- (a) approve the application by issuing a licence subject to any condition it may impose; or
 - (b) reject the application.
- (5) If the Council fails to consider and grant or reject a licence application within 60 days of its receipt of the application, it must inform the applicant in writing that the period for consideration is extended and must inform the applicant of the date by which a decision will be made.

Suspension and revocation of licences

26. (1) A licence issued under this Chapter may be suspended or revoked by the Council on the grounds that the licence holder—
- (a) has failed to comply with any provision of these By-laws;
 - (b) has failed to comply with any provision of any national or Free State provincial legislation which regulates the collection, transportation or disposal of waste;
 - (c) has failed to comply with any licence condition contemplated in section 25(4)(a); or
 - (d) on any other ground which the Council considers relevant, which is fair and reasonable in the circumstances.
- (2) A licence may only be suspended or revoked after -
- (a) the licence holder has been given written notice that the Council is considering the suspension or revocation of the licence; and
 - (b) after the licence holder has been given a period of 30 days after service of the notice to make representations to the Council as to why the licence should not be suspended or revoked.
- (3) The Council must –
- (a) make a decision within 14 days of receipt of the representations contemplated in subsection (2)(b), if any, or within 14 days after the licence holder informed the Council that he or she does not wish to make representations, or if no representations are received, within 14 days of the expiry of the period referred to in subsection (2)(b); and
 - (b) inform the licence holder of its decision in writing within seven days of making it.
- (4) Subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the Council may not disclose any confidential commercial information submitted as part of a licence application procedure to any person other than a Council official requiring such information to perform his functions for the purposes of these By-laws.

Licence terms and conditions

- 27 (1) When issuing a licence under this Chapter, the Council may, subject to the provisions of subsection (2), impose any reasonably necessary condition in furthering national, Free State provincial or Council, waste management policy.
- (2) Any licence issued under this Chapter must—
- (a) specify the licence period contemplated in section 24(2)(c) and the procedure for renewal of the licence;
 - (b) specify every category of waste which the licence holder may collect and transport;
 - (c) contain a requirement that the licence holder must comply with, and ensure compliance by his or her employees, agents and sub-contractors, with these By-laws and applicable national and Free State provincial legislation; and
 - (d) require the licence holder to keep monthly written records on a form prescribed by the Council of the quantities of each category of waste collected and transported during the licence period.

Renewal of licences

28. (1) A licence holder who wishes to renew his or her licence must apply to renew the licence concerned at least 90 days prior to the expiry of the existing licence.
- (2) The Council must consider and grant or reject a licence renewal application within 60 days of the receipt of the application subject to the provisions of section 25(3) and in accordance with section 25(4).
- (3) If the Council fails to consider and grant or reject a licence renewal application within 60 days, it must inform the applicant in writing that the period for consideration is extended and must inform the applicant of the date by which a decision will be made.
- (4) A licence in respect of which application for renewal has been made in terms of subsection(1), remains valid until a final decision has been made in respect of that application.

Display of licences

29. (1) Upon issuing a licence under this Chapter, the Council must issue to the licence holder a numbered sticker for each vehicle to be used for the purpose concerned confirming that the licence holder is authorised to collect and transport the category of waste specified on the sticker.
- (2) The stickers must vary in colour for each category of waste.
- (3) The licence holder must affix such sticker to each vehicle to be utilised to provide the service and display the sticker at all times.
- (4) Waste for processing or disposal at a waste disposal facility will be only be received at such facility from a contractor who is licensed and on whose vehicle a sticker required in terms of subsection (3), is displayed.

Prohibited conduct

30. No licence holder may -
- (a) intentionally or negligently operate in contravention of any condition of the licence concerned;
 - (b) intentionally or negligently fail or refuse to give information, when required to do so in terms of these By-laws, or give false or misleading information;
 - (c) intentionally or negligently fail to take all reasonable steps to prevent a contravention of these By-laws, by any act or an omission of his or her employee acting in the course and scope of his or her duties, or
 - (d) collect or transport any waste except in a properly constructed, watertight vehicle or in a suitable container that prevents spillage of waste, the suitability of the vehicle to be dependant on the waste stream contemplated in section 24(1), to be collected or transported, as specified in the National Road Traffic Act, 1996.

Exemptions

31. The Council may, having regard to the main objects of these By-laws contemplated in section 3(1), and its local waste plan, by notice in the Free State Provincial Gazette, exempt any type of commercial service from any provision of this Chapter to the extent and subject to the terms specified in such notice.

Transitional provisions

32. (1) Any person who is at the commencement of these By-laws lawfully providing a commercial service for which a licence is required under this Chapter, must within 90 days of such commencement, make application for a licence in terms of section 25, failing which such person's right to provide such service lapses.
- (2) If an application is submitted in terms of subsection (1), the applicant may continue to provide the commercial service in respect of which the application has been made until a final decision has been taken in respect of that application.

CHAPTER 7
ACCUMULATING WASTE, LITTERING, DUMPING AND ABANDONED ARTICLES

Accumulating waste

33. Every owner and occupier of premises must keep those premises clean and free from any waste which is likely to cause a nuisance, harm to human health or damage to the environment.

Duty to provide facilities for litter

34. (1) The Council, or owner in the case of privately owned land, must take reasonable steps to ensure that a sufficient number of approved receptacles are provided for the discarding of litter by the public, on any premises to which the public has access.
- (2) The Council, or owner of privately owned land, must ensure that every receptacle provided in terms of subsection (1), is –
- (a) maintained in good condition;
 - (b) suitably weighted or anchored so that it cannot be inadvertently overturned;
 - (c) constructed in such a manner as to ensure that it is weatherproof and animal proof;
 - (d) of a suitable size so that the receptacles on the premises are capable of containing all litter likely to be generated on the premises;
 - (e) placed in a location convenient for the use by users and occupants of the premises to discourage littering or the accumulation of waste; and
 - (f) emptied and cleansed periodically to ensure that no receptacle or its contents become a nuisance.

Prohibition of littering

35. (1) No person may –
- (a) cause litter;
 - (b) sweep any waste into a gutter, onto a road reserve or onto any other public place;
 - (c) disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause any of the contents of the receptacle to spill from it; or
 - (d) allow any person under his or her control to do any of the acts referred to in paragraph (a), (b) or (c).
- (2) Notwithstanding the provisions of subsection (1), the Council, or the owner in the case of privately owned land to which the public has access, must within a reasonable time after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed from the premises concerned to prevent the litter from becoming a nuisance.

Prohibition of dumping and abandoning articles

36. (1) No person may deposit or permit the depositing of any waste, whether for gain or otherwise, upon any land or in any building of which he is the owner or occupier except if such deposit is made in accordance with the provisions of these By-laws.
- (2) Subject to any provision to the contrary contained in these By-laws, no person may leave any article or allow any article under his or her control to be left at a place with the intention of abandoning it.
- (3) No person may dump waste.
- (4) Any article, other than a motor vehicle deemed to have been abandoned as contemplated in regulation 320 of the National Road Traffic Regulations, 2000, made under the National Road Traffic Act, 1996, which, in the light of such factors as the place where it is found, the period it has been at such place and the nature and condition of such article, is reasonably considered by the Council as having been abandoned, may be removed and, subject to the provisions subsection (6), disposed of by the Council as it deems fit.
- (5) The Council may remove and, subject to the provisions of subsection (6), dispose of any article which is chained or fastened to any pole, parking meter or any other property of the Council as it deems fit.
- (6) If an article contemplated in subsection (4) or (5), is, in the opinion of the Council, of significant financial value, the Council may not dispose of it unless it has published a notice in a newspaper circulated in the area where the article was found, describing the article, stating the Council's intention to dispose of it and inviting the owner, or person legally entitled thereto, to claim the article within 30 days of the date of publication of the notice and such article may only be disposed of if no valid claim is made during such period.

CHAPTER 8
AUTHORISED OFFICIALS

Identification documents

37. (1) An authorised official must, upon appointment, be issued with an identification document by the Council which must state the name and powers and function of that official, and include a photograph of the official.
- (2) An authorised official, exercising his powers or performing his functions and duties for the purposes of these By-laws, must present an identification document issued in terms of subsection (1) on demand by a member of the local community.

Powers of authorised officials

38. (1) In addition to the powers, functions and duties an authorised official or designated officer has by virtue of his appointment as such, an authorised official, may with the consent of the owner or person in charge of a vehicle or other mode of conveyance, search that vehicle or other mode of conveyance found in any place other than on premises not belonging to the Council.
- (2) If consent is not obtained in terms of subsection (1), a vehicle or other mode of conveyance may be searched or stopped and searched, only pursuant to a warrant issued by a justice of the peace as contemplated in sections 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963).
- (3) (a) If, in the opinion of an authorised official, any search of a vehicle or other mode of conveyance, in terms of subsection (1) or (2), gives rise to the reasonable apprehension that the presence of waste in or on such vehicle or other mode of conveyance is a serious and immediate danger to human health or to the environment, the authorised official must instruct the owner or person in control of the vehicle concerned in writing to take the steps specified in that instruction which, in the opinion of such official or officer, are necessary to mitigate harm to human health or damage to the environment.
- (b) In the event of a refusal or failure to comply with an instruction given in terms of paragraph (a), the authorised official concerned may report the matter to the Local Municipality of Setsoto with a view to seizure of the vehicle concerned in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

Powers to question

39. (1) For the purposes of administering, implementing and enforcing the provisions of these By-laws, an authorised official may require a licensee or any other person to disclose information, either orally or in writing, and either alone or in the presence of a witnesses, on any matter to which these By-laws relate and require that the disclosure be made on oath or affirmation.
- (2) An authorised official may for the purposes of subsection (1) be accompanied by an interpreter and any other person reasonably required to assist that official or officer.

CHAPTER 9
MISCELLANEOUS

Ownership

40. (1) The person holding a permit to operate a waste disposal facility becomes the owner of all waste upon disposal thereof at that facility.
- (2) A person who generates domestic waste is the owner thereof until it is collected by the Council which then becomes the owner thereof.
- (3) A person who abandons any article, is liable for any damage which that article may cause as well as for the cost of removing that article, notwithstanding the fact that such person may no longer be the owner thereof.

Serving of documents

41. A notice, instruction, order or other document which has to be served for the purposes of these By-laws, is regarded to have been properly served or delivered if -
- (a) it has been served on or delivered to the person concerned personally;
- (b) it has been sent by registered post or speed post to the person concerned at his or her last known address;
- (c) it has been served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address.

Offences and penalties

42. Any person, who -
- (a) contravenes or fails to comply with any provisions of these By-laws;
- (b) fails to comply with any notice or order issued or condition imposed in terms of or for the purposes of these By-laws; or
- (c) fails to comply with any lawful instruction given in terms of or for the purposes of these By-laws, or
- (d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,
- is guilty of an offence and liable to a fine not exceeding R10 000-00 or to imprisonment for a period not exceeding 6 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 requiring the discontinuance of such offence.

Repeal of by-laws

43. Any by-laws relating to waste management 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 and Commencement

44. These By-laws are called the Waste Management By-law of the Setsoto Municipality, Bylaw 03 of 2012 and takes effect on date of promulgation.

SETSOTO MUNICIPALITY
WATER RESTRICTIONS BY-LAWS

The Municipality of Setsoto Local Municipality hereby publishes the Commonage By-Laws set out in the Schedule hereto. These By-Laws have been adopted by the Municipal Council on 28 August 2007 and are promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as well as Section 21 of the Water Services Act, Act 108 of 1997

SCHEDULE

1. Definitions

“municipality” means—

- (a) the Setsoto municipality, a local municipality established in terms of section 12 of the Structures Act and its successors-in-title; or
- (b) the municipal manager or
- (c) an authorised official or agent of the municipality;

“municipal council” means a municipal council as referred to in section 157(1) of the Constitution of the Republic of South Africa, 1996;

“public notice” means publication in the media including one or more of the following:

- (a) publication of a notice, in the official languages determined by the municipal council:
 - (i) in any local newspaper or newspapers circulating in the area of supply of the municipality;
 - (ii) in the newspaper or newspapers circulating in the area of supply of the municipality determined by the municipal council as a newspaper of record; or
 - (iii) on the official website of the municipality;
 - (iv) by means of radio broadcasts covering the area of supply of the municipality;
- (b) displaying a notice in or at any premises, office, library or pay-point of either the municipality, or of its authorised agent, to which the public has reasonable access; and
- (c) communication with customers through public meetings and ward committee meetings;

2. Water Restrictions

(1) The municipality may for purposes of water conservation or where, in its opinion, drought conditions are imminent or existing, by public notice—

- (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction—
 - (i) in general or for specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
- (b) determine and impose—
 - (i) a restriction on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those prescribed in respect of the supply of water in excess of the restricted quantity; and
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
- (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.

(2) The municipality may restrict the application of the provisions of a notice contemplated by sub-section (1) to specified areas and categories of customers or users of premises, and activities, and may permit deviations and exemptions from, and the relaxation of, any of its provisions where there is reason to do so.

(3) The municipality—

- (a) may take, or by written notice require a customer at his own expense to take, such measures, including the installation of water saving devices, as may in its opinion be necessary to ensure compliance with a notice published in terms of sub-section (1); or
- (b) may, subject to notice, and for such period as it may consider fit, restrict the supply of water to any premises in the event of a contravention of these by-laws that takes place on or in such premises or a failure to comply with the terms of a notice published in terms of sub-section (1); and
- (c) must where the supply has been discontinued, restore it only when the prescribed charge for discontinuation and reconnecting the supply has been paid.

3. Power of Entry and Inspection

(1) An authorised official or agent of the municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.

(2) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa, 1996, and any other law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

(3) The authorised official or agent of the municipality may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.

(4) The authorised official or agent of the municipality must, on request, provide his identification.

4. Offences

(1) Subject to sub-section (2), any person who—

- (a) fails to comply with the terms of a notice in terms of these by-laws, or
- (b) reconnects or restores services that have been disconnected or limited without the municipality's approval.

is guilty of an offence and liable on conviction to a fine minimum of R2500-00 or maximum of R5000-00 or in default of payment to imprisonment for a period not exceeding 6 months.

(2) No person shall be liable to imprisonment if he is unable to afford to pay a fine, and shall instead be liable to a period of community service.

5. Repeal of Existing Municipal Water Services By-laws

The provisions of any by-laws relating to water restrictions by the municipality are hereby repealed insofar as they relate to matters provided for in these by-laws.

6. Short Title and Commencement

These by-laws are called the Water Restrictions By-laws of the Setsoto Municipality, Bylaw 01 of 2012.
