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## COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS AND HUMAN SETTLEMENTS NOTICES

## MANGAUNG METROPOLITAN MUNICIPALITY

## NOTICE OF PROMULGATION

## Correction Notice

**BY-LAWS RELATING TO PARKING AND PROPERTY RATES WERE PUBLISHED IN THE PROVINCIAL GAZETTE № 87 OF 22 MARCH 2013.**

Notice is hereby given that in terms of the Gazette № 87 of 22 March 2013, the PARKING BY-LAWS repealed the PARKING ATTENDANTS BY-LAWS as promulgated in the Gazette № 5 of 20 January 2006.

Notice is hereby further given that in terms of the Gazette № 87 of 22 March 2013, the PROPERTY RATES BY-LAWS repealed the PROPERTY RATES BY-LAWS as promulgated in the Gazette № 101 of 10 July 2009.

This promulgation is done in terms of the provisions of section 13 of the Local Government: Municipal Systems Act of 2000 (Act 32 of 2000), as amended.

**SIBONGILE MAZIBUKO**  
**CITY MANAGER**

## METRO MUNICIPLITY/ METRO MUNISIPALITEIT/ LEKGOTLA LA MOTSE

## PROMULGATION OF COUNCIL RATES RESOLUTION DATED 30 MAY 2013

1. Notice is hereby given in terms of the provisions of sub-section 14(2) of the Local Government: Municipal Property Rates Act 6 of 2004, as amended, that the Council of Mangaung Metropolitan Municipality, on 30 May 2013, passed a rates resolution for the levying of rates with effect from 01 July 2013 as follows:

**Assessment Rates**

It is recommended that rates tariffs be increased by 5.9% across the board.

- (a) That the following general assessment rates in respect of the Mangaung Metropolitan Municipality be determined as follows:

- i. Comma five four five seven cent (0,5457 cent), multiply by comma two five cent (0.25), per rand on the rateable value of farm property (exempt from VAT);
- ii. Comma five four five seven cent (0,5457 cent)) per rand on the rateable value of residential property (exempt from VAT);
- iii. Two comma four eight three six cent (2,4836 cent) per rand on the rateable value of government property (exempt from VAT);
- iv. Two comma four eight three six cent (2, 4836 cent) per rand on the rateable value of business property (exempt from VAT).
- v. Interest shall be paid to Council on rates which have been paid within thirty (30) days from the date on which such rates became due, at a rate of 1% higher than the prime rate for the period during which such rates remain unpaid after expiry of the said period of thirty (30) days.

**Rebates on assessment rates:**

- \* The first R 70,000 (Seventy thousand rand only) of the rateable value of residential properties are exempted;
  - \* That in respect of qualifying senior citizens and disabled persons, the first R 250,000 (Two hundred and fifty thousand rand only) of the rateable value of their residential properties be exempted from rates;
  - \* That the rebate on the R 250,000 of the rateable value for residential properties of qualifying senior citizens and disabled persons will only be applicable on properties with a value that do not exceed R 2,000,000 (Two million rand only), and;
  - \* That for the 2013/14 financial year the criteria applicable for child headed families regarding the total monthly income from all sources must not exceed an amount equal to two state pensions as determined by National Minister of Finance per month.
- (b) It is recommended that the rates as stated above become due monthly on the following dates: 8 July 2013; 7 August 2013; 9 September 2013; 7 October 2013; 7 November 2013; 9 December 2013; 7 January 2014; 7 February 2014; 7 March 2014; 7 April 2014; 7 May 2014 and 9 June 2014.

For any enquiries regarding this resolution, you are welcome to contact the Manager Rates and Taxes: Ms Rutna Fourie at telephone number (051) 405 8944 during office hours 07h45 and 16:15

**Sibongile Mazibuko**  
City Manager

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**MANGAUNG METROPOLITAN MUNICIPALITY**  
**PROMULGATION NOTICE**

**Amendments to Property Rates By-law**

**Passed by Council, May 2013**

1. Notice is hereby given that the Council of the Mangaung Metropolitan Municipality has amended the Mangaung, Property Rates By-law of 2012:-
2. The amendments to the Property Rates By-law of 2012 are indicated as follows:  
  
Words underlined with a solid line indicate insertions in existing by-law.  
  
Words with ~~strikethrough~~ solid line indicate deletions from existing by-law.
3. This promulgation is done in terms of the provisions of Section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

**Sibongile Mazibuko**  
City Manager

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**AMENDED PROPERTY RATES BY-LAW, 2013**

**Purpose**

To allow the Municipality to exercise its power to value and impose rates on immovable properties located within its area of jurisdiction in such a manner that it will contribute to effective and economic service delivery to the entire community.

**Preamble**

WHEREAS the Constitution establishes local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

WHEREAS there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

WHEREAS there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within its financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and

WHEREAS the Municipal Property Rates Act, NO.6 of 2004 authorizes and empowers municipalities to give effect to its Rates policy by adopting by-laws;

BE IT THEREFORE ENACTED by the Municipal Council of the Mangaung Metropolitan Municipality as follows:

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**1. Definitions**

- (1) For the purpose of these by-laws any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act NO.6 of 2004) shall bear the same meaning in these by-laws and unless the context indicates otherwise-

**"Act"** means the Local Government: Municipal Property Rates Act, 2004 (Act NO.6 of 2004);

**"Agent"**, in relation to the owner of a property, means a person appointed by the owner of the property-

- (a) to receive rental or other payments in respect of the property on behalf of the owner; or
- (b) to make payments in respect of the property on behalf of the owner;

**"Agricultural purpose"** in relation to the use of a property, includes the use (of a property for the purpose of eco-tourism or for the trading in or hunting of game);

**"Annually"** means once every financial year;

**"Business property"** means –

- (a) property used for the activity of buying, selling or trading in commodities or services and includes any office or other accommodation on the same property, the use of which is incidental to such activity; or
- (b) property on which the administration of the business of private or public entities take place;

**"Category"**, in relation to property, means a category of properties determined in terms of Section 5 and in relation to owners of properties, means a category of owners determined in terms of Section 6.

**"Category"**

- (a) in relation to property, means a category of properties determined in terms of Section 8 (2) of the Act;
- (b) in relation to owners of properties, means a category of owners determined in terms of section 15 (2) of the Act.

**"Child-headed household"** means a household where the main caregiver of the said household is younger than 21 years of age. Child-headed household means a household headed by a child as defined in the section 28(3) of the Constitution.

**"Exclusion"** in relation to a municipality's rating power, means a restriction of that power as provided for in section 16 and 17 of the Act.

**"Exemption"** - in relation to the payment of a rate, means an exemption granted by a municipality in terms of section 15 of the Act.

**"Improved"**, means, with regards to land or property, any building or structure of a permanent nature which has been erected in, on or over or under such land or property;

**"Farm property or small holding used for agricultural purpose"** – means property that is used for the cultivation of soils for purposes of planting and gathering in of crops; forestry in the context of the planting or growing of trees in a managed and structured fashion; the rearing of livestock and game or the propagation and harvesting of fish, but excludes the use of a property for the purpose of eco-tourism; and in the respect of property on which game is reared, trade or hunted, it excludes any portion that is used for commercial or business purposes;

**"Farm property or small holding not used for any purpose"** – means agricultural property or an agricultural zoned land unit situated outside an urban region which is not used for farming purposes, regardless of whether such portion of such property has a dwelling on it which is used as a dwelling and must be regarded as residential property;

**"Guesthouse"** means accommodation in a dwelling-house or second dwelling where up to 10 rooms are used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the restrictions of a bed and breakfast establishment and may include business meetings or training sessions for resident guests;

**"Market value"** in relation to a property, means the value of the property determined in accordance with section 46 of the Act.

**"Multiple purposes"**, in relation to a property, means the use of a property for more than one purpose.

**"Municipality"** means the Mangaung Metropolitan Municipality, and when referred to as

- (a) an entity, means Mangaung Metropolitan Municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (b) a geographic area, means the municipal area of the Mangaung Metropolitan Municipality as determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No 27 of 1998);
- (c) a person, means 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;

**"Municipal properties"** refers to property that is registered in the name of the Municipality and property vested by usage in the name of the Municipality whether it is used by the Municipality itself or made available to other entities without cost or in terms of a rental agent

**"Newly rateable property"** means any rateable property on which property rates were not levied before the end of the financial year preceding the date on which this Act took effect, excluding –

- (a) a property which was incorrectly omitted from a valuation roll and for that reason was not rated before that date; and
- (b) a property identified by the Minister by notice in the Gazette where the phasing in of a rate is not justified.

**"Occupier"**, in relation to a property, means a person in actual occupation of a property, whether or not that person has a right to occupy the property.

**"Owner"-**

- (a) in relation to a property referred to in paragraph (a) of the definition of 'property', means a person in whose name ownership of the property is registered;
- (b) in relation to a right referred to in paragraph (b) of the definition of 'property', means a person in whose name the right is registered;
- (c) in relation to a land tenure right referred to in paragraph (c) of the definition of 'property', means a person in whose name the right is registered or to whom it was granted in terms of legislation; or
- (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of 'property' means the organ state which owns or controls that public service infrastructure as envisaged in the definition of 'publicly controlled' determined by the Act, provided that a person mentioned below may for the purposes of this by-law be regarded by a municipality as the owner of a property in the following cases:
  - (i) A trustee, in the case of a property in a trust excluding state trust land;
  - (ii) An executor or administrator, in the case of a property in a deceased estate;
  - (iii) A trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;
  - (iv) A judicial manager, in the case of a property in the estate of a person under judicial management;
  - (v) A curator, in the case of a property in the estate of a person under curatorship;
  - (vi) A person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
  - (vii) A lessee, in the case of a property that is registered in the name of a municipality and is leased by it; or
  - (viii) A buyer in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer.

**"Person"** includes an organ of state

**"Private open space"** means land that is privately owned and used for practising of sport, play- or leisure facilities or used as a botanical garden, cemetery or nature area;

**"Privately owned towns townships serviced by the owner"** means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/or sectional units and where all ~~services inclusive of water, electricity, sewerage and refuse removal and roads development are installed at the full cost of the developer and maintained and rendered by the residents of such estate-~~ rates-related services inclusive of installation and maintenance of streets, roads, sidewalks, lighting, storm water drainage facilities, parks and recreation facilities, are installed at the full cost of the developer and are rendered and maintained by the residents, Home owners association or management companies/ bodies of such estate;

**"Property"** means:

- (a) Immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted in terms of legislation; or
- (d) public service infrastructure;
- (e) Where improvements encroach over common boundaries of properties or where the utility of property achieve its highest and best use jointly with other property, the City Valuer will nominate one of those properties as the "Parent" property. The other property/ies will be linked to this property in the Valuation Roll and will be referred to as "Child/ren". This economical unit will be valued as a single property, in conformity to the realities of the market. To accommodate the Mangaung billing system the total value will then be split as follow:
  - (i) A nominal value of not more than the individual land value only, will be entered on each "Child" property.
  - (ii) The sum of all the "Child" nominal values will be subtracted from the total value.
  - (iii) The balance will be entered against the "Parent" property
  - (iv) The category classification of "child/ren" will follow that of the "parent" property regardless of actual use .

**"Public service infrastructure"** means publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed; or
- (j) a right registered against immovable property in connection with infrastructure mentioned in paragraphs (a) to (i).

**"Rebate"** in relation to a rate payable on property, means a discount granted, in terms of section 15 of the Act, on the amount of the rate payable on the property;

**"Reduction"**, in relation to a rate payable on a property, means the lowering, in terms of section 15 of the Act, of the amount for which the property was valued and the rating at that lower amount.

**"Residential property"** means ~~improved property that~~ a building designed for, or containing provision for human habitation, together with such outbuildings is ordinarily used therewith:-

- (a) is used predominantly (60% or more) exclusively for residential purposes, including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes.
- (b) is a unit registered in terms of the Sectional Title Act and used predominantly exclusively for residential purposes.
- (c) is owned by a share-block company and used solely for residential purposes.
- (d) is a residence used for residential purposes situated on property used for or related to educational purposes.
- (e) Retirement schemes and life right schemes used predominantly (60% or more) exclusively for residential purposes.

And specifically exclude hostels, ~~old age homes~~, guest houses and vacant land irrespective of its zoning or intended use.

**"State owned property"** refers to property used or owned by the State other than public service infrastructure

**"Student dwelling"** refers to a dwelling or part of thereof used for accommodation of a maximum of 10 students on a site with a maximum size of 1 100m<sup>2</sup>, a maximum of 12 students on a site that varies between 1 101m<sup>2</sup> – 1 500m<sup>2</sup> and a maximum of 14 students on a site bigger than 1 500m<sup>2</sup>, receiving instruction at a place of instruction or adult instruction, subject to the provisions of sub-sections 18.2 (read with Table IV), 18.6. A second dwelling can be permitted on the premises on condition that no restrictive conditions are registered in the relevant title deed that prohibits the development of a second dwelling on the site. In the case of two dwellings on one erf the maximum accommodation allowed will be for a total of 14 students (depending the size of the erf). Cognition must be taken that no detached rooms will be permitted on the premises.

**"Vacant land"** means any land on which no immovable improvements have been erected.

- (2) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa.

## 2. Principles

- (1) ~~Rates will be levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.~~
- (2) ~~The municipality will differentiate between various categories of property and categories of owners of property as contemplated in sections 5 and 6 of this by-law.~~
- (3) ~~Some categories of property and categories of owners will be granted relief from rates.~~
- (4) ~~The municipality will not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.~~
- (5) ~~There will be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with section 13 of this by-law.~~
- (6) ~~The municipality's rates policy will be based on the following principles:~~
  - (a) ~~Equity~~  
~~The municipality will treat all ratepayers with similar properties the same.~~
  - (b) ~~Affordability~~  
~~The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor ratepayers the municipality will provide relief measures through exemptions, reductions, rebates and cross-subsidy from the equitable share allocation.~~
  - (c) ~~Sustainability~~  
~~Rating of property will be implemented in a way that:~~
    - (i) ~~it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality;~~
    - (ii) ~~Supports local social-economic development; and~~
    - (iii) ~~Secures the economic sustainability of every category of ratepayer.~~
  - (d) ~~Cost efficiency~~  
~~Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account surpluses generated on trading (water, electricity) and economic (refuse removal, sewerage disposal) services and the amounts required to finance exemptions, rebates, reductions and phasing in of rates as approved by the municipality from time to time.~~



- (1) Apart from meeting legislative requirements, this by-law also emanates from the objectives determined in Council's anti-corruption policy.
- (2) The levying of rate on a property is an exclusive right of the Municipality which will be exercised: –
  - (a) optimally and comprehensively within the Municipality; and
  - (b) with consideration of the total revenue source of the Municipality.
- (3) The rating of properties will be done independently, justly, equitably and without prejudice and this principle will also be applied with the determination of criteria for exemptions, reductions and rebates as provided for in section 15 of the Act
- (4) The levying of property rates must be implemented in such a way that: -
  - (a) it is aimed at development;
  - (b) it promotes sustainable local government by providing a stable and constant revenue source within the discretionary control of the Municipality; and
  - (c) it promotes economic, social and local development.
- (5) Property rates will be levied to: –
  - (a) correct the imbalances of the past; and  
minimise the effect of rates on the indigent.
- (6) The market value of a property serves as basis for the calculation of property rates.
- (7) The rate tariff will be based on the value of all rateable properties and the amount the Municipality needs to fund community and subsidised services, after taking into account any possible surplus generated from trading and economic services and the amounts required to finance exemptions, rebates and reductions of rate, as approved by council from time to time.
- (8) Trade and economic services will be financially ring fenced and tariffs and service charges will as far as possible be calculated in such a way that the revenue generated covers the cost of the services or generate a surplus.
- (9) The provision for operating capital and bad debt must be related to community and subsidised services and must not include any provisions in respect of trade and economic services.
- (10) Property rates will be used to finance community and subsidised services.
- (11) Surpluses from trade and economic services may be used to subsidise community and subsidised services.
- (12) The revenue basis of the Municipality will be optimally protected by limiting the exemptions, rebates and reductions.
- (13) The Chief Financial Officer must, subject to the guidelines provided by the National Treasury and Mayoral Committee of Council, make provision for the following categories of municipal services: –
  - (a) Trade services
  - (b) Economic services
  - (c) Community services funded from Property Tax

### 3. Application of By-law

- (1) Where this by-law contradicts national legislation, such legislation has preference over this by-law. The Municipal Manager shall bring such conflicts immediately to the attention of the ~~municipality~~ Council once he becomes aware of such conflicts and will propose changes to the municipality's by-laws to eliminate such conflicts.
- (2) If there is any conflict between this by-law and the property rates policy of the municipality, ~~the provision(s) of one of the two that is in line with the Property Rates Act, this by-law shall prevail.~~
- (3) In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners.

~~(4) This by-law gives effect to the municipality's property rates policy.~~

#### **4. Principles Applicable to Financing Services**

(1) The municipal manager or his nominee must, subject to the guidelines provided by the National Treasury and Executive Committee of the municipality make provision for the following classification of services:

- (a) Trading services
  - (i) Water
  - (ii) Electricity
- (b) Economic services
  - (i) Refuse removal.
  - (ii) Sewerage disposal.
- (c) Community and subsidised services

These include all those services ordinarily being rendered by the municipality excluding those mentioned in subsections (1)(a) and (b).

(2) Trading and economic services as referred to in subsections (1)(a) and (b) must be ring fenced and financed from service charges while community and subsidised services referred to in subsection(1 )(c) will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.

#### **5. Categories of Property**

- (1) Different rates may be levied in respect of the categories of rateable properties as determined by the municipality's rates policy.
- (2) Such rates will be determined on an annual basis during the compilation of the municipality's budget.
- (3) In determining the category of a property referred to in subsection (1) the municipality shall take into consideration the dominant use of the property, regardless the formal zoning of the property.
- (4) All relevant information, including circumstantial evidence, may be taken into consideration in an attempt to determine for what purpose the property is being used. A physical inspection may be done to acquire the necessary information.
- ~~(5) Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Act and as more fully described in section 7 of this by-law.~~

#### **6. Categories of Owners**

- (1) For the purpose of granting exemptions, reductions and rebates in terms of sections 9, 10 and 11 respectively the following categories of owners of properties are determined:
  - (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
  - (b) Those owners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;
  - (c) Owners of property situated within an area affected by-
    - (i) a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
    - (ii) serious adverse social or economic conditions.
  - (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget;

- ~~(e) Owners of properties situated in "privately owned towns" as determined by the municipality's rates policy;~~
- ~~(f) Owners of agricultural properties as determined by the municipality's rates policy; and~~
- (e) Owners of farm properties used for agricultural purposes.
- ~~(g) (f)~~ Child headed families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household.
- ~~(g) Owners of farm properties that are used for residential purposes;~~
- ~~(h) Owners of farm properties that are used for industrial, commercial and business purposes;~~
- ~~(i) Owners of smallholdings used for residential purposes;~~
- ~~(j) Owners of smallholdings used for industrial, commercial and business purposes;~~
- ~~(k) Owners of developed properties not yet sold and transferred; and~~
- ~~(l) Those owners who qualify as retired and disabled persons~~

#### ~~7. Properties used for multiple purposes~~

- ~~(1) Rates on properties used for multiple purposes will be levied in accordance with the "dominant use of the property";~~

#### ~~8. 7. Differential Rating~~

- (1) Criteria for differential rating on different categories of properties will be according to
  - (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
  - (b) The promotion of social and economic development of the municipality.
- (2) Differential rating among the various property categories will be done:
  - (a) by way of setting different cent amount in the rand for each property category; and
  - (b) by way of reductions and rebates as provided for in ~~the municipality's rates policy~~ this by-law document.

#### ~~9. 8. Exemptions and Impermissible Rates~~

- (1) Categories of property and categories of owners as determined by the municipality's rates policy on an annual basis will be exempted from paying rates.
- (2) Conditions determined by the rates policy will be applied accordingly.
- (3) Exemptions will automatically apply where no applications are required.
- (4) Rates may not be levied by the municipality on properties prescribed in Section 17(1) of the Act.
- (5) Public Benefit Organisations performing a specific public benefit activity and registered in terms of the Income Tax Act, 1962 (No 58 of 1962) for tax reduction because of those activities, may apply for exemption of property rates, on conditions as determined by the municipality's rates policy.
- (6) The municipality retains the right to refuse the exemption or cancel any exemption if the details supplied in the application form were incomplete, incorrect or false.
- (7) The extent of the exemptions implemented will annually be determined by the municipality and it must be included in the annual budget.

#### ~~10. 9. Reductions~~

- (1) Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following:
  - (a) Partial or total destruction of a property.
  - (b) Disasters as defined in the Disaster Management Act, 2002 (Act No.57 of 2002).
- (2) The following conditions shall be applicable in respect of subsection (1):
  - (a) The owner referred to in subsection (1)(a) shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He or she will also have to indicate to what extent the property can still be used and the impact on the value of the property.

- (b) Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).
- (c) A maximum reduction determined by the municipality will be allowed in respect of both subsections (1) a) and (b)
- (d) An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.
- (e) If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

#### 44. **10. Rebates**

- (1) Categories of property
  - (a) The municipality may grant rebates to categories of property as determined in the municipality's rates policy.
- (2) Categories of owners
  - (a) The municipality may grant rebates to categories of owners as determined annually in the municipality's rates policy.
- (3) Applications by property owners for rebates must reach the municipality before the date determined by the property rates policy, preceding the start of the new municipal financial year for which relief is sought.
- (4) Conditions determined by the rates policy will be applied accordingly.
- (5) The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.
- (6) Properties with a market value below a prescribed valuation level of an amount determined annually by the municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.
- (7) The extent of the rebate, in terms of subsections (1), (2) and (6), shall annually be determined by the municipality and it shall be included in the annual budget.

#### 42. **11. Payment of Rates**

- (1) Payments will be dealt with in accordance with the provisions of the municipality's Credit Control, Debt Collection and Indigent policies.
- (2) Interest shall be paid to Council on rates which have not been paid within 30 days from the date on which such rates become due at a rate ~~determined by the rates policy. Compounded interest will be levied.~~ of 1% higher than the prime rate for the period during which such rates remain unpaid after the expiry of the said period of 30 days.
- (3) The municipality will furnish each person liable for the payment of rates with a written account, which will specify:
  - (i) the amount due for rates payable,
  - (ii) the date on or before which the amount is payable,
  - (iii) how the amount was calculated,
  - (ix) the market value of the property, and
  - (v) rebates, exemptions, reductions or phasing-in, if applicable
- (4) A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he or she must make the necessary enquiries with the municipality.
- (5) In the case of joint ownership the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

**13. ~~Phasing in of rates~~**

(1) ~~The rates to be levied on newly rate-able property shall be phased in as explicitly provided for in section 21 of the Act.~~

(2) ~~The phasing-in discount on the properties referred to in section 21 shall be as follows:~~

- ~~• First year : 75% of the relevant rate;~~
- ~~• Second year : 50% of the relevant rate; and~~
- ~~• Third year : 25% of the relevant rate.~~

**14. ~~12.~~ Frequency of Valuation**

- (1) The municipality shall prepare a new valuation roll every 4 (four) years.
- (2) The municipality, under exceptional circumstances, may request the MEC for Local Government and Housing in the province to extend the validity of the valuation roll to 5(five) years.
- (3) Supplementary valuations will be done at least on an annual basis to ensure that the valuation roll is properly maintained.

**15. ~~13.~~ Community Participation**

- (1) Before Council commands a new valuation in terms of the Act, a consultation process involving all interest groups will be undertaken during which the purpose and method of valuation will be explained.
- (2) Before the Municipality adopts revised rates policy and by-law, the ~~Municipal Manager~~ Municipality ~~will~~ must follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act, 2000 (Act No. 32 of 2000), and comply with subsection 4(2) and (3) of the Act.

**16. ~~14.~~ Register of Properties**

- (1) The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.
- (2) Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.
- (3) Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
- (a) Exemption from rates in terms of section 15 of the Act,
  - (b) Rebate or reduction in terms of section 15 of the Act,
  - (c) ~~Phasing in of rates in terms of section 21 of the Act.~~ Exclusion referred to in subsection 17  
(1) (a), (e), (g), (h) and (i) of the Act.
- (4) The register will be open for inspection by the public at the municipal pay points as determined in the municipality's rates policy, during office hours and/or on the website of the municipality.
- (5) The municipality will update Part A of the register on a continuous basis by way of a supplementary valuation process.
- (6) The municipality will update Part B on an annual basis as part of the implementation of the municipality's annual budget.

**17. ~~15.~~ Regular Review Processes**

- (1) The municipality's rates policy must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the Integrated Development Plan and with legislation.

**16. Revised Version**

- (1) This By-law is a revised (amended) version of all or any by-law previously adopted by the Municipality's Council on the property rates matters.

**18. ~~17.~~ Short title**

- (1) This by-law is called ***Mangaung, Property Rates By-law.***

**19. ~~18.~~ Commencement**

- (1) This by-law comes into force and effect on the date of its promulgation by publication in the Provincial Gazette.

**MANGAUNG METROPOLITAN MUNICIPALITY****PROMULGATION NOTICE****Waste Management By-laws****Passed by Council, July 2013**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Waste Management By-laws, at the sitting dated 31 July 2013.
- 2) The by-laws are published for the purpose of general public notification.

Sibongile Mazibuko  
City Manager

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**Preamble**

**WHEREAS** the Mangaung Metropolitan Municipality (the "Municipality") has the Constitutional obligation to provide services including refuse removal, collection and disposal;

**AND WHEREAS** poor waste management practices can have adverse impact on the environment in and beyond Municipal boundaries;

**AND WHEREAS** the "Municipality" is committed to ensure that all residents, organizations, institutions, businesses, visitors or tourist and public bodies are able to access services from a legitimate waste service provider;

**AND WHEREAS** the "Municipality" wishes to regulate waste collection, separation, storage, processing, treatment, recycling, reuse and disposal of waste including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimizing the generation and impact of waste;

**AND WHEREAS** the "Municipality" promotes the waste hierarchy approach as outlined in the National Waste Management Strategy.

**CHAPTER 1: DEFINITIONS, OBJECTIVES AND PRINCIPLES****1. Definitions**

In these by-laws, any word or expression to which a meaning has been assigned in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and associated regulations shall have the meaning so assigned and, unless the context indicates otherwise.

**"accredited service provider"** means a person or entity accredited by the City in accordance with its guidelines published from time to time and who provides a waste management service in the Municipality and may include, but is not limited to, large and small business, entrepreneurs, community cooperatives, and venture learnerships;

**“building waste”** includes 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 council service provided by the council or service provider;

**“by-law”** means legislation passed by the municipality’s council which is binding on persons who resides within, visiting the area of authority of the municipality or using municipal services;

**“dump”** means to dispose of waste in any manner other than one permitted by law and includes, without derogating from the generality of the afore-going, to deposit, discharge, spill or release waste, whether or not the waste is in a container or receptacle, in or at any place whatsoever whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments, and sewage and storm water systems, but excludes littering;

**“event waste”** means waste that originates from the activities related to an event that is held in the Municipality;

**“garden waste”** means organic waste which emanates from gardening or landscaping activities at residential, business or industrial premises including but not limited to grass cuttings, leaves, branches, and includes any biodegradable material and excludes waste products of animal origin and bulky waste;

**“health care risk waste”** means waste capable of producing any disease and includes, but is not limited to the following:

- (a) laboratory waste;
- (b) pathological waste;
- (c) isolation waste;
- (d) genotoxic waste;
- (e) infectious liquids and infectious waste;
- (f) sharps waste;
- (g) chemical waste; and
- (h) pharmaceutical waste;

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

**“litter”** means waste, excluding hazardous waste, arising from activities in public areas that has not been deposited into a public litter container;

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

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

**“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(s)”** in relation to any premises, means any person who is in actual occupation of such premises and if no person is in actual occupation thereof, any person who, whether as owner, lessee, licensee or otherwise has, for the time being, control of such premises and shall include a street trader who occupies a site for the purposes of such street trader’s business;

**“owner”** means the registered owner, lessee or occupier of premises, or the person in charge or control of any premises or part thereof, who is over 18 years of age, and any person who obtains a benefit from the premises or is entitled thereto;

**“receptacle”** means an approved container having a capacity for temporary storage of waste in terms of these by-laws;

**“service provider/contractor”** means the person, firm or company whose tender/quotation has been accepted by or on behalf of the Municipality and includes the contractor’s heirs, executors, administrators, trustees, judicial managers or liquidators, as the case may be, but not, except with the written consent of the Municipality, any assignee of the contractor;



“**tariff**” means the prescribed charge determined by the Municipality in terms of any applicable legislation for any service rendered by the Municipality in terms of these by-laws.

“**waste generator**” means a property owner, a household, organization or business entity, the inhabitants, occupants or employees of which generate waste and includes sorters of waste such as recycling or waste minimization groups, scrap dealers and buy-back centres;

“**waste management officer**” means the officer as designated in terms of subsection 10(3) of the Act No. 59 of 2008.

## **2. Objectives of these by-laws**

(1) The objectives of these by-laws are to –

- (a) give effect to the right contained in section 24 of the Constitution by regulating waste management within the area of the municipality’s jurisdiction;
- (b) provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the Municipality can manage and regulate waste management activities;
- (c) ensure that waste is avoided, or where it cannot be altogether avoided, minimized, reused, recycled, recovered, and disposed of in an environmental sound manner; and
- (d) promote and ensure an effective delivery of waste services.

## **3. Scope of application**

- (1) These by-laws must be read with any applicable provisions of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).
- (2) In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction of the municipality, regulates waste management, the provisions of this by-law shall prevail to the extent of the inconsistency.
- (3) The by-laws do not override any other national and provincial waste related legislation.

## **4. Principles**

- (1) Any person exercising a power in accordance with these by-laws must; at all times; seek to promote the waste management hierarchy approach as outlined in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the National Waste Management Strategy, which is promoting waste avoidance and minimization, waste reuse, recycling and recovery, waste treatment and disposal.
- (2) The by-laws seek to promote sustainable development and environmental justice through fair and reasonable measures for the management of waste within the municipality’s jurisdiction.
- (3) The by-laws promote participation of all municipal residents in the promotion of responsible citizenship by ensuring sound waste management practices within residential and industrial environments.

## **5. Obligations of waste generators**

- (1) Every person has an obligation to manage any waste generated by his or her activities or the activities of those persons working under his or her direction in such a manner that the waste does not cause harm to human health or damage to the environment. In particular, the person must ensure that:
  - (a) waste generation is avoided and where such waste cannot be avoided, minimize the toxicity and amounts of waste;
  - (b) waste is reduced, reused, recycled or recovered;
  - (c) where waste must be disposed of, the waste is treated and disposed in an environmentally sound manner;
  - (d) the waste is managed in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts.

- (2) Any person subject to the obligation imposed in subsection (1) may be required by the Municipality or an authorized official to take measures to ensure compliance with the obligation.
- (3) The measures referred to in subsection (2), that a person may be required to undertake include –
  - (a) investigation, assessment and evaluation of the impact that their activities, the process or a situation have on the environment;
  - (b) informing and educating employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing damage to the environment;
  - (c) ceasing, modifying or controlling any act, process, situation or activity which causes damage to the environment;
  - (d) containing or preventing the movement of pollutants or other causes of damage to the environment;
  - (e) eliminating or mitigating any source of damage to the environment; or
  - (f) rehabilitating the effects of the damage to the environment.

## **6. Waste management plan**

- (1) A waste management plan must be submitted by the waste generators listed in subsection (10) in writing to the waste management officer for approval prior to the generation of the waste to be dealt with in terms of the said plan.
- (2) A waste management plan must include –
  - (a) an assessment of the quantity and type of waste that will be generated;
  - (b) a description of the services required to store, collect, transport and dispose of such waste;
  - (c) a description of how they intend separating recyclable and non-recyclable material at the point of source;
  - (d) the waste minimization and pollution prevention plans of such waste generator;
  - (e) the impact or potential impact on the environment of the waste created by them;
  - (f) the type or characteristics of waste produced of an environmentally sensitive nature or the amount of natural resources that are consumed in the manufacturing or production process that result in waste; and
  - (g) targets for waste production through waste minimization, re-use, recycling and recovery measures or programmes that can minimize the consumption of natural resources and the method of disposal of waste.
- (3) Industrial entities must include in an waste management plan measures or actions to be taken to manage waste, the phasing out of the use of certain substances, opportunities for reduction of waste generation through changes to product design, product production or packaging to reduce resource consumption.
- (4) Industrial and business entities must provide for the education, marketing and sales information to influence perception and behaviour of customers to ensure recycling of products.
- (5) When requested to submit an waste management plan or a further waste management plan in terms of this By-law, a waste generator shall do so within the time stipulated and comply with the terms and conditions set out by the waste management officer for the generation, minimization, storage, collection and disposal of such waste.
- (6) The waste management officer must consider the plan and –
  - (a) approve it with conditions and give directions for the implementation thereof;
  - (b) request that additional information be furnished or a revised plan be submitted for approval;
  - (c) require amendments to be made within a time frame so specified by them;
  - (d) reject the plan and provide reasons therefore; or
  - (e) approve such a plan and specify conditions pertaining to such approval.
- (7) If an waste management plan is rejected or not submitted at all, the waste management officer shall give directives as to what waste management measures must be taken by the waste generator and should the waste generator fail to take such measures within the time frame specified by the waste management officer, the Municipality may implement such measures and the waste generator will be liable for the cost thereof.

- (8) The waste management officer may by written notice require any person to provide such information as he or she requires when preparing the Municipality's waste management plan.
- (9) Should a person fail to provide the information referred to in subsection (8), the waste management officer may appoint an auditor to obtain such information at the cost of waste generator.
- (10) The waste generators of the following classes of waste must submit a waste management plan:
  - (a) business waste;
  - (b) industrial waste;
  - (c) building waste;
  - (d) event waste;
  - (e) those who sort waste or undertake a recycling, re-use or waste recovery activity including but not limited to scrap dealers, recycling groups and buy back centres;
  - (f) any other person who is given notice to do so by the waste management officer; or
  - (g) those persons carrying out the activities listed in paragraph (e).

#### **7. Exemptions from submitting a waste management plan**

- (1) If one of the waste generators for the categories of waste referred to in sub-section 10(10)(e) wishes to be exempt from submitting a waste management plan, an application must be made in writing to the waste management officer, stipulating reasons for the application.
- (2) A waste management officer may also declare –
  - (a) certain types of waste or waste generators;
  - (b) a particular mass or volume of waste; or
  - (c) persons who have submitted such a plan to the other spheres of government in terms of their applicable legislation, to be exempt from the submission of an waste management plan.

### **CHAPTER 2: SERVICE PROVIDERS**

#### **8. Service providers/Contractors**

- (1) The Municipality may discharge any of its obligations by entering into a service delivery agreement with a service provider or service providers in terms of the Municipal Systems Act, 2000.
- (2) Subject to the provisions of the Municipal Systems Act or any other legislation, the Municipality may assign to a service provider any power enjoyed by the Municipality under these by-laws: provided that the assignment is required for the service provider to discharge an obligation under its service delivery agreement, but the accountability shall remain with the Municipality.
- (3) Any reference in these by-laws to "Municipality or service provider" should be read as the "Municipality" if the Municipality has not entered into a service delivery agreement, and should be read as "service provider" if the Municipality has entered into a service delivery agreement.
- (4) Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the Municipality and which must-
  - (a) accord with the provisions of these by-laws;
  - (b) be accessible to the public;
  - (c) establish the conditions of the service including collection times; and
  - (d) provide for the circumstances in which Municipal services may be limited.

### **CHAPTER 3: PROVISION OF WASTE SERVICES**

#### **9. Storage and receptacles for general waste**

- (1) Any person or owner of premises where general waste is generated must ensure that such waste is stored in a receptacle provided or approved by the Municipality.

- (2) Any person or owner of premises contemplated in subsection (1) must ensure that-
- (a) the receptacle is stored inside the yard where applicable, away from the public area when still waiting for collection;
  - (b) on agreed collection date, it should be placed outside the premises in an area accessible to the municipal officials or service providers;
  - (c) pollution and harm to the environment is prevented;
  - (d) waste cannot be blown away and that the receptacle is covered or closed;
  - (e) measures are in place to prevent tampering by animals;
  - (f) nuisance such as odour, visual impacts and breeding of vectors do not arise;
  - (g) suitable measures are in place to prevent accidental spillage or leakage;
  - (h) the receptacle is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of the waste;
  - (i) that a receptacle(s) provided by the Municipality is not used for any other purpose other than storage of waste;
  - (j) in cases where a receptacle (s) is damaged or corroded, the owner or occupier must notify the Municipality and arrange for replacement as soon as it comes to their attention;
  - (k) waste is only collected by the Municipality or authorized service provider; and
  - (l) in cases where an owner or occupier is not available on the day of collection, make necessary arrangements to ensure that waste is accessible for removal or collection.

#### **10. Collection and transportation**

- (1) The Municipality may -
- (a) only collect waste stored in approved receptacles;
  - (b) set collection schedules for both commercial and residential properties for reasons of health, safety or environmental protection.
  - (c) collect waste outside the set schedule on request by any person and at a fixed tariff agreed to by both parties prior to collection.
  - (d) set the maximum amount of quantities of waste that will be collected;
  - (e) identify waste streams which may not be collected by the Municipality or which are unsuitable for collection; and where such a case exist, advice the owner of alternatives
- (2) Any person transporting waste within the jurisdiction of the Municipality must –
- (a) ensure that the receptacle or vehicle or conveyance is adequate in size and design for the type of waste transported;
  - (b) remove or transport the waste in a manner that would prevent any nuisance or escape of material;
  - (c) maintain the receptacle or vehicle or conveyance in a clean, sanitary condition at all times;
  - (d) not permit waste transported to become detached, leak or fall from the receptacle or vehicle or conveyance transporting it;
  - (e) ensure that waste is transported or deposited at a waste transfer station, recycling facility and/or disposal facility licensed to accept such waste;
  - (f) ensure that the vehicle is not used for other purposes whilst transporting waste;

#### **11. Waste transfer stations**

- (1) Any holder of waste must –
- (a) utilize appropriate waste transfer stations as directed by the Municipality or service provider; and
  - (b) adhere to the operational procedures of a transfer station as set out by the Municipality.

#### **12. Waste disposal**

- (1) Waste generated in the municipal area must be disposed of at a waste disposal facility as directed by the Municipality.
- (2) In disposing of waste the operator of the site must comply with the provisions of any other legislation regulating the disposal of waste.
- (3) Any person disposing waste at a Municipal owned disposal site must adhere to the site operational procedures approved by the Municipality.
- (4) All private waste disposal sites within the jurisdiction of the Municipality, must comply to an local norms and standards and any other relevant legislation.

**CHAPTER 4: RECYCLING OF WASTE****13. Storage, separation and collection of recyclable domestic waste**

- (1) Any person who is undertaking any activity involving reduction, re-use, recycling or recovery of waste including scrap dealers, by-back centres and formalized recycling groups must before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste and must notify the Municipality of an intention to undertake such an activity in writing.
- (2) Any person undertaking the activities contemplated in subsection (1) must adhere to the requirements set out in national or provincial legislation.
- (3) The Municipality may require any person or owner of premises to separate their waste and use different receptacles provided by the Municipality or service provider.
- (4) In cases where the Municipality, service provider or industry has provided separate receptacles for recyclable material, no person may use other receptacles for recyclable material.

**CHAPTER 5: WASTE INFORMATION****14. Registration and provision of waste information**

- (1) Any person who conducts an activity, which has been identified in terms of provincial and/or national waste information system must, upon request, present to the Municipality proof that such an activity is registered and reporting the required information.
- (2) The Municipality may, at its own discretion and as reasonably possible, require any facility, person of activity to register and report to the Municipality any other information for the purpose of facilitating effective waste management within its jurisdiction.

**CHAPTER 6: PROVISION FOR REGISTRATION OF TRANSPORTERS****15. Requirements for registration**

- (1) Any person who transports waste for gain must adhere to the requirements as set out in section 25 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).
- (2) The Municipality may, by notice in the provincial gazette, require any person or category of transporters to register and report to the Municipality information as set out in that notice. The notice may include but not limited to –
  - (a) the application forms;
  - (b) a prescribed fee;
  - (c) renewal intervals;
  - (d) list of transporters, types and thresholds of waste transported;
  - (e) minimum standards or requirements to be complied with.

**CHAPTER 7: LISTED WASTE MANAGEMENT ACTIVITIES****16. Commencement, conducting or undertaking of listed waste management activities**

- (1) Any person conducting a listed waste management activity listed in terms of section 19 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), must upon request by an official of the Municipality, provide proof of compliance with the requirements of a licence issued by the competent authority.

**CHAPTER 8: GENERAL PROVISIONS****17. Duty to provide facilities for litter**

- (1) The owner of privately owned land, must take reasonable steps to ensure that sufficient and appropriate receptacles are provided for the discarding of litter by the public, in any place to which the public has access.

- (2) The owner of privately owned land, must ensure that all receptacles installed on the premises for the collection of litter are –
- (a) maintained in good condition;
  - (b) suitably weighted and anchored so that they cannot be inadvertently overturned;
  - (c) constructed in such a manner as to ensure that they are weatherproof and animal proof;
  - (d) of suitable size to contain all litter likely to be generated on the premises and by the users thereof;
  - (e) placed in locations convenient for the use by users or occupants of the premises to discourage littering or the unhealthy accumulation of waste; and
  - (f) emptied and cleansed periodically or when full. The emptying and cleansing of receptacles must be done frequently to ensure that no receptacle or its contents may become a nuisance or provide reasonable grounds for complaint.

#### **18. Prohibition of littering**

- (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 the contents of the receptacle to spill or fall onto the ground around it; and
  - (d) allow any person under his control to do any of the acts contemplated in paragraphs (a), (b) or (c) above.
- (2) Notwithstanding the provisions of subsection 8 (1), the owner 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.

#### **19. Prohibition of nuisance**

- (1) Any person handling waste within the Municipality, either through storage, collection, transportation, recycling or disposal must–
- (a) take reasonable measures to prevent nuisance, injury, harm, damage, annoyance or inconvenience to any person and the environment;
  - (b) take measures to remedy any spillages, harm, damage or nuisance referred to in section (a) above;
  - (c) at their own cost, clean any waste causing nuisance to any person or the environment;
  - (d) ensure compliance to the notice contemplated in sub section (1)(c); the Municipality may clean or remedy waste causing nuisance to any person or the environment, at the Municipality's cost and claim such cost from the offender.

#### **20. Burning of waste**

- (1) No person may–
- (a) dispose of waste by burning it, either in a public or private place unless authorized to do so by the Municipality;
  - (b) incinerate waste either in a public or private place except in an incinerator licensed by the relevant national or provincial authorities to do so, or at a place designated by the Municipality for such purpose.

#### **21. Unauthorized disposal/dumping**

- (1) No person may except with the permission of the occupier, owner or of the person or authority having control thereof, dump, accumulate, place, deposit, leave or cause or allow to be dumped, accumulated, placed, deposited or left any waste whatsoever, whether for gain or otherwise, on or in a public place; any drain, watercourse, flood prone areas, tidal or other water in or in the vicinity of any road, highway, street, lane, public footway or pavement, roadside or other open space to which the public have access; or private or municipal land.
- (2) The local authority may at the expense of an owner of land, person in control of land or a person who occupies the land rehabilitate any damage caused to the environment as a result of the activity or failure of the person referred to in subsection (1) to take reasonable measures to prevent unauthorized disposal or dumping.

**22. Abandoned articles**

- (1) Any article, other than a motor vehicle deemed to have been abandoned in terms of the Road Traffic Act, which, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition of such article, is reasonably regarded by the Municipality as having been abandoned, may be removed and disposed of by the Municipality as it may deem fit.
- (2) The Municipality may remove and dispose of any article which is chained or fastened to any pole, parking meter or any other property belonging to the council, without authorization as it may deem fit.

**23. Liability to pay applicable tariffs**

- (1) The owner of premises where the Municipality is rendering waste services contemplated in this by-law is liable for the payment of prescribed tariffs for such services, and is not exempted from or reduction of such tariffs due to non usage, partial or limited use of such services.
- (2) The Municipality reserves the right to review such tariffs contemplated in subsection (1) on an annual basis.
- (3) The Municipality may exempt any person or category of persons deemed to be falling in the indigent category from paying prescribed tariffs for waste management services as outlined in the Municipal Indigent Policy.

**24. On-site disposal**

- (1) The Municipality may, as it deem fit in an area where a municipal waste management service is not already provided, after consultation with the concerned community, declare an area(s) as demarcated for on-site disposal of general waste.
- (2) A declaration contemplated in subsection (1) must be published in a provincial gazette and may include but not limited to -
  - (a) time frames for such a declaration;
  - (b) minimum standards to be adhered to for on-site disposal; and
  - (c) quantity of waste that may be disposed.
- (3) The Municipality has a right to inspect the areas contemplated in subsection (1) on a regular basis.

**25. Storage, collection, composting and disposal of garden waste**

- (1) The owner or occupier of the premises on which garden waste is generated, may compost garden waste on the property, provided that such composting does not cause a nuisance or health risk.
- (2) The owner or occupier of the premises on which garden waste is generated and not composted, must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.
- (3) The Municipality may, as far it is reasonably possible, direct any transporter of garden waste or any person providing garden maintenance services, to transport their garden waste to a designated transfer station or facility provided by the Municipality.
- (4) At the written request of the owner or occupier of premises the Municipality or service provider may, in its sole discretion, deliver an appropriate receptacle for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste; at a prescribed additional tariff.

**26. Collection and disposal bulky waste**

- (1) Any person generating bulky waste must ensure that such waste is collected and recycled or disposed of at a designated facility and may not put such waste as part of the municipal routine collection.
- (2) At a request of the owner or occupier of any premises, the Municipality may remove bulky waste from premises at a prescribed tariff, provided that the Municipality is able to do so with its refuse removal equipment.
- (3) In case a Municipality has been called to remove illegally dumped waste on vacant land, the Municipality may remove that waste subject to subsection (2) and charge the owner of that vacant land.

**27. Generation, storage, collection, reuse and disposal of building waste**

- (1) The owner or occupier of premises on which building waste is generated and person conducting an activity which causes such waste to be 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 instructions from the Municipality, any structure necessary to contain the building waste is constructed.
- (2) Any person may operate a building waste removal service subject to adherence to relevant legislation.
- (3) Should the Municipality provide such a service, it shall be done at a prescribed tariff.
- (4) The owner or occupier of premises may apply to the Municipality for written consent to place an appropriate receptacle for the storage and collection of building waste in the road reserve for the period of such consent.
- (5) Every receptacle, authorized in terms of subsection (4) and used for the removal of building waste, must –
  - (a) have a clearly marked name, address and telephone number of the person in control of such approved 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 such waste so that no displacement of its contents can occur.
- (6) The owner or occupier of premises on which building waste is generated must ensure that the waste is disposed of at a facility designated for that purpose by the Municipality.
- (7) For the purpose of reclamation of land, reuse or recycling, building waste may with written consent of the Municipality, be deposited at a place other than the Municipality's waste disposal sites.
- (8) A consent given in terms of subsection (7) shall be subject to the conditions, as the Municipality may deem necessary.

**28. Special industrial or health care risk waste**

- (1) Any waste generator who generates special industrial or health care risk waste or an owner of premises where such waste is generated must contract with an accredited service provider to collect and dispose of such waste at a licensed waste disposal facility.
- (2) Subsection (1) does not apply to generators of waste who have the capacity to conduct the service.
- (3) Any person transporting industrial or health care risk waste must ensure that the facility or place to which such waste is transported is authorized to accept such waste prior to offloading the waste from the vehicle.

**29. Event waste**

- (1) Any person who is directly or indirectly involved with the organization or management of a sporting, entertainment, cultural or religious event which is to take place on private or public property or owns or controls premises at which a sporting, entertainment, cultural or religious event is to take place, including sports stadia and conference centres, must submit a waste management plan consistent with this By-law to the waste management officer in respect of the storage, collection, recycling and disposal of waste at and after such event at least five working days prior to the proposed event and comply with the terms and conditions set out by the Municipality.
- (2) The waste management plan must also include costing information, and the organizer, management or owner will be required to pay a refundable deposit as determined by the Municipality.
- (3) Any person who intends to generate event waste shall contract with an accredited service provider, for the collection and disposal of such waste to a licensed waste disposal facility and provide proof of this to the Municipality as part of its waste management plan.
- (4) If the event is to be held in a public area, the use, sale or distribution of glass or similar containers is prohibited, unless the prior consent has been obtained from the waste management officer on such conditions as will be determined by him or her that will reduce the likelihood of injury from broken glass.



(5) Should a person fail or neglect to obtain services of an accredited service provider in terms of subsection (3) prior to the event in question, or fail to provide the Municipality with the waste management plan or should there be waste left at the area where the event has been held or the surrounding area as a result of the event, the waste management officer may subject to subsection (6), arrange for the collection, clean-up, recycling and disposal of the waste.

(6) The cost for the collection, clean-up, recycling and disposal of the waste shall be payable by the event organizer and may be recovered from the deposit paid or in terms of the Municipality's Credit Control and Debt Collection By-laws.

### **30. Licensing**

(1) Any person who, or entity which, requires a license in terms of national, provincial will have to prove on request, to the waste management officer that such person or entity has obtained the appropriate license within 30 days or such lesser period as specified by such officer.

### **31. Premises inaccessible for refuse collection**

(1) Should the Municipality be impeded from handling or collecting refuse due to the layout of a person's premises, and if this impediment imposes a danger to employees of the Municipality, the waste management officer may require the owner to do such alterations or additions to the premises as are necessary to remove such impediment at that persons cost.

### **32. Compliance notices**

(1) The waste management officer may issue notices to any person contravening the provisions of this By-Law –

- (a) setting out the provisions or conditions contravened;
- (b) directing such person to comply with such provisions or conditions; and
- (c) setting out the measures which must be taken to rectify the contravention, and the period in which he or she must do so.

(2) If a person fails to comply with directions given in a notice issued by the waste management officer, the waste management officer may –

- (a) take whatever steps it considers necessary to clean up or remove waste, to rehabilitate the premises, place or the affected environment at which the waste has been illegally dumped or stored and to ensure that the waste, and any contaminated material which cannot be removed, cleaned or rehabilitated, is disposed of lawfully;
- (b) recover the costs of cleaning, removing, rehabilitating or disposing waste, premises or environment, or contaminated material, respectively, from the persons obliged to take such steps in terms of this By-Law, who shall be jointly and severally liable therefore.

(3) The following persons may be served with such notice:

- (a) any person who committed, or who directly or indirectly permitted, the contravention;
- (b) the generator of the waste;
- (c) the owner of the land or premises where the contravention took place;
- (d) the person in control of, or any person who has or had, at that stage of the contravention, a right to use the land or premises where contravention took place.

### **33. Service of documents and process**

(1) Whenever any notice, order, demand or other document is authorized or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such a person-

- (a) when it has been delivered to him or her personally;
- (b) when it has been left at his or her place of residence or business with a person apparently over the age of 16 years;
- (c) when it has been posted by registered or certified mail to his or her last known residential or business address and an acknowledgement of posting thereof is produced;
- (d) if his or her address is unknown, when it has been served on his or her agent or representative in a manner provided for in paragraph (a), (b) or (c); or
- (e) if his or her address and agent are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.

**34. Failure to comply with notice and enforcement of notice**

- (1) If the waste management officer has issued a compliance notice in terms of section 32 to anyone for contravening any provision of this By-law and such person fails to comply with such notice he or she shall be guilty of an offence.
- (2) The waste management officer may in writing require any person to submit a report to him or her in respect of the impact of waste in a specified form as stipulated in the Municipality's guidelines as published from time to time.
- (3) If the person fails to submit such a report within the period specified, the waste management officer may appoint an independent person to compile the report and recover the costs of compiling the report from the person required to submit it.
- (4) If the waste management officer suspects that the person has on one or more occasion contravened or failed to comply with the By-law or a license issued in terms of provincial or national legislation and this has had a detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage or has contributed to the degradation of the environment, the waste management officer may direct that such a report be compiled by an independent person.
- (5) The waste management officer may then direct the person who failed to comply with the notice to take the action recommended in such report, failing which the Municipality may do so, and the person who contravened the notice shall be liable for the cost thereof.

**CHAPTER 9: ADMINISTRATIVE MATTERS COMPLIANCE****AND ENFORCEMENT****35. Exemptions**

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the Municipality for exemption from any provision of this by-law.
- (2) The Municipality may –
  - (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted be stipulated therein;
  - (b) alter or cancel any exemption or condition in an exemption; or
  - (c) refuse to grant an exemption.
- (3) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- (4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.
- (5) If any condition of an exemption is not complied with, the exemption lapses immediately.

**36. Appeals**

- (1) A person whose rights are affected by a decision taken by the Municipality in terms of these by-laws, may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to the municipal manager or delegated official within 21 days of the date of the notification of the decision.

**37. Offences**

- (1) Any person who –
  - (a) obstructs or hinders the Municipality in exercising the powers or performance of functions or duties as outlined in this by-laws;
  - (b) contravenes or fails to comply with any provision of these by-laws; or
  - (c) fails to comply with the terms of a notice served upon him or her in terms of these by-laws, shall be guilty of an offence.

**38. Penalties**

- (1) Any person who contravenes or fails to comply with provisions of these by-laws is guilty of an offence and liable on conviction to imprisonment for a period not exceeding three months or to a fine not exceeding R10 000, 00 or to both such fine and imprisonment.

**39. Repeal**

- (1) Any by-laws or regulations relating to waste management or refuse removal or disposal within the Municipality or any of its predecessors or areas formerly existing under separate Municipalities or other organs of State is repealed from the date of promulgation of these bylaws.

**40. Short title and commencement**

- (1) These by-laws are called ***Mangaung, Waste Management By-laws*** and take effect on the date of promulgation thereof in the provincial gazette.

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**MANGAUNG METROPOLITAN MUNICIPALITY****PROMULGATION NOTICE****Water Services By-law**

**Passed by Council, October 2013**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Water Services By-laws, at the sitting dated 10 October 2013.
- 2) The by-laws are published for the purpose of general public notification.

**Sibongile Mazibuko**  
**City Manager**

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**WATER SERVICES BY-LAWS**

**To provide for the regulation and management of activities in respect of the delivery of Water Services, and to provide for matters in connection therewith**

**Preamble**

**WHEREAS** the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

**WHEREAS** there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

**WHEREAS** there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within its financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and

**WHEREAS** the Constitution authorizes and empowers municipalities to administer the local government matters listed in Part B of Schedules 4 and 5, which include municipal markets and any other matter assigned to it by national or provincial legislation, by making and administering by-laws for the effective administration of these matters;

**BE IT THEREFORE ENACTED** by the Municipal Council of the **MANGAUNG** Metropolitan Municipality as follows:-

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## CHAPTER I: GENERAL PROVISIONS

### Part 1: Definitions

#### 1. Definitions

In these By-laws, unless the context otherwise indicates -

- “account”** means any account rendered for Municipal services provided;
- “accommodation unit”** in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;
- “affected person”** means a person who has been served with a designated notice
- “Act”** means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;
- “actual consumption”** means the measured consumption of any consumer;
- “approved”** means approved by the Municipality or an authorised person;
- “authorised person”** means a person authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power under, these By-laws;
- “average consumption”** means, for instances where a meter is or was dysfunctional, the estimated average consumption of a consumer of a Municipal service during a specific period, which consumption is calculated by dividing the total measured consumption of that Municipal service by that consumer –
  - (a) during the preceding three months by three; or
  - (b) during the corresponding period in the previous year by three; or
  - (c) during the following three months by three;
- “average consumption”** means, for instances where actual meter readings could not be obtained from a meter in working order, means the estimated average consumption of a customer of a Municipal service during a specific period, which consumption is based on the average consumption of that meter over the previous 12 months. This amount may be recalculated and then updated at the request of the customer;
- “basic sanitation”** means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, prescribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

- “basic water supply”** means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act under regulation 3 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;
- “best practicable environmental option”** means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;
- “borehole”** means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;
- “Building Regulations”** means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
- “City Manager”** means the person appointed by the Municipality as the Municipal Manager of the Municipality in terms of Section 2(1) of the Local Government: Municipal Systems Amendment Act, 2011 (Act No. 7 of 2011) and includes any person –
- (a) acting in such position; and
  - (b) to whom the City Manager has delegated a power, function or duty in respect of such a delegated power, function or duty;
- “combined installation”** in relation to water supply means a water installation used for fire-fighting and domestic, commercial or industrial purposes;
- “commercial effluent”** means effluent emanating from an enterprise having a commercial purpose where the effluent is neither industrial effluent nor standard domestic effluent;
- “commercial purpose”** in relation to the supply of water, means water supplied to premises to be used in the carrying out of a trade or business;
- “communal water services work”** means a consumer connection through which water services are supplied to more than one person;
- “connecting point”** means the point at which the drainage installation joins the connecting sewer;
- “connecting sewer”** means a pipe owned by the Municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave or by agreement;
- “connection”** means the point at which a consumer gains access to Municipal services;
- “connection pipe”** means a pipe, the ownership of which is vested in the Municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a “communication pipe” referred to in SABS 0252 Part I;
- “consumer”** means –
- (a) any person who occupies premises to whom, and in respect of which premises, the Municipality –
    - (i) has agreed to provide water services;
    - (ii) is actually providing water services;
    - (iii) has entered into an agreement with the Municipality for the provision of water services to or on any premises;
  - (b) the owner of any premises to which the Municipality is providing water services;
  - (c) where water services are provided through a single connection to a number of accommodation units or consumers or occupiers, means the person to whom the Municipality has agreed to provide such water services; and
  - (d) any end-user who receives authorised water services from the Municipality or other water services institution.

<b>“consumer period”</b>	means the period between successive monthly readings or reading estimates irrespective of the period between reading dates;
<b>“conventional water meter”</b>	means a meter where the account is issued subsequent to the consumption of water;
<b>“domestic purposes”</b>	in relation to the supply of water means the general use of water supplied for personal and residential uses, including health and hygiene, drinking, ablution, culinary, household and garden maintenance;
<b>“drain”</b>	means that portion of the drainage installation that conveys sewage from a building to a communal drain or any other sewage disposal system which is situated on the premises concerned or to a sewer;
<b>“drainage installation”</b>	means an installation which is situated on the premises and which is intended for catchments, conveyance, storage or treatment of sewage, including sanitary appliances, drains, septic tanks, sewage treatment works or matching mechanical appliances;
<b>“drainage work”</b>	includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;
<b>“duly qualified sampler”</b>	means a person who takes samples for analysis from any source and who has been trained to do so;
<b>“effluent”</b>	means any liquid whether or not containing matter in solution or suspension which emits from any premises either into the storm water system or the sewerage system;
<b>“emergency”</b>	means any situation that poses a risk or potential risk to life, health, the environment or property;
<b>“environmental cost”</b>	means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;
<b>“fire installation”</b>	means a potable water installation that conveys water for fire fighting purposes only;
<b>“fixed quantity water delivery system”</b>	means a water installation, which delivers a fixed quantity of water to a consumer in any single day or month;
<b>“household”</b>	<p>means the family unit of persons, or individuals, in occupation of a building or part of a building, designated for residential occupation by such family unit, or individuals, determined as follows :</p> <p>For formal buildings on a stand zoned for single residential purposes, the number of households will be the sum of the main unit plus the number of dwelling units for which the area of the units do not differ by more than 80% from the main dwelling unit; or</p> <p>For all flats, townhouses and duet houses occupied by separate households the number of households will be the sum of the applicable separate units; or</p> <p>In the case of other residential dwellings where more than 8 (eight) persons are staying permanently in one or more units on a single stand, the number of households will be determined after an application has been made to the Municipality with sufficient proof to calculate a separate household for every 8 (eight) persons or part thereof staying on the stand: Provided that it will automatically revert back to one household should the number of persons decrease since the original application.</p>
<b>“head of department”</b>	means a person appointed by the Municipality as head of one of the departments into which the administrative of the Municipality is organised, and also a person legally acting in that position;
<b>“illegal connection”</b>	means a connection to any system through which Municipal services are provided and which connection is not authorised or approved by the Municipality;
<b>“industrial effluent”</b>	means effluent emanating from industrial use of water, whether or not containing matter in suspension, and includes for purposes of these By-laws, any effluent other than standard domestic effluent or stormwater;
<b>“installation work”</b>	means work in respect of the construction of, or carried out on a water installation;
<b>“main”</b>	means a pipe, other than a connection pipe, vesting in the Municipality and used by it for the purpose of conveying water to a consumer;



<b>"measuring device"</b>	means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;
<b>"meter"</b>	means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;
<b>"Municipality"</b>	means the Mangaung Metropolitan Municipality and its legal successors, and when referred to as- <ul style="list-style-type: none"> <li>(i) a legal entity, means Mangaung Metropolitan Municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);</li> <li>(ii) a geographic area, means the municipal area of the Mangaung Metropolitan Municipality as determined from time to time in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998); and</li> <li>(iii) a person, means an authorised representative of the Mangaung Metropolitan Municipality;</li> </ul>
<b>"occupier"</b>	means a person who occupies any premises or part thereof, without regard to the title under which he, she or it occupies;
<b>"owner"</b>	means - <ul style="list-style-type: none"> <li>(a) the person in whom from time to time is vested the legal title to premises;</li> <li>(b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;</li> <li>(c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;</li> <li>(d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;</li> <li>(e) in relation to - <ul style="list-style-type: none"> <li>(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or</li> <li>(ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;</li> </ul> </li> </ul>
<b>"person"</b>	means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;
<b>"plumber"</b>	means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, 1981 (Act No. 56 of 1981) or such other qualification as may be required under the SAQA Act.
<b>"pollution"</b>	means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it – <ul style="list-style-type: none"> <li>(a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or</li> <li>(b) harmful or potentially harmful – <ul style="list-style-type: none"> <li>(i) to the welfare, health or safety of human beings;</li> <li>(ii) to any aquatic or non-aquatic organism;</li> </ul> </li> </ul>
<b>"premises"</b>	means any piece of land, the external surface boundaries of which are delineated on - <ul style="list-style-type: none"> <li>(a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or</li> <li>(b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);</li> <li>(c) a register held by a tribal authority.</li> </ul>
<b>"prepayment meter"</b>	means a meter that can be programmed to limit the flow of water into a water installation to the amount which has been previously purchased, and which complies with the requirements of SANS1529-9;

<b>"prepayment measuring system"</b>	means a system, approved by the Municipality, designed to measure and allocate to a consumer the quantity of water pre-purchased by himself or herself;
<b>"prescribed fee"</b>	means a tariff or charge determined and approved by the Municipality from time to time;
<b>"public notice"</b>	means publication in an appropriate medium that may include one or more of the following – <ul style="list-style-type: none"> <li>(a) publication of a notice, in the official languages determined by the Municipality, -             <ul style="list-style-type: none"> <li>(i) in the local newspaper or newspapers in the area of the Municipality;</li> <li>(ii) in the newspaper or newspapers circulating in the area of the Municipality determined by the Municipality as a newspaper of record; or</li> <li>(iii) by means of radio broadcasts covering the area of the Municipality; or</li> </ul> </li> <li>(b) displaying a notice at appropriate offices of the Municipality; or</li> <li>(c) communication with consumers through public meetings;</li> </ul>
<b>"SABS"</b>	means South African Bureau of Standards, or its successor in law;
<b>"sanitation services"</b>	has the same meaning assigned to it in terms of the Act and includes for purposes of these By-laws water for industrial purposes and the disposal of industrial effluent;
<b>"service pipe"</b>	means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;
<b>"sewage"</b>	means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include stormwater;
<b>"sewage disposal system"</b>	means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the Municipality and which may be used by it in connection with the disposal of sewage;
<b>"sewer"</b>	means any pipe or conduit which is the property of or is vested in the Municipality and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;
<b>"soil-water"</b>	means any liquid containing excreta;
<b>"domestic effluent"</b>	means effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality, but shall not include industrial effluent;
<b>"storm-water"</b>	means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;
<b>"water tariff"</b>	means the latest water tariff structure as approved by Council
<b>"terminal water fitting"</b>	means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;
<b>"trade premises"</b>	means premises upon which industrial effluent is produced;
<b>"unauthorised services"</b>	means receipt, use or consumption of any Municipal service which is not in terms of an agreement, or authorised or approved by the Municipality;
<b>"waste-water"</b>	means used water which is not polluted and does not include stormwater;
<b>"water fitting"</b>	means a component of a water installation, other than a pipe, through which water passes or in which it is stored;
<b>"water installation"</b>	means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the Municipality ;

- "water services"** means water supply services and sanitation services, as defined in these By-Laws and includes the collection and disposal of industrial effluent;
- "water supply services"** means the abstraction, conveyance, treatment and distribution by the Municipality, of water for domestic, industrial and commercial purposes;
- "water supply system"** means a structure, aqueduct, pipe, valve, pump, meter or other apparatus relating thereto which are vested in the Municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;
- "wet industry"** means an industry which discharges industrial effluent; and
- "working day"** means a day other than a Saturday, Sunday or public holiday.

## 2. Meaning of certain words the same as in Acts

Any word or expression used in these By-laws to which a meaning has been assigned in –

- (a) the Act will bear that meaning; and
- (b) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977) and the Building Regulations will bear that meaning, unless the context indicates otherwise.

## 3. Levels of Service

- (1) The Municipality may provide various levels of service as set out in subsection (2) to consumers at the prescribed fee.
- (2) The levels of service shall comprise –
  - (a) Service Level 1, which must satisfy the minimum standard for basic water supply and sanitation services as required in terms of the Act and its applicable regulations, and must consist of –
    - (i) A water supply from communal water points, made available as public standpipes; and
    - (ii) A ventilated improved pit latrine located on each site;
  - (b) Service Level 2, which must consist of –
    - (i) A restricted water connection to each stand that shall allow 333 litres per day to be consumed through some form of restricting device; and
    - (ii) A low-flow septic tank system, the effluent from which shall be connected to either a Municipal sewer or a shallow communal sewer system; or
    - (iii) A closed-circuit waterborne effluent disposal system, which shall consist of a conservancy tank divided into two compartments, reactor tank and catchment tank.
  - (c) Service Level 3, which must consist of –
    - (i) A metered full-pressure water connection to each stand; and
    - (ii) A conventional water-borne drainage installation connected to the Municipality's sewer; or
    - (iii) A full water-borne sewerage system with toilet structures and erf sewerage and plumbing.
- (3) The level of service to be provided to a community may be established in accordance with the governing policies of the Municipality and subject to the conditions determined by the Municipality.

## Part 2: Application for Water Services

### 4. Application for water services

- (1) No person, other than a consumer on Service Level 1, shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the Municipality on the prescribed form for such services for a specific purpose and to which such application has been agreed.

- (2) The Municipality must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the prescribed fee or charges associated with each level of services.
- (3) A consumer must elect the available level of services to be provided.
- (4) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such services are available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- (5) An application agreed to by the Municipality shall constitute an agreement between the Municipality and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (6) A consumer shall be liable for all the prescribed fees or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these By-laws or until such time as any arrears have been paid.
- (7) In preparing an application form for water services the Municipality will endeavour to ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person. In the case of illiterate or similarly disadvantaged persons, the Municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (8) An application form will require at least the following minimum information –
  - (a) acknowledgment by the applicant that he or she understands the contents of the form;
  - (b) acceptance by the consumer of the provisions of the By-laws and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
  - (c) name of the consumer, and his or her identity or passport number, where applicable;
  - (d) address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
  - (e) address where accounts will be sent;
  - (f) if water will be supplied, the purpose for which the water is to be used;
  - (g) the agreed date on which the provision of water services will commence; and
  - (h) a copy of any applicable lease agreement or written confirmation from the owner or the owners agent, stating the date of occupation.
- (9) Water services rendered to a consumer are subject to the provisions of these By-laws and the conditions contained in the relevant agreement.
- (10) If the Municipality refuses an application for the provision of water services, is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services the Municipality will inform the consumer of such refusal and / or inability, the reasons therefore and, if applicable, when the Municipality will be able to provide such water services.

## **5. Special agreements for water services**

The Municipality may enter into a special agreement for the provision of water services to –

- (a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
- (b) an applicant outside its area of jurisdiction, if such application has been approved by the Municipality having jurisdiction in the area in which the premises is situated.

## **Part 3: Prescribed Fees and Charges**

### **6. Prescribed fees and charges for water services**

All tariffs and or charges payable in respect of water services rendered by the Municipality in terms of these By-laws, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the Municipality by a resolution passed by the Council from time to time in accordance with –

- (a) its Tariffs policy;
- (b) any By-laws in respect thereof; and
- (c) any regulations in terms of Section 10 of the Act and regulations made thereunder.

#### **7. Fixed charges for water services**

- (1) The Municipality may, in addition to the prescribed fees for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with –
  - (a) its tariff policy or resolution passed by the Council in this regard;
  - (b) any By-laws in respect thereof; and
  - (c) any regulations in terms of Section 10 of the Act and regulations made thereunder.
- (2) Where a fixed charge is levied in terms of Subsection (1), it shall be payable by every owner or consumer in respect of water services provided by the Municipality to him or her, whether or not water services are used by him or her.

### **Part 4: Payment**

#### **8. Payment of deposit**

- (1) Every consumer must on application for the provision of water services and before such water services will be provided by the Municipality, deposit with the Municipality a sum of money determined in terms of the Municipality's Tariffs Policy except in the case of a pre-payment system or fixed-quantity water delivery system being used by the Municipality.
- (2) The Municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within the period specified by the Municipality.
- (3) The stipulations of the Municipality's Tariffs By-laws has further relevance with regards to deposits

#### **9. Payment for water services provided**

- (1) Water services provided by the Municipality to a consumer shall be paid for by the consumer at the prescribed fee set in accordance with Sections 4 and 5, for the particular category of water services provided.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- (3) The Municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may charge a consumer for the services so estimated.
- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Municipality in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment.
- (5) If amendments to the prescribed tariffs or charges for water services provided become operative on a date between measurements for the purpose of charging the consumer in respect of the tariffs or charges –
  - (a) it shall be deemed that the same quantity of water was provided in each period of twenty-four hours during the interval between the measurements; and
  - (b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended charge.
- (6) A consumer must pay his or her or its obligations in terms of water consumed to the Municipality. A consumer shall remain liable for such an obligation not paid to the Municipality or its approved agent.

**10. Payment in respect of prepayment meters**

- (1) When the Municipality is delivering the supply of water through a pre-payment meter system, and water is supplied to a customer by means of a prepayment system, in addition to the requirements of the preceding subsections –
  - (a) no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process;
  - (b) when a consumer vacates any premises where a prepayment system is in use or installed, no refund for the credit remaining in the meter and/or system shall be made to the customer; and
  - (c) the Municipality shall not be liable for the reinstatement of credit in a prepayment system lost due to tampering with, or the incorrect use or the abuse of, any part of the prepayment system.

**Part 5: Accounts****11. Accounts**

- (1) Accounts will be rendered on a monthly basis by the Municipality to consumers, except consumers making use of a prepayment system for the amount due and payable at the address last recorded with the Municipality.
- (2) Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable.
- (3) The Municipality's Tariffs By-laws are furthermore applicable with regards to accounts rendered for water consumption.

**Part 6: Termination, Limitation and Discontinuation of Water Services****12. Termination of agreement for the provision of water services**

- (1) A consumer may terminate an agreement for the provision of water services by giving to the Municipality not less than seven (7) working days' notice in writing of his or her intention to do so.
- (2) The Municipality may, by notice in writing of not less than seven (7) working days, advise a consumer of the termination of his, her or it agreement for the provision of water services if –
  - (a) he, she or it has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;
  - (b) he, she or it has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply on notice in terms of Section (23) or to pay any tariffs or charges due and payable after the due dates set out in the notice issued to the consumer requiring payment by a set date;
  - (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.
- (3) The Municipality may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.
- (4) If it is determined by a body legally empowered to do so, other than the Municipality, that an existing water service on a private property, or emanating from private property, is creating environmental damage or water pollution or water wastage, and the owner of the property or the consumer, whichever is applicable, is directed to carry out such measures as are required under any Act or law to rectify the situation, the Municipality is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the services.
- (5) Should the consumer fail to carry out such measures as determined through subsection (4), the Municipality may, subject to the provisions of these by-laws, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer, as the case may be.

**13. Limitation and discontinuation of water services provided**

13. (1) The Municipality may limit or discontinue water services provided in terms of these By-laws:

- (a) on failure to pay the prescribed fees or charges on the date specified in terms of a notice or account rendered or after payment became due in terms of the stipulations of the Municipality's Credit Control and Debt Collection By-laws;
- (b) at the written request of a consumer;
  - (i) if the agreement for the provision of services has been terminated in terms of Section 12 and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination and the Finance Directorate authorised such limitation or discontinuation;
  - (ii) the building on the premises to which services were provided has been demolished;
  - (iii) if the consumer has unlawfully interfered with the water installation in any way;
  - (iv) in an emergency;
  - (v) if there has been material abuse of the water services by the consumer or an occupier of the premises; or
  - (vi) if the use of the water services is creating significant environmental damage or water pollution.

(2) The Municipality will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of Subsection (1).

**14. Restoration of water services**

14. When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice the water services will be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, within 7 (seven) working days.

**Part 7: General Provisions****15. Responsibility for compliance with these By-laws**

- 15(1) The owner of premises is responsible for compliance with these By-laws in respect of all and any matters relating to any installation.
- (2) The consumer is responsible for compliance with these By-laws in respect of matters relating to the use of any water and sanitation services rendered.

**16. Exemption**

16 (1) The Municipality may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the Municipality shall not grant exemption from any section of these By-laws that may result in –

- (a) the wastage or excessive consumption of water;
- (b) the evasion or avoidance of water restrictions;
- (c) significant negative effects on public health, safety or the environment;
- (d) the non-payment for services;
- (e) the installation of pipes and fittings which are not approved in terms of these By-laws; and
- (f) the Act, or any regulations made in terms thereof, is not complied with.

(2) The Municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1).

**17. Unauthorised use of water services**

17. (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Municipality for the rendering of those services.

- (2) The Municipality may, irrespective of any other action it may take against such person in terms of these By-laws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services in contravention of these By-laws or without an agreement with the Municipality for the rendering of those services, -
- (a) to apply for such services in terms of Sections 2 or 3;
  - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these By-laws;
  - (c) to be liable for all Municipal costs associated with the identification and rectification of the unauthorised use; and
  - (d) to be liable for payment in retrospect for services received for the duration of the period of unauthorised use, as determined by the Municipality. and
  - (e) payment of all standard tariffs in this regard
- (3) The provisions of Section 21 shall apply to a notice in terms of subsection (2) above.
- (4) The Municipality may restrict the water flow until all abovementioned payments have been made in full

#### **18. Change in purpose for which water services are used**

- 18.(1) Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the Municipality.

#### **19. Interference with water supply system or any sanitation services**

19. (1) No person other than the Municipality shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these By-laws or an authorised agent.
- (2) No person other than the Municipality shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

#### **20. Obstruction of access to water supply system or any sanitation services**

20. (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes Subsection (1), the Municipality may –
- (a) by written notice require such person to restore access at his or her own expense within a specified period; or
  - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

#### **21. Notices and documents**

21. (1) A notice or document issued by the Municipality in terms of these By-laws must be deemed to be duly authorised by the signatory.
- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of these By-laws such service shall be effected by –
- (a) delivering it to him or her personally or to his or her duly authorised agent;
  - (b) delivering it at his or her residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
  - (c) if he or she has nominated an address for legal purposes, delivering it to such an address;
  - (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;
  - (e) sending by pre-paid registered or certified post addressed to his or her last known address;
  - (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
  - (g) if service cannot be effected in terms of Subsections (a) to (f), by affixing it to a principal door of entry to the premises concerned.



- (3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

## **22. Power to serve and compliance with notices**

22. (1) The Municipality may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of these By-laws or of any condition imposed thereunder to remedy such breach within a period specified in the notice, which period shall not be less than thirty days.
- (2) If a person fails to comply with a written notice served on him or her by the Municipality in terms of these By-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including –
- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
  - (b) limiting or discontinuing the provision of services; and
  - (c) instituting legal proceedings.
- (3) A notice in terms of subsection (1) will –
- (a) give details of the provision of the By-laws not complied with;
  - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
  - (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
  - (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
  - (e) indicate that the Municipality –
    - (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
    - (ii) may take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency the Municipality may without prior notice undertake the work required by Subsection (3)(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the Municipality in terms of Subsections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

## **23. Power of entry and inspection**

23. (1) An authorised employee of the Municipality shall be entitled at all reasonable times and in case of emergency at any time may enter and inspect any premises –
- (a) for the purposes set out in and in accordance with the provisions of Section 80 of the Act;
  - (b) for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

## **24. False statements or information**

- 24.(1) No person shall make a false statement or furnish false information to the Municipality or falsify a document issued in terms of these By-laws.

**CHAPTER II: WATER SUPPLY SERVICES****Part 1: Connection to Water Supply System****25. Provision of connection pipe**

25. (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed erf connection charge<sup>1</sup> for the installation of such a pipe, which fees shall not apply to consumers on Service Level 1.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.
- (3) The owner of the premises will be responsible for a stopcock directly after all water meters to the premises and on the owner's side of it
- (4) The stopcock on the Municipality's side of the meter is for use by the Municipality only and will not be used and maintained for the consumers system
- (5) The owner will not be allowed to alter, modify, cover, disturb, to hamper or prevent free access to the meter box and meter installation in any way without the Municipality's written approval and will be liable for any cost incurred to rectify the installation or access to the installation to the Municipality's requirements

**26. Location of connection pipe**

26. (1) A connection pipe provided and installed by the Municipality shall –
- (a) be located in a position dictated by existing infrastructure and be of a suitable size as determined by the Municipality;
  - (b) terminate at –
    - (i) the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right; or
    - (ii) the outlet of the water meter if it is situated on the premises; or
    - (iii) the isolating valve if it is situated on the premises.
- (2) In deciding on the location of a connection pipe, the Municipality shall ensure that the owner is aware of –
- (a) practical restrictions that may exist regarding the location of a connection pipe;
  - (b) the cost implications of the various possible locations of the connection pipe;
  - (c) whether or not the Municipality requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Municipality to connect to such installation.
- (3) A Municipality may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the Municipality and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed erf connection charge.

**27. Provision of single water connection for supply to several consumers on same premises**

27. (1) Notwithstanding the provisions of Section 28, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Municipality may, in its discretion, provide and install either –
- (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
  - (b) a separate measuring device for each accommodation unit or any number thereof.

- (3) Where the Municipality has installed a single measuring device as contemplated in subsection (2)(a), the owner or the person having the charge or management of the premises, as the case may be, -
- (a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units –
    - (i) a separate measuring device; and
    - (ii) an isolating valve; and
  - (b) will be liable to the Municipality for the prescribed fees for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding subsection (1), the Municipality may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the Municipality under subsection (4), the prescribed fees for the provision of a connection pipe is payable in respect of each water connection so provided.
- (6) Where the provision of more than one connection pipe is authorised by the Municipality under subsection (4), and the consumer category differs between the connections, then the tariff based on the sum of the volumes of water consumed, divided by the number of households, shall apply.
- (7) Where premises are supplied with water by a number of connection pipes, the Municipality may require the owner to reduce the number of connection points and later his or her water installation accordingly at the owner's expense.

## **28. Interconnection between premises or water installations**

28.(1) An owner of premises shall ensure that no interconnection exists between –

- (a) the water installation on his or her premises and the water installation on other premises; or
- (b) where several accommodation units are situated on the same premises, the water installations of the accommodation units; unless he or she has obtained the prior written consent of the Municipality, and complies with any conditions that it may have imposed.

## **29. Disconnection of water installation from connection pipe**

29.(1) The Municipality may disconnect a water installation from the connection pipe and remove the connection pipe if –

- (a) the agreement for supply has been terminated in terms of Section (13) and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (c) the building on the premises concerned has been or is in the process of being demolished pursuant to the grant of a permit for such demolition in terms of law.

## **Part 2: Communal Water Services Works**

### **30. Provision of a water services work for water supply to several consumers**

30. (1) The Municipality may install a communal water services works for the provision of water services to several consumers at a location it deems appropriate, provided that –
- (a) the consumers to whom water services will be provided through that water services work has been consulted in respect of the level of service, the tariff that will be payable and location of the work.

**Part 3: Temporary Supply****31. Water supplied from a hydrant**

31. (1) The Municipality may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.
- (2) A person who desires a temporary supply of water referred to in subsection (1) must apply for such water services in terms of Section (2).
- (3) The supply of water in terms of subsection (1) must be measured.
- (4) The Municipality may for purposes of measuring provide a portable water meter to be returned to the Municipality on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the Municipality and will be provided subject any conditions imposed by the Municipality.

**Part 4: Standards and General Conditions of Supply****32. Quantity, quality and pressure**

- 32.(1) Water supply services provided by the Municipality will comply with the minimum standards set for the provision of water supply services in terms of Section (9) of the Act.

**33. General conditions of supply**

33. (1) Subject to the provisions of the Act, the supply of water by the Municipality does not constitute an undertaking by it to maintain at any time or at any point in its water supply system –
- (a) an uninterrupted supply;
  - (b) a specific pressure or rate of flow in such supply; or
  - (c) a specific standard of quality of water

Provided that if the water supply to a consumer is interrupted for more than 24 hours, the Municipality must provide an alternative basic water supply as soon as reasonably practicable.

- (2) The Municipality may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will be responsible therefore.
- (3) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (4) If in the opinion of the Municipality the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.
- (5) The Municipality will not be liable for any damage to property caused by water flowing from fittings left open when the water supply is reinstated following an interruption in supply for any reason.
- (6) The Municipality does not undertake to maintain sufficient pressure in the water supply system to ensure the operation of manually-activated toilet flushing valves or any other device which require a specified minimum pressure to operate.

**Part 5: Measurement of Water Supply Services****34. Measuring of quantity of water supplied**

34. (1) The Municipality will measure the quantity of water supplied at regular intervals.
- (2) Any measuring device through which water is supplied to a consumer by the Municipality and its associated apparatus shall be provided and installed by the Municipality, shall remain its property, and may be changed and maintained by the Municipality when deemed necessary by it.
- (3) The Municipality may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) If the Municipality installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
- (5) If the Municipality installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner shall –
- (a) provide a place satisfactory to the Municipality in which to install it;
  - (b) ensure that unrestricted access is available to it at all times;
  - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
  - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation; and
  - (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Municipality on the measuring device.
- (6) No person other than an authorised agent shall –
- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
  - (b) break a seal which the Municipality has placed on a meter; or
  - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the Municipality considers that, in the event of the measuring device being a meter that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed meter installation charge for the installation of the meter.
- (8) The Municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

**35. Quantity of water supplied to consumer**

35. (1) For purposes of assessing the quantity of water measured by a measuring device installed by the Municipality on the premises of a consumer or, where applicable, estimated or determined by the Municipality in terms of any provision of these By-laws, it will, for the purposes of these By-laws, be deemed, unless the contrary can be proved, that –
- (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
  - (b) the measuring device was accurate during such period;
  - (c) the entries in the records of the Municipality were correctly made; and
  - (d) provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Municipality of the quantity of such water shall be deemed to be correct.
- (2) Where water supplied by the Municipality to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Municipality, the Municipality may for the purpose of rendering an account estimate, in accordance with subsection (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.

- (3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Municipality may decide -
  - (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in subsection (2) was discovered; or
  - (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in subsection (3)(a).
- (4) Nothing in these By-laws shall be construed as imposing on the Municipality an obligation to cause any measuring device installed by the Municipality on any premises to be measured at the end of every month or any other fixed period, and the Municipality may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.
- (5) The Municipality must, on receipt from the consumer of written notice of not less than 7 (seven) days and subject to payment of the prescribed fee for meter reading, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
- (6) If a contravention of subsection 34(6) occurs, the consumer shall pay to the Municipality the cost of such quantity of water as, in the Municipality's opinion, was supplied to him or her.
- (7) Until such time a measuring device have been installed in respect of water supplied to a consumer the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
- (8) Where in the opinion of the Municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the Municipality may determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.
- (9) A tariff or charge determined in terms of subsection (8) will be based on the estimated average consumption of water supplied to that zone.
- (10) Where water supply services are provided through a communal water services work the amount due and payable by consumers registered with the Municipality as the consumers at that communal water services work who gain access to water supply services through that communal water services work must be based on the estimated average consumption of water supplied to that water services work.

### **36. Defective measurement and Testing of Measuring Devices**

36. (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the Municipality is defective he or she may, against payment of the prescribed fee for a water meter test apply in writing for the measuring device to be tested.
  - (2) If it is alleged that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy.
  - (3) The consumer referred to in subsection (2) must be informed of the prescribed range of accuracy then applicable, and the possible cost implications including the estimated cost of such test, as set out in subsection (5)(a) prior to such a test being undertaken.
  - (4) If the outcome of any test shows that a measuring device is –
    - (a) within a prescribed range of accuracy, the consumer will be liable for the costs of such test and any other amounts outstanding which amounts will be debited against the consumer's account; or
    - (b) outside a prescribed range of accuracy, which is not due to any act or omission of the consumer, then the Municipality will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he, she or it is entitled.
  - (5) The prescribed fee paid by a consumer for the testing of a measuring device –
    - (a) may be retained by the Municipality if the measuring device is found not to be defective; or
    - (b) must be refunded to the consumer if the measuring device is found to be defective, and the defect is not due to any act or omission of the consumer.

- (6) If the measuring device is –
- (a) A meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973, are applicable, it will be deemed to be defective if, when tested in accordance with SABS 1529 Part I, it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification;
  - (b) A meter of a size greater than 100mm diameter but not exceeding 800mm diameter to which the specification referred to in subsection (a) is not applicable, it will be deemed to be defective, when tested in accordance with SABS 1529 Part 4 – 1998 if it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in terms of that specification;
  - (c) A prepayment water measuring system shall be deemed to be defective if, when tested in accordance with SABS 1529 Part 9 – 2002, it is found to have a percentage error in over-registration or under-registration greater than that permitted in terms of that specification.
- (7) In addition to applying the provisions of subsections (6) and, or (7), if the measuring device is found to be defective, the Municipality must–
- (a) Repair the measuring device or install another device which is in good working order, without charging the consumer, unless the costs thereof are recoverable from the consumer where Section 34(6) has been contravened;
  - (b) Determine the quantity of water services for which the consumer will be charged in lieu of the quantity measured by the defective measuring device by taking as basis for such determination, and as the Municipality may decide –
    - (i) The quantity representing the average monthly consumption of the consumer during the three months preceding the month in respect of which the measurement is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter;
    - (ii) The average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repaired or replaced; or
  - (a) The consumption of water on the premises recorded for the corresponding period in the previous year.
- (8) A consumer is entitled, on giving the Municipality reasonable notice of his, her or its intention, to be present at the testing of any meter in which the consumer is interested.
- (9) Any meter removed for testing by the Municipality must be retained intact and be available for inspection for a period of three months after testing.

### **37. Special measurement**

- 37 (1) If the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality.
  - (3) The provisions of Sections 34(5) and 34(6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection (1).

### **38. No reduction of amount payable for water wasted**

- 38.(1) A consumer shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

### **39. Adjustment of quantity of water supplied through defective measuring device**

39. (1) If a measuring device is found to be defective, the Municipality may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over –

- (a) a period between three successive measurements subsequent to the replacement of the measuring device; or
  - (b) a period in the previous year corresponding to the period in which the measuring device was defective; or
  - (c) the period between three successive measurements prior to the measuring device becoming defective; whichever it considers the most appropriate.
- (2) If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1), the Municipality may estimate the quantity on any basis that is available to it.

#### **Part 6: Installation work**

##### **40. Approval of installation work**

40. (1) If an owner wishes to have installation work done, he or she must first obtain the Municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by –
- (a) the prescribed fee, if applicable;
  - (b) copies of the drawings as prescribed by the Municipality, giving information in the form required by Clause 4.1.1 of SABS Code 0252 : Part I; and
  - (c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252 : Part I or has been designed on a rational basis.
- (3) The provisions of subsections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (4) Authority given in terms of subsection (1) shall lapse at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
- (5) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of subsection (1).
- (6) If installation work has been done in contravention of subsection (1) or (2), the Municipality may by written notice require the owner of the premises concerned to –
- (a) comply with that regulation within a specified period;
  - (b) if work is in progress, to cease the work; and
  - (c) to remove all such work which does not comply with these By-laws.

##### **41. Persons permitted to do installation and other work**

41. (1) No person who is not a qualified plumber may be permitted to –
- (a) do any installation work other than the replacement or repair of an existing pipe or water fitting;
  - (b) replace a fixed water heater or its associated protective devices;
  - (c) inspect, disinfect or test a water installation, fire installation or storage tank; or
  - (d) install, maintain or replace a meter provided by an owner in a water installation.
- (2) No person may require or engage a person who is not a qualified plumber to carry out the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsection (1), the Municipality may permit a person who is not a qualified plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her household, provided that such work may be required to be inspected and approved by a qualified plumber at the direction of the Municipality.



**42. Provision and maintenance of water installations**

42. (1) An owner must provide and maintain his or her water installation at his or her own cost and, where permitted in terms of subsection (2), must ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his or her premises, an owner shall obtain the written consent of the Municipality or the owner of the land on which such portion is situated, as the case may be.

**43. Use of pipes and water fittings to be authorised**

43. (1) No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless it is approved by the authorised employee of the Municipality .
- (2) Application for the approval of a pipe or water fitting referred to in subsection (1) must be made on the form prescribed by the Municipality and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be considered by the municipality in terms of subsection (1) if –
- (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
  - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.
- (4) The Municipality may, in respect of any pipe or water fitting that is approved, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.
- (5) A pipe or water fitting shall not be permitted or allowed if it –
- (a) no longer complies with the criteria upon which its inclusion was based; or
  - (b) is no longer suitable for the purpose for which its use was accepted.

**44. Labelling of terminal water fittings and appliances**

- 44.(1) All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information –
- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate;
  - (b) the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures -
    - (i) 20 kPa
    - (ii) 100 kPa
    - (iii) 400 kPa

**Part 7: Water pollution, restriction and wasteful use of water****45. Owner to prevent pollution of water**

- 45.(1) An owner shall provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health or adversely affect the potability of water or affect its fitness for use, into –
- (a) the water supply system; and
  - (b) any part of the water installation on his or her premises.

**46. Water restrictions**

46. (1) The Municipality may by public notice to prevent the wasteful use of water in terms of Section (47) or in the event of a water shortage, drought or flood –
- (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for –
    - (i) specified purposes;
    - (ii) during specified hours of the day or on specified days; and
    - (iii) in a specified manner; and
  - (b) determine and impose –
    - (i) limits on the quantity of water that may be consumed over a specified period;
    - (ii) charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in Subsection (1)(b)(i); and
    - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
  - (b) 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 limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
- (3) The Municipality may –
- (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
  - (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1); and
  - (c) where the supply has been discontinued, it shall only be restored when the prescribed fee for discontinuation and reconnecting the supply has been paid.
- (4) The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).

**47. Waste of water unlawful**

47. (1) No consumer shall permit –
- (a) the purposeless or wasteful discharge of water from terminal water fittings;
  - (b) pipes or water fittings forming part of a water installation to leak;
  - (c) the use of maladjusted or defective water fittings;
  - (d) an overflow of water from a water installation to persist; or
  - (e) an inefficient or wasteful use of water to persist.
- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), the Municipality shall, by written notice in terms of section 21, require the owner to comply with the provisions of subsection (1).
- (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The Municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

**Part 8: General Provisions****48. Notification of boreholes**

48. (1) The Municipality may, by public notice, require –

- (a) the owner of any premises within the area of jurisdiction of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
- (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.

(2) The Municipality may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Municipality, before sinking the borehole.

(3) Boreholes are subject to any requirements of the National Water Act, 1998 (Act No. 136 of 1998).

(4) The Municipality may by notice to an owner or occupier or by public notice require owners and occupiers on who has existing boreholes used for water services to –

- (a) obtain approval from it for the use of a borehole for water services in accordance with Sections 6, 7 and 22 of the Act;
- (b) impose conditions in respect of the use of a borehole for water services; and
- (c) impose a fixed charge in respect of the use of such a borehole.

**49. Sampling of water**

49. (1) The Municipality may take samples of water obtained from a source, authorised in terms of Sections 6 or 7 of the Act, other than the water supply system for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of Section 9 of the Act.

(2) The prescribed charge for the taking and testing of the samples referred to in subsection (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of Section 6(1) of the Act.

**50. Supply of non-potable water by Municipality**

50. (1) The Municipality may on application in terms of Section (3) agree to supply non-potable water to a consumer, subject to such terms and conditions as the Municipality may impose.

(2) Any supply of water agreed to in terms of subsection (1) shall not be used for domestic or any other purposes, which, in the opinion of the Municipality, may give rise to a health risk.

(3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.

(4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the Municipality or the malfunction of a treatment plant.

**51. Testing of pressure in water supply systems**

51.(1) The Municipality may, on application by an owner and on payment of the prescribed fee for pressure tests, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.

**52. Pipes in street or public place**

- 52.(1) No person shall for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of any Municipality, except with the prior written permission of that Municipality and subject to such conditions as it may impose.

**53. Special Provisions for fire services**

53. (1) Any water installation for the provision of water for fire-fighting purposes must comply with the provisions of SABS 0252-1:1994 or any revision or substitution thereof.
- (2) Notwithstanding the provisions of subsection (1), the special provisions contained in this Chapter apply, insofar as they are applicable, to the supply of water for fire-fighting purposes.

**54. Payment for fire services**

- 54.(1) The consumer and the owner of the premises are jointly and severally liable to pay the fire extinguishing installation charges determined by the Municipality in respect of any fire extinguishing installation or appliance used or installed upon such premises.

**55. Dual and combined installations**

- 55.(1) Any new building erected after the adoption of these By-laws must comply with the following requirements in relation to the provision of fire extinguishing services as set out in the Fire Fighting Services By-laws of the Municipality.

**56. Connection pipes for fire extinguishing purposes**

56. (1) A single connection to the water supply system, to serve a connection pipe for a fire installation by the Municipality, excluding a sprinkler system, may be provided by the Municipality.
- (2) The Municipality may provide and install at its own cost a meter on the connection pipe referred to in subsection (1).
- (3) Where there is an existing connection pipe for the sole purpose of fire extinguishing services, such connection pipe may only be used for that purpose.
- (4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water therefrom be used except in connection with an automatic sprinkler and drencher, a hydrant connection or a hose reel connection, or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting.
- (5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system, unless otherwise approved.

**57. Valves in connection pipe**

- 57.(1) Every connection must be fitted with a proper isolating valve, which must be –

- (a) supplied by the Municipality at the expense of the consumer;
- (b) installed between the consumer's property and the main;
- (c) of the same diameter as the connection pipe; and
- (d) installed in such position as may be specified by the Municipality.

**58. Inspection and approval of fire extinguishing installation**

- 58.(1) No water may be supplied to any fire extinguishing installation until –

- (a) it has been inspected and tested by the Municipality;
- (b) the Municipality has certified in writing that such water installation is complete and complies with the requirements of these By-laws; and

- (c) the prescribed fees for fire extinguishing installation determined by the Municipality for such inspection and testing have been paid.

**59. Connection to be at the discretion of the Municipality**

- 59.(1) The Municipality is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.
- (2) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of Section 56(3) or 56(4), the Municipality is entitled to either require the installation to be disconnected from the main, or itself carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

**60. Meter in fire extinguishing connection pipe**

- 60.(1) The Municipality is entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises will be liable for the whole cost of so doing if it appears to the Municipality that water has been drawn from the pipe otherwise than for the purpose of extinguishing a fire.

**61. Sprinkler extinguishing installation**

- 61.(1) A sprinkler installation may be installed in direct communication with the main, but the Municipality is not bound to guarantee any specified pressure at any time.

**62. Header tank or double supply from main**

- 62.(1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main.
- (2) The main pipe leading from such header tank to the sprinkler installation may be in direct communication with the main from which the principal supply of water is drawn, provided that such main pipe must be equipped with a reflux valve which, if the pressure in the main fails or is reduced for any reason, will shut off the opening to the main.
- (3) Where a sprinkler installation is provided with a duplicate or reserve supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

**CHAPTER III: SANITATION SERVICES**

**63. Discharge of Industrial Effluents**

- 63.(1) The Discharge of Industrial Effluents and all matters related are prescribed and regulated in terms of the Municipality's Discharge of Industrial Effluent By-laws.

**CHAPTER IV : MISCELLANEOUS**

**64. Delegation of Powers**

- 64.(1) The Municipality may, subject to the conditions that it may impose, delegate any power conferred on the Municipality by these by-laws, and may in like manner amend or withdraw such delegation.

**65. Obstruction of Officials and Employees in the Performance of Duties**

- 65.(1) It shall be an offence to hinder or obstruct an official or employee of the Municipality in the performance of his duties in consequence of these by-laws.

**66. Service of Notice, Order or Other Document**

- 66.(1) Whenever any notice, order or other document is under these by-laws required or authorised to be served -

- (a) on any person, it shall be deemed to be duly and sufficiently served if it is sent by registered or certified post to that person at his last-known address, or if it is left thereat with him personally or with some adult inmate thereof;
  - (b) on an owner or occupier of any land or premises and the address of such owner or occupier is unknown, it shall be deemed to be duly and sufficiently served if it is posted up in some conspicuous place on such land or premises.
- (2) It shall not be necessary in any notice, order or other document given under these by-laws to an owner or occupier of land or premises to name him, if the notice, order or document describes him as the owner or occupier of the land or premises in question.

## 67. Offences and Penalties

### 67. (1) A person who –

- (a) unlawfully and intentionally or negligently interferes with any water services works of the Municipality ;
  - (b) fails to provide information or provide false information reasonably requested by the Municipality ;
  - (c) fails or refuses to give access required by a Municipality to perform work or execution functions in terms of these by-laws;
  - (d) obstructs or hinders a Municipality in the exercise of his or her powers or performance of his or her functions or duties under these By-laws;
  - (e) contravenes or fails to comply with a provision of these By-laws;
  - (f) contravenes or fails to comply with a condition or prohibition imposed in terms of these By-laws;
  - (g) unlawfully and intentionally or negligently interfere with any water services works of the Municipality;
  - (h) contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of these By-laws; or
  - (i) fails to comply with the terms of a notice served upon him or her in terms of these By-laws;
- shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000,00 or in default on payment, to imprisonment for a period not exceeding 4 months and in the event of a continued offence to a further fine not exceeding R2 000,00 for every day during the continuance of such offence after a written notice from the Municipality has been issued, and in the event of a second offence to a fine not exceeding R4 000,00 or, in default on payment, to imprisonment for a period not exceeding 8 months.
- (2) Any expense incurred by the Municipality as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Municipality from the person who committed the contravention or who failed to do such thing.

## 68. Repeal

### 68.(1) The following by-laws are hereby repealed:

- (a) The Bloemfontein Water Supply Regulations as published by Administrator's Notice No 110 of 25 April 1975 as amended;
- (b) The Water Supply Regulations of the Bainsvlei Local Board as promulgated under Administrator's Notice No. 81 of 21 April 1978, as amended; and
- (c) The Water Supply Regulations of the Bloemspuit Local Board as promulgated under Administrator's Notice No. 324 of 11 December 1981 as amended.

## Short Title and Commencement

69. These by-laws shall be called ***Mangaung, Water Services By-laws*** and shall come into operation on the date of promulgation thereof.

## MANGAUNG METROPOLITAN MUNICIPALITY

## PROMULGATION NOTICE

Informal Settlements By-law

Passed by Council, October 2013

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Informal Settlements By-laws, at the sitting dated 10 October 2013.
- 2) The by-laws are published for the purpose of general public notification.

Sibongile Mazibuko  
City Manager

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## INFORMAL SETTLEMENTS BY-LAW

## 1. OBJECTIVES

- (1) To provide for the prevention, regulation, monitoring and control of informal settlements and other related matters within the area of jurisdiction of the Mangaung Metropolitan Municipality (the Municipality) and to prescribe how the Municipality should address and deal with the issues relating to informal settlements.

## 2. DEFINITIONS

- (1) In this By-law, unless the context otherwise indicates-

**"recognized informal settlement"** means an informal settlement which will be formalized and upgraded in terms of the Municipality's existing housing policies and whereat any structure constructed will not be demolished and removed in terms of this By-law;

**"consent"** means the express or implied consent by the owner or person in charge of the occupied land by an occupant of a structure irrespective of whether such consent was given in writing or otherwise;

**"eviction"** means the permanent removal, in accordance with the provision of a court order, of a person and his or her property from occupation of a structure or the land on which the structure is constructed, and includes a demolition and removal from the land of any structural materials used to construct the structure, and "evict" has a corresponding meaning;

**"head of the household"** means any person in the household who has legal capacity to act and is recognized by the majority of the other persons in the household as the person responsible for the maintenance of the welfare and discipline within the household;

**"Informal settlement"** means an area that is not formally planned but nevertheless is occupied illegally by the dwellers

**"land"** means any land within the area of jurisdiction of the Municipality;

**"land invasion"** means the illegal occupation of land or any settlement or occupation of land by people without the express or tacit consent of the owner of the land or the person in charge of the land, or without any other right to settle on or occupy such land;

**"Land Invasion Reaction Unit"** means a group of officers or workers which may consist of any combination of one or more of the following components -

- (a) members of the Municipality's Law Enforcement Unit;
- (b) members of the South African Police Services;
- (c) members of the staff of the sheriff or messenger of the court with jurisdiction in the area;
- (d) members of a private security company contractually engaged by the Municipality to perform certain duties on its behalf; and
- (e) employees of the Municipality designated by the Municipal Manager;

**"Manager: Informal Settlements"** means the official referred to in section 3;

**"Municipality"** means the Mangaung Metropolitan Municipality, a municipality established in terms of Section 12 of the Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"owner"** means the registered owner of land;

**"person in charge"**, in relation to land, means a person who has the legal authority to give permission to another person to enter or reside on that land;

**"structure"** means any type of building including, but not limited to, shelter, mud house, hut, tent, dwelling, or similar structure constructed on land, with or without the consent of the owner of the land or the person in charge of the land;

**"unlawful occupier"** means a person who occupies land without the express or tacit consent of the owner or person in charge, or without any other legal right to occupy such land;

**"unrecognized informal settlement"** means any settlement which will not be formalized and upgraded in terms of the Municipality's existing housing policies and whereat any structure constructed will be demolished and removed in terms of this By-law.

### 3. APPOINTMENT OF MANAGER: INFORMAL SETTLEMENTS

- (1) The Municipality should appoint or may assign one of its officials as a Manager: Informal Settlements, in line with the Municipality's organisational structure, to monitor and manage development in and around informal settlements in accordance with the provisions of this By-law.

### 4. DUTIES WITHIN INFORMAL SETTLEMENTS SUB-DIRECTORATE

- (1) The Informal Settlements Sub-directorate must ensure that all developments are in accordance with the spatial development framework and integrated development plan, that the process of township establishment is followed in all cases and must and has the power to-
  - i) determine, in consultation with his/her superiors, whether an informal settlement is a recognized or unrecognized informal settlement;
  - ii) conduct regular surveys to determine the location, origin and extent of and the conditions prevailing in each informal settlement;
  - iii) monitor and control all informal settlements and take the necessary steps to prevent land invasion within the area of jurisdiction of the Municipality;
  - iv) undertake and promote liaison and communication with local communities with a view to obtaining their understanding and cooperation regarding the prevention of land invasion in the area of jurisdiction of the Municipality;
  - v) keep a register of all the residents who are entitled to reside in each authorized informal settlement, and in such register the following details must be entered in respect of each shack in each authorized informal settlement -
    - (a) a unique number allocated to the stand or site on which the structure is constructed;
    - (b) the names, and identity number of the head of the household who is entitled to occupy the structure;
    - (c) the names, identity numbers and relationships to the head of the household of each and every other person occupying the structure as a member of the household;
    - (d) the reference number of the file of the Informal Settlements Sub-directorate that contains a copy of the contractual agreement in respect of the structure;
    - (e) the number of the structure's rental account;
    - (f) the number of the structure's municipal services account;
    - (g) the previous address of the household that is entitled to occupy the structure; and
    - (h) the names, addresses and telephone numbers, if any, of at least two family members of the head of the household who do not live at the same address as the household that is entitled to occupy the structure;
  - vi) ensure that all the residents living in a recognized informal settlement are registered in the Municipality's Housing Waiting List;
  - vii) submit written report on the control and management of any informal settlement, or the conditions prevailing in the informal settlement, if and when required to do so by the Municipality;
  - viii) for the purpose of informing residents of informal settlements and all other persons visiting informal settlements, ensure that-
    - (a) the contents of this By-law is communicated to all the residents of every informal settlement; and
    - (b) a copy of this By-law is posted and maintained in every informal settlement in a prominent place at the venue where the Ward Committee contemplated in section 8 usually holds its meetings;



- xi) allocate to each site or stand in an recognized informal settlement an individual number as the temporary address of the site or stand and must ensure that such number is legibly painted or inscribed in a prominent place on the site or stand;
- x) perform any other duty or function which may be necessary to ensure the proper management and control of an informal settlement.

## **5. CONSIDERATIONS REGARDING DETERMINATION OF STATUS OF INFORMAL SETTLEMENTS**

- (1) The Informal Settlements Sub-directorate must take into account the following before making any determination whether an informal settlement is recognized or not:
  - (a) existing and applicable municipality's policies;
  - (b) applicable relevant pieces of legislation;
  - (c) municipality's land audit on informal settlements;
  - (c) representations of the owner of the relevant land; and
  - (d) representations of residents of the informal settlements.

## **6. INCIDENTS OF LAND INVASION**

- (1) The Informal Settlements Sub-directorate must, within a period of 24 hours after he or she becomes aware of an incident of land invasion or the existence of a newly established informal settlement, irrespective of whether such informal settlement was established as a consequence of an incident of land invasion or not -
  - (a) commence with the process regarding the determination of the status of the informal settlement as a recognized or an unrecognized informal settlement; and
  - (b) inform the residents of the informal settlement of the status of the informal settlement in accordance with section 7 or section 9, whichever is applicable in the circumstances.
- (2) In the event of the status of an informal settlement contemplated in subsection (1) being determined as an recognized informal settlement, the Informal Settlements Sub-directorate must deal with the matter in accordance with the provisions of section 7.
- (3) In the event of the status of an unrecognized informal settlement being determined, the Informal Settlements Sub-directorate must deal with the matter in accordance with the provisions of section 9.

## **7. PROCEDURES RELATING TO THE MANAGEMENT AND MONITORING OF RECOGNISED INFORMAL SETTLEMENTS**

- (1) As soon as a determination of the status of an recognized informal settlement has been made, the Informal Settlements Sub-directorate must, together with the Ward Committee or the Ward Councillor, visit the informal settlement and notify the residents of the status of the recognized informal settlement by means of holding community meetings in the area
- (2) The Informal Settlements Sub-directorate must implement measures to manage and monitor the occupancy of residents in the settlement area in order to prevent the construction of unauthorised structures in the recognized informal settlement and the taking up of residence by unrecognized residents in the informal settlement.
- (3) Any unauthorised occupancy in the recognized informal settlement contemplated in subsection (2) must be dealt with in accordance with the provisions of section 9.
- (4) In respect of a recognised informal settlement contemplated in subsection (1), the Informal Settlements Sub-directorate must, as and when required, inform the Finance Department of the Municipality of such settlement and make information contemplated in section 4(v) available to that Department.
- (5) The Finance Department of the Municipality must –
  - (a) institute, operate and maintain an appropriate account for services rendered by the Municipality to each registered shack in the authorised informal settlement and for any charges levied for the right of occupation of a particular site or stand in the authorised informal settlement, subject to relevant legislation; and
  - (b) ensure that such an account is supplied to the head of the household of each registered shack in the authorised informal settlement, subject to relevant legislation.

**8. WARD COMMITTEE'S ROLE**

- (1) A Ward Committee, of which a Ward Councillor is a chairperson, and the Informal Settlements Sub-directorate, should meet on a quarterly basis, and at such meetings the Informal Settlements Sub-directorate should provide progress reports on all matters relating to the recognised informal settlement and communicate matters of general concern to the Ward Committee.
- (2) Special public meetings of residents may be convened from time to time by the Ward Committee to communicate with and inform the residents of matters relating to the informal settlement
- (4) Notwithstanding the provisions of sub-sections (1), (2) and above, the Ward Councillor may, in terms of this sub-section, call a community meeting of residents to inform them of matters concerning the informal settlement.

**9. PROCEDURES RELATING TO THE TERMINATION OF UNRECOGNISED INFORMAL SETTLEMENTS**

- (1) As soon as a determination of the status of an informal settlement has been made, the Informal Settlements Sub-directorate must together with the Ward Committee or the Ward Councillor visit the informal settlement and notify the residents of the status of the informal settlement by means of holding community meetings in the area.
- (2) If the informal settlement is on land that does not belong to the Municipality, a copy of the notice contemplated in subsection (1) must also be delivered to such owner.
- (2) If the residents notified in terms of subsection (1) cooperate and vacate their structure and remove their structural materials and other personal property from the site or stand in the unrecognized informal settlement, the Informal Settlements Sub-directorate must take such steps as he or she may deem appropriate to prevent a recurrence of any incident of land invasion or illegal land occupation on that site, stand or unauthorised informal settlement and must regularly monitor the situation to ensure the non-recurrence of such land invasion or illegal land occupation.
- (5) If the residents notified in terms of subsection (1) fail to cooperate and vacate their structures and remove their structural materials and other personal property from the site or stand in the informal settlement, the Informal Settlements Sub-directorate must immediately institute the necessary legal procedures to obtain an eviction order contemplated in subsection (6).
- (6) Within a period of 24 hours after the expiry of the period stipulated in the written notice contemplated in subsection (1), the Informal Settlements Sub-directorate must commence the process to obtain an eviction order contemplated in the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998), against any person or persons jointly or severally, occupying or residing in a structure or on a site or stand in the informal settlement.
- (7) The Informal Settlements Sub-directorate must, within a period of 24 hours after obtaining the eviction order referred to in subsection (6), deploy the Land Invasion Reaction Unit to execute the eviction order and to terminate the unrecognised informal settlement.

**10. LIABILITY**

- (1) Neither the Municipality nor any of its officials acting within the reasonable scope of their authority are liable for any loss of or damage to property or injury to any resident or occupier of a structure in an unrecognised informal settlement or any other person for any reason whatsoever.

**11. OFFENCES**

- (1) Any person who incites, assists and/or abets persons to occupy land unlawfully shall be guilty of an offence.
- (2) Any person who directly or indirectly receives or solicits payment of any money or other consideration as a fee or charge for arranging or organising or permitting a person to occupy land without the consent of the owner or person in charge of that land shall be guilty of an offence.
- (3) Any person who wilfully or in a grossly negligent manner hinders or obstructs Informal Settlements Sub-directorate Officials, Ward Councillor, Ward Committee, Land Invasion Reaction Unit or any other official of the Municipality in the execution of their duties in terms of this by-law shall be guilty of an offence.

**12. PENALTIES**

- (1) Any person found guilty of an offence in terms of the provisions of section 11(1) and (2) shall be liable to a fine, not exceeding R1 000, 00 or three (3) months imprisonment or both such fine and imprisonment.
- (2) Any person found guilty of an offence in terms of the provisions of section 11(2) shall be liable to : -
  - (i) Refund any money or other consideration which was received by that person and which has been seized to be forfeited, and the money and the proceeds of the consideration may be paid to the person or persons from whom the money or consideration was received, and where such person or persons cannot be positively identified, such money or proceeds of the consideration must be paid into the Municipality's Revenue Account.
  - (ii) If any money or other consideration has been received in contravention of subsection 11(2), but has not been seized or made available for purposes of confiscation, the court that convicts a person of a contravention of this section may order the amount proved to the satisfaction of the court to have been received by such person to be paid to the person or persons from whom the money or consideration was received, and where such person or persons cannot be positively identified, the money or proceeds of the consideration must be paid into the Municipality's Revenue Account.
  - (iii) Such order has the effect of a civil judgment and may be executed against such person who received the money or consideration as if it were a civil judgment in favour of the person or persons from whom the money or other consideration was received or in favour of the Municipality

**13. APPLICATION OF BY-LAWS**

- (1) This by-law applies to all informal settlements within the area of jurisdiction of the Mangaung Metropolitan Municipality.

**14. SHORT TITLE**

This by-law shall be called the ***Mangaung, Informal Settlements By-law*** and comes into operation on the date of promulgation.

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**MANGAUNG METROPOLITAN MUNICIPALITY**
**PROMULGATION NOTICE****Environmental Health Services By-laws****Passed by Council, October 2013**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Environmental Health Services By-laws, at the sitting dated 10 October 2013.
- 2) The by-laws are published for the purpose of general public notification.

**Sibongile Mazibuko**  
City Manager

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**ENVIRONMENTAL HEALTH SERVICES BY-LAWS,**

**Preamble.**-WHEREAS many inhabits of South Africa live in an environment that is harmful to their health and well-being; Everyone has the right to an environment that is not harmful to his or her health or well-being;

The Local Government must promote a safe and healthy environment; The Constitution enjoins Mangaung Municipality to respect, protect, promote and fulfill the social, economic and environmental rights of everyone and strive to meet the basic needs of previously disadvantaged communities; Inequality in the distribution of wealth and resources, and the resultant poverty, are among the important causes as well as the results of environmentally harmful practices;

Sustainable development requires the integration of social, economic and environmental factors in the planning, implementation and evaluation of decisions to ensure that development serves present and future generations; everyone has the right to have environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that: prevent pollution and ecological degradation; promote conservation; and Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development;

Mangaung Municipality other spheres of government and all organs of state must cooperate with, consult and support one another;

**AND WHEREAS** it is desirable:

That the law develops a framework for integrating good environmental management into all development activities;

That the law should promote certainty with regard to decision making by organs of state on matters affecting the environment;

That the law should ensure that organs of state maintain the principles guiding the exercise of functions affecting the environment;

That the law should be enforced by the state and that the law should facilitate the enforcement of environmental laws by civil society;

**BE IT ENACTED** by the Municipal Council of Mangaung Metropolitan Municipality as follows:

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**CHAPTER 1****INTERPRETATION AND FUNDAMENTAL PRINCIPLES**

1. Definitions and interpretation-In these By-laws, unless the context otherwise indicates –

**“adequate”** when used to describe a standard or manner in which anything required by these By-laws must be done, means the standard or manner that, in the opinion of an environmental health practitioner, is sufficient to safeguard public health, and to achieve the purpose and apply the principles of these By-laws and “adequately” has a corresponding meaning;

**“approved”** when used to describe a particular object, measure or material, means an object, measure or material which has been approved in terms of section 12 as being adequate in specified circumstances to prevent, or reduce to a level acceptable to the Council, the risk of any public health hazard or public health nuisance occurring, continuing or recurring;

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

**“communicable diseases”** means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or from any person suffering there from or who is a carrier thereof, to any other person;

**“Municipality”** means –

- (a) the Mangaung Metropolitan Municipality established in terms of the provisions of section 12 of the Local Government: Municipal Structures Act No. 117 of 1998, as amended, exercising its legislative and executive authority through its municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) 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;

**“Council”** means the Council of the Mangaung Metropolitan Municipality;

**“dwelling”** means any house, room, shed, hut, tent, cave, container, shelter, vehicle, boat or any other structure or place whatsoever, any part of which is used or appears intended for use by any human being for sleeping or in which any human being dwells or sleeps and “room” has a corresponding meaning;

**“environmental health”** the identification, evaluation and control of all those factors in the environment (biological, physical and chemical) that may have a deleterious effect on the health and well-being of people in the municipal area;

**“environmental health practitioner”** means an official appointed by the Council, and who is duly registered as an environmental health practitioner with the Health Professions Council of South Africa in terms of section 33(1) of the Medical Dental and Supplementary Health Professions Act, 1974 (Act No. 56 of 1974);

**“exemption certificate”** means a certificate issued in terms of section 11;

**“hot water”** means water which has a minimum temperature of 55°C at the point of discharge;

**“municipal area”** means the area under the jurisdiction of the Council;

**“municipal manager”** means a person appointed as such by the Council in terms of the provisions of section 2 of the Local Government: Municipal Systems Amendment Act No. 7 of 2011;

**“National Building Regulations and Building Standards Act”** means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) as amended;

**“occupier”**, in relation to any premises, means any person –

- (a) occupying the premises;
- (b) leasing the premises;
- (c) who is not occupying the premises but is entitled to do so; or
- (d) who manages the premises or a business on the premises on behalf of a person referred to in paragraph (a), (b) or (c);

**“organ of state”** means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996);

**“owner”**, in relation to any premises, means –

- (a) the person in whose name the title to the premises is registered, and includes the holder of a stand licence; or
- (b) if the person referred to in paragraph (a) is dead, insolvent, mentally ill, a minor or under any legal incapacity, the executor, guardian or other person who is legally responsible for administering that person's estate;

**"permit"** means a public health permit issued by the Council in terms of the section 11;

**"person"** means a natural person or a juristic person, and includes an organ of state;

**"pest"** means any animal, reptile, insect or mammal, which may create a public health hazard or public health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches;

**"potable water"** means water that complies with the requirements set out in South African National Standards 241: Water for Domestic Supplies;

**"premises"** means –

(a) any land without any buildings or other structures on it;

(b) any building or other structure and the land on which it is situated;

(c) any land which adjoins land referred to in paragraph (a) or (b) and any building or other structure on the adjoining land, if that land, building or structure is occupied or used in connection with any activity carried out on the premises referred to in paragraph (a) or (b); or

(d) any land on which a caravan park or camping ground is situated; or

(e) any vessel, vehicle or movable structure which is used for a scheduled use;

**"prescribed fee"** means a fee determined by the Council by resolution in terms of section 75 (1) A of the

Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended;

**"public health"** means the art and science which aim at preventing disease, prolonging life and promoting health through the organized efforts of society and includes the mental and physical health and well-being of people in the municipal area;

**"public health hazard"** means any actual threat to public health, and without limitation, includes –

(a) the circumstances referred to in section 5 (3);

(b) unsanitary conditions;

(c) circumstances which make it easier for a communicable disease to break out or spread;

(d) circumstances which make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and

(e) circumstances which allow pests to infest any place where they may affect public health;

**"public health nuisance"** means the use of any premises or place in a manner which creates conditions that significantly increase the risk of a public health hazard occurring or which compromises any aspect of public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of Schedule 1;

**"public place"** means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in the Council and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use, and includes a public place as defined in the Tobacco Control Amendment Act 12 of 1999.

**"scheduled use"** means a use listed in Schedule 2.

**"proclaimed township"** means an approved township as contemplated in the Mangaung Town Planning Scheme, or a township approved in terms of any prior law relating to townships;

**"Vector"** means any organism, including but not limited to, rats, bats, mice, cockroaches, fleas, flies, mites, mosquitoes and ticks, which is capable of transmitting a pathogen to the people, or capable of causing food to become unclean, unwholesome, spoiled, adulterated, or unsafe for human.

**"vicinity"** the area as seen in the context of the problem which could range from adjacent premises up to an entire neighbourhood.

(2) Unless the context otherwise indicates, any word or expression which is defined in any Chapter, has the same meaning wherever it is used in these By-laws.

(3) 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, of 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.

**2. Purpose-** The purpose of these By-laws is to enable the Council to set minimum environmental health standards to prevent disease, prolong life, protect and promote the health and well-being of people in the municipal area by -

(a) providing, in conjunction with any other applicable law, an effective legal and administrative framework within which the Council can –

(i) manage and regulate activities that have the potential to impact adversely on public health; and

(ii) require premises to be properly maintained and managed; and

(b) defining the rights and obligations of the Council and the public in relation to this purpose.

## CHAPTER 2

### PUBLIC HEALTH

#### Part 1: Public health principles

**1. Principles-** The principles set out in this section apply throughout the Municipality to the actions of all organs of state that may significantly affect the environment and:

- (a) Shall apply alongside all other appropriate and relevant considerations, including the state's responsibility to respect, protect, promote and fulfill the social and economic rights in chapter 2 of the constitution and in particular the basic needs of categories of persons disadvantaged by unfair discrimination;
- (b) Serve as guidelines by reference to which any decision in terms of these Bylaws or any statutory provision concerning the protection of the environment;
- (c) Guide the interpretation, administration and implementation of these Bylaws, and any other law concerned with the protection or management of the environment
- (d) In the event of any inconsistency between the provision of these by-laws and any other legislation in force when these by-laws takes effect and which regulates any aspects of environmental health in the provision of National and/ or Provincial legislation prevails in order of precedence.

2. Environmental management must place local people and their needs at the forefront of its concern, and serve their physical, psychological, developmental, cultural and social interests equitably.

3. Development must be socially, environmentally and economically sustainable.

4(a) Sustainable development requires the consideration of all relevant factors including, and not limited to, the following:

- (i) That the disturbance of ecosystem and of loss of biological diversity are avoided, or where they cannot be altogether avoided, are minimised and remedied;
- (ii) That pollution and degradation of the environment are avoided, or, where they cannot be altogether avoided, are minimised and remedied;
- (iii) That the disturbance of landscapes and sites that constitute the nation's cultural heritage is avoided, or where it cannot be altogether avoided, is minimised, remedied;
- (iv) That waste is avoided, or where it cannot be altogether avoided, minimised and re-used or recycled where possible and otherwise disposed of in a responsible manner;
- (v) That the use and exploitation of non-renewable natural resources is responsible and equitable, and takes into account the consequences of the depletion of the resource;
- (vi) That the development, use and exploitation of renewable resources and ecosystems of which they are part do not exceed the level beyond which their integrity is jeopardized;
- (vii) That a risk averse and cautious approach is applied, which takes into account the limits of the current knowledge about the consequences of decisions and actions; and
- (viii) That negative impacts on the environment and on people's environmental rights be anticipated and prevented, and where they cannot be altogether prevented, are minimised and remedied.
- (b) Environmental management must be integrated, acknowledging that all elements of the environment are linked and interrelated, and it must take into account the effects of decision on all aspects of the environment and all the people in the environment by pursuing the selection of the best practicable environmental option.
- (c) Environmental justice must be pursued so that adverse environmental impacts shall not be distributed in such a manner as to unfairly discriminate against any person, particularly vulnerable and disadvantaged persons.
- (d) Equitable access to environmental resources, benefits and services to meet basic human needs to ensure human well-being must be pursued and special measures may be taken to ensure access thereto by categories of persons disadvantaged by unfair discrimination.
- (e) Responsibility for the environmental health and safety consequences of a policy, programme, project, product, process, service or activity exists throughout its life cycle.
- (f) The participation of all interested and affected parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured.
- (g) Decisions must take into account the interests, needs and values of all interested and affected parties, and this includes recognizing all forms of knowledge, including traditional and ordinary knowledge.
- (h) Community well-being and empowerment must be promoted through environmental education, the raising of environmental awareness, the sharing of knowledge and experience and other appropriate means.
- (i) The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment.
- (j) The right of workers to refuse that is harmful to human health or environment and to be informed of dangers must be respected and protected.
- (k) Decisions must be taken in an open and transparent manner, and access to information must be provided in accordance with the law.
- (l) There must be intergovernmental coordination and harmonization of policies, legislation and actions relating to the environment.
- (m) Actual or potential conflicts of interest between organs of state should be resolved through conflict resolution procedures.
- (n) Global and international responsibilities relating to the environment must be discharged in the local interest.
- (o) The environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the people's common heritage.
- (p) The cost of remedying pollution, environmental degradation and consequent adverse health effects and preventing, controlling or minimising further pollution, environmental damage or adverse health effects must be paid for by those responsible for harming the environment.

- (q) The vital role of women and youth in environmental management and development must be recognised and their full participation therein must be promoted.
- (r) Sensitive, vulnerable, highly dynamic or stressed ecosystems, such as estuaries, wetlands, and similar systems require specific attention in management and planning procedures especially where they are subject to significant human resource usage and development pressure.

## **Part 2: Public health hazards and public health nuisances**

### **5. Prohibition on causing public health hazards-**

- (1) No person may create a public health hazard anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a public health hazard does not occur on those premises.
- (3) An owner or occupier of premises creates a public health hazard if –
  - (a) the premises are infested with pests or pests are breeding on the premises;
  - (b) there are conditions on the premises which are conducive to the spread of a communicable disease or which may cause a non-communicable disease;
  - (c) there is any unsanitary condition in any part of the premises; or
  - (d) any water supply for domestic consumption on the premises is unsafe for human consumption.

6. Camping permits- No person shall, without the written permission of Council, occupy or permit to be occupied for human habitation a caravan, tent or other shelter of any description on un-serviced land except on an authorized camping or caravan site.

7. Duty to report public health hazards- The owner or occupier of premises who knows or who is reasonably expected to know of a public health hazard on those premises must within 24 hours of becoming aware of its existence –
- (a) eliminate the public health hazard; or
  - (b) if the owner or occupier is unable to comply with paragraph (a), take reasonable steps to reduce the risk to public health and forthwith report the existence of the public health hazard to the Environmental Health Department in writing.

### **8. Prohibition on causing public health nuisances.**

- (1) No person may cause a public health nuisance anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a public health nuisance does not arise on those premises.

## **CHAPTER 3**

### **POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT**

#### **Part 1: Potentially hazardous uses**

9. Duty to list potentially hazardous uses- If the Council reasonably believes that any premises have been, or are likely to be, used for a purpose or in a manner that has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level, the Council must list the activity concerned in Schedule 2 and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Council.

### **10. Scheduled uses-**

- (1) Any person who uses premises in a manner or for a purpose listed in Schedule 2 must comply with every provision specified in the Chapter of these By-laws relating to that use, unless that person has been granted an exemption in terms of section 11 from complying with any such provision.
- (2) Any person who uses premises in a manner or for a purpose that is listed in Part A of Schedule 2, must obtain a permit in terms of section 12 before commencing that use and must comply with the terms and conditions of that permit.

### **11. Exemption certificates-**

- (1) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with any requirement of these By-laws relating to the use concerned, must apply to the Council in accordance with section 14 for an exemption certificate.
- (2) The Environmental Health Department may grant an exemption certificate, subject to such conditions as it may impose, if an environmental health practitioner is satisfied that –
  - (a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant requirement of these By-laws; and
  - (b) the scheduled use in respect of which the exemption is required, is not likely to cause a public health hazard or a public health nuisance.

#### 12. Public health permits-

- (1) Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 2, must apply to the Council's Environmental Health Department in accordance with section 14 for a public health permit.
- (2) The Council may issue a public health permit to the owner or occupier of any premises, if an environmental health practitioner is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.
- (3) A public health permit –
  - (a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Council;
  - (b) may exempt the permit holder from complying with any relevant provision of these By-laws, if the Council reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant provision of these By-laws; and
  - (c) may approve any activity authorized by the permit approved in terms of these By-laws.

#### 13. Approval of measures, objects and materials-

- (1) The Council may approve, provided that the said approval is not in conflict with any other legal requirement and /or public interest, any object or material used, or any measure taken, in specified circumstances as being adequate to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council.
- (2) An object, material or measure referred to in subsection (1) may be approved by the Council in –
  - (a) a public health permit; or
  - (b) guidelines prescribed by the Council in terms of subsection (3).
- (3) The Council may publish guidelines in the Provincial Gazette which describe –
  - (a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council; and
  - (b) the circumstances in which taking these measures or using these objects or materials are acceptable to the Council.

#### 14. Application procedure-

- (1) Any person who wants to obtain an exemption certificate or a permit must apply to the Council's Environmental Health Department in writing in a form attached as Annexure 1, prior to undertaking the scheduled use concerned.
- (2) When the Council receives an application contemplated in subsection (1), it must ensure that the relevant premises concerned are inspected by an Environmental Health Practitioner as soon as reasonably possible.
- (3) Before deciding whether or not to approve an application contemplated in subsection (1), the Council –
  - (a) must ensure that any persons in the vicinity of the premises whose health or well-being may be affected if the premises are to be/ or used for the scheduled use concerned, have been consulted and have had an opportunity to make representations; and
  - (b) may require the applicant to provide any further information which the Council considers relevant to enable it to make an informed decision.
- (4) In deciding whether or not to issue an exemption certificate or a permit, and what terms and conditions, if any, to include in it, the Council must apply the public health principles set out in Part 1 of chapter 2

#### 15. General terms applicable to certificates and permits-

- (1) An exemption certificate or a permit–
  - (a) is not transferable from one person to another; and
  - (b) applies only to the premises specified in that certificate or permit.
- (2) Every exemption certificate or permit must–
  - (a) specify the address and other relevant details regarding the location of the premises concerned;
  - (b) describe the premises concerned;
  - (c) describe the activity concerned;
  - (d) specify terms and conditions imposed, if any;
  - (e) indicate the expiry date; and
  - (f) any other term or condition that the Council may deem fit.
- (3) An applicant must pay a prescribed fee, if so determined by the Council, in respect of an application for a permit or exemption certificate and such fee must accompany the application.
- (4) The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fee has been paid.

#### 16. Suspension, cancellation and amendment of exemption certificates and permits-

- (1) Council may by written notice to the holder of an exemption certificate or permit, suspend, amend or cancel that certificate or permit, after having informed such holder of the reasons for such an exemption certificate and permit being cancelled or suspended.
- (2) Council may suspend or cancel an exemption certificate or permit with immediate effect if –
  - (a) the Council reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; or
  - (b) the holder of such certificate or permit fails to comply with a compliance notice, in which is stated that such certificate or permit may be suspended or cancelled without further notice if the holder fails to comply with that notice.

- (3) Council may suspend or cancel an exemption certificate or permit after having given the holder thereof a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if –
- (a) the Environmental Health Practitioner reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or
  - (b) the holder of such certificate or permit contravenes or fails to comply with any relevant provision of these By-laws.
- (4) Council may amend an exemption certificate or permit by endorsing such certificate or permit or by written notice to the holder thereof, if the Environmental Health Practitioner reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the exemption certificate or permit concerned was issued.

## **Part 2: Enforcement, remedial work and costs**

### **17. Demolition orders-**

- (1) If the Council believes that a public health or a safety hazard would be eliminated or a public health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions of any other relevant law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorising the Council to do so and to recover the costs of doing so from the owner or the occupier of the premises concerned, or from both.
- (2) The Council may not apply to court in terms of subsection (1) unless it has given the owner and the occupier of the premises not less than 14 days' notice in writing of its intention to make the application and has considered any representations made within that period.

### **18. Right of entry and remedial work-**

The Council may, subject to the provisions of any other law, enter any premises and do anything, excluding demolition of buildings and structures, on the premises that it reasonably considers necessary –

- (a) to ensure compliance with these By-laws.
- (b) to reduce, remove or minimise any significant public health hazard; or
- (c) to reduce, remove or minimise any public health nuisance.

### **19. Cost orders-**

- (1) The Council may recover any costs reasonably incurred by it in taking measures contemplated in section 16 from any person who was under a legal obligation to take those measures, including –
- (a) a person on whom a compliance notice referred to in section 18(a) that required those steps to be taken, was served;
  - (b) the owner or occupier of the premises concerned; or
  - (c) any person responsible for creating a public health hazard or a public health nuisance.
- (2) The municipal manager or delegated official may issue a cost order requiring a person who is liable to pay costs incurred by the Council in terms of subsection (1), to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.

## **CHAPTER 4**

### **SANITARY SERVICES**

#### **20. Compulsory connection to municipal sewerage system-**

Every owner of premises to which a municipal sewage service is available, must ensure that all waste water drainage pipes from any bath, wash-hand basin, toilet, shower, kitchen sink, washing machines and dish washers are connected to the municipal sewer in a manner approved by the municipality.

#### **21. Prohibition against obstruction of sanitary services-**

No person may prevent, obstruct or interfere with any sanitary service provided by the Council.

#### **22. Requirements in respect of toilet facilities-**

Every owner of premises must ensure that the number of toilets provided on those premises comply with the provisions of the National Building Regulations and Building Standards Act or any other applicable legislation.

#### **23. Toilets for workers-**

- (1) Every contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act.
- (2) No temporary toilet may be erected or placed on any pavement or other public place without the written approval of Council.

#### **24. Prohibition against use of a bucket toilet under the same roof as a dwelling-**

No person may provide, erect, retain or use any bucket toilet inside, or under the same roof, as a dwelling.

25. Condition of toilets, urinals, backyards and refuse areas-

Every owner or occupier of any premises must keep every backyard refuse area, toilet, and urinal in a sanitary condition and good state of repair, in the opinion of the Council.

26. Separate storage of urine-

(1) Any owner or occupier required by the Council to provide for the separate storage of urine, due to the size, extent of occupation or use of any premises, must comply with any notice issued by the Council calling on him or her to provide an adequate urine tank or an adequate number of urine buckets on the premises.

(2) Every owner or occupier referred to in subsection (1) must use the urine tank or urine bucket exclusively for the reception of urine.

27. Provision of tank for waste liquids in areas without sewers-

(1) Any owner of premises not connected to a public sewer or not provided with other adequate measures for the disposal of waste liquid, must provide the premises with a tank big enough to contain the slops, bath water or other waste water produced on the premises during a period of 48 hours.

(2) Subject to the provisions of subsection (3), premises referred to in subsection (1), must be equipped either with –

(a) an overhead tank placed in a way that its contents can be gravity fed into the Council's or other approved waste removal vehicles; or

(b) an adequate filter, pump and indicator, with outlet pipes constructed and placed in a way that the tank may be easily emptied and cleansed.

(3) The provisions of subsection (2) do not apply if –

(a) adequate arrangements have been made for dispersing waste water produced on the premises, other than urine, over land associated with the premises concerned; and

(b) the waste water is dispersed in a way that will not create a public health nuisance.

28. Pumping of contents of underground tank to surface tank-

Any occupier of premises on which both underground and overhead tanks are provided for the storage of waste water, must pump the contents of the underground tank to the overhead tank immediately prior to the overhead tank being emptied by the Council.

29. Blocked or defective outlet pipes-

Every owner or occupier of premises must keep any drainage system free from obstruction and in a good state of repair, in the opinion of Council.

30. Prohibition against urine in slops tanks-

No person may discharge or allow any urine or excrement to be discharged into a slops tank situated on any premises.

## CHAPTER 5

### PRIVATE SEWERAGE WORKS

31. Permit for provision of service for the removal of human excrement or urine-

No person may provide any service for the removal or disposal of human excrement and urine on any premises except in terms of a permit authorising that service.

32. Permit for installation of sewerage works-

No person may, on any private premises, install, alter, re-site, operate or maintain any septic tank, filter installation or other works for the disposal of sewage, except in terms of a permit authorising that activity.

33. Maintenance of sewerage works-

Any person operating sewerage works must ensure that it is maintained in a sanitary condition and good state of repair at all times, in the opinion of Council.

34. Disposal of sewerage, sewerage effluent and wastewater without causing a public health nuisance and/or hazard-

No person may dispose of sewerage or waste water from any bath, wash-hand basin, toilet, shower, kitchen sink, swimming pool, washing machines, dish washers and refuse receptacles in a way or in a location that may -

(a) cause dampness in or on any premises;

(b) endanger the quality of any water supply, surface water, stream or river; or

(c) create a public health nuisance and/or hazard.

35. Compulsory use of Council's sewage removal service-

Every occupier of premises must use the sewage removal service prescribed by the Council for those premises.

## CHAPTER 6

## WATER

36. Definitions - In this Chapter, unless the context otherwise indicates -

**“domestic consumption”** in relation to water, means the use of water for –

- (a) human consumption;
- (b) preparing or manufacturing food or drink for human consumption;
- (c) cleaning vessels or utensils used in the preparation or manufacture of food or drink for human consumption; or
- (d) any other domestic purpose.

**“effluent”** means any waste water which may be generated as a result of undertaking any scheduled use or an activity which is likely to cause a public health nuisance.

37. Pollution of sources of water supply-

No person may pollute or contaminate any catchment area, river, canal, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of water supply or storage in a way that creates a public health nuisance or a public health hazard.

38. Dangerous wells, boreholes and excavations-

Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises –

- (a) is fenced, filled in or covered over in a way that adequately safeguards it from creating a public health nuisance or public health hazard; and
- (b) is not filled in a way, or with material, that may cause any adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a public health nuisance or a public health hazard.

39. Provision of adequate water supply-

Every owner of premises must provide every resident on the premises with an adequate and readily available potable water supply at all times.

40. Use of water from sources other than the municipal supply-

No person may use, or permit to be used, any water obtained from a source other than the municipal water supply for domestic consumption, unless the water concerned has been approved for that purpose and complies with standards of potable water.

41. Furnishing of particulars of the source of water-

(1) Any owner or occupier of premises on which a well, borehole, spring, dam, river or other water source is located, the water of which is used for domestic consumption, must within 14 days of receiving a notice from the Council calling on him or her to do so, provide the Council with all particulars of the water source reasonably available to the owner or occupier.

(2) An owner or occupier of premises contemplated in subsection (1), must, if requested to do so by the Council, and at his or her own cost, furnish to the Council a certificate of chemical analysis and bacteriological investigation issued by an analyst, as provided for in section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), in respect of any water supply on that premises used for domestic consumption.

(3) If water from a borehole is used for domestic consumption, a certificate of analysis as contemplated in subsection (2) must be submitted to Council annually or at any time on request of an Environmental Health Practitioner.

42. Notice of the sinking or digging of boreholes or wells-

(1) No person may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water, unless –

- (a) it is done so in accordance with any relevant law; and
  - (b) he or she has given the Environmental Health Division at least 14 days' written notice of his or her intention to do so.
- (2) The notice referred to in subsection (1)(b), must state the proposed location and the purpose for which the water is to be used.

43. Storm water runoff from premises which may impact on public health-

(1) Every owner or occupier of premises must erect adequately designed, constructed and maintained hydraulic and hydrological structures on those premises -



- (a) to divert the maximum storm water runoff, which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years, from any part of the premises on which any waste, likely to create a public health nuisance, is or was handled, produced, stored, dumped or spilled;
- (b) to collect all polluted runoff water from any part of the premises on which waste, likely to create a public health nuisance is or was handled, produced, stored, dumped or spilled, for re-use, treatment or purification;
- (c) to separate all effluent from storm water systems;
- (d) to prevent the erosion or leaching of material from any slimes dam, ash dam and any dump or stock-pile on the premises, and to contain any eroded or leached material in the area where it originated;
- (e) to prevent any waste or waste water from entering any borehole, well, spring, vlei or water course; and
- (f) to prevent any adverse impact on the quality of surface and ground water occurring, due to the location of any dump, stock-pile, dam, drain, canal, conduit, sewer or any other structure on the premises.

(2) An owner or occupier of premises –

- (a) must keep all water passages open and free of obstruction from matter which may impede the flow of water or effluent;
- (b) may not locate any dump within the one hundred year flood line of any water resource;
- (c) may not use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation or catchment dam, or any embankment, road or railway in a way likely to create a public health nuisance;
- (d) must construct bund walls around any tank, or group of tanks, containing any substance that can create a public health nuisance, of a size that is capable of containing the volume of the largest tank plus an additional 10% in the event of any unlawful or accidental discharge from the tank or group of tanks; and
- (e) must clean any industrial surface area so as to prevent the pollution of storm water which may result in an adverse impact on the quality of any surface or ground water.

44. Containment of waste water-

Any dam, conduit or channel used for the containment of waste water must have a free board of at least 0.5 meters above the highest level of precipitation which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years.

## CHAPTER 7

### OFFENSIVE TRADES

45. Definitions - In this Chapter, unless the context otherwise indicates -

**“effluent”** means any waste water which may be generated as a result of undertaking any scheduled use or an activity which is likely to cause a public health nuisance;

**“offensive trade”** means any business listed below or business which involves an activity listed below:

- (a) Panel beating or spray painting;
- (b) operating a waste recycling plant including oil and petroleum product recycling;
- (c) scrap yard or scrap metal dealing;
- (d) blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing, tanning or glue or size making;
- (e) charcoal burning, brick burning, lime burning;
- (f) manure making or storing or compost making;
- (g) parchment making;
- (h) manufacturing malt or yeast;
- (i) cement works, coke-ovens or salt glazing works;
- (j) sintering of sulphurous materials;
- (k) viscose works;
- (l) ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding of carbon with iron or other metals;
- (m) Work of a knacker.
- (n) Slaughter of animals.
- (o) Fish mongering and fish frying.
- (p) Manufacture of flock and rags.
- (q) Animal bristle and hair storing and sterilizing.
- (r) Manufacture of chemicals.
- (s) Fell-mongering
- (t) Storage of rags.
- (u) Wood saw-dust.

- (v) Iodoform.
- (w) works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide or Sulphur chlorides;
- (x) works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enameled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide; or
- (y) the refining or processing of petrol, oil or their products;
- (z) Any other work or trade of an offensive nature which, with the sanction of the Council may add to the list.

**“offensive trader”** means any person who owns, conducts or carries on an offensive trade.

#### 46. Permit requirement-

No person may conduct an offensive trade in or on any premises, except in terms of a permit authorizing such trade.

#### 47. Requirements for premises-

No person may conduct an offensive trade in or on any premises unless -

- (a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;
- (b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;
- (c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint;
- (d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;
- (e) the premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act;
- (f) an adequate supply of running potable water is provided;
- (g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and waste water from the premises;
- (h) adequate means are provided for the disposal of all effluent arising from the manufacturing or other process performed on the premises;
- (i) adequate accommodation is provided for the storage of all finished products, articles or materials which are used in the manufacturing or other process and which may –
  - (i) discharge offensive or injurious effluent or liquid; or
  - (ii) decompose in the course of the work or trade;
- (j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gas, fume, vapour or dust produced during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of material;
- (k) adequate sanitary fixtures are provided as prescribed in the National Building Regulations and Building Standards Act;
- (l) a perimeter wall made of brick or some other impervious material, with a minimum height of 2 meters, is constructed around the premises;
- (m) all gates to the premises are of solid construction with a minimum height of 2 metres;
- (n) all perimeter walls and gates adequately screen activities on the premises from public view; and
- (o) all materials are stacked or stored on the premises below the height of the perimeter screening;
- (p) adequate separate change-rooms for male and female employees must be provided containing –
  - (i) an adequate metal locker for every employee;
  - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
  - (iii) an adequate supply of soap and disposable towels at every wash-hand basin;
- (q) if no change-room has been provided in terms of paragraph (p) –
  - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
  - (ii) an adequate metal locker must be provided for every employee in the work area.

#### 48. Duties of offensive traders-

Every offensive trader must -

- (a) maintain the premises in a clean, hygienic and good condition at all times;
- (b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;
- (c) maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times;
- (d) prevent any waste accumulating on the premises and provide proof when required of safe disposal of recycled or hazardous related waste materials;
- (e) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of any material on the premises;

- (f) provide and maintain effective measures to preclude the open attraction of pest and to prevent the breeding thereof; and
- (g) provide for approved personal protective clothing for the safety of his or her employees

#### 49. Liquid refuse from bone and tripe boiling-

- (1) Every bone boiler and every tripe boiler must adequately cool all waste water before it is discharged into any sewer or other receptacle.
- (2) The cooling process referred to in subsection (1), must take place in a manner that prevents the generation of any noxious and injurious effluent.

#### 50. Liquids, tanks and tubs in leather making-

Every fell-monger, leather dresser or tanner must -

- (a) renew and dispose of the liquid from every tank or other receptacle used on the premises to wash or soak any skin or hide, other than a lime pit, at adequate intervals and in an adequate manner;
- (b) clean the entire tank or other receptacle every time it is emptied;
- (c) clean every tub or other receptacle used to contain a solution of the material known as "puer".

#### 51. Storage of rags, bones and waste-

No trader in rags, bones or waste may place or store, or cause or permit to be stored, rags, bones or waste in any part of the premises concerned which is -

- (a) inhabited by people; or
- (b) not adequately ventilated.

## CHAPTER 8

### HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICES

52. Definition- In this Chapter, unless the context otherwise indicates -

**"body piercing"** means the piercing of the skin for the purpose of inserting any foreign object;

**"cosmetology or beauty service"** includes, but is not limited to, any one or more of the following services:

- (a) Manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used;
- (b) eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes;
- (c) cosmetic and camouflage makeup of the face and its features, whether by permanent, semi permanent or temporary means;
- (d) facial skin care;
- (e) removal of unwanted or superfluous hair from any part of the body by any means, other than shaving, including by means of waxing, chemical depilatories, electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;
- (f) body piercing and tattooing for cosmetic purposes;
- (g) massaging;
- (h) body bronzing by means of ultraviolet radiation or any similar method;
- (i) body contouring including all forms of slimming; or
- (j) somatology

**"hairdressing"** includes, but is not limited to, any one or more of the following services:

- (a) Shampooing and cleansing, conditioning and treating hair;
- (b) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;
- (c) hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary means, including the use of colour rinses, shampoos, gels or mousses and lightening by means of tints, bleaches, highlights or high lifting tints or toners;
- (d) hair cutting and shaping;
- (e) barbering services including shaving and singeing of hair; or
- (f) the adding to hair of natural and artificial hair and hair extensions, board work, pastiche, wig-making or the performing of any operation specified in paragraphs (a) to (e) on a wig or hairpiece to be worn by any person; or
- (g) trichology and trichological treatment of the hair including the treatment of abnormalities and disorders of the hair;

**"salon"** means any place where any or more of the following services are performed for gain:

- (1) hairdressing service;
- (2) cosmetology or beauty service;
- (3) body piercing and tattooing; or
- (4) massaging service;

**"salon service"** means any one or more or a combination of the practices or services generally and usually performed by a person rendering service in the hairdressing, cosmetology or beauty service industry including any massage, body piercing and tattooing service.

**53. Permit requirement-**

No person may operate a salon except in terms of a permit authorizing that activity.

**54. Requirements for premises-**

No person may operate a salon on any premises which do not comply with the following requirements:

- (a) adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act, must be provided;
- (b) all shelves, fixtures and table tops on which instruments are placed must be constructed of an approved material that is durable, non-absorbent, and easy to clean;
- (c) water and toilet facilities must be provided as prescribed in the National Building Regulations and Building Standards Act;
- (d) adequate, separate facilities, with a supply of running potable water, must be available for the washing of hair and hands;
- (e) an approved system for the disposal of waste water must be provided;
- (f) adequate storage facilities must be provided;
- (g) the walls and floors must be constructed of a material that is easy to clean and which prevents cut hair from being dispersed;
- (h) the premises may not be used for the storage and preparation of food or sleeping unless any area for that purpose is clearly demarcated /separated by an impervious wall,
- (i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –
  - (a) an adequate metal locker for every employee;
  - (b) a wash-hand basin provided with a supply of running hot and cold potable water; and
  - (c) an adequate supply of soap and disposable towels at every wash-hand basin; and
- (j) if no change-room has been provided in terms of paragraph (i) –
  - (a) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
  - (b) an adequate metal locker must be provided for every employee in the work area.

**55. Duties of salon operators-**

Any person operating a salon must :

- (a) maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times;
- (b) equip the premises with an adequate means to disinfect and sterilise instruments and equipment that may come into direct contact with any customer's hair or skin;
- (c) provide employees on the premises with approved personal protective clothing and equipment;
- (d) collect all hair clippings and other waste in an approved container after every service;
- (e) store or dispose of waste in an approved manner;
- (f) adequately train any person working on the premises on health and hygiene matters;
- (g) not permit any animal on the premises unless it is a guide dog accompanying a blind person;
- (i) ensure that any employee working with the public with a open wound on their hands or with a communicable skin condition to take the necessary precautions; and
- (j) ensure that every person working in the salon complies with the requirements of this section and sections 54 and 56.

**56. Required minimum health standards for the operation of a salon-**

Any person operating or employed in, a salon must take the following measures:

- (a) adequately disinfect the all instruments after each use:
- (b) adequately sterilise the following instruments after each use:
  - (i) any instrument used for body piercing or tattooing;
  - (ii) any instrument which has come in contact with blood or any other body fluid;
- (c) wash and clean all plastic and cloth towels after each use;
- (d) dispose of all disposable gloves or other disposable material after each use;
- (e) wash all aprons and caps daily;
- (f) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;
- (g) wear approved disposable personal protective clothing when providing one of the following salon services:
  - (i) any chemical service;
  - (ii) any hair implant;
  - (iii) body piercing; and
  - (iv) tattooing;
- (h) wash all walls, floors, chairs and other surfaces in the premises at least once a day with a disinfectant or household detergent;
- (i) dispose of all waste water
- (j) register as a Health Care Risk Waste generator and obtain the removal service of a registered Health Care Risk Waste transporter.

- (k) adequately treat any injury or wound which may occur on the premises;
- (l) clean and disinfect all surfaces that have been contaminated by blood after each service;
- (m) keep an approved first aid kit on the premises at all times as prescribed by the Occupational Health and Safety Act 1993 (Act No. 85 of 1993);
- (n) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the presence of the client.

57. Prohibition against the use of salon premises for other purposes-

- (1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.
- (2) Any person who wants to prepare any beverage for customers on the premises of a salon, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose.

## CHAPTER 9

### SECOND-HAND GOODS

58. Definitions- In this Chapter, unless the context otherwise indicates –

**“second-hand goods business”** means any business in which used goods and materials are sold, including, without limitation – clothing, furniture, scrapped motor vehicles, footwear, timber, building bricks or blocks, building material or fittings, machinery, drums, tins, bottles, packing cases, boxes, crates or other containers, metal, rags, plastic bags, paper or any other material, which has previously been used; and bones or tallow.

59. Requirements for premises-

No person may operate a second-hand goods business in or on any premises which do not comply with the following requirements:

- (a) any section of the premises where second-hand goods are stored and handled must be enclosed/ demarcated by walls constructed of brick, rock or concrete, with a minimum height of two metres (2m) ;
- (b) all gates to the premises must be of solid construction with a minimum height of two metres;
- (c) all materials must be stacked or stored below the height of the perimeter screening;
- (d) adequate lighting and ventilation, as prescribed in the National Building Regulations and Building Standards Act must be provided;
- (e) all storage areas must be paved with cement, concrete or other approved impervious material;
- (f) all backyard surfaces and open spaces of the premises must be graded and drained to allow for the effective run-off of all precipitation;
- (g) adequate sanitary facility and fixtures for both sexes employed on the premises must be provided, as prescribed in the National Building Regulations and Building Standard Act;
- (h) an adequate number of refuse containers must be provided;
- (i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing -
  - (a) an adequate metal locker for every employee;
  - (b) a wash-hand basin provided with a supply of running hot and cold potable water; and
  - (c) an adequate supply of soap and disposable towels at every wash-hand basin; and
- (j) if no change-room has been provided in terms of paragraph (i) –
  - (a) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
  - (b) an adequate metal locker must be provided for every employee in the work area.

60. Duties of second-hand goods traders-

Any person who conducts a second-hand goods business must -

- (a) store second-hand goods in a backyard, building or open space that is constructed of an approved material in such a manner as to prevent the harborage of rodents or other vermin and pests;
- (b) ensure that no water accumulates in any article stored on the premises;
- (c) ensure that goods are stored in such a manner as to prevent the pollution of the surrounding environment which includes but is not limited to air, water or soil.
- (d) keep the premises in a clean, neat and sanitary condition at all times;
- (e) immediately on receipt, disinfect all furniture, soft furnishings, clothing, bedding or other fabrics in an adequate manner;
- (f) keep any other articles separate from articles which have been disinfected
- (g) label all articles which have been disinfected in a conspicuous place on each article; and
- (i) provide personal protective clothing for personnel employed in his or her premises

## CHAPTER 10

### ACCOMMODATION ESTABLISHMENTS

61. Definitions- In this Chapter, unless the context otherwise indicates –

**“accommodation establishment”** means any place in which accommodation is provided for gain to four or more people, with or without meals;  
**“dormitory”** means a sleeping room in which sleeping accommodation is provided for four or more persons.

62. Permit requirement-

No person may operate an accommodation establishment except in terms of a permit authorising that activity.

63. Requirements for premises of accommodation establishments-

No person may operate an accommodation establishment on premises which do not comply with the following requirements:

- (a) No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons than will allow-
  - (i) less than 11,3 m<sup>3</sup> of free air space and 3,7 m<sup>2</sup> of floor space for each person over the age of ten (10) years; and
  - (ii) less than 5,7 m<sup>3</sup> of free air space and 1,9 m<sup>2</sup> of floor space for each person under the age of ten (10) years;
- (b) no latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, kitchen, dining room, food preparation area, cellar or loft may be used as sleeping accommodation;
- (c) if a dormitory is provided on the premises –
  - (i) a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;
  - (ii) a separate locker must be provided for every person making use of the dormitory for safeguarding the person's clothing and other possessions;
  - (iii) every bed in a dormitory must be so placed that its sides are at least one meter away from any part of any other bed;
- (d) an accommodation establishment must be provided with –
  - (i) an area for the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishment;
  - (ii) adequate separate wash-up facilities; and
  - (iii) where meals are provided to persons housed in the accommodation establishment, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m<sup>2</sup> for every seat provided for dining purposes; (Such establishment to comply with the provisions of R962 and the National Building Regulations and Building Standards Act.).
- (e)
  - (i) an accommodation establishment must be provided with one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act.
  - (ii) a bath fitted with a waste pipe may be substituted for each shower referred to in subpar.(i).
  - (iii) the facilities referred to in subparagraphs (i) and (ii) must be designated for the different sexes;
- (f) an accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different sexes;
- (g) an accommodation establishment must be provided with an adequate supply of hot and cold running potable water;
- (h) all rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;
- (i) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;
  - (i) a separate room with approved containers must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered; and
  - (ii) if articles used in connection with an accommodation establishment are laundered on the premises, a separate approved washing, drying and ironing area equipped with the necessary facilities for this purpose must be provided.
- (j) a store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided;
  - (i) all walls and ceilings must have a smooth finish and be painted with a light-coloured washable paint, or have some other approved finish;
  - (ii) the floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish; and
  - (iii) the floor surface of every habitable room must be constructed of an approved material;

- (k) the following facilities must be provided for people who are employed and also reside on the premises:
- (i) Sleeping quarters equipped with a bed, mattress and locker which comply with the provisions of paragraphs (a), (b) and (c) for each employee; and
  - (ii) if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of paragraph (d).
- (l) adequate changing facilities must be provided for non-resident employees;
- (m) adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f), must be provided for resident and non-resident employees;
- (n) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained;
- (o) all walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;
- (p) All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and
- (q) All windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.
- (r) must comply with the Tobacco Control Regulations.

#### 64. Duties of operators of accommodation establishments-

Every person who conducts an accommodation establishment must –

- (a) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment, in a clean, hygienic and good condition at all times;
- (b) clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;
- (c) take adequate measures to eradicate pests on the premises;
- (d) provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;
- (e) provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower;
- (f) store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishment in the manner provided in section 62(i);
- (g) store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in section 62(j);
- (h) Keep all sanitary, ablution and water supply fittings in a good working order;
- (i) Keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at intervals to ensure that the area painted, remain clean and in a good state of repair;
- (j) Handle refuse in the manner provided in section 62(n); and
- (k) Must ensure compliance with relevant Health Regulations promulgated under the Health Act (No 63 of 2003) and the Foodstuffs, Cosmetics and Disinfectants Act (No 54 of 1972), if food is provided to the occupants.

## CHAPTER 11

### SWIMMING POOLS AND SPA-BATHS

65. Definitions- In this Chapter, unless the context otherwise indicates –

**“spa-bath”** means a structure constructed of an approved material, provided with a controlled circulating water supply and used for bathing, excluding a spa bath situated at a private home which is not used for commercial purposes;

**“spa-bath keeper”** means any person who owns or controls the operation of a spa-bath;

**“swimming pool”** means a structure with a controlled water supply used for swimming or bathing, including a children's swimming and paddling pool, but excluding a swimming pool at a private home which is not used for commercial purposes;

**“swimming pool keeper”** means any person who owns or controls the operation of a swimmingpool.

#### 66. Requirements for premises-

No person may operate a swimming pool or spa bath in or on any premises which do not comply with the following requirements:

- (a) readily accessible change-rooms, showers and toilet facilities must be provided separate for each sex in compliance with the National Building Regulations and Building Standards Act;
- (b) every swimming-pool must be surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act;
- (c) the surface of the floor area surrounding any spa-bath or swimming-pool must be constructed of an impervious, non-slip material;
- (d) an approved chemical gas mask must be provided at the chlorinator installation;
- (e) if so instructed in writing by Council or authorized person, an oxygen or air breathing apparatus must be provided; and
- (f) an adequate number of refuse receptacles must be provided on the premises.

67. Duties of spa-bath keepers- Every spa-bath keeper must –

- (a) keep the premises in a safe, clean and sanitary condition and in good repair at all times;
- (b) provide a properly maintained approved first-aid kit in a prominent, easily accessible and protected position;
- (c) purify, treat and maintain the spa-bath water to an adequate quality level at all times;
- (d) provide and maintain, in good working order, equipment for testing the quality of the spa-bath water;
- (e) be capable of undertaking routine tests on the water quality in the spa-bath and interpreting the tests results; and
- (f) maintain a daily record of the spa-bath water quality.

68. Duties of swimming pool keepers- Every swimming pool keeper must –

- (a) keep the premises in a safe, clean and sanitary condition at all times;
- (b) provide a properly maintained approved first-aid kit in a prominent, easily accessible and protected position;
- (c) be qualified and proficient in life saving, rendering first aid, use of a resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of the swimming pool water;
- (d) ensure that the swimming pool water is purified, treated and maintained to an adequate quality at all times;
- (e) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;
- (f) be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the tests results; and
- (g) maintain a daily record of the swimming pool water quality.

69. Water supply-

- (1) Unless the prior written approval of Council or authorised personnel has been obtained, no person operating a spa-bath or swimming pool may use water from a source other than a municipal supply to clean, fill or maintain the water level in a swimming pool or spa-bath.
- (2) Council or authorized person must –
  - (a) take samples of a swimming pool or spa-bath water, at intervals which it or he or she considers appropriate for the purpose of a chemical analysis or bacteriological examination of that water;
  - (b) submit the samples to an analyst authorised in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 to conduct an analysis.

70. Safety of water-

Every spa-bath keeper and swimming pool keeper must ensure that the water in the spa-bath or swimming pool complies with the following requirements:

- (a) it must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime and algae;
- (b) the pH value of the water must be not less than 7 and not greater than 8;
- (c) where chlorine based disinfectants are used, a minimum free available chlorine residual of 0,5 mg/l, with a maximum free available chlorine residual of 3 mg/l, must be maintained;
- (d) if a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of paragraph (c);
- (e) the total viable bacteriological count of any sample submitted for analysis, must not exceed 100 organisms per ml of water; and
- (f) Escherichia coli type 1 bacteria must not be present in any 100 ml of water.

71. Order and behaviour-

No person may –

- (a) interfere with a spa-bath keeper or swimming pool keeper in the execution of his or her duties;
- (b) allow any dog or other pet belonging to him or her or under his or her care to enter or to remain within the premises of a spa-bath or swimming pool, unless it is a guide dog accompanying a blind person;
- (c) enter or remain in any premises of a spa-bath or swimming pool if he or she knows or suspects that he or she may be suffering from any communicable or contagious disease; and
- (d) urinate, defecate, spit or blow his or her nose in a spa-bath or swimming pool.

## CHAPTER 12

### KEEPING OF ANIMALS

72. Definitions- In this Chapter, unless the context otherwise indicates -

**“agricultural holding”** means the same as defined in the applicable Town Planning Scheme;

**“animal”** means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, reptile, insects and wild animal;

**“aviary”** means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;

**“battery system”** means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

**“cattery”** means premises in or upon which –

- (a) boarding facilities for cats are provided; or
- (b) cats are bred for commercial purposes;



**“enclosure”** in relation to an animal, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises;

**“keeper”** means –

(c) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal;

(d) in relation to a battery system, cattery, kennels, pet parlour or pet shop means the person who owns the business of which it forms part of and the person in charge of the premises in which the animals are kept;

**“kennels”** means premises in or upon which –

(a) boarding facilities for dogs are provided;

(b) dogs are bred for commercial purposes;

(c) dogs are kept for the purposes of being trained or hired out with or without handlers; or

(d) dogs are kept for commercial security purposes;

**“livestock”** means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

**“pet”** means a domestic animal, reptile, insect, bird or poultry kept in a household for companionship or amusement;

**“pet parlour”** means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

**“pet shop”** means the premises on which the business of keeping and selling of pets is carried out;

**“poultry”** means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

**“poultry house”** means any roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated;

**“poultry run”** means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

**“proclaimed township”** means an approved township as contemplated in the Mangaung Town Planning Scheme, or a township approved in terms of any prior law relating to townships;

**“rabbit hutch”** means any roofed-over building or structure in which rabbits are kept, other than one in which a battery system is operated;

**“rabbit run”** means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch;

**“stable”** means any building or structure used to accommodate livestock other than poultry;

**“wild animal”** means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea-fowls.

#### Part 1: General provisions relating to the keeping of animals

##### 73. Application of Chapter-

(1) Subject to the provisions of subsection (2), the provisions of this Chapter do not apply to -

(a) any agricultural show where animals are kept on a temporary basis; and

(b) any laboratory where animals are kept for research purposes.

(2) The provisions of these By-laws apply to the keeping of animals at any agricultural show and at research laboratories.

(3) No person may, keep or allow to be kept, any animal other than an approved pet on an erf in a proclaimed township, provided that not more than three (3) pets be kept on a premises and the keeping of such pet does not create or constitute a nuisance

(4) If at any time it appears to an authorized official that the keeping of poultry or rabbits on an erf or agricultural holding, in respect of which a permit has been granted, is likely to constitute a nuisance or danger to the public health, that official may -

(a) cancel the permit; or

(b) prohibit the keeping of such poultry or rabbits, provided Council has given the holder of such permit and the occupier of the premises not less than 14 days' notice in writing of its intention to cancel the permit or prohibit keeping of such poultry or rabbits has considered any representations made within that period.

(5) Council must serve a notice on the permit holder or the owner of the erf or agricultural holding concerned, informing him or her of a decision in terms of subsection (4) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.

(6) Council must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.

(7) Council may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

#### Part 2: Keeping of cattle, horses, mules and donkeys

##### 74 Requirements for premises-

(1) No person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements:

(a) Every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;

(b) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;

(c) the height of the walls to the wall plates of the stable must –

- (i) if the roof is a pitched roof be 2,4 metres;
- (ii) if the roof is a flat roof be 2,7 metres;
- (iii) if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;
- (iv) in the case of a stable which has an opening along the entire length of one of its long sides be not less than 2 metres;
- (d) the stable must have a floor area of at least 9 m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it;
- (e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totaling at least 0,3 m<sup>2</sup> for each animal to be accommodated in it except in the case of a stable open along the entire length of one of its long sides;
- (f) the lowest point of every opening, window or louvers must be at least 1,8 metres above floor level;
- (g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of section 98;
- (h) any enclosure must have an area of at least 10 m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;
- (i) no enclosure or stable may be situated within –
  - (i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or
  - (ii) 50 metres of any water resource or water supply intended or used for human consumption; and
- (j) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

#### 75. Duties of keeper of cattle, horses, mules and donkeys-

Any person who keeps any cattle, horse, mule or donkey must -

- (a) maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal, in a clean and sanitary condition and in good repair;
- (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (c) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure;
- (d) if there is so much manure and bedding that storage receptacles are impractical, provide a manure container or area complying with the following requirements:
  - (i) the manure container or area must be roofed and enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish; and
  - (ii) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 127mm in diameter and is kept filled with water;
- (e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or manure container or area until it is removed from the premises;
- (f) remove the contents of the manure storage receptacles or manure container or area from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance;
- (g) remove all bedding from the stable at least once a week and store it in the manure receptacles or manure container or area until it is removed from the premises;
- (h) store all saddles, bridles, harnesses and other equipment or articles used in connection with the keeping of the animals, in a storeroom or other adequate storage facility;
- (i) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids; and
- (j) take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of cattle, horses, mules and donkeys.

### Part 3: Keeping of goats and sheep

#### 76. Application-

The provisions of section 77 also apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons.

#### 77. Requirements for premises-

- (1) No person may keep goats or sheep in –
  - (a) an enclosure which does not comply with the following requirements:
    - (i) the minimum overall floor area must be 30 m<sup>2</sup>; and
    - (ii) at least 1,5 m<sup>2</sup> of floor space must be provided for every goat or sheep accommodated in it; or
  - (b) a stable which does not comply with the following requirements:
    - (i) every wall must be constructed of brick, stone, concrete or other durable material;
    - (ii) every wall must be at least 2 metres in height and have a smooth internal finish;
    - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 98;
    - (iv) at least 1,5 m<sup>2</sup> of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6 m<sup>2</sup>; and

- (v) lighting and ventilation openings totaling at least 0,15 m<sup>2</sup> per goat or sheep must be provided.
- (2) No person may keep goats or sheep in an enclosure or stable within –
  - (a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or
  - (b) 50 metres of any water resource or water supply intended or used for human consumption.
- (3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

#### 78. Duties of keeper of goats and sheep-

Any person who keeps goats or sheep must -

- (a) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;
- (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
- (d) remove all manure from the enclosure or stable at least once every seven days and place it in the manure storage receptacles;
- (e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance;
- and
- (f) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.
- (g) Take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of goats and sheep.

#### Part 4: Keeping of poultry

#### 79. Application-

The provisions of sections 81(d), (f), (g) and 82(e), do not apply to any person keeping ten or less poultry.

#### 80. Permit requirement-

No person may keep more than 10 poultry on an erf in a proclaimed township or 100 poultry on premises zoned for agricultural purposes except in terms of a permit authorising that activity.

#### 81. Requirements for premises-

No person may keep poultry in premises which do not comply with the following requirements:

- (a) In relation to a poultry house –
  - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
  - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish;
  - (iii) the upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material;
  - (iv) the minimum floor area must be –
    - (aa) 0,20 m<sup>2</sup> for each grown fowl, duck, muscovite duck or guinea fowl;
    - (bb) 0,5 m<sup>2</sup> for each grown goose, turkey or peacock; and
    - (cc) 0, 14 m<sup>2</sup> for each grown pigeon; and
  - (v) the minimum aggregate floor area must be 4 m<sup>2</sup>;
- (b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;
- (c) in relation to a building or structure housing a battery system –
  - (i) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
  - (ii) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure;
  - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by an environmental health practitioner, the floor surface must be graded and drained by means of a channel drained in terms of section 98;
  - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;
  - (v) the cages of the battery system must be made of an impervious material; and
  - (vi) if required by an environmental health practitioner, a tray of an impervious material must be fitted under every cage for the collection of manure;
- (d) a water supply adequate for drinking and cleaning must be provided in or next to every poultry house and poultry run and in or next to a building or structure housing a battery system;
- (e) no poultry house, poultry run, or building or structure housing a battery system, may be constructed within 3 metres of –
  - (i) any dwelling or other building or structure used for human habitation; and
  - (ii) any place where foodstuffs are stored or prepared for human consumption; or
  - (iii) the nearest boundary of any land;

- (f) feed must be stored in an adequate rodent-proof storeroom;
- (g) adequate washing facilities must be provided for the cleaning of the cages;
- (h) if required by an environmental health practitioner, due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:
  - (i) A roofed platform constructed of concrete or other impervious material;
  - (ii) the platform's outside edges must have a minimum curb of 77 mm high;
  - (iii) the platform must be graded and drained in terms of section 98; and
  - (iv) the roof of the platform must extend a minimum of 1 meter beyond the edges of the base of the platform.

## 82. Duties of keeper of poultry-

Any person who keeps poultry must -

- (a) ensure that all poultry is kept within a poultry house, poultry run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry, in a clean, sanitary condition and in good repair;
- (c) maintain the premises and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;
- (d) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
- (e) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;
- (f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system;
- (g) place the manure and other waste matter in manure storage receptacles;
- (h) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a public health nuisance; and
- (i) take adequate measures to keep the premises free of flies, cockroaches and rodents and to prevent offensive odours arising from the keeping of poultry on the premises.

## Part 5: Keeping of rabbits

## 83. Application-

The provisions of sections 85(b), (c), (d), (f) and (g), and 86(d), (f) and (g), do not apply to any person keeping five (5) or less rabbits.

## 84. Permit requirements-

No person may keep more than 5 adult rabbits on an erf in a proclaimed township or more than 20 adult rabbits on premises zoned for agricultural purposes, except in terms of a permit authorising that activity.

## 85. Requirements for the premises-

No person may keep rabbits in premises which do not comply with the following requirements:

- (a) In relation to a rabbit hutch -
  - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
  - (ii) the floor surface must be -
    - (aa) constructed of concrete or other impervious material brought to a smooth finish;
    - (bb) situated at least 150 mm above ground level; and
    - (cc) graded to a channel drained in terms of section 120, if required by an environmental health practitioner;
  - (iii) adequate ventilation must be provided; and
  - (iv) the rabbit hutch must be adequate in size to allow free unobstructed movement of animals kept therein.
- (b) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;
- (c) in relation to a building or structure housing a battery system -
  - (i) every wall must -
    - (aa) be at least 2,4 metres high;
    - (bb) be constructed of concrete, stone, brick or other durable material; and
    - (cc) must have a smooth internal surface;

- (ii) if walls are provided, the building or structure must be ventilated and lighted by means of natural openings or windows of an area not less than 15% of the floor area of the building or structure;
- (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an environmental health practitioner, the floor surface must be graded to a channel drained in terms of section 98;
- (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its outside edges; and
- (v) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
- (d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system;
- (e) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of –
  - (i) any dwelling, building or other structure used for human habitation;
  - (ii) any place where foodstuffs are stored or prepared for human consumption; or
  - (iii) the nearest boundary of any land;
- (f) an adequate rodent-proof storeroom must be provided for the storage of feed; and
- (g) adequate washing facilities must be provided for the cleaning of cages.

86. Duties of keepers of rabbits- Any person who keeps rabbits must -

- (a) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, containers or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;
- (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from pests;
- (d) provide portable manure storage receptacles of an impervious material with close-fitting lids which receptacles must be kept on a platform;
- (e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;
- (f) keep the manure and waste in manure storage receptacles until it is removed from the premises;
- (g) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create a public health nuisance; and
- (h) Take adequate measures to keep the premises free of pests.

Part 6: Keeping of birds other than poultry

87. Requirements for the premises-

No person may keep any bird, other than poultry, in an aviary which does not comply with the following requirements:

- (a) the aviary must be constructed of durable rodent-proof material;
- (b) adequate access must be provided for cleaning purposes;
- (c) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;
- (d) the aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall; and
- (e) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

88. Duties of keepers of aviaries-

Any person who keeps birds in an aviary must -

- (a) ensure that the aviary and the premises are kept in a clean condition and free from pests;
- (b) provide and use rodent-proof facilities for the storage of bird food; and
- (c) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

Part 7: Kennels and catteries

89. Requirements for premises-

No person may use premises as kennels or a cattery except in terms of a permit authorizing that activity and unless the premises comply with the following requirements:

- (a) every dog or cat must be kept in an enclosure which complies with the following requirements:
  - (i) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;

- (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Council's sewer by means of a pipe 100 mm in diameter; and
  - (iii) a curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (ii), to prevent any storm water runoff entering the channel; and
  - (iv) the enclosure must be adequate in size to allow free unobstructed movement of animals kept therein.
- (b) subject to the provisions of paragraph (c), every enclosure referred to in paragraph (a), must be provided with an adequate roofed shelter that complies with the following requirements:
- (i) every wall must be made of brick, stone, concrete or other impervious material;
  - (ii) every wall must have a smooth internal surface;
  - (iii) the floor must be made of concrete or other impervious material brought to a smooth finish;
  - and
  - (iv) every shelter must have adequate access for cleaning and eliminating pests;
- (c) a dog kennel which complies with the following requirements may be provided instead of the shelter contemplated in paragraph (b):
- (i) the kennel must be constructed of an approved weatherproof and insulating material or other similar material;
  - (ii) the kennel must be movable;
  - (iii) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and
  - (iv) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;
- (d) a concrete apron extending at least one meter wide around the edges of the enclosure must be provided;
- (e) the apron must be graded and drained in a way that drains storm water away from the enclosure;
- (f) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;
- (g) any cage in which cats are kept must be constructed of durable impervious material and in a manner that it may be easily cleaned; and
- (h) no shelter, enclosure or kennel may be situated within five metres of any –
- (i) dwelling or other building or structure used for human habitation;
  - (ii) place where food is stored and prepared for human consumption; or
  - (iii) the boundary of the premises.

#### 90. Food preparation areas-

Any keeper of kennels or a cattery who is so instructed by an environmental health practitioner, must provide a separate room or roofed area for the preparation of food which complies with the following requirements:

- (a) The floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;
- (b) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
- (c) adequate washing facilities for food bowls and utensils must be provided; and
- (d) a rodent-proof storeroom must be provided for the storage of food.

#### 91. Duties of a keepers of kennels or catteries- Any person operating kennels or a cattery must–

- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (b) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;
- (c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (b);
- (d) remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance;
- (e) store all loose food in receptacles, with close fitting lids, in the food store;
- (f) provide adequate refrigeration facilities to store perishable foods on the premises;
- (g) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
- (h) keep any sick dog or cat isolated from any other animals;
- (i) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests; and
- (j) ensure that no dog or cat disturbs the comfort, convenience, peace and quiet of the public.

#### Part 8: Pet shops and pet parlors

#### 92. Requirements for premises-

No person may operate a pet shop or pet parlour in or on any premises which do not comply with the following requirements:

- (a) Any wall and partition must –
  - (i) be constructed of brick, concrete or other impervious material;
  - (ii) have a smooth and easily cleanable internal surface; and
  - (iii) be painted with a washable paint or other adequate finish;

- (b) all floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish;
- (c) all ceilings must be dust proof and easily cleanable;
- (d) at least one wash hand basin, with a supply of running hot and cold potable water, must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15;
- (e) the wash hand basins, referred to in subparagraph (d), must be drained in terms of section 99;
- (f) adequate storage facilities must be provided;
- (g) facilities for the washing of cages, trays and other equipment must be provided in the form of either –
  - (i) a curbed and roofed over platform with a minimum surface area of 1,5 m<sup>2</sup>, raised at least 100mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or
  - (ii) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;
- (h) the platform, sink or trough referred to in paragraph (g) must be drained in terms of section 99;
- (i) any wall surface within 0,5 metres of the platform, sink or trough referred to in paragraph (g), must be permanently covered with waterproof material to a minimum height of 1,4 metres above the floor;
- (j) a clearly designated change room must be provided if more than six persons are employed on the premises and every change room must –
  - (i) have a floor area providing at least 0,5 m<sup>2</sup> for each employee;
  - (ii) have a minimum overall floor area of 6 m<sup>2</sup> and width of two metres; and
  - (iii) be equipped with an adequate metal locker for each employee;
- (k) if no change room is required in terms of paragraph (j), each employee must be provided with an adequate metal locker;
- (l) for the purposes of washing, clipping or grooming of pets –
  - (i) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;
  - (ii) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
  - (iii) at least 50 % of the floor area of the rooms referred to in subparagraphs (i) and (ii), must be unobstructed; and
  - (iv) the floors of the rooms referred to in subparagraphs (i) and (ii), must be graded to a channel drained in terms of section 99;
- (m) all buildings, including storage areas, must be rodent-proof; and
- (n) the premises may not have direct internal access with any room or place –
  - (i) used for human habitation;
  - (ii) where clothing is stored or sold; or
  - (iii) where food is prepared, stored or sold for human consumption.

### 93. Duties of pet shop or pet parlour keepers-

Any keeper of a pet shop or pet parlour must –

- (a) provide cages for housing the pets which comply with the following requirements:
  - (i) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;
  - (ii) the exterior cavity of any tubular or hollow material used to construct a cage must be sealed;
  - (iii) the cages must be able to be moved easily;
  - (iv) where rabbits are kept in a cage, the metal floor-tray referred to in subparagraph (i), must be drained to a removable receptacle;
  - (v) the cages must be fitted with a drinking vessel filled with water;
  - (vi) the distance from any cage to the nearest wall must be a minimum of 150 mm;
  - (vii) the cages must be kept a minimum of 450 mm above floor level; and
  - (viii) the space below every cage must be unobstructed;
- (b) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the storage facilities required in terms of section 115 (f);
- (c) provide adequate refrigeration facilities to store all perishable pet food on the premises;
- (d) ensure that in any room in which the pets are kept –
  - (i) 50 % of the floor space is unobstructed; and
  - (ii) the cages are placed a minimum of 800 mm from one another;
- (e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop or pet parlour, in a clean and sanitary condition, free from pests and in good repair;
- (f) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;
- (g) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;
- (h) provide an adequate supply of potable water for drinking and cleaning purposes;
- (i) provide adequate ventilation to ensure the comfort and survival of the pets; and
- (j) ensure that the number of pets contained in each cage does not impede their free movement.

## Part 9: Keeping of wild animals

## 94. Requirements for the premises-

No person may, without the approval of the relevant nature conservation authorities, keep wild animals on premises which do not comply with the following requirements:

- (a) Every wild animal must be kept in an enclosure and/or housing constructed and equipped as follows:
  - (i) The enclosure and/or housing must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
  - (ii) the enclosure and/or housing may not be situated within 50 metres of –
    - (aa) any boundary of the premises;
    - (bb) any dwelling, building or structure used for human habitation;
    - (cc) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
    - (dd) any water resource intended for domestic consumption;
  - (iii) an adequate supply of potable water for drinking and cleaning purposes must be provided; and
  - (iv) the enclosure and/or housing must be graded and drained in a way that does not pollute any water resource or create a public health nuisance;
- (b) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and drained in accordance with section 99, must be provided for the preparation of food;
- (c) adequate facilities must be provided for washing any cages, trays, crates, refuse receptacles and food containers in the form of either –
  - (i) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
  - (ii) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;
- (d) both facilities referred to in paragraph (c) must be provided with a supply of running water adequate for drinking and cleaning and be drained in accordance with section 99; ;
- (e) any area and room in which fodder and food are stored must be rodent-proof; and
- (f) the enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.

## 95. Duties of keepers of wild animals-

Any person who keeps wild animals must –

- (a) maintain the premises in a clean and sanitary condition at all times;
- (b) clean all manure and food scraps from any enclosure and/or housing at adequate intervals;
- (c) prevent the soil beneath or around any enclosure and/or housing from becoming saturated with urine or polluted by any other matter or liquid; and
- (d) remove all bedding from any housing at least once every seven days and store it in a manure receptacle or manure container or area, until it is removed from the premises.

## Part 10: Keeping of pigs

## 96. Requirements for premises-

No person may keep pigs on premises which do not comply with the following requirements:

- (a) Every wall must –
  - (i) be constructed of brick, stone, concrete or other durable material;
  - (ii) have a minimum height of 1,5 metres; and
  - (iii) have a smooth, impervious internal surface;
- (b) the floor area must provide at least 3 m<sup>2</sup> for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m<sup>2</sup>;
- (c) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;
- (d) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must –
  - (i) be situated opposite one another in the external walls; and
  - (ii) provide a minimum of 0,15 m<sup>2</sup> for each pig;
- (e) the floor must be –
  - (i) at least 150 mm above the surrounding ground level;
  - (ii) constructed of concrete or other durable and impervious material brought to a smooth finish; and
  - (iii) graded for the run-off of liquids into an open channel outside the pigsty;
- (f) the open channel referred to in paragraph (e)(iii) must –
  - (i) be constructed of concrete or other durable and impervious material;
  - (ii) be a minimum of 100 mm in diameter; and
  - (iii) be drained in terms of section 98;
- (g) the pigsty must be strong enough to prevent the pigs breaking out;



- (h) the pigsty may not be situated within 100 metres of –
  - (i) the boundary of the premises;
  - (ii) any dwelling, building or structure used for human habitation;
  - (iii) any place where foodstuffs are stored or prepared for human consumption; or
  - (iv) any water resource intended for domestic consumption;
- (i) a roofed over concrete platform must be provided for –
  - (i) the storage of all swill in containers; and
  - (ii) the preparation of pig feed;
- (j) the platform referred to in paragraph (i) must comply with the provisions of paragraph (e) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- (k) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.
- (l) effective fly control measures must be provided.

#### 97. Duties of keepers of pigs-

Every person keeping pigs must -

- (a) ensure that every pig is kept within a pigsty;
- (b) maintain the premises and any equipment, apparatus, containers and receptacles concerned in a clean and sanitary condition and in good repair;
- (c) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;
- (d) keep all manure storage receptacles on a platform that complies with the provisions of section 98(b);
- (e) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- (f) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;
- (g) provide a rodent-proof store-room of adequate size in which all feed, other than swill, must be stored; and
- (h) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

#### Part 11: Keeping of pets

#### 98. Duties of keepers of pets-

Any person who keeps pets must –

- (a) maintain the premises in a clean and sanitary condition at all times;
- (b) clean all manure and food scraps from any premises at adequate intervals;
- (c) prevent the soil beneath or around any premises from becoming saturated with urine or polluted by any other matter or liquid
- (d) ensure the availability of drinking water on the premises.

#### Part 12: General provisions

#### 99. Drainage-

Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this Chapter, are drained in accordance with the provisions of the National Building Regulations and Building Standards

#### 100. Requirements for keeping of bees-

- (1) No person may keep bees on any premises unless –
  - (a) that person is the holder of a permit authorising that activity; and
  - (b) every bee hive is situated –
    - (i) a minimum of five metres from any boundary of the premises; and
    - (ii) a minimum of twenty metres from any public place or building used for human habitation or from any place used for the keeping of animals, poultry and birds;
  - (c) the bees are kept in an approved bee hive; and
  - (d) the bee hive is –
    - (i) kept in an area inaccessible to children and animals;
    - (ii) kept in the shade at all times; and
- (2) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive.

#### 101. Illness attributable to animals, poultry or birds-

- (1) The illness of any person, which may be attributed to any animal, poultry or bird kept or handled by that person, must be reported to an environmental health practitioner within 24 hours of diagnosis, by the person making the diagnosis.
- (2) An environmental health practitioner may order the removal of an animal, poultry or bird from premises if he or she reasonably believes that the animal poses a public health nuisance or public health hazard.

## 102. Keeping of and slaughtering animals for religious and ceremonial purposes-

- (1) A person intending to slaughter an animal in any place other than in a recognised Abattoir must -
  - (a) notify the Council in writing, three (3) days prior to the event; and;
  - (b) submit prior written permission from the owner, tenant or person in control of the land where such a slaughtering will occur if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land; if the applicant is the owner, proof of ownership must be submitted with the application;
  - (c) obtain prior written permission from Council to conduct such a slaughtering;
  - (d) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of the public;
  - (e) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
  - (f) handle the meat in a hygienic manner at all times;
  - (g) dispose of any portions, faecal deposits and blood of the animal which are not used or consumed, in a manner which will not become a public health hazard or public health nuisance;
  - (h) not keep such animal prior to slaughtering for a period in excess of 12 hours; and
  - (i) ensure that the animal does not cause a noise nuisance or disturbing noise whilst being kept for slaughter or being slaughtered.
- (2) A person intending to slaughter an animal for religious and/or ceremonial purposes may require the services of an environmental health practitioner for post-mortem examination of the slaughtered animal at a cost determined by Council from time to time.

**CHAPTER 13****CARAVAN PARKS AND CAMPING GROUNDS**

103. Definitions- For the purposes of this chapter, unless the context otherwise indicates,

**“approved”** means approved by the Council, regard being had to the reasonable public health requirements of the particular case;

**“camp”** or **“camping”** means the erection or use of a temporary or movable structure for the purpose of human occupation, including tents but excluding non-folding caravans;

**“camping ground”** means an area of land on which accommodation is provided for camping purposes, whether or not a charge is made for such accommodation;

**“camp site”** means an area or plot of ground within a camping ground for the accommodation of a camper's party;

**“camper's party”** means a party of not more than six persons;

**“caravan”** means a vehicle, with or without means of self-propulsion, designed and permanently constructed for sleeping or dwelling purposes, or both, intended for travel, recreation and vocational purposes and having no foundation other than wheels which may be supplemented by stabilizing jacks. (Park Homes or any other similar structure or vehicle not normally permitted without a special permit are from this definition).

**“caravan park”** means an area of land on which accommodation is provided for three or more caravans, whether or not a charge is made for such accommodation;

**“caravan site”** means an area or plot of ground within a caravan park for the accommodation of a caravan and its towing vehicle, if any;

## 104. Requirements for Premises-

- (1) For each caravan or camp site there shall be provided a clearly demarcated and numbered level area of not less than 120 m<sup>2</sup> with a minimum width of 10m.
- (2) In addition to the area required in terms of sub-section (1), there shall be provided, for recreational purposes, an area equal to at least 25% of the gross usable area of the caravan park or camping ground.
- (3) Roadways not less than 5m in width, with a hardened surface, shall be provided so as to afford vehicle adequate access to all caravan or camp sites under all weather conditions, and such roads shall afford free access to a public road.
- (4) The caravan park or camping ground shall be properly and attractively laid out and landscaped, and it shall be a condition that the plan as approved by the Council shall be adhered to in every detail by the licensee.
- (5) Approved direction signs, indicating the water closets, urinals, ablution and other facilities required in the caravan park or camping ground in terms of these by-laws, shall be placed at approved points.
- (6) A fence not less than 2m high and meeting with the approval of the Council shall be provided to enclose the entire area of the caravan park or camping ground.
- (7) The entrance to the caravan park or camping ground, roadways, paths, water closets, urinals, ablution and other facilities, and the fire fighting and first aid points, shall be adequately illuminated during the hours of darkness.
- (8) An adequate and constant supply of potable water, shall be available and one permanent stand pipe shall be provided in a convenient position for every four caravan or camp sites, and under every stand pipe tap there shall be a gully trap set in a dished and properly rendered surround and connected to an approved drainage system.
- (9) All baths, showers and wash hand basins shall be provided with an adequate and constant supply of hot and cold running water and shall be fitted with waste pipes suitably trapped and discharging over and into an external gully connected to an approved drainage system.

(10) Every bathroom or shower cubicle shall have a door which is lockable from the inside and shall be provided with a built-in soap dish. In addition, every bathroom shall be provided with a seat and a wall hook or a towel rail of at least 600mm and every shower cubicle with a disrobing area suitably screened from the shower, a seat and a wall hook or towel rail of at least 600mm.

#### 105. Sanitary Facilities

The following separate water closet and urinal accommodation shall be provided:

- (1) Males: A minimum of one water closet and 750 mm of urinal space for every eight caravan or camp sites or part thereof. The bucket and channel of the urinal shall be of stainless steel or other approved material.
- (2) Females: A minimum of two water closets and thereafter an additional water closet for every six caravan or camp sites or part thereof in excess of twelve sites. A binette with a self-closing lid shall be provided in each water closet.
- (3) The internal wall surface of all bathrooms, shower cubicles and water closets shall be painted with a light colored oil paint or shall be provided with a wall covering of an approved material.
- (4) All water closets, urinals, ablution and other facilities shall be suitably designated and the entrances in the water closets, urinals and ablution facilities shall be screened from public view.
- (5) An approved slop sink unit with an adequate and constant supply of cold running water shall be provided for caravaners and campers where chemical toilets receptacles shall be emptied and cleaned. The unit shall be installed within a separate compartment adjacent to an ablution block with access thereto for both sexes. The floor of such compartment shall be graded and drained to an approved drainage system.
- (6) For every twenty caravan or camp sites or part thereof for the uses of caravaners or campers, a screened or enclosed drying yard and a laundry room equipped with a double bowl stainless steel laundry trough and an ironing board or table shall be provided. The laundry trough shall be provided with an adequate and constant supply of hot and cold running water and fitted with waste pipes suitably trapped and discharging over and into an external gully connected in an approved drainage system. An earthed 15 ampere socket outlet for a three-pin plug shall be fitted in the laundry room.
- (7) For every twenty caravan sites or part thereof and for every ten camp sites or part thereof, there shall be provided under a roofed area, on an approved impervious floor, which shall be graded and drained to an approved drainage system, a double compartment wash-up sink unit for the washing of caravaner's or camper's culinary utensils.

### CHAPTER 14

#### EXHUMATIONS

106. Application to exhume a body or body ashes-

Any person who intends to exhume or cause to exhume a body or body ashes shall comply with provisions of these By-laws.

107. Exhumation requirements-

The Environmental Health Services shall grant authorization for an exhumation to be conducted subject to compliance with the following requirements:

- (1) Handling of the mortal remains must be done by a registered undertaker.
- (2) All persons engaged in the physical exhumation shall be provided with approved protective clothing such as durable hand gloves, overalls, gumboots and aprons of durable material and nose and mouth masks.
- (3) An effective, approved disinfectant to be provided and effectively used to disinfect during and after exhumation.
- (4) After exposing the coffin, and/or body remains, such coffin, body remains and soil surrounding it shall be effectively disinfected.
- (5) If the coffin is still in a good state of repair it must not be opened and must be placed in a suitable container immediately after exhumation.
- (6) If the deceased has not been buried in a coffin, or if the state of decomposition of the coffin and the remains render compliance with subsection (5) impossible, the remains and the content of the grave must be placed in a suitable container immediately after exhumation.
- (7) All used disposable protective clothing to be placed into refuse bags and to be disposed of in an approved manner.

108. General provision

The applicant must at all times comply with the provisions of the By laws relating to Municipal Cemeteries of the municipality.

### CHAPTER 15

#### LAUNDRIES

#### 109. Definitions

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

**"clothes or clothing"** shall mean and include all articles of wearing apparel, table linen, bed linen and window curtains, or any other articles submitted for laundry work;

**"Council"** means the municipal council of the Mangaung Municipality in which the executive and Legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;

**"Head"** means the Head: Social Services or a person delegated by her to perform the functions set out in these by-laws;

**"laundry"** means and include all premises where laundry work is performed;

**"laundry work"** shall mean and include the washing, mangling, drying, bleaching, dry cleaning and ironing of any clothing or clothes, for gain and also delivery thereof;

**"receiving depot"** shall mean such premises other than a laundry, where clothes or clothing are deposited, kept or stored for purposes of laundry work and shall include the entire apartment in which such depot is situated;

**"prescribed fees"** means the fees as determined from time to time by the Council by means of resolution;

## APPLICATION AND REQUIREMENTS

### 110. Application

These by-laws shall not apply to any person performing laundry work on private premises.

### 111. Registration of laundry

(1) Any person desiring to establish or carry on any laundry or receiving depot within the municipality shall apply in writing on the prescribed forms, to the municipality for a Certificate of Registration in respect of the premises concerned.

(2) Such Certificate of Registration shall be in the format as approved from time to time.

(3) No Certificate of Registration shall be transferable from one person to another without the prior written consent of the Council.

(4) Subject to section 110, no person may conduct a business as a laundry or receive any clothes or clothing to be laundered on any premises not registered in accordance with these by-laws.

A person in contravention of this subsection shall be guilty of an offence.

(5) Premises registered as a receiving depot in terms of these regulations shall be used for such purposes exclusively.

### 112. Requirements for buildings, appliances, apparatus and furniture

(1) Every person conducting the business of a laundry shall in respect of the premises where any such business is carried on, or in respect of the appliances, apparatus and furniture used on such premises, or in respect of the persons engaged in connection with such business, or in respect of the conducting of such business, comply with the following conditions:

(a) every building in which laundry work is performed shall be sufficiently lighted and ventilated by means of windows, doors and other openings so as to clear contaminated air therein.

(b) the floor of every wash-place in a laundry shall be properly paved with cement concrete with a smooth surface or with other hard and impermeable material and shall be properly and efficiently drained. The walls of every such wash-place shall be of smooth finish and covered either in oil-based paint or with glazed tiles, impervious bricks or a washable surface to a height of at least 2 metres from floor level.

(c) the wash-stone, bench, slab, block or other implement, article or thing used for the purpose of receiving clothes or clothing in the process of being soaped or cleaned, shall be constructed in such a manner to permit being kept in a thoroughly clean condition at all times.

(d) every part of the laundry including the furniture and fittings therein shall at all times be kept scrupulously clean and free from vermin.

(e) every employee in a laundry shall be clean in person and his wearing apparel shall be kept in a proper state of cleanliness. Suitable overalls shall be provided by the employer and shall be worn by all persons engaged in the laundry. Such overalls shall not be removed from the laundry premises.

(f) all clothes or clothing brought into any laundry for laundry work shall be kept in such laundry until returned to the owner thereof or to the Receiving Depot.

(g) no iron, stove or other apparatus likely to emit noxious fumes or gas injurious or dangerous to health shall be used in a laundry, unless efficient ventilation as prescribed by national legislation or regulations, are provided to the rooms in the laundry where these gasses are used.

## MISCELLANEOUS

### 113. Department stores

(1) Department stores may also be used as receiving depots, on condition that there shall be provided therein :

(a) a separate counter situated at least nine metres from the nearest foodstuffs for the exclusive reception or delivery of clothes or clothing;

(b) bags made of canvas or other suitable material in which all soiled clothes or clothing awaiting removal, shall be deposited and kept;

(c) a hand wash-basin with running water and fitted with a proper and suitable trapped waste pipe discharging over an open gully, and

(d) an adequate supply of soap and towels for the use of persons handling soiled clothes or clothing.

### 114. Prohibited actions

(1) No portion of any premises, room or apartment in which foodstuffs are kept shall be used as a receiving depot unless the requirements of section 112 (1) (b), (c) and (d) of these by-laws have first been complied with.

(2) No premises shall be used as a receiving depot, unless the requirements of section 113 (1) (c) and (d) of these by-laws have first been complied with. Provided that if hairdressing saloons are registered as receiving depots, a portion of such saloons shall, to the entire satisfaction of the Executive Director, be partitioned off and provided with a separate counter.

(3) No person shall wash any clothes or clothing in any public stream of water or public body of water within the municipality.

(4) No person shall be permitted to sleep, eat or reside in a laundry or place used for laundry work.

**115. Infectious diseases**

Whenever in the opinion of the Head :Social Services it is deemed desirable, in order to prevent the spread of an infectious disease, that the municipality be furnished with a list of the customers of any laundry, the Head: Social Services may require the owner or manager of such laundry to furnish her within a specified time with a full and complete list of the names and addresses of such customers, and the said proprietor shall furnish such list accordingly.

**116. Offences and penalties**

(1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 69 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).

(2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing

**117 . Repeal**

The By laws relating to Laundries as promulgated by Local Government Notice No 111 of 28 October 2005 are hereby repealed.

**CHAPTER 16****AIR POLLUTION CONTROL****PART I****INTERPRETATION AND FUNDAMENTAL PRINCIPLES**

118. Definitions- In this chapter, unless the context indicates otherwise-

**"adverse effect"** means any actual or potential impact on the environment that impairs, or would impair the environment or any aspect of it to an extent that is more than trivial or insignificant,

**"air pollutant"** means any substance (including but not limited to dust, smoke, fumes and gas) that causes or may cause air pollution;

**"air pollution"** means any change in the composition of the air caused by smoke, soot, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, aerosols, and odours substances.

**"atmosphere"** means air that is not enclosed by a building, machine, chimney or other such structure;

**"authorized person"** means any person authorized by the Council to implement any provision of this by-law;

**"best practicable means"** means the most effective measures that can reasonably be taken to prevent, reduce or minimize air pollution, having regard to all relevant factors including, among others, local conditions and circumstances, the likelihood of adverse effects, the current state of technical knowledge and the financial implications relative to the degree of environmental protection expected to be achieved by application or adoption of the measures;

**"chimney"** means any structure or opening of any kind from or through which air pollutants may be emitted;

**"compressed ignition powered vehicle"** means a vehicle powered by an internal combustion, compression ignition, diesel or similar fuel engine;

**"dark smoke"** means:

(a) in respect of Part IV and V of this chapter, smoke which when measured using a light absorption meter or obscuration measuring equipment has an obscuration of 20% or greater;

(b) in respect of Part VI of this chapter:

i. smoke which has a density of 60 Hartridge smoke units or more, provided that in relation to emissions from turbo-charged compressed ignition powered engines, it means a density of 66 Hartridge smoke units or more; or

ii. smoke which has a light absorption co-efficient of more than 2.125m<sup>-1</sup>, provided that in relation to emissions from turbo-charged compressed ignition powered engines, it means a light absorption coefficient of more than 2.51m<sup>-1</sup>,

**"dust"** means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere;

**"dwelling"** means any building or other structure, or part of a building or structure, used as a dwelling, and any outbuildings ancillary to it, but excludes shacks and informal settlements;

**"environment"** means the surroundings within which humans exist and that are made up of –

(a) the land, water and atmosphere of the earth;

(b) micro-organisms, plant and animal life;

(c) any part of 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;
- “free acceleration test”** means the method employed to determine whether compressed ignition powered vehicles emit dark smoke and are being driven or used in contravention to relevant legislation;
- “fuel-burning equipment”** means any furnace, boiler, incinerator, or other equipment, including a chimney:
- (a) designated to burn or capable of burning liquid, gas or solid fuel;
  - (b) used to dispose of any material or waste by burning; or
  - (c) used to subject liquid, gas or solid fuel to any process involving the application of heat;
- “light absorption meter”** means a measuring device that uses a light-sensitive cell or detector to determine the amount of light absorbed by an air pollutant;
- “living organism”** means any biological entity capable of transferring or replicating genetic material, including sterile organisms and viruses;
- “municipal manager”** means a person appointed as such by the Council in terms of the provisions of section 2 of the Local Government: Municipal Systems Amendment Act;
- “nuisance”** means, for the purpose of this chapter, an unreasonable interference or likely interference caused by air pollution with:
- (a) the health or well being of any person or living organism; or
  - (b) the use and/or enjoyment by an owner or occupier of his or her property and or environment;
- “obscuration”** means the ratio of visible light attenuated by air pollutants suspended in the effluent streams to incident visible light, expressed as a percentage;
- “open burning”** means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and
- “burning in the open”** has a corresponding meaning;
- “operator”** means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;
- “proclaimed township”** means any land unit zoned and utilized for residential purposes;
- “person”** means a natural person or a juristic person;
- “premises”** means, for the purpose of this chapter, any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures and any locomotive, which operates or is present within the area under the jurisdiction of the Council.
- “public road”** means a road which the public has the right to use;
- “smoke”** means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes the soot, grit and gritty particles emitted in smoke;
- “vehicle”** means any motor car, motor carriage, motor cycle, bus, motor lorry or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power.

## PART II

### DUTY OF CARE

#### 119. Person causing air pollution-

- (1) Any person who is wholly or partially responsible for causing significant air pollution or creating a risk of significant air pollution occurring must take all reasonable measures:
- (a) to prevent any potential significant air pollution from occurring; and
  - (b) to mitigate and, as far as reasonably possible, to remedy any significant air pollution that has occurred.
- (2) The Council may, by resolution direct any person who fails to take the measures required under subsection (1) –
- (a) to investigate, evaluate and assess the impact of specific activities and report thereon;
  - (b) to commence taking specific reasonable measures before a given date;
  - (c) to diligently continue with those measures, and
  - (d) to complete them before a specified reasonable date.
- (e) Prior to making such resolution Council must give affected persons adequate opportunity to inform them of their relevant interests and to consult with any other organ of state.
- (3) Should a person fail to comply, or inadequately comply, with a directive under subsection (2), the Council may take reasonable measures to remedy the situation referred to in the directive.
- (4) Provided that if such person fails to take the measures required of him or her under subsection (1), the Council may recover all reasonable costs incurred as a result of it acting under subsection (3) from any of all of the following persons –
- (a) any person who is or was responsible for, or who directly or indirectly contributed to, the air pollution or the potential air pollution;
  - (b) the owner of the land at the time when the air pollution or the potential for air pollution occurred, or that owner's successor in title;
  - (c) the person in control of the land or any person who has or had a right to use the land at the time when –
    - (i) the activity or the process in question is or was performed or undertaken; or
    - (ii) the situation came about; or
  - (d) any person who negligently failed to prevent –
    - (i) the activity or the process being performed or undertaken; or
    - (ii) the situation from coming about.

(5) If more than one person is liable under subsection (4), the liability may be apportioned among the persons concerned according to the degree to which each was responsible for the harm to the environment resulting from their respective failures to take the measures required under subsection (1) and (2).

### PART III

#### SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

120. Application- For the purpose of this Part, "premises" does not include dwellings.

#### 121. Prohibition-

(1) Subject to subsection (2), dark smoke shall not be emitted from any premises for an aggregate period exceeding three minutes during any continuous period of thirty minutes.

(2) This section does not apply to dark smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.

(3) If dark smoke is emitted in contravention of subsection (1) the owner, operator and/or the occupier of the premises shall be guilty of an offence.

#### 122. Installation of fuel-burning equipment-

(1) No person shall install, alter, extend or replace any fuel-burning equipment on any premises without the prior written authorization of the Council, which may only be given after consideration of the relevant plans and specifications.

(2) Any fuel-burning equipment installed, altered, extended or replaced on premises in accordance with plans and specifications submitted to and approved, for the purposes of this section, by the Council shall be presumed until the contrary is proved to comply with the provisions of subsection (1)

(3) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of subsection (1):

(a) the owner and occupier of the premises and the installer of the fuel-burning equipment shall be guilty of an offence;

(b) the Council may, on written notice to the owner and occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

#### 123. Operation of fuel-burning equipment-

(1) No person shall use or operate any fuel-burning equipment on any premises contrary to the authorization referred to in section 122(1).

(2) Where fuel-burning equipment has been used or operated on the premises in contravention of subsection (1):

(a) the owner and occupier of the premises and the operator of the fuel-burning equipment shall each be guilty of an offence:

(b) The Council may on written notice to the owner and occupier of the premises:

(i) revoke its authorization under section 122(1); and

(ii) order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

#### 124. Presumption-

In any prosecution for an offence under section 123 dark smoke shall be presumed to have been emitted from premises if it is shown that any fuel or material was burned on the premises and the circumstances were such that the burning would be reasonably likely to give rise to the emission of dark smoke, unless the owner, occupier or operator, as the case may be, shows that no dark smoke was emitted.

#### 125. Installation and operation of obscuration measuring equipment-

(1) Council or an authorized person may give notice to any operator of fuel-burning equipment or any owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to install, maintain and operate obscuration measuring equipment at his or her own cost, if:

(a) unauthorized and unlawful emissions of dark smoke from the relevant premises have occurred consistently and regularly over a period of at least two days;

(b) unauthorized and unlawful emissions of dark smoke from the relevant premises have occurred intermittently over a period of at least fourteen days;

(c) fuel-burning equipment has been or is intended to be installed on the relevant premises which is reasonably likely in the opinion of an authorized person to emit dark smoke;

(d) the person on whom the notice is served has been convicted more than once under this Part III and has not taken adequate measures to prevent further contravention of the provisions of this Part; or

(e) the authorized person considers that the nature of the air pollutants emitted from the relevant premises is reasonably likely to create a hazard to human health or the environment.

(2) A notice referred to in subsection (1) must inform the person to whom it is addressed of:

- (a) that person's right to make written representations and to appear in person to present and dispute information and arguments regarding the notice, and must stipulate a reasonable period within which this must be done;
- (b) that person's right of appeal under section 137;
- (c) that person's right to request written reasons for the issuing of the notice; and
- (d) the measures that must be taken and the potential consequences if the notice is not complied with.

#### 126. Monitoring and sampling-

- (1) An occupier or owner of premises, and the operator of any fuel-burning equipment, who is required to install obscuration measuring equipment in terms of section 125(1) must:
  - (a) record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results;
  - (b) if requested to do so by an authorized person, produce the record of the monitoring and sampling results for inspection, and
  - (c) if requested to do so by an authorized person, provide a written report (in a form and by a date specified by the authorized person) of part or all of the information in the record of the monitoring and sampling results.

#### 127 Exemption-

- (1) Subject to section 122 and on application in writing by the owner or occupier of premises or the operator of fuel-burning equipment, the Council may grant a temporary exemption in writing from one or all the provisions of this Part.
- (2) Any exemption granted under subsection (1) must state at least the following:
  - (a) a description of the fuel-burning equipment and the premises on which it is used or operated;
  - (b) the reason for granting the exemption;
  - (c) the conditions attached to the exemption, if any;
  - (d) the period for which the exemption has been granted; and
  - (e) any other relevant information.

### PART IV

#### SMOKE EMISSIONS FROM DWELLINGS

#### 128. Restrictions to emission of dark smoke-

- (1) Subject to section 121(2), no person shall emit or permit the emission of dark smoke from any dwelling for an aggregate period exceeding three minutes during any continuous period of thirty minutes.
- (2) Any person who emits or permits the emission of dark smoke in contravention of subsection (1) commits an offence.
- (3) Provided an application is in writing by the owner or occupier of any dwelling, the Council may grant a temporary exemption in writing from one or all of the provisions of this Part.

### PART V

#### EMISSIONS CAUSED BY OPEN BURNING

#### 129. Open burning of material on any land-

- (1) Subject to subsection 4, any person who carries out open burning of any material on any land or premises is guilty of an offence, unless the prior written authorization of the Council, which may include the imposition of further conditions with the person requesting authorization must comply, has been obtained.
- (2) The Council may not authorize open burning under subsection (1) unless it is satisfied that the following requirements have been adequately addressed or fulfilled:
  - (a) the material will be open burned on the land from which it originated;
  - (b) that person has investigated and assessed every reasonable alternative for reducing, reusing or recycling the material in order to minimize the amount of material to be open burned, to satisfaction of the Council;
  - (c) that person has investigated and assessed every reasonable alternative for removing the material from the land or premises, to the satisfaction of the Council;
  - (d) that person has investigated and assessed the impact that the open burning will have on the environment, to the satisfaction of the Council;
  - (e) a warning under section 10(1)(b) of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998) has been published for the region;
  - (f) the land on which that person intends to open burn the material is State land, a farm or small-holding, or land within a proclaimed township that is not utilized for residential purposes;
  - (g) the open burning is conducted at least 100 metres from any buildings or structures;
  - (h) the open burning will not pose a potential hazard to human health or safety, private property or the environment.
  - (i) That person has notified in writing the owners and occupiers of all adjacent properties of:
    - (i) all known details of the proposed open burning; and
    - (ii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed open burning with the Council within 7 days of being notified; and
  - (j) the prescribed fee has been paid to the Council.



- (3) Any person who undertakes or permits to be undertaken open burning in contravention of subsection (1) commits an offence.
- (4) The provisions of this section shall not apply to:
  - (a) recreational outdoor barbecue or braai activities on private premises;
  - (b) small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes; or
  - (h) any other defined area or defined activity to which the Council has declared this section not to apply.

## PART VI

### EMISSIONS FROM COMPRESSED IGNITION POWERED VEHICLES

#### 130. Prohibition-

- (1) No person may on a public road drive or use, or cause to be driven or used, a compressed ignition powered vehicle that emits dark smoke.
- (2) If dark smoke is emitted in contravention of subsection (1) the owner and the driver of the vehicle shall each be guilty of an offence.
- (3) For purposes of this section the registered owner of the vehicle shall be presumed to be the driver unless the contrary is proven.

#### 131. Stopping of vehicles for inspection and testing-

- (1) In order to enable an Council or an authorized person to enforce the provisions of this Part, the driver of a vehicle must comply with any reasonable direction given by an authorized person:
  - (a) to stop the vehicle; and
  - (b) to facilitate the inspection or testing of the vehicle.
- (2) Failure to comply with a direction given under subsection (1) is an offence.
- (3) When a vehicle has stopped in compliance with a direction given under subsection (1), the authorized person may:
  - (a) inspect and test the vehicle at the roadside, in which case inspection and testing must be carried out:
    - (i) at or as near as practicable to the place where the direction to stop the vehicle is given; and
    - (ii) as soon as practicable, and in any case within one hour, after the vehicle is stopped in accordance with the direction; or
  - (b) conduct a visual inspection of the vehicle and, if the authorized person reasonably believes that an offence has been committed under section 130(2), instruct the driver of the vehicle, who is presumed to be the owner of the vehicle unless he or she produces evidence to the contrary, in writing to take the vehicle to a testing station, within a specified period of time, for inspection and testing in accordance with section 132.

#### 132. Testing procedure-

- (1) An authorized person must use the free acceleration test method in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 130(1).
- (2) The following procedure must be adhered to in order to conduct a free acceleration test:
  - (a) when instructed to do so by the authorized person, the driver must start the vehicle, place it in neutral gear and engage the clutch;
  - (b) while the vehicle is idling; the authorized person must conduct a visual inspection of the emission system of the vehicle;
  - (c) when instructed to do so by the authorized person, the driver of the vehicle must in less than one second smoothly and completely depress the accelerator throttle pedal of the vehicle, provided that the authorized person may do so himself or herself if the driver fails or refuses to comply with the authorized person's reasonable instructions;
  - (d) while the throttle pedal is depressed, the authorized person must measure the smoke emitted from the vehicle's emission system in order to determine whether or not it is dark smoke;
  - (e) the driver of the vehicle may only release the throttle pedal of the vehicle when the engine reaches cut-off speed, or when directed to do so by the authorized person.
- (3) If, having conducted the free acceleration test, the authorized person is satisfied that the vehicle:
  - (a) is not emitting dark smoke, then the authorized person must furnish the driver of the vehicle with a certificate indicating that the vehicle is not being driven or used in contravention of section 130(1); or
  - (b) is emitting dark smoke, then the authorized person must issue the driver of the vehicle with a repair notice in accordance with section 133.

#### 133. Repair notice-

- (1) A repair notice must direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for re-testing before the expiry of that period.
- (2) The repair notice must contain inter alia the following information:
  - (a) the make, model and registration number of the vehicle;
  - (b) the name, address and identity number of the driver of the vehicle; and
  - (c) if the driver is not the owner, the name and address of the vehicle owner.
- (3) A person commits an offence under this Section if that person fails:
  - (a) to comply with the notice referred to in subsection (1)
  - (b) the re-test referred to in subsection (1).
- (4) It shall not be a defect in proceedings under subsection (3) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

## PART VII

## EMISSIONS THAT CAUSE A NUISANCE

## 134. Prohibition-

Any occupier or owner of premises from which a nuisance emanates, or where a nuisance exists, is guilty of an offence.

## 135. Abatement notice-

(1) Council or an authorized person may serve abatement notice on any person whom the authorized person reasonably believes is likely to commit or has committed an offence under section 134, calling upon that person:

- (a) to abate the nuisance within a period specified in the notice;
- (b) to take all necessary steps to prevent a recurrence of the nuisance; and
- (c) to comply with any other conditions contained in the notice.

(2) For the purposes of subsection (1), an authorized person may form a reasonable belief based on his or her own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the abatement notice is to be served.

(3) An abatement notice under subsection (1) may be served:

- (a) upon the owner of any premises, by:
  - (i) delivering it to the owner or if the owner cannot be traced or is living abroad that person's agent;
  - (ii) transmitting it by registered post to the owner's last known address, or the last known address of the agent; or
  - (iii) delivering it to the address where the premises are situated, if the owner's address and the address of the agent are unknown;
- (b) upon the occupier of the premises, by:
  - (i) delivering it to the occupier;
  - (ii) transmitting it by registered post to the occupier at the address at which the premises are situated.

(4) Any person who fails to comply with an abatement notice served on that person in terms of subsection (1) is guilty of an offence.

(5) In addition to any other penalty that may be imposed, a court may order a person convicted of an offence under subsection (4) to take steps the court considers necessary within a period determined by the court in order to prevent a recurrence of the nuisance.

## 136. Steps to abate nuisance-

At any time, the Council may at its own cost take whatever steps it considers necessary in order to remedy the harm caused by the nuisance and prevent a recurrence of it, and may recover the reasonable costs so incurred from the person responsible for causing the nuisance.

## PART VIII

## 137. APPEALS-

(1) Any person may appeal against a decision taken by Council or an authorized person under this by-law by giving written notice of the appeal, in which the reasons for the appeal are stated, to the municipal manager within 30 days of the date on which that person receives notification of the decision.

(2) Pending confirmation, variation or revocation of the decision in terms of subsection (4), any person appealing a decision in terms of subsection (1), unless the Council provides otherwise:

- (a) must nonetheless substantively comply with any obligations that may have been imposed as a result of the decision that is the subject of the appeal; and
- (b) may not exercise any rights that may have accrued as a result of the decision that is the subject of the appeal application, provided that no other person may exercise any right that may accrue either.

(3) Within 14 days of receipt of the notice of appeal, the municipal manager must:

- (a) submit the appeal to the appropriate appeal authority mentioned in subsection (5);
- (b) take all reasonable measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the appeal application, including any persons registered as interested and affected parties, are notified in writing of the appeal application and advised of their right to:
  - (i) obtain a copy of the appeal application;
  - (ii) submit written objections to the application to the municipal manager within 30 days of date of notification

(4) After the expiry of the 30 day period referred to in subsection (3)(b)(ii), the appeal authority must consider the appeal and any objections raised to it, and confirm, vary or revoke the decision.

(5) When the appeal is against a decision taken by -

- (a) an authorized person other than the city manager, then the city manager is the appeal authority; or
- (b) the city manager, then the Council or such committee as it may delegate is the appeal authority.

(6) An appeal authority must commence with an appeal within 60 days of receiving

(7) notification and must decide the appeal within a reasonable period.

## PART IX

## 138. GENERAL PROVISIONS-

- (1) In the event of a conflict within any other by-law which directly or indirectly regulates air pollution, the provisions of this by-law shall prevail.
- (2) In the event of a conflict with the National Environment Management Air Quality Act, 2004 (Act 39 of 2004) the provisions of that Act will prevail within the area of jurisdiction of the Council.

## 139. Offences and penalties-

- (1) Any person who contravenes section 121 (3), 128(2), 129(3), 130(2) or 134 of this by-law shall be liable of conviction to imprisonment not exceeding 30 days or to a fine or both a fine and imprisonment.
- (2) Any person who contravenes section 122(3), 123(2), 133(3)(a), 133(3)(b) or 135(4) of this by-law shall be liable of conviction to imprisonment not exceeding two (2) years or a fine or both a fine and imprisonment.
- (3) Any person who contravenes section 134 of this by-law shall be liable on conviction to imprisonment not exceeding one (1) year or a fine or both a fine and imprisonment.
- (4) It is an offence to:
- (a) supply false information to Council or an authorized person in respect of any issue pertaining to this by-law, or;
  - (b) refuse to co-operate with the request of an Council or an authorized person made in terms of this by-law and any person convicted of such offence shall be liable to imprisonment not exceeding 30 days or a fine or both a fine and imprisonment.
- (5) Where no specific penalty is provided, any person committing an offence in terms of this by-law is liable on conviction to imprisonment for a period not exceeding one (1) year or to a fine or to both imprisonment and a fine.
- (6) Failure to comply with a notice, direction or instruction referred to in this by-law constitutes a continuing offence.
- (7) Any person who commits a continuing offences shall be guilty of a separate offence for each day during which that person fails to comply with a notice, direction or instruction referred to in this by-law.
- (8) In addition to imposing a fine and/or imprisonment, a court may order any person convicted of an offence under this by-law:
- (a) to remedy the harm caused;
  - (b) to pay damages for harm caused to another person or property, which order shall have the force and effect of a civil judgment; and
  - (c) to install and operate at the person's own expense obscuration reading equipment.

## 140. Exemptions-

- (1) The Council may grant a temporary exemption in writing from one or all of the provisions of Part III, IV and V, provided that the Council:
- (a) is satisfied that granting the exemption will not significantly prejudice the purpose referred to in section 121(1); and
  - (b) grants any exemption subject to conditions that promote the attainment of the purpose referred to in section 121(1).
- (2) The Council may not grant an exemption under subsection (1) until the Council has:
- (a) taken reasonable measures to ensure that all persons whose rights may be significantly detrimentally effected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are aware of the application for exemption and how to obtain a copy of it;
  - (b) provide such person with a reasonable opportunity to object to the application; and
  - (c) duly considered and taken into account any objections raised.

## CHAPTER 17

## HEALTH CARE WASTE

141. Definitions: In this Chapter, unless the context otherwise indicates -

**“generator”** means any person or institution which generates health care waste;

**“genotoxic waste”** means highly toxic waste that may have mutagenic, teratogenic or carcinogenic properties and includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cytostatic drugs, chemicals and radioactive material;

**“hazardous waste”** means waste that has the potential, even in low concentrations, to have a significant adverse effect on public health and the environment because of its inherent toxicological, chemical and physical characteristics.

**“health care general waste”** means that portion of health care waste which is not hazardous

**“health care risk waste”**; means that portion of health care waste which is hazardous and includes infections waste, pathological waste, genotoxic waste, chemical waste, waste containing heavy metals, radioactive waste, and any other waste which is considered hazardous in terms of the Waste Management Series: Document 1: Minimum Requirements for the handling, classification and disposal of Hazardous Waste, 2nd Edition as published by the Department of Water Affairs and Forestry.

**“waste containing heavy metals”** means waste which includes , but is not limited to, mercury waste from thermometers, blood pressure gauges, residues from dentistry, cadmium from batteries, reinforced wood panels used in radiation proofing and drugs containing arsenic;

## 142. Separation at source and marking-

- (1) Health care waste generators, transporters, treaters and disposers have a general duty of care in terms of these By-laws and any other relevant provincial and national legislation, to separate all health care risk waste at source and to handle, package, store and dispose of health care risk waste in a safe manner that poses no threat to human health or to the environment.

- (2) Without limiting the generality of the duty in subsection (1), generators must:
- (a) ensure that the generation of health care risk waste is minimized as far as possible at source;
  - (b) separate health care waste into health care risk waste and health care general waste at the point at which it is generated;
  - (c) store health care risk waste in purpose-manufactured, leak-proof, sealable containers and must ensure that such containers used to store sharps, razors, blades, needles and any other instrument which can cause cuts, punctures or injections, are rigid and puncture-resistant;
  - (d) ensure that the radioactive waste for which he/she is responsible, is treated in accordance with the Hazardous Substances Act, 1973, (Act No. 15 of 1973);
  - (e) ensure that all the employees in their employ are adequately trained in the identification, separation, handling, storing of health care risk waste;
  - (f) take appropriate steps to ensure the health and safety of all the employees in their employ in terms of the Occupational Health & Safety Act;
  - (g) label all health care risk waste containers clearly in large, legible lettering with indelible ink with the following information:
    - i. the name, address and contact telephone number of the generator
    - ii. the words: DANGER – HEALTH CARE RISK WASTE; GEVAAR GESONDHEIDSAFVAL; and INGOZI: INKUNKUMA YEZAMAYEZA and the international bio-hazard logo; and
    - iii. the date on which the health care risk waste is removed from the premises of the generator.
  - (h) prevent public access to health care risk waste containers which are in use;
  - (i) store filled health care risk waste containers in controlled, secure areas which are reserved for the storage of health care risk waste;
  - (j) make arrangements for the removal of health care risk waste from their premises and for the transportation of health care risk waste by a person who is registered in terms of section 145 of these By-laws as a transporter of health care risk waste;
  - (k) make arrangements for the disposal of the health care risk waste by a person/institution permitted to dispose of health care risk waste in terms of these By-laws or any other applicable legislation
- (3) Generators may apply to Council for permission to handle, store and otherwise deal with health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above.

- (4) The Council may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (5) Generators may transport and dispose of health care risk waste generated on their premises, provided they do so in terms of this By-law;
- (6) Generators must:

- (a) Maintain an up-to-date written record of all health care risk waste generated and removed from their premises in a format from time to time prescribed by Council;
- (b) Obtain written notification from the disposer of the health care risk waste that the health care risk waste has been disposed of and upon receiving such notification, indicate in their written records that the health care risk waste has been disposed of by mentioning the name of the disposer and the date of disposal;
- (c) Provide copies of the record referred to in (i) and the information in (ii) to Council on a six-monthly basis or at any other frequency as may from time to time be prescribed by Council.

#### 143. Duty of transporters

- (1) Transporters must remove health care risk waste from the premises of the generator, transport, store and deliver such health care risk waste to a site at which it will be disposed of in manner which poses no threat to human health or the environment.
- (2) Without limiting the generality of the duty referred to in subsection (1), transporters must apply for a permit to be registered with the Council and must:
- (a) not remove the health care risk waste from the containers in which the generator placed it;
  - (b) transport and store the health care risk waste in such way that no member of the public can gain access to the health care risk waste or the containers in which it is stored;
  - (c) transport the health care risk waste in vehicles which:
    - i. comply with all applicable legislation as from time to time promulgated by National government or the Provincial Government of Free State or in the absence of such legislation,
    - ii. are capable of containing the health care risk waste;
    - iii. are designed to prevent spillage;
    - iv. are constructed of materials which are easy to clean and to disinfect;
    - v. are capable of being secured in order to prevent unauthorised access
  - (d) deliver health care risk waste only to a person and site permitted to dispose of health care risk waste in terms of section 144
- (3) Transporters may apply to Council for permission to remove, transport, store and deliver health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above
- (4) The Council may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (5) Transporters may dispose of health care risk waste provided they do so in terms of these By-laws

(6) Transporters must maintain a written record in respect of each collection and delivery of health care risk waste, which they must update simultaneously with each collection and delivery. The record must be in the format as prescribed from time to time by Council and must be kept for a period of three years from date on which the health care risk waste is delivered to the disposal site. Transporters must keep a copy of the said record in the vehicle used for the transportation of the health care risk waste.

#### 144. Disposal of Health Care Risk Waste-

(1) Health care risk waste may only be disposed of by a person –

- (a) Who holds a permit to operate a hazardous waste site in terms of section 20 of the Environmental Conservation Act, 73 of 1989,
- (b) Who complies to all the terms and conditions attached to such a permit.

(2) A person permitted in terms of subsection (1) to dispose of health care risk waste must do so at the site at which the permit permits him or her to dispose of health care risk waste and may not dispose of health care risk waste at any other place.

(3) Persons who dispose of health care risk waste must:

- (a) maintain an up to date written record as required in terms of the National Waste Information System and any additional information as may from time to time be required by the Council of all health care risk waste received and disposed of at the site;
- (b) keep such records for a period of three years or for a such period as may be prescribed in terms of the guidelines provided for compliance to the National Waste Information System, whichever the shortest.

#### 145. Duty to register

(1) Every generator must register with the Council within 6 months of the coming into effect of these By-laws by completing and submitting a written notification to Council in the format prescribed from time to time.

(2) Every transporter must register with the Council within 6 months of the coming into effect of these By-laws by completing and submitting a written notification to the Council in the format prescribed from time to time.

(3) Generators and transporters must notify the Council of any changes to the information provided in terms of subsection (1) and (2) as soon as such changes take place.

#### 146. Powers of Environmental Health Practitioner-

(1) Any environmental health practitioner in the employ of the Council may:

- (a) Enter sites and premises on which health care waste is being generated, handled, treated, stored or disposed of, or on which he or she suspects health care waste is being generated, handled, stored or disposed of,
- (b) Gain access to vehicles on which health care waste is being contained or transported, or on which he or she suspects health care waste is being contained or transported.

(2) Where an environmental health practitioner enters premises or a site or gain access to a vehicle in terms of subsection (1), he or she may, for the purposes of administering these By-laws, undertake any inspection or enquiry, including but not limited to:

- (a) inspecting the premises, site or vehicle for the presence of health care risk waste;
- (b) inspecting the manner in which health care risk waste is being, handled, stored, transported, treated or disposed of;
- (c) requesting information regarding the health care risk waste from the person who is in charge of the health care risk waste or from the person in charge of the health care risk waste or from the person in charge of the premises, site or vehicle;
- (d) examine, extract or make copies of any health care risk waste records and request an explanation from the person in charge of the record, or from the person in charge of the site, premises or vehicle.

#### 147. Offences-

Any person who contravenes any provision of the chapter or fails to comply with any notice given in relation hereto in terms of these By-laws, commits an offense.

## CHAPTER 18

### MISCELLANEOUS

148. Duties of Council- In addition to any other duty of Council in terms of this By-law or any other applicable legislation, the Council must within its area of jurisdiction:

- (a) enforce the relevant portions of this By-law;
- (b) carry out water quality monitoring at all potable, industrial and commercial water sources ;
- (c) perform food control inspections, enquiries, monitoring and observation;
- (d) monitor waste management;
- (e) undertake health surveillance of properties;
- (f) undertake surveillance and prevention of communicable diseases, excluding immunizations;
- (g) undertake effective vector control measures;

- (h) prevent environmental pollution;
- (i) monitor activities related to the disposal of the dead, and
- (j) ensure chemical safety,

#### 149. Offences and penalties-

##### (1) Any person who –

- (a) contravenes or fails to comply with any provisions of these By-laws;
- (b) fails to comply with any notice issued 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) obstructs or hinders any authorized representative or employee of the Council in the execution of his or her duties under these By-laws, is guilty of an offence and subject to subsection (2) below, liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

(2) Any person convicted of a contravention of the provisions of Chapter 19 is liable to a fine of an amount not exceeding R10,000 or imprisonment for a period not exceeding 1 year and in case of a continuing offence, to a further fine not exceeding R100 per day, 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.

#### 150. Serving of notices-

##### (1) A notice, order or other document is regarded as having been properly served if -

- (a) it has been delivered to the person concerned personally;
- (b) it has been sent by registered post or speed post to the person to whom it is addressed at his or her last known address;
- (c) it is 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;
- (d) if the address of the person concerned in the Republic of South Africa is unknown, if it has been served on that person's agent or representative in the Republic of South Africa in the manner provided for in paragraph (a),(b) or (c); or
- (e) if the address of the person concerned and of his or her agent or representative in the Republic of South Africa is unknown, if it has been posted in a conspicuous place on the premises to which it relates.

(2) A notice, order or other document which may in terms of these By-laws be served on the owner or occupier of premises may be addressed to the owner or occupier of the specified premises and need not bear the name of the owner or occupier.

#### 151. Application to the State-

These By-laws bind the State, including the Council.

#### 152. Repeal-

The By-laws listed in Schedule 3 are hereby repealed.

#### 153. Short title-

These By-laws are called the **Mangaung, Environmental Health Services By-laws** and comes into operation on the date promulgation in the Provincial Gazette.

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## SCHEDULE 1

### PUBLIC HEALTH NUISANCES

1. General Nuisances- An owner or occupier of premises creates a public health nuisance if he or she causes or allows -

- (a) any premises or part thereof to be of such a construction or in such a state as to be offensive, injurious or dangerous to health;

- (b) any street, stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, water-closet, earth closet, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap to be so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
- (c) any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;
- (d) any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;
- (e) any public building to be so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
- (f) any dwelling to be occupied without proper and sufficient supply of potable water within a reasonable distance;
- (g) any factory or industrial or business premises not to be kept in a clean state and free from offensive smells arising from any drain, water closet, earth-closet, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gas, vapour, dust or other impurity generated, or so overcrowded or so badly lighted or ventilated, as to be injurious or dangerous to the health of those employed therein or thereon;
- (h) any factory or industrial or business premises to cause or give rise to any smell or effluvium which is offensive or injurious or dangerous to health;
- (i) any building, room or structure to be used wholly or partly by a greater number of persons than will allow less than 11,3 m<sup>3</sup> of free air space and 3,7 m<sup>2</sup> of floor space for each person aged 10 years or more and 5,7 m<sup>3</sup> of free air space and 1,9 m<sup>2</sup> of floor space for each person less than 10 years of age; or
- (j) the accumulation of filth, debris rubbish, glass, paper, rags, tins, lumber and the growing or presence of weeds, long grass or undergrowth which is unsightly or is likely to become a nuisance or injurious to health or to cause an annoyance to the inhabitants of the neighbourhood,
- (k) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the National Health Act, 2003 (Act 61 of 2003) or any other relevant health legislation.
- (l) Any other condition at or on a place or premises whatever, which in the opinion of Council is or can be detrimental, dangerous, inconvenient, offensive, injurious or dangerous to health; or which may in any other way cause a risk of disease, death or injuries.

## 2. Pest control-

- (1) An owner or occupier of premises creates a public health nuisance if -
  - (a) the premises are maintained in a manner that attracts or harbours rodents or other pests, or is conducive to the breeding thereof;
  - (b) flies are being attracted to, or can breed on, the premises, in significant numbers because
    - (i) insufficiently rotted manure or any other organic material is being kept or used; or
    - (ii) any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies;
- (2) The following measures are approved measures for the purposes of subsection (1)(c)(iv) -
  - (a) draining accumulated water at least once every seven days;
  - (b) covering accumulated water with a larvicide's at least once every seven days; and
  - (c) in the case of wells, providing a mosquito-proof cover and a pump.

## 3. Air pollution- An owner or occupier of premises creates a public health nuisance if-

- (a) any waste on the premises is burned outside except in an approved appliance;
- (b) ash, grit, soot, smoke or any type of air is emitted from any chimney or appliance or from any other means on the premises in a manner or quantity that is, in the opinion of Council, sufficient to have an adverse impact on public health, or that may cause a nuisance;
- (c) the erection or destruction of a building or structure causes dust to be discharged into the surrounding atmosphere in a manner or quantity that is, in the opinion of Council, sufficient to have an adverse impact on public health; or
- (d) Any dust is generated on, and emitted from the premises due to any activity or process and discharged into the surrounding atmosphere in a manner or quantity that is, in the opinion of Council, sufficient to have an adverse impact on public health.

## 4. Fouling and littering of public places and open spaces.

- (1) A person creates a public health nuisance if he or she throws, dumps, stores, keeps or drops refuse, rubbish, glass, tins, paper, car wrecks or parts of motor vehicles, dead animals, waste water or flushing water or other litter or waste, whether liquid or solid, on or in a street, road, bridge, thoroughfare, open space, vacant stand, public place or erf, spruit or watercourse, or cause or permit it to be thrown, dumped or dropped there, or cause or permit any such liquid to flow into such a place.

- (2) The person who has contravened sub item (1), must remedy, to the satisfaction of the environmental health practitioner, any damage to the environment which resulted from such contravention.

## SCHEDULE 2

### SCHEDULED USES

The activities and uses of premises listed in this Schedule are considered to pose an unacceptable risk to public health unless the measures specified in the relevant Chapter of these By-laws and where required, in a permit or registration, are taken to avoid the risk or to reduce it to a level acceptable to the Council.

**Part A: Activities for which a permit / registration is required**

Chapter	Section	Activity
2	6	Camping
5	31	Provision of service to remove human excrement or urine
5	32	Installation of sewage works
7	46	Offensive trades
8	53	Hairdressing, Beauty and cosmetology services
10	62	Accommodation Establishments
12	80	Keeping of poultry
12	84	Keeping of rabbits
12	89	Dog Kennels and catteries
12	100	Keeping bees
15	111	Laundry
16	122	Air pollution (Equipment)
16	129	Air pollution (Open burning of material)
17	143	HCRW Generator and Transporter

**Part B: Scheduled uses**

Chapter	Scheduled use
4	Sanitary services
5	Private Sewage Works
6	Water
7	Offensive Trades
8	Hairdressing, Beauty and Cosmetology Services
9	Second-hand Goods
10	Accommodation Establishments
11	Swimming Pools and Spa-Baths
12	Keeping of Animals
15	Laundry Establishments
16	Air pollution

**SCHEDULE 3**

Name	Number
Public Health By laws and Sanitary Regulations	AN No 13 of 1936
Regulations relating to Pet Shops and Pet Salons	AN No 5 of 1989
Regulations for the Control of Barbers, Hairdressers and Beauty Saloons	AN No. 137 of 1984
Regulations relating to Noxious or Offensive Trades	AN No 82 of 1992
By laws relating to Laundries	LGN No 111 of 28 October 2005



**MANGAUNG METROPOLITAN MUNICIPALITY****PROMULGATION NOTICE****Firefighting Services By-laws****Passed by Council, October 2013**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Firefighting Services By-laws, at the sitting dated 10 October 2013.
- 2) The by-laws are published for the purpose of general public notification.

**Sibongile Mazibuko  
City Manager**

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4. Pretending to be a member
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6. Making Service equipment and manpower available

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12. Access for fire-fighting and rescue purposes
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## PART I DEFINITIONS

### 1. Definitions

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

**"access door"** means any door that provides access to an emergency route;

**"activity"** means any work that needs to be performed to test, to service, to renew and/or to replace an extinguisher, hose reel, fire installation and/or service installation;

**"animal"** means any animal that is kept for domestic or agricultural purposes within the area of the municipality;

**"building"** includes -

(a) any structure, whether temporary or permanent, irrespective of the materials used in its erection, erected or used for or in connection with -

- (i) the accommodation or convenience of human beings and animals;
- (ii) the manufacture, processing, storage, display or sale of any goods;
- (iii) the provision of any service;
- (iv) the destruction or treatment of refuse or other waste materials; and
- (v) the cultivation of any plant or crop;

(b) any wall, swimming-bath, swimming-pool, reservoir or bridge, or any other structure connected with it;

(c) any fuel pump or any tank used in connection with it;

(d) any part of a building, including a building as defined in paragraph (a), (b) or (c); and

(e) any facility or system, or part or portion of it, within or outside but incidental to a building, used for the provision of a water supply, drainage, sewerage, storm-water discharge, electricity supply or other similar service in respect of the building;

**"Building Control Officer"** means the person appointed or deemed to be appointed as a building control officer by a local authority in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

**"certificate of appointment"** means an identification document issued by the Chief Fire Officer to a member;

**"certificate of fitness"** means a certificate contemplated in section 20 of these by-laws, which certificate has been issued by the Chief Fire Officer in terms of fire related requirements to authorise a person to occupy designated premises (which are a public building) accordingly;

**"certificate of registration"** means a certificate issued by the Chief Fire Officer in terms of section 24 of these by-laws which authorises a person to occupy registered premises, or to use the premises for spray-painting activities or for the storage or handling of dangerous goods, by having complied to all fire related requirements.

**"Chief Fire Officer"** means the person appointed by the Council in terms of section 5(1) of the Fire Brigade Services Act, No. 99 of 1987), and includes any member who exercises any power or performs any duty delegated by the Chief Fire Officer to the member under section 19 of the Act, and also includes an Acting Chief Fire Officer appointed in terms of section 5(3) of the Act, and any person acting in the position of the Chief Fire Officer and "Fire: Chief" has a corresponding meaning;

**"code of practice"** means the code of practice as defined in section 1 of the Standards Act, 1993 (Act 29 of 1993);

**"control room"** means a room on any premises which is specifically designed, built and equipped to coordinate and control an emergency situation in or on the premises in question;

**"Council"** means the municipal council of the Mangaung Metropolitan Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;

**"dangerous good"** means any substance, mixture of substances, product or material that has been declared to be a Group I, II, III, IV, V, VI, VII, VIII or IX dangerous good in terms of section 2(1) of the Hazardous Substances Act, 1973;

**"designated premises"** means any premises designated by the Chief Fire Officer with a view to an emergency evacuation plan as contemplated in section 16 of these by-laws;

**"device"** means any vehicle, mechanical or electrical implement, electrical motor, machine, instrument, apparatus or other implement of which the whole or any part is used or is capable of being used for, in or in connection with the manufacture, treatment, provision, delivery, supply, packaging, labelling, storage, conveyance, loading and unloading, handling, preparation, serving or administering of any grouped dangerous good, and includes any delivery pump, filling device, spray-painting device and mechanical hoist;

**"discharge"** means the ignition or activation of any fireworks whatsoever;

**"distance to be covered"** means the distance that a person would in normal circumstances have to cover to exit a room, measured from the furthest point in the room;

**"dump"**, in relation to a grouped dangerous good, means to deposit, discharge, spill or release that substance (whether or not the substance in question is enclosed in a container), or to have it or permit it to be deposited, discharged, spilled or released, or to deposit, discharge, spill or release it in such a way or place, or under such circumstances or for such a period, or to have it or permit it to be so deposited, discharged, spilled or released in a manner that reasonably indicates the intention to abandon or discard the substance, and "dumping", "spilling" and "spill into" have a corresponding meaning;

**"emergency"** means an incident or eventuality that poses or may pose a serious threat to any person, environment or property, and "emergency situation" has a corresponding meaning;

**"emergency evacuation plan"** means a written procedure and a set of detailed plans as contemplated in Annexure B to these by-laws;

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

**"explosive(s)"** means explosive as defined in the Explosives Act, No. 15 of 2003 and any Regulations promulgated under the Act

**"facility"** means any storage tank, whether above ground or below ground, or any transportable or refillable container that can be used for the keeping of dangerous goods, and includes the fuel tank of a motor vehicle, aircraft, vessel, ship or boat;

**"fire area"** means the area of jurisdiction of the Council in which provision is made for fire protection as defined in SANS 10090;

**"fire-fighting equipment"** means any portable fire extinguisher, mobile fire extinguisher, hose reel or fire hydrant;

**"fire installation"** means any water installation, which conveys water solely for fire fighting;

**"fire risk category"** means a fire area being divided into sub-areas, which fall into one of the following fire-risk categories:

- |                    |   |
|--------------------|---|
| <b>Category A:</b> | Central business districts and extensive commercial and industrial areas normally found in cities and large towns (areas where the risk to life and property are likely to be high due to fire occurrence and spread).  |
| <b>Category B:</b> | Limited central business districts, smaller commercial or industrial areas normally associated with small towns and decentralized areas of cities and large towns (areas where the risk to life and property is likely to be moderate due to fire occurrence and spread).                               |
| <b>Category C:</b> | Residential areas of conventional construction.   |
| <b>Category D:</b> | Rural risks of limited buildings and remote from urban areas.   |
| <b>Category E:</b> | Special risks. Individual risks requiring a pre-determined attendance over and above the predominant risk category in an area. Includes large shopping/entertainment centres, informal settlements, harbors, hospitals, prisons, large airport buildings, high-rise buildings and petrochemical plants. |

**NOTE:** High-rise buildings, as defined in SANS 10400, are an integral part of central business districts and would therefore be included in Category A. Buildings with major fire safety deficiencies may, however, be classed as special risks.

**"fireworks"** means explosives under Class 7, Division 2, shop goods only, as contemplated in Regulation 9.1 under the Explosives Act, 1956 (Act 26 of 1956);

**"hazardous substance"** means any hazardous substance contemplated in the Hazardous Substances Act, No. 15 of 1973, any regulations made under that Act."

**"liquefied petroleum gas"** means a mixture of light hydrocarbons (predominantly propane, propene, butane, butene) that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature"

**"member"** means a member of the Service as contemplated in section 6 and 6A(5) of the Fire Brigade Services Act, 1987;

**"municipality"** means the Mangaung Metropolitan Municipality, and when referred to as -

- (a) an entity, means Mangaung Metropolitan Municipality as described in section 2 of the Systems Act; and
- (b) a geographic area, means the municipal area of Mangaung Metropolitan Municipality as determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998)

**"National Building Regulations"** means the National Building Regulations made in terms of section 17 of the Act and to be read in conjunction with the Building Standard Act 103 of 1977 as amended;

**"occupancy"**, in relation to any public building, means the assembly of people in or on any such premises **"occupier"** means any person who occupies or has control over any premises, ;

**"owner"**, in relation to land or premises, means the registered owner of the land or premises, and includes any person who receives the rental or profit from the land or premises , whether for his/her own account or as an agent and, in relation to a sectional title scheme in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), for the purposes of section 18 of the Fire Brigade Services Act, 1987, the body corporate as contemplated in the Sectional Titles Act, 1986, and, in the case of a deceased or insolvent estate, the executor or the curator respectively;

**"premises"** means land, a building or other construction or structure, or any part of it, and includes -

- (a) a train, boat, ship, aircraft or other vehicle, excluding, where applicable, the fuel tank of any such vehicle; and
- (b) any building or room in which explosives are stored, kept or handled

**"public building"** means any building where people gather to view theatrical and operatic performances, orchestral and choral recitals, and cinematographic screenings, or to attend or participate in indoor sports activities, including any place where people dance or practise or perform any physical activity;

**"public place"** means any path, street, walk-way, side-walk, park, place of rest or other place in which the public has authorised or unimpeded access;

**"rational design"** as defined in SANS 10400;

**"Guidelines"** means Guidelines for the provision of Engineering Services and Amenities

**"registered premises"** means any premises in respect of which a certificate of registration has been issued,

**"room"** means any room or other partitioning in a building;

**"SANS"** means the South African National Standards determined and approved by the South African Buro for Standards;

**"Service"** means the Fire Brigade Service established by the Council as contemplated in section 1 of the Fire Brigade Services Act, 1987;

**"spray"** means to spray, coat, plate or epoxy-coat with any hazardous substance and spraying has a similar meaning; **"service installation"** means any automatic extinguishing installation, fire pump connector, fire pump, emergency power and/or standby generator, fire detection system, fire locating system, fire alarm system, emergency lighting system, emergency evacuation communication system, mechanical ventilation system, pressure regulating system, smoke ventilation system, hoists and symbolic safety signs, and includes smoke and fire door assemblies;

**"spraying permit"** means a permit issued by the Chief Fire Officer in terms of section 45(1)(a) of these by-laws;

**"spraying room"** means any room, building or structure that is designed, built, equipped or erected solely for spraying or coating vehicles, parts of vehicles, or any other objects with Group III dangerous goods and/or combinations of Group III dangerous goods, or with any other substance, to form a decorative and/or corrosion resistant layer, or for any purpose incidental thereto, and "spraying booth" and "submersion tank", as well as any related process involving electrolysis, have a corresponding meaning;

**"storeroom"** means a room, which is constructed, equipped and maintained as contemplated in section 43 of these by-laws;

**"storey"** means that part of a building, which is situated between the top of any floor and the top of the floor above it or, if there is no floor above it, that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery is regarded as part of the storey in which it is situated): Provided that, in relation to a building -

- (a) the ground storey will be regarded as the storey in which there is an entrance to the building from the level of the adjoining ground or, if there is more than one such storey, the lower or lowest of these storeys;
- (b) a basement will be regarded as any part of the building, which is below the level of the ground storey;
- (c) an upper storey will be regarded as any storey of the building which is above the level of the ground storey; and
- (d) the height, expressed in storeys, will be regarded as that number of storeys which includes all storeys other than a basement;

**"temporary structure"** means any structure that is apparently temporary in nature;

**"vehicle"** includes a semi-trailer or trailer which has at least four wheels with independent axles and suspension systems and can be hitched to a truck-tractor, or any other motor vehicle as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996),;

## PART II ADMINISTRATIVE PROVISIONS

### ORGANISATION OF THE SERVICE

2. (1) The Council has established a Fire Brigade Service as contemplated in Section 3 of the Act, as amended,
- (2) The Council maintains the Service within its area, which includes
  - (a) the appointment of a Chief Fire Officer and the necessary members of the Service
  - (b) ensuring that the members and other personnel are properly trained;
  - (c) acquisition of vehicles, machinery, equipment, devices and accessories to ensure that the Service is effective and able to attain its objectives being:
    - (i) preventing the outbreak or spread of a fire;
    - (ii) fighting or extinguishing a fire;
    - (iii) the protection of life or property against a fire or other threatening danger;
    - (iv) the rescue of life or property from a fire or other threatening danger;
    - (v) the performance of any other function connected with any of the matters referred to in subsection 2(c)(i) to (iv).
- (3) The Chief Fire Officer is in charge of the day to day affairs and operation of the Service.
- (4) The Council may, in terms of an agreement as contemplated in section 12 of the Act, employ its Service within or outside the municipality, or within or outside the Free State Province, against payment of the tariffs as determined by the Council from time to time, or against payment in terms of or on the conditions contained in the agreement concerned.

### DRIVING SERVICE VEHICLES

3. (1) Any member may, with the authority of the Chief Fire Officer, drive a Service vehicle if he or she has the applicable driver's licence for the vehicle in question as required by the National Road Traffic Act, 1996.

**PRETENDING TO BE A MEMBER**

4. (1) No person, except a member, may wear any official clothing, uniform, badge or insignia of the Service except with the permission of the Chief Fire Officer, which permission may be granted for a certain period or purpose;
- (2) No person may pretend to be a member of the Service;
- (3) Any person who represents himself or herself as a member must identify himself or herself, if requested to do so by a member, by producing the relevant certificate of appointment.

**POWERS OF MEMBERS AND DESIGNATED OFFICERS**

5. (1) Every member, of the Service, has all the powers provided for in the Act.
- (2) A designated officer as contemplated in subsection (4)(a) may -
- (a) seize any certificate of fitness, certificate of registration or spraying permit provided for in these by-laws if the conditions of or endorsements in the document are not being complied with, or if the member has reasonable grounds to suspect that unauthorised changes have been made to the document;
  - (b) institute the relevant prosecution in connection with any contravention of this or any other section of these by-laws or have the prosecution instituted, as the case may be; and
  - (c) seize anything (hereinafter called "an object") on any premises connected with a spraying permit, certificate of registration or certificate of fitness and must remove an object or have an object removed to a place of safe custody: Provided that the seizure does not exempt any person from any other provisions of these by-laws: Provided further that the seizure is made in accordance with the following conditions:
    - (i) Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of an object.
    - (iii) After a compliance notice issued in terms of the Act or these by-laws has been complied with in full or after a prosecution has been instituted and finalised, as the case may be, an object seized must be released to the person from whose possession it was taken subject to any order of court.
- (3) A designated officer seizing an object in terms of subsection (2) shall not be liable for any damages or loss as stipulated in section 20 of the Act.
- (4) Any member may temporarily close or seal off any building, premises, road, passage or place which he or she deems necessary in the interest of public safety or for effectively fighting a fire or dealing with any other emergency that may give rise to a fire, explosion or other threat to life or limb, and the member may remove, using no more force than is reasonably necessary, any person who refuses to leave the building, premises, road, passage or place after having been requested by the member to do so.
- (5) (a) Designated officers must be appointed as peace officers and designated as such.
- (b) All designated officers have the power -
- (i) in terms of the provisions of section 56, read with section 57, of the Criminal Procedure Act, 1977 (Act 51 of 1977), to issue summons;
  - (ii) in terms of the provisions of section 341 of the Criminal Procedure Act, 1977, to issue notices;
  - (iii) in terms of the provisions of section 44 of the Criminal Procedure Act, 1977, to issue a warrant of arrest;
  - (iv) in terms of the provisions of section 41 of the Criminal Procedure Act, 1977, to request certain persons for their names and addresses and to arrest persons without a warrant of arrest if duly authorised to do so; and
  - (v) in terms of the provisions of section 54 of the Criminal Procedure Act, 1977, to serve summons in order to secure the attendance of the accused in a magistrate's court.

**MAKING SERVICE EQUIPMENT AND STAFF AVAILABLE**

6. (1) At the discretion of the Chief Fire Officer, the Service may, at the request of any body or person and at the tariffs determined by the Council from time to time, use any equipment or staff at its disposal to provide any service in connection with the objectives of the Service.
- (2) The said equipment or staff may be withdrawn summarily if the equipment or staff is required elsewhere for or in connection with an emergency situation.

**PART III****FIRE PROTECTION AND FIRE-FIGHTING****COMBUSTIBLE MATERIALS AND REFUSE**

7. (1) No person may store any combustible materials of whatever nature, or have them stored or permit them to be stored in such a manner, position and quantity as to likely pose a fire hazard.
- (2) No person may allow grass, weeds, reeds, shrubs, trees or any like vegetation to become overgrown on premises to such an extent that it may pose a fire hazard or a probable fire hazard on such premises or to any adjacent premises or any other person's property.
- (3) A designated officer may, arising from a condition referred to in this section, serve on the occupier of the premises a compliance notice to rectify the condition.
- (4) Failure to comply with a compliance notice issued in terms of subsection (3) shall constitute a contravention of these by-laws.

**MAKING FIRES**

8. (1) No person may, subject to the provisions of the Veld and Forest Fire Act, 1998 (Act 101 of 1998) within the Municipality, make an open, uncontrollable or unattended fire or permit a fire to be made in such a place or in such a manner as to pose a real or potentially real threat to any human being, animal, building, premises or other property: Provided that this prohibition is not applicable to -
- (a) a fire in a purpose-built stove, fireplace or hearth, which is an integral part of a structure;
- (b) a fire for preparing food on private premises or premises set aside for that purpose; and
- (c) a device for preparing food which device is heated by means of electricity or liquefied petroleum gas and is positioned in such a way that the device poses no threat to life or property on any premises.
- (2) No person may burn any refuse, wood, straw or other combustible materials or have them burnt or permit them to be burnt within the municipality, subject to the provisions of subsection (1).

**INSPECTION OF PROPERTIES AND INSTRUCTIONS TO OCCUPIERS**

9. (1) Any designated officer contemplated in section 5 of these by-laws may, in executing all powers delegated in terms of relevant and applicable legislation, enter any premises at any reasonable time to conduct inspections to determine whether there is any fire, emergency, dangerous goods or other hazard on the premises.
- (2) A designated officer may, arising from a condition referred to in subsection (1), serve on the occupier of the premises or any other premises a compliance notice to rectify the condition on the premises.
- (3) The Chief Fire Officer may after receipt of a written application to do so, amend the stipulations of a compliance notice issued in terms of this section.



**ACCESSIBILITY OF FIRE-FIGHTING EQUIPMENT AND FIRE FIGHTING INSTALLATIONS**

10. (1) Fire-fighting equipment and fire fighting installations must be installed in such a manner so that it is readily accessible at all times.
- (2) Any person who, in whatever way, causes or permits fire-fighting equipment or fire fighting installations not to be readily accessible is guilty of an offence.

**FIRE PROTECTION REQUIREMENTS FOR PREMISES**

11. (1) If any superfluous water unavoidably spills into or is collected in a basement for whatever reason during fire extinguishing activities, adequate means must be provided to convey the water so spilled or collected to a stormwater drain
- (2) No high- or low-voltage transformer room(s) in any building may be situated on any level other than the ground level: Provided that -
- (a) the access to the transformer room(s) is situated on the outside of the building; and
- (b) provision is made for adequate access to the transformer room(s) for fire-fighting activities or maintenance.
- (3) Whenever an approved sprinkler system is required the sprinkler system must be planned, designed and installed in accordance with SANS 10287 for automatic sprinkler installations and to the satisfaction of the Chief Fire Officer.
- (4) Any person who fails to comply with any of the provisions of subsections (1) (2) or (3) where the provisions relate to fire protection matters, is guilty of a contravention of these by-laws.

**ACCESS FOR FIRE-FIGHTING AND RESCUE PURPOSES**

12. All premises in the Municipality must be planned, designed and constructed so as to ensure that -
- (1) if a building does not front onto a street, an access road is provided, the dimensions and carrying capacity of which must be suitable for the fire engines used by the Service with specific reference to the length, width and tonnage of the fire engines: Provided that the dimensions must be equal to the largest fire engine that is likely to be used on the premises in question; and
- (2) whenever any entrance arch spans a driveway to a premises, the dimensions of the opening of the arch must be at least 3,5m wide and 4,2m high and there must be nothing causing an obstruction of the opening: Provided that if the dimensions of the entrance arch are less, another access or service gate to the premises must be provided, which access or gate is capable of being opened to 3, 5 m.

**UPKEEP AND MAINTENANCE OF FIRE-FIGHTING EQUIPMENT AND FIRE FIGHTING INSTALLATIONS**

13. (1) The owner of any premises must ensure that -
- (a) all fire-fighting equipment and fire fighting installations that have been provided or installed on or in connection with the premises are maintained in a good working condition by a competent person or firm approved by the SABS as contemplated in SANS 1475 and registered in terms of SANS 1475;
- (b) portable and mobile fire extinguishers and hose reels are serviced and maintained in accordance with the provisions of SANS 10105 and SANS 1475;
- (c) fire fighting installations are inspected and serviced by a registered person in accordance with the specifications of the manufacturers of the installations.
- (2) Any person who inspects, services, renews, replaces or repairs any fire fighting installation must -
- (a) on completing the work, certify that the fire fighting installation is fully functional; and
- (b) notify the Chief Fire Officer immediately in writing if he finds that the fire fighting installation cannot, for whatever reason, be readily repaired to its functional state.

- (3) The owner of any premises must keep a comprehensive service record of all fire-fighting equipment and fire fighting installations on his premises and submit the record to the Chief Fire Officer upon request by a designated officer.

#### **EXTRACTOR FAN SYSTEMS**

14. (1) Extractor fan systems and related ducts or similar chimney systems must be designed and installed in such a manner as to grant adequate access (that is clearly marked) for trouble-free inspection and maintenance of and repairs to the relevant mechanisms.
- (2) Every filter, damper, screen or conduit that forms an integral part of a system referred to in subsection (1) must be regularly cleaned, maintained and checked to ensure that fatty residues or any other combustible residues do not accumulate.
- (3) The conduit and outlet of any system referred to in subsection (1) must be installed so as not to pose a fire hazard or probable fire hazard to any premises or property.

#### **RATIONAL DESIGNS**

15. (1) The construction, design and/or erection of -
- (a) hangars;
  - (b) helipads;
  - (c) grain silos;
  - (d) atriums;
  - (e) air traffic control towers; and
  - (f) any other structure or building identified at the discretion of the Chief Fire Officer,
- in the municipality, must comply with an acceptable rational design, submitted to and approved by the Chief Fire Officer, which meets all the applicable requirements of Regulation T1(1) of the National Building Regulations.
- (2) Subject to the provisions of subsection (1), provision must also be made, in the case of hangars or helipads, for -
- (a) the drainage of any liquid from the floor of the hangar or helipad and/or approach to the hangar;
  - (b) the channelling of any liquid to a drainage area, which is effectively connected to a separator well;
  - (c) the prevention of any liquid from spreading from the floor of the hangar or helipad to any rooms, adjacent buildings or to the outside of the hangar; and
  - (d) earthing devices for discharging static electricity.

#### **EMERGENCY EVACUATION PLANS**

16. (1) The owner or occupier of designated premises must -
- (a) within 30 days after the premises have been designated by the Chief Fire Officer, prepare a comprehensive emergency evacuation plan for the premises, in triplicate, and must have it ready for inspection and approval by the Chief Fire Officer, which plan must be in accordance with the guidelines prescribed in Annexure B to these by-laws;
  - (b) constitute an internal emergency committee from among the internal staff and occupiers to assist with the planning and organisation of a fire protection programme, which programme includes regular, scheduled fire evacuation drills on the premises;

- (c) ensure that -
  - (i) the emergency evacuation plan is revised and updated whenever the floor layout changes or whenever the Chief Fire Officer requires revision or updating, but in any case at least every twelve months;
  - (ii) updated records of revised emergency evacuation plans, fire protection programmes, evacuation drills and related documents are kept and maintained at all times; and
  - (iii) the emergency evacuation plan and relevant documents are at all times available in a control room for inspection by the Chief Fire Officer; and
- (d) identify a predetermined place of safety outside, but in the vicinity of, the designated premises, where occupiers may gather during an emergency situation for the purpose of compiling a list of survivors.
- (e) An EEP (Emergency Evacuation Plan) box, as described in Annexure C shall be installed in a prominent position at the main entrance of the premises.
- (2) The Chief Fire Officer may from time to time -
  - (a) provide directives for updating or amending an emergency evacuation plan;
  - (b) instruct the owner or occupier of designated premises in writing to implement such fire protection programmes that, in the opinion of the Chief Fire Officer, are necessary to ensure the safety of the occupiers of the designated premises; and
  - (c) require the owner or occupier of designated premises to furnish the Chief Fire Officer with a certified copy of any emergency evacuation plan and relevant documents on such day and at such time and place as the Chief Fire Officer may determine.
- (3) The Chief Fire Officer may by written notice issued to the owner or occupier designate any premises as premises requiring an emergency evacuation plan.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **CERTIFICATES OF FITNESS FOR ALL PUBLIC BUILDINGS**

- 17. (1) The owner of any public building, or of any temporary structure which is erected or intended for holding public gatherings, must apply in writing to the Chief Fire Officer for the issuing of a certificate of fitness for every type of gathering or for the proceedings envisaged in the premises or structure, and must pay the fees, as determined by the Council from time to time, when submitting the application form as indicated in Annexure A to these by-laws.
- (2) No certificate of fitness will be issued for a public building unless all the relevant provisions of these by-laws have been complied with.
- (3) A certificate of fitness issued to the owner of a public building will be endorsed with the following information, where applicable:
  - (a) The trade name and street address of each occupier
  - (b) The type of activity of each occupier
  - (c) The name of the persons on the executive
  - (d) The permissible number of people in proportion to the usable floor area
  - (e) The number of escape doors and their widths
  - (f) A cancellation clause in the event of any applicable provision of these by-laws being disregarded
  - (g) An obligation on the part of the holder of the certificate to -

- (i) display the certificate prominently on the premises at all times; and
  - (ii) maintain the certificate in a legible condition at all times
- (h) A date, year and serial number
- (i) The date of expiry of the certificate.
- (4) A certificate of fitness is not required for a public building, which has been legally erected on commencement of these by-laws.
- (5) If the trade name of a public building changes, the holder of the certificate of fitness must ensure that the change is brought to the attention of the Chief Fire Officer immediately and in writing.
- (6) No certificate of fitness will be issued or renewed, as the case may be, unless and until the Council
  - (a) is in possession of a set of plans referred to in section 11 of these by-laws and approved by the Chief Fire Officer; and
  - (b) has received the prescribed application form identified in Annexure A to these by-laws, which form has been completed in full and correctly.
- (7) The holder of a certificate of fitness must ensure that he or she is at all times in possession of a valid certificate of fitness.
- (8)
  - (a) Any expansion or removal of or change in anything relating to or in connection with premises for which a certificate of fitness has been issued will result *ipso facto* in the cancellation of the certificate of fitness, including any other authorisation granted in terms of these by-laws.
  - (b) The provisions of this subsection are not applicable to any action which results in the temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises.
- (9) The owner must submit, on or before the first working day of the month in which the permit expires of each year, together with the prescribed fees as determined by the Council from time to time, an application for the renewal of the certificate of fitness to the Chief Fire Officer on the prescribed form: Provided that if the Chief Fire Officer for some reason requires plans of the premises in question for the purposes of the renewal application, the plans must accompany the application.
- (10) Any person who fails to comply with the provisions of this section or who alters or attempts to alter a certificate of fitness, or knowingly allows the certificate to be altered, is guilty of an offence.

#### WATER SUPPLY FOR FIRE-FIGHTING

- 18. (1) Every person who develops or redevelops a township must:
  - (a) design and develop that township with a sufficient water supply for purposes of fire fighting by members of the Service as specified in:
    - (i) SANS 10090 (Community Protection against Fire); and
    - (ii) the Guidelines
  - (b) plot the position of all fire hydrants on a plan for operational use by the Service;
  - (c) space all fire hydrants in accordance with SANS 10090 (Community Protection Against Fire), SANS 11200 and the Guidelines's specifications
  - (d) in the event that any risk area is developed or redeveloped in such a manner that the risk area falls into a higher risk category, adapt the water reticulation in accordance with the stipulations of subparagraphs (a) to (c) without delay,
- (2) No person may obtain a water connection to the water reticulation system of the Council unless fire protection plans for the premises, as contemplated in Regulation A9 of the National Building Regulations, have been approved by the Chief Fire Officer.
- (3) Every person or owner of premises who requires a water connection to the water reticulation system of the Council must-

- (a) if the premises are protected by a sprinkler installation, ensure that-
  - i. the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations and Building Standards Act, and
  - ii. the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
- (b) if the Chief Fire Officer requires a larger water connection for the premises to ensure that fire-fighting equipment functions in accordance with the appropriate design requirements as set out in Part W of SANS 10400, the owner of the premises must provide the larger water connection ; and
- (c) ensure the size, work pressure and delivery flow of any water supply, excluding a water supply as contemplated in subsection (5)(a), must be calculated and designed according to the provisions of Part W of SANS 10400 and SANS 10252, Part 1.

#### **REGISTRATION APPLICATIONS FOR EXISTING PREMISES**

19. If an owner rebuilds, alters, extends or changes the floor layout of an existing building that has been legally erected and used, or if ownership or control of the premises changes, no existing certificate of fitness, certificate of registration or spraying permit, as prescribed in Annexure A to these by-laws, will be renewed, unless and until all the appropriate provisions of these by-laws regarding an original application have been complied with.

#### **PART IV DANGEROUS GOODS**

##### **APPLICATION FOR APPROVAL OF PLANS**

20. (1) Subject to the provisions of the National Building Regulations and Building Standards Act, 1977 and the provisions of the Major Hazard Installation Regulations, every owner of premises on which there is a building in respect of which a floor layout change, addition, alteration, upgrading and, or renovation is envisaged, or the owner of premises on which bulk, above-ground and underground installations and any other structures are to be erected for the use, storage or handling of dangerous goods or erected in connection with such use, storage or handling, must submit plans in triplicate to the Council on the prescribed form obtainable from the office of the Building Control Officer.
- (2) No construction work may be started on any premises unless the building contractor is in possession of the relevant plans that have been officially certified as recommended for approval by the Chief Fire Officer and approved by the Council. For the duration of construction work on the premises the plans in question must be available for inspection by the Chief Fire Officer.
- (3) An MSDS (Material Safety Data Sheet) box, as described in Annexure C shall be installed in a prominent place at the main entrance of the premises.
- (4) Any owner of premises who fails to comply with the provisions of this section or any person who on behalf of the owner is involved in any activity contemplated in this section and fails to comply with the provisions of this section is guilty of an offence.

##### **ISSUING OF CERTIFICATES OF REGISTRATION**

21. (1) No person may on any premises use, handle or store quantities of dangerous goods in excess of the quantities referred to below or permit them to be used, handled or stored, unless and until the person is in possession of a certificate of registration as provided for in Annexure A to these by-laws and issued in respect of the specific quantities and appropriate devices on approved premises: Provided that if only one of the groupings referred to below is present on the premises and the applicable maximum permissible quantity is not exceeded, the provisions of this section are not applicable:

#### **Group I: Explosives**

Fireworks

No exemption

#### **Group II: Gases**

2.1 Flammable gases

Total cylinder capacity may not exceed 100kg

2.2 Non-flammable gases

Total cylinder capacity may not exceed 333 kg

2.3 Toxic gases

No exemption

**Group III: Flammable liquids**

- |     |   |                                       |
|-----|---|---------------------------------------|
| 3.1 | With flash points $\geq 18^{\circ}\text{C}$                             | Total quantity may not exceed 100 l   |
| 3.2 | With flash points $> 18^{\circ}\text{C}$ but $\leq 23^{\circ}\text{C}$  | Total quantity may not exceed 420 l   |
| 3.3 | With flash points $> 23^{\circ}\text{C}$ but $< 61^{\circ}\text{C}$     | Total quantity may not exceed 1 100 l |
| 3.4 | With flash points $> 61^{\circ}\text{C}$ but $\leq 100^{\circ}\text{C}$ | Total quantity may not exceed 1 100 l |

**Group IV: Flammable solids**

- |     |                           |                                      |
|-----|---------------------------|--------------------------------------|
| 4.1 | Flammable solids          | Total quantity may not exceed 250 kg |
| 4.2 | Pyrophoric substances     | No exemption                         |
| 4.3 | Water-reactive substances | No exemption                         |

**Group V: Oxidising agents and organic peroxides**

- |     |                  |   |
|-----|------------------|---|
| 5.1 | Oxidising agents | Total quantity may not exceed 200 kg                      |
| 5.2 | Group I organic  | No exemption peroxides in packets                         |
| 5.3 | Group II organic | Total quantity may not peroxides in packets exceed 200 kg |

**Group VI: Toxic/infective substances**

- |     |                                       |                                      |
|-----|---------------------------------------|--------------------------------------|
| 6.1 | Group I toxic substances in packets   | Total quantity may not exceed 5 kg   |
| 6.2 | Group II toxic substances in packets  | Total quantity may not exceed 50 kg  |
| 6.3 | Group III toxic substances in packets | Total quantity may not exceed 500 kg |
| 6.4 | Infective substances                  | No exemption                         |

**Group VII: Radioactive materials** No exemption**Group VIII: Corrosive/caustic substances**

- |     |   |  |
|-----|---|--|
| 8.1 | Group I acids in packets                | Total quantity may not exceed 50 kg    |
| 8.2 | Group II acids in packets               | Total quantity may not exceed 200 kg   |
| 8.3 | Group III acids in packets              | Total quantity may not exceed 1 000 kg |
| 8.4 | Group I alkaline substances in packets  | Total quantity may not exceed 50 kg    |
| 8.5 | Group II alkaline substances in packets | Total quantity may not exceed 200 kg   |

8.6 Group III alkaline substances in packets Total quantity may not exceed 1 000 kg

**Group IX: Miscellaneous substances**

9.1 Liquids Total quantity may not exceed 210 l

9.2 Solids Total quantity may not exceed 210 kg

- (2) No person may, on any unregistered premises, store, use or handle any of the dangerous goods referred to in subsection (1), or have them stored, used or handled, or permit them to be stored, used or handled, unless the dangerous goods are stored, used or handled in such place or in such manner as to ensure that -
  - (a) no dangerous good or fumes of the substance come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition that may cause the dangerous good or fumes to catch fire; and
  - (b) the escape of human beings or animals is not hindered or obstructed in the event of a fire or an emergency situation.
- (3) No person may, on any unregistered premises, use or handle dangerous goods, or have them used or handled or permit them to be used or handled on the premises, except in a suitable place out of doors to ensure that any fumes can escape freely, or in a properly and naturally ventilated room to ensure that any fumes or gas does not collect in the room but is effectively disposed of.
- (4) Dangerous goods may be stored on unregistered premises only if the dangerous goods are, when not in use, stored in strong, labelled containers that seal tightly.
- (5) No certificate of registration will be issued in respect of premises for the use, handling or storage of dangerous goods, unless all the applicable provisions of these by-laws have been complied with and a written application for registration, on the prescribed form, as described in Annexure A to these by-laws, has been submitted to the Chief Fire Officer, together with the fees determined by the Council from time to time by way of resolution.
- (6) When a certificate of registration is issued, the certificate must be endorsed with the following conditions, namely that the certificate -
  - (a) must at all times be displayed in a weatherproof container in a conspicuous place on the premises designated by a member of the Service;
  - (b) must be maintained in a legible condition at all times;
  - (c) must reflect the groups and the quantities of dangerous goods for which the premises has been registered;
  - (d) must reflect the number of aboveground and underground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility;
  - (e) must reflect the number of storerooms and the total capacity of each storeroom;
  - (f) must reflect the number of gas installations, the type of gas installation and the total volume and delivery capacity of each installation;
  - (g) must specify the number of storage facilities for other dangerous goods and reflect the volumes intended for each facility;
  - (h) must reflect a serial number;
  - (i) must indicate whether the issue of such certificate is permanent or temporary;
  - (j) must reflect the period of validity and the expiry date of the certificate: Provided that the period of validity will be only twelve calendar months, calculated from the date of issue, and written application for renewal of the certificate reaches the Chief Fire Officer at least one calendar month prior to the expiry date;
  - (k) is not transferable from premises to premises;

- (l) must, subject to section 19 of these by-laws, be transferable from owner to owner and/or from control to control on the same premises: Provided that -
    - (i) application for such transfer is made to the Chief Fire Officer on the prescribed form; or
    - (ii) if the trade name of the premises changes, the holder of the spraying permit or certificate of registration must ensure that the change is immediately brought to the attention of the Chief Fire Officer;
  - (m) will not be issued unless the Chief Fire Officer is in possession of a set of approved plans as required by section 20 of these by-laws; and
  - (n) will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted.
- (7)
- (a) Any person who has a legal certificate of registration in his or her possession may apply in writing on the prescribed form to have the total quantity of dangerous goods, flammable liquids and number of underground tanks, storerooms, gas installations and other storage areas amended, according to need, and the form must be accompanied by the prescribed fee.
  - (b) The Chief Fire Officer will approve an application only if the proposed amendments comply with the provisions of these by-laws.
  - (c) If the application is approved, the applicant must submit his or her certificate of registration to the Chief Fire Officer for amendment.
- (8) The holder of a certificate of registration must ensure that he or she is at all times in possession of a valid certificate of registration.
- (9) No person may alter or attempt to alter any certificate of registration.

#### SUPPLY OF DANGEROUS GOODS

- 22.
- (1) No person may -
    - (a) supply more dangerous goods than the quantities referred to in section 21(1) of these by-laws to any unregistered premises, or have them supplied or permit them to be supplied;
    - (b) deliver or supply more dangerous goods than the quantity specified in the applicable certificate of registration or dangerous goods of a group other than that specified in such certificate of registration to any premises or person, or have them delivered or supplied or permit them to be delivered or supplied.
  - (2) No person may handle any container containing a dangerous good in a manner that will or may damage that container, or permit the container to be damaged.

#### EXEMPTIONS

- 23.
- (1) Notwithstanding anything to the contrary in these by-laws -
    - (a) flammable liquids are not deemed to be stored, handled or transported whenever the liquids are, for normal use, in the fuel tank of a motor vehicle;
    - (b) flammable liquids are not deemed to be stored, handled or transported if the liquids are in the fuel tank of a stationary engine: Provided that the volume of the fuel tank does not exceed 1 100 L and the fuel tank is surrounded by a liquid-proof retaining wall filled with -
      - (i) granite ballast with a nominal diameter of at least 40 mm; or
      - (ii) quartzite ballast with a nominal diameter of at least 50 mm:

Provided further that the bund area must be capable of containing the maximum capacity of the fuel tank, plus 10% of the volume of the tank.



**RENEWAL OF SPRAYING PERMITS AND  
CERTIFICATES OF REGISTRATION**

24. (1) Any holder of a certificate of registration or spraying permit must, at least thirty days prior to the expiry date of the permit, submit an application for renewal of the certificate or permit to the Chief Fire Officer on the prescribed form, which form must be accompanied by the fees determined by the Council from time to time : Provided that the Chief Fire Officer may require additional or amended plans of the premises in question for the purposes of renewal.
- (2) The period of validity will be only twelve calendar months, calculated from the date of issue of the original certificate.

**TEMPORARY STORAGE OF DANGEROUS GOODS**

25. (1) The Chief Fire Officer may grant a temporary certificate of registration for a period of not more than six months to any person who, for bona fide reasons, requires more dangerous goods on the premises than the quantities contemplated in section 21(1) of these by-laws: Provided that –
- (a) if the dangerous goods are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to 14 000 ℓ;
  - (b) an application is submitted on the prescribed form, accompanied by the fees determined by the Council from time to time, together with the plans required by section 20 of these by-laws; and
  - (c) the duration of the temporary storage is at the discretion of the Chief Fire Officer.
- (2) Any person whose application for a temporary storage tank is approved must ensure that –
- (a) the storage tank is surrounded by a liquid-proof retaining wall filled with -
    - (i) granite ballast with a nominal diameter of at least 40 mm; or
    - (ii) quartzite ballast with a nominal diameter of at least 50 mm:

Provided further that the bund area must be capable of containing the maximum capacity of the fuel tank, plus 10% of the volume of the tank.
  - (b) provision is made for the run-off of any possible rainwater from the retaining walls or retaining embankments;
  - (c) the storage tank is not erected within 5 m of any erf boundary, building, excavation, road or driveway;
  - (d) no source of ignition or potential ignition is brought within 5 m of the storage tank;
  - (e) symbolic signs prohibiting smoking and open flames, at least 300 mm x 300 mm in size, are affixed to all sides of the temporary installation; and
  - (f) a minimum of two 9kg dry chemical fire extinguishers are installed within 10 m of the temporary installation.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

**DELIVERY OF DANGEROUS GOODS**

26. (1) Any person delivering dangerous goods to any supplier or user –
- (a) may not, while delivering, park any delivery vehicle on or across a pavement or on or across a public road;
  - (b) may not, while delivering, let any delivery hose lie on or across a pavement, public road or other premises, or go through or over a building or have it lying there;
  - (c) must ensure that, while delivering, a 9kg dry chemical fire extinguisher is ready at all times;

- (d) must ensure that, during the transferral of dangerous goods, the delivery vehicle is physically earthed with the storage facility to which the dangerous goods are being transferred;
  - (e) must ensure that, while delivering, the delivery vehicle is in such a position that it can be removed quickly and easily in the event of an emergency situation without exacerbating the situation;
  - (f) must ensure that no dangerous good is transferred from a delivery vehicle to a facility that is leaking or broken; and
  - (g) where delivery is done with a road tanker, as defined by the Road Traffic Act provision shall be made as to ensure that the delivery vehicle does not require to reverse out of any emergency situation.
- (2) The owner of any device connected with or used for the delivery of a dangerous good must ensure that the device is designed for the specific purpose and is in a safe and good working condition.
  - (3) The person in charge of any delivery process of a dangerous good must take reasonable precautionary measures to ensure that no dangerous good is spilled during delivery on any surface when the substance is transferred from a delivery vehicle to a storage facility.
  - (4) No person may transfer any dangerous good to a motor vehicle, aircraft, vessel or boat while the power source thereof is in operation or permit the substance to be transferred.
  - (5) No person may transfer a dangerous good to an aircraft unless and until the aircraft has been earthed with the transferral device by means of an earth cable.

#### PROHIBITION OF CERTAIN ACTIONS

- 27. (1) Any person who stores, uses or handles dangerous goods on premises or has them stored, used or handled or permits them to be stored, used or handled on the premises may not -
  - (a) do anything or allow anything to be done that may reasonably result in or cause a fire or an explosion; and
  - (b) do anything or allow anything to be done that may obstruct the escape to safety of any human being or animal during an emergency.
- (2) No person may
  - (a) dump or spill any dangerous good into any borehole, pit, sewer, drain system or surface water or permit it to be done,
  - (b) discard or allow the discarding of dangerous goods in any manner other than by an organisation that is fully equipped to do so.
  - (c) light, bring or use, any fire or anything else that produces or is capable of producing an open flame or permit any other person to do so, within 5 metres of any place where dangerous goods are stored.
  - (d) use or allow to be used any device in connection with dangerous goods in any basement level in a building, excluding a gas welding device or gas cutting device for the sole purpose of maintenance of that building, .
  - (e) while any other person, except the driver or any other person responsible for the bus contemplated in the National Road Traffic Act, is in or on the bus –
    - i. fill the fuel tank or permit it to be filled, or
    - ii. transport or allow the transport of any dangerous good in or on such bus, except in its fuel tank,
  - (f) deliver or supply or allow to be delivered or supplied, any dangerous goods to any premises unless the owner or person in charge of the premises is in possession of a valid certificate of registration.

**"NO SMOKING" SIGNS**

28. The owner of a building, where flammable or explosive dangerous goods are used, stored and handled, must, in the affected areas display symbolic signs-
- (a) prohibiting smoking and open flames, which conform with SANS 1186 and are of the appropriate size as specified by the Chief Fire Officer and
  - (b) prominently in appropriate places where the sign can be clearly observed.

**FIRE-FIGHTING EQUIPMENT AND FIRE FIGHTING INSTALLATIONS**

29. (1) Notwithstanding anything to the contrary in these by-laws, the person to whom the certificate of registration in terms of section 21 of these by-laws or a spraying permit in terms of section 42(1) of these by-laws has been issued must ensure that all premises to which such certificate of registration or spraying permit applies are equipped with -
- (a) portable fire extinguishers to the satisfaction of the Chief Fire Officer,
  - (b) hose reels to the satisfaction of the Chief Fire Officer,
  - (c) fire hydrants to the satisfaction of the Chief Fire Officer, and
  - (d) approved sprinkler systems to the Chief Fire Officer.
- (2) Fire-fighting equipment and fire fighting installations must be inspected and serviced by a registered person in accordance with the specifications of the manufacturers of the equipment to the satisfaction of the Chief Fire Officer.
- (3) If fire-fighting equipment is not positioned prominently, the position of the equipment must be indicated by symbolic safety signs to the satisfaction of the Chief Fire Officer.

**REPORTING OF FIRES, ACCIDENTS AND DUMPING**

30. (1) The occupier of any premises must immediately report any fire, accident or dumping involving dangerous good on the premises that has caused damage to property, the ecology or the environment or injury to human beings or animals to the Chief Fire Officer, who in turn must report incidents involving the ecology or the environment to the Council's official responsible for Environmental Management.
- (2) The Chief Fire Officer may recover any costs incurred by the Municipality from any person causing damage, pollution,

**SAMPLING**

31. (1) Whenever a designated officer inspects any premises and suspects that a substance on the premises is hazardous, the Chief Fire Officer may compel the owner or occupier of such premises to have a sample taken and analyzed for the cost of the owner or occupier of such premises.
- (2) Any sample:
- (a) so taken must be taken in the presence of the owner or occupier or any other third party;
  - (b) must be divided into two equal parts and be sealed in similar suitable containers, one of which must be provided to the Chief Fire Officer, with the following information on the containers:
    - (i) The address and the location of the premises
    - (ii) The trade name of the premises or concern
    - (iii) The name and signature of the persons who are present, as contemplated in subsection (1)
    - (iv) The date on which and time at which the sample was taken
    - (v) A description of the exact location on the premises where the sample was taken;

- (c) must be taken immediately to an accredited institution as determined by the Chief Fire Officer for an analysis and a report: Provided further that the results of the analysis may, subject to the rules of the law of evidence, be used as evidence in any potential legal steps that the Chief Fire Officer may consider and/or deem necessary, as the case may be.

#### **STORAGE TANKS AND DEVICES THAT HAVE BECOME OBSOLETE**

32. (1) The owner or user of any storage tank or related device that has become obsolete must, in accordance with the provisions of section 33 of these by-laws, remove the tank, installation or device or have the tank or device removed, or fill up the tank with matter approved by the Department of Environmental Affairs and Tourism in order to render the tank safe.
- (2) The owner or user of any storage tank or related device, removed in accordance with subsection (1), must dispose of such a storage tank or related device in the manner approved by the Chief Fire Officer.

#### **INSTALLATION, ERECTION, REMOVAL AND DEMOLITION**

33. (1) In addition to any other applicable legislation, any person who intends to erect, install, remove, demolish, extend or alter any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement and floor layout in respect of premises or anything connected with the premises, or has any of the above erected, installed, removed, demolished, extended or altered, must notify the Chief Fire Officer of his or her intentions at least three working days prior to the commencement date and estimated completion date, and this notification must be made on the form described in Annexure A to these by-laws
- (2) Failure to comply with subsection (1) will *ipso facto* cancel the certificate of registration and spraying permit, as the case may be, in so far as such failure is connected with the matter, as well as any other authorisation, including an exemption granted in terms of these By-laws: Provided that the provisions of this section are not applicable whenever -
- (a) anything is removed temporarily for carrying out repairs thereto or in connection therewith;
- (b) any aboveground or underground equipment and/or parts of the equipment are replaced; and
- (c) any aboveground or underground storage tanks are replaced with tanks of the same capacity.
- (3) (a) Subject to the provisions of section 20, no structure, installation or building may, after completion of the action referred to in subsection (1), be re – erected, re – used or re – installed on the same premises.
- (b) After re – erection, re – use or re – installation as contemplated in subsection (3) (a) application must be made for a certificate of fitness, spraying permit or certificate of registration in accordance with the provisions of PART IV, DANGEROUS GOODS, of these by-laws.

#### **GROUP I DANGEROUS GOODS**

34. All Group I dangerous goods (explosives) must be handled, used, stored and transported in accordance with the provisions of SANS 10228, 10229, 10232 and 10263, the Explosives Act, 2003, and the Hazardous Substances Act, 1973, and any regulations made under these Acts.

#### **GROUP II DANGEROUS GOODS**

35. (1) All portable metal containers and related devices for Group II dangerous goods must be manufactured, marked, maintained, filled and stored in accordance with the provisions of SANS 10019, SANS 10228, SANS 10229 and SANS 10238, as the case may be.
- (2) All portable metal containers for liquefied petroleum gas must be stored, filled and installed in accordance with the provisions of SANS 10228, SANS 10229, SANS 10238, SANS 10019 and SANS 10087, Parts I to VIII, as the case may be.
- (3) All portable containers for Group II liquefied, flammable, toxic, corrosive and dissolved gases as defined in SANS 10019 must at all times be transported, stored and installed in a vertical position.
- (4) All bulk containers for Group II dangerous goods must be designed, manufactured, maintained and installed in terms of the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and any regulations made under the Act; SANS 10087, Part III; and the provisions of the National Building Regulations and Building Standards Act, 1977, and any regulations made under the Act, as the case may be.

- (5) (a) No Group II flammable, toxic, and corrosive gas may, for any reason whatsoever, be used, stored, handled or installed indoors in any manifold installation or otherwise on any premises.
- (b) The provisions of this section are not applicable to the storage, use, handling or installation of a portable liquefied petroleum gas container of a maximum water capacity of 45 ℓ inside a detached private dwelling-house (H4 occupancy classification in terms of Regulation A 20 of the National Building Regulations), on condition that the container is used solely for bona fide residential purposes: Provided that liquefied petroleum gas will only be permitted indoors on condition that the prospective user ensures that there is sufficient natural ventilation from the room to the outdoors to ensure that any gas concentration in the room that may be caused by a leakage or potential leakage of the gas or by a negligent action in respect of the use of the gas will be so neutralised as not to be within the recognised explosive limits for the gas.
- (6) The design and construction of any liquefied petroleum gas manifold shall comply with the provisions of SANS 10087-1.
- (7) No person may, without the permission of the Chief Fire Officer, use, handle, display or apply any hydrogen-filled portable containers, hydrogen devices or hydrogen balloons indoors, for whatever purpose.
- (8) Whenever any person uses acetylene welding or cutting devices indoors, these devices must be used strictly in accordance with the requirements of SANS 10238: Provided that the Chief Fire Officer may prescribe additional fire protection requirements concerning the installation, storage and use of the devices.
- (9) The installation within the municipality of pipelines for any Group II dangerous good, and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 19, 20, 21, 22, 24, 26 and 28 of these by-laws.
- (10) Any pipeline for a Group II dangerous good must comply with the following requirements except where the owner or the person in charge of the pipeline is exempted in terms of Section 15 of the Gas Act, No. 48 of 2001 from obtaining a license from the Gas Regulator:
  - (a) The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1 600 ℓ per minute at a work pressure of 300 kPa, and these fire hydrants must be parallel to the pipeline at every pump station within the area : Provided that where the installation of fire hydrants is not possible, the Chief Fire Officer may prescribe such alternative means of water provision deemed necessary to effect adequate fire protection of the installation. The owner must maintain the fire hydrants in a working condition at all times.
  - (b) The owner of the pipeline must provide sufficient cathodic protection if required for the pipeline and maintain the cathodic protection in a working condition at all times.
  - (c) The pipeline must be marked with markers approved by the Chief Fire Officer and must be maintained in a functional condition at all times by the owner of the pipeline.
  - (d) The installation and extension of the pipeline and branches to consumers' premises, and the maintenance of the pipeline within the area, must *in toto* be done according to a recognised standard approved by the Chief Fire Officer.
  - (e) No construction work above or below the ground may be done within 16 m of the pipeline reserve, unless the construction company is in possession of written authorisation to do so, which authorisation has been issued by the Council and the owner of the pipeline.
  - (f) The owner or operator of any Group II dangerous good pipeline must submit, for the approval of the Chief Fire Officer, in writing the result of a risk assessment conducted in accordance with the regulations pertaining to Major Hazard Installations promulgated under the Occupational Health and Safety Act, No 85 of 1993.
  - (g) No persons may commence with the installation of a Group II Dangerous Goods pipeline prior to receiving a written approval of the Chief Fire Officer in terms of sub-paragraph (f) above.

### GROUP III DANGEROUS GOODS

- 36. (1) No person may install, use or utilise or attempt to install, use or utilise any storage tank for the underground storage of Group III dangerous goods, unless the tank has been manufactured in accordance with the provisions of SANS 1535:
- (2) Any person who installs, uses or attempts to install, or use any underground storage tank, which does not comply with the requirements of SANS 1535, is guilty of an offence.
- (3) Any pipeline for a Group III dangerous good must comply with the following requirements except where the owner or the person in charge of the pipeline is exempted in terms of Section 15 of the Gas Act, No. 48 of 2001 from obtaining a license from the Gas Regulator:

- (a) The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1 600 l per minute at a work pressure of 300 kPa, and these fire hydrants must be parallel to the pipeline at every pump station within the area: Provided that where the installation of fire hydrants is not possible, the Chief Fire Officer may prescribe such alternative means of water provision deemed necessary to effect adequate fire protection of the installation. The owner must maintain the fire hydrants in a working condition at all times.
- (b) The owner of the pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a working condition at all times.
- (c) The pipeline must be marked with markers approved by the Chief Fire Officer and must be maintained in a functional condition at all times by the owner of the pipeline.
- (d) The installation and extension of the pipeline and branches to consumers' premises, and the maintenance of the pipeline within the area, must *in toto* be done according to a recognised standard approved by the Chief Fire Officer.
- (e) No construction work above or below the ground may be done within 16 m of the pipeline reserve, unless the construction company is in possession of written authorisation to do so, which authorisation has been issued by the Council and the owner of the pipeline.
- (f) The owner or operator of any Group III dangerous good pipeline must submit for the approval of the Chief Fire Officer, in writing, the result of a risk assessment conducted in accordance with the regulations pertaining to Major Hazard Installations promulgated under the Occupational Health and Safety Act, No 85 of 1993.

#### INSTALLATION OF STORAGE TANKS

37. (1) Any storage tank for Group III dangerous goods must be installed in accordance with the provisions of SANS 10400; SANS 10089, Parts I, II and III; SANS 10131, Parts I, II and III; SANS 10108 and SANS 10086, as the case may be: Provided that -
- (a) all storage tanks installed indoors must be installed in accordance with the provisions of SANS 10131, Parts I, II and III, as the case may be;
  - (b) all pumps and filling devices installed indoors must be in a purpose-built, registered premises;
  - (c) all installations, as contemplated in subsection (1)(a) and (b), as the case may be,
- are subject *mutatis mutandis* to the provisions of section 20 and section 21 of these by-laws.

#### PART V

#### TRANSPORTATION OF DANGEROUS GOODS

##### SERVICE TRANSPORT PERMIT

38. (1) The owner of any vehicle intended to be used for transporting flammable substances or dangerous goods in the municipality must apply from the Chief Fire Officer for a transport permit on the prescribed forms indicated in Annexure A and upon expiry, renew a transport permit, in respect of such vehicle: Provided that -
- (a) each vehicle for which such a permit has been issued must comply with the provisions of this section;
  - (b) the application form must be completed correctly and in full;
  - (c) the application form must be accompanied by the fees prescribed by Council from time to time; and
  - (d) the application must be submitted for processing to the registration office of the Service at least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test date.
- (2) The transport permit is valid for a period of twelve months from the date of issue.;
- (3) The Chief Fire Officer may send a reminder for renewal of the transport permit to the owner of the vehicle(s). A transport permit holder who has not received a reminder is not indemnified from possible prosecution.
- (4) No person may alter or allow a transport permit to be altered.

## PART VI

## STOREROOMS FOR DANGEROUS GOODS

## REQUIREMENTS FOR STOREROOMS

39. (1) The certificate of registration issued for any storeroom for dangerous goods as contemplated in section 21 of these by-laws must indicate the group and the largest quantity of dangerous goods which may be kept in the storeroom.
- (2) No person may use any storeroom or permit any storeroom to be used for Group III dangerous goods, unless symbolic safety signs prohibiting open flames and smoking, at least 290 mm x 290 mm in extent, manufactured in accordance with the provisions of SANS 1186, are conspicuously affixed to the storeroom.
- (3) The certificate of registration for a storeroom, with the contents of the certificate clearly visible, must be kept and maintained in a legible condition on the same premises and be readily available for inspection.

The construction of any storeroom must be in accordance with the requirements of the General Safety Regulations of the Occupational Health and Safety Act and the following requirements:

- (a) ***The storeroom floor must consist of concrete;***
- (b) the storeroom walls must consist of material that has a fire resistance of at least 120 minutes; and
- (c) the storeroom roof must consist of reinforced concrete with a fire resistance of at least 120 minutes; or any other non-combustible material, if the storeroom is not situated within 5 metres of any adjacent building or boundary of the premises; or adjoins a higher wall with no opening within 10 metres above and 5 metres on either side of the storeroom.
- (5) Any storeroom must be equipped with Class B-type fire doors manufactured and installed in accordance with SABS 1253: Provided that -
- (a) the said doors must open to the outside and have a lock or locks approved by the Chief Fire Officer;
- (b) in any storeroom, the travel distance to the nearest escape door shall not exceed 4 m;
- (c) any escape door from a storeroom must at all times be capable of being opened easily from the inside without the use of a key; and
- (d) any such escape door shall be provided with SANS approved safety signs, conspicuously placed, indicating the door to be an escape door.
- (6) Only non – opening steel window frames may be installed subject to:
- (a) the frames being fitted with wire glass with a minimum thickness of 8 mm; and
- (b) such a window panel having a maximum size of 450 mm x 450 mm.
- (7) Any storeroom must be designed and constructed so that the floor of the storeroom is recessed below the level of the doorsill to form a catch pit conforming to the following:
- (a) the catch pit formed by such recessed floor or sill must have a capacity capable of accommodating the total volume of dangerous goods that can be stored in the storeroom, plus 10% of such maximum possible volume, with a maximum height of 450mm;
- (b) if required by the Chief Fire Officer the catch pit must be covered at door sill level with a strong, stable, non-combustible and oxidation-free grill, which grill must serve as a floor on which corrosion-free shelves and the contents of the storeroom must be placed and an access hatch for cleaning purposes must be placed in a suitable position on the grill floor; and
- (c) the catch pit must, at its lowest level, have a non-corrosive drainage valve for cleaning purposes and for product recovery.

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- (8) Any storeroom must be so designed and constructed to ensure that the collection of fumes of flammable liquids is effectively ventilated, whether naturally or mechanically, in all parts of the storeroom. The fumes must be released into the open air at a place or places where the fumes are not likely to come into contact with any source of ignition, which may ignite such fumes.
- (9) The owner or person in charge of any storeroom must effectively ventilate the storeroom at a minimum cycle of 30 total air changes per hour by installing non-combustible airbricks, at least 140 mm x 215 mm in extent, with non-corrosive gauze wire of which the nominal opening diameter must be at least 0,5 mm: subject to the following -
- (a) airbricks are to be provided in at least three external walls; and
  - (b) airbricks are to be positioned 100 mm above the level of the door sill and 100 mm below the roof and not more than 450 mm apart.
- (10) Whenever natural ventilation as contemplated in subsection (9) cannot be effected or the depth of the catch pit level exceeds 300 mm, the owner or the person in charge of a storeroom must equip the storeroom with a mechanical inlet and outlet ventilation system designed and installed for this purpose and complying to the following:
- (a) the capacity of the system must be able to change the cubic air content in the storeroom at least 30 times an hour;
  - (b) the vanes of the system must be manufactured from a static-free material;
  - (c) the fumes must be released into the open air and the outlets must not be within 5 m of any opening of a building or erf boundary;
  - (d) all ventilators must be attached firmly to the inside of the walls;
  - (e) the bottom ventilators must be affixed as close as possible to the level of the sill; and
  - (f) all ventilation and air duct inlet openings must be installed in the wall opposite to the mechanical ventilator outlet openings, 100 mm above the level of the sill so as to ensure efficient cross-ventilation.
- (11) The owner or person in charge of a storeroom must ensure that -
- (a) all electrical apparatus, fittings and switchgear used or installed in any storeroom are protected and installed in accordance with the appropriate classification for equipment, for the particular area in terms of the provisions of SANS 10108;
  - (b) all switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 10108 must be situated outside the storeroom and positioned so as not to pose a risk of ignition of fumes ventilated from the storeroom;
  - (c) all metal parts and electrical fittings and any device in or in connection with a storeroom are earthed effectively;
  - (d) switches actuating any mechanical ventilation system are situated outside the storeroom;
  - (e) any mechanical ventilation system is on at all times, except whenever the system is switched off for repairs; and
  - (f) whenever any storeroom is not occupied, all electrical apparatus and fittings, excluding the mechanical ventilation system, are switched off.
- (12) All electrical installations must be installed and certified by a suitably qualified electrician which certificate must be readily available on the same premises for inspection by the Chief Fire Officer.
- (13) No person may enter, have any other person enter or permit any other person to enter any storeroom without the express permission of the occupier or any other responsible person who is in charge of such storeroom.
- (14) No person may -
- (a) use any storeroom, or have the storeroom used or permit the storeroom to be used for any purpose other than for the storage, use or handling of dangerous goods of the type and quantity as indicated on the registration certificate, in the storeroom;
  - (b) work or permit any person to work in any storeroom unless all the doors of the storeroom are in the full open position and the mechanical ventilation system is on; and



- (c) place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrance or obstruction to be placed in the passages or in front of any door(s) of any storeroom.

#### **STORAGE OF DANGEROUS GOODS**

40. (1) Any storeroom referred to in section 39 of these by-laws may be used for keeping any grouped dangerous good, with the exception of Group I dangerous goods (explosives), as defined in section 2(1) of the Dangerous Goods Act, 1973: Provided that all chemically reactive dangerous goods must be separated from each other by means of compartmental liquid-proof fire partition walls to the satisfaction of the Chief Fire Officer, which fire partition walls must extend from the bottom of the catch pit to 1 m above the highest stack of each group inside the storeroom.
- (2) Notwithstanding the provisions of section 42 of these by-laws, any grouped dangerous good contemplated in this section, with the exception of Group I dangerous goods (explosives), may also be warehoused in terms of SANS 10263.

#### **PART VII**

#### **SPRAY-PAINTING ACTIVITIES**

#### **REGISTRATION OF SPRAY-PAINTING ROOMS**

41. (1) (a) No person may spray, coat, plate or epoxy-coat any vehicle, or parts of a vehicle, or any other articles, objects or buildings, or parts thereof, or permit them to be sprayed, coated, plated or epoxy-coated, whether indoors or outdoors, with a Group III dangerous good or with liquid compounds of a Group III dangerous good, or with any other dangerous good, unless such person is in possession of a spraying permit in accordance with the requirements of this section. Application for a spraying permit can be lodged with the Chief Fire Officer on the forms indicated in Annexure A.
- (b) If circumstances require it, any motor vehicle, article or object, or any parts thereof, may be sprayed in any place other than in an approved spraying room and/or spraying booth by any person who possesses a spraying permit for the premises in question, provided that there is little likelihood of the proposed activities' posing a real danger or causing an emergency situation for any human being, animal or property.

#### **Prohibition of certain actions**

- (2) No person may use or handle dangerous goods, or permit dangerous goods to be used or handled, on unregistered premises, unless a member is satisfied that the dangerous goods will be used or handled in a place and in a manner that will ensure that -
- (a) no dangerous good or fumes come or are able to come into contact with any fire, flame or naked light, or any other source of ignition which is likely to set the dangerous good or fumes alight; and
- (b) the escape of human beings or animals is not hampered or hindered in the event of a fire or an emergency situation.

#### **Display and conditions of spraying permit**

- (3) A spraying permit is issued on the following conditions:
- (a) The spraying permit must at all times be displayed prominently in a weatherproof container on the premises in a place designated by a member.
- (b) The spraying permit must be legible at all times.
- (c) The number of spraying rooms and/or spraying booths must be indicated on the spraying permit.
- (d) A serial number must be indicated on the spraying permit.
- (e) The spraying permit must reflect the period of validity and the date of expiry: Provided that the period of validity will be from the date of issue for a period of twelve months.
- (f) The spraying permit is not transferable from premises to premises.
- (g) In the case of reconstructing, the spraying permit is, subject to the provisions of section 22 of these by-laws, transferable from control to control or from owner to owner on the same premises: Provided that -

- (i) application must be made for transfer to the Chief Fire Officer on the prescribed form; and
  - (ii) if the trade name of the premises changes, the holder of the spraying permit must ensure that the change is immediately brought to the attention of the Chief Fire Officer.
- (h) The Chief Fire Officer must be in possession of a set of approved plans as referred to in section 23 of these by-laws.
- (i) The spraying permit will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted to the Chief Fire Officer.
  - (i) Any person who is legally in possession of a spraying permit must apply to the Chief Fire Officer in writing on the prescribed form if that person wishes to amend the number of spraying rooms and/or spraying booths, according to need.
  - (ii) The prescribed fees, determined by Council from time to time must accompany an application. The Chief Fire Officer will grant the spraying permit only if the proposed amendments comply with the relevant provisions of these by-laws.
  - (iii) Whenever the Chief Fire Officer approves such an application, the person concerned must hand the spraying permit to the Chief Fire Officer to be amended.
- (4) The Chief Fire Officer may send a reminder for the renewal of registration to the owner or occupier of registered premises. An owner or occupier who has not received a reminder is not indemnified from complying with the stipulations of these by-laws or from possible prosecution.
- (5) The holder of a spraying permit or certificate of registration must ensure that he or she is always in possession of a valid spraying permit or certificate of registration.
- (6) Any person who fails to comply with the provisions of this section, or who alters a spraying permit or attempts to alter a spraying permit or permits a spraying permit to be altered is guilty of an offence.

#### **CONSTRUCTION AND DESIGN OF SPRAY-PAINTING ROOMS**

42. (1) The construction of a spraying room or spraying booth must be in accordance with the following requirements:
- (a) The floor must be of concrete.
  - (b) The walls must be of brick or concrete.
  - (c) The roof must be of reinforced concrete.
  - (d) The doors must be Class B-type fire doors as contemplated in SABS 1253.
  - (e) The window frames must be of steel and have window panels that cannot be opened, which panels must be a maximum size of 450 mm x 450 mm and fitted with wire glass with a minimum thickness of 8 mm.
- (2) The provisions of subsection (1) are not applicable to the erection of a spraying room and/or spraying booth if, in terms of the design thereof, the room or booth complies with the following requirements:
- (a) The framework of the entire structure, including the door assemblies, must have a sturdy steel profile with a minimum wall thickness of 2,5 mm.
  - (b) The framework, including any doors, must be clad on both sides with sheet metal with a minimum thickness of 1,3 mm.
  - (c) If the sheet metal is joined, the joins or joints of the sheet metal so joined, including any door assembly forming an integral part of the whole, must be fume-, flame- and liquid-proof.
  - (d) The floor must be of concrete or metal.
  - (e) The window frames must be of steel with window panels that cannot be opened, which panels must be a maximum size of 450 mm x 450 mm and fitted with wire glass with a minimum thickness of 8 mm.
  - (f) All materials used must have a fire integrity grading of at least 60 minutes.

- (3) The unit formed through the combination of components referred to in subsections (1) and (2), including any services constituting an integral part of the unit or required in the unit, must be constructed, installed and finished so that all surfaces are smooth to prevent any furring which may hamper the ventilation, washing and cleaning processes.
- (4) A prefabricated unit is suitable only if such a unit is evaluated by the SABS, CSIR or other authorised certification Body and is found to be suitable for the particular intended purpose.

#### **Location of and access to a spraying room**

- (5) (a) Notwithstanding the door(s) granting access for motor vehicles or other objects to be sprayed in any spraying room, a spraying room must have at least two hinged doors for the purposes of escaping, which doors must -
  - (i) open to the outside;
  - (ii) be at least 800 mm x 2 000 mm in extent;
  - (iii) be positioned in opposite sides, provided that, whenever there is any object in the spraying room for processing, the distance to be covered to any of the doors may not exceed 4 m; and
  - (iv) be fitted with locking mechanisms that can be opened easily from the inside without the use of a key.
- (b) Any spraying room must be located so that it is at all times separated from other activities or areas by means of an escape opening of at least 1 200 mm wide, which escape opening must at all times be kept free of any obstruction, refuse or combustible materials.
- (c) If any activity or process which is operated adjacent to a spraying room may pose a probable fire danger to the spraying room, the said escape opening of 1 200 mm must be identified by fire partition walls with a fire resistance of at least 60 minutes, and the height of these walls must be at least 300 mm higher than the roof of the spraying room.
- (d) Any spraying room contemplated in subsection (2) may be erected indoors and outdoors against firewalls: Provided that not more than two sides of the spraying room may border the firewalls.

#### **Water floors**

- (6) (a) A spraying room may have a sunken water-filled floor covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free grill that is capable of bearing the weight of the heaviest object in the spraying room.
- (b) The water in the sunken floor must be circulated through an effective non-combustible and cleanable filtering system by means of a closed-circuit pump circulation system of non-corrosive metal pipes with a suitable diameter and wall thickness.

#### **Electrical equipment**

- (7) All electrical apparatus, lights, fittings and switchgear used or installed in any spraying room must be protected and installed in accordance with the provisions for equipment of the appropriate type for the particular area in terms of SANS 10108.
- (8) All switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 10108 must be situated outside the spraying room and positioned so as not to come into contact or possibly come into contact with fumes escaping from the spraying room.
- (9) Switches actuating any mechanical ventilation system must be situated outside the spraying room.
- (10) All metal parts and electrical fittings and any device in or in connection with a spraying room must be earthed effectively with each other and the ground.
- (11) An accredited person must install and certify all electrical installations: Provided that a copy of the certificate must be submitted to the Chief Fire Officer for record purposes immediately after installation.

#### **Mechanical ventilation**

- (12) (a) Any spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that -
  - (i) the capacity of the system must be able to change the cubic air content in the spraying room at least 30 times an hour or at a flow rate of 0,5m/s;
  - (ii) the vanes of the system must be manufactured from static-free materials;

- (iii) the fumes must be released into the open air and the outlets must not be within 5 m of any opening of a building or erf boundary;
- (iv) all ventilators must be attached firmly to the inside of the walls;
- (v) the bottom ventilators must be affixed as close as possible to the level of the floor;
- (vi) all ventilation openings or air duct openings must be installed in the opposite wall, door(s) or roof to ensure cross-ventilation in conjunction with the said mechanical ventilation system; and
- (vii) every spray room shall have at least one of its doors fitted with an un-openable strengthened, shatterproof glass inspection window no larger than 450mm x 450mm.

#### **Fire dampers, fire detectors and fire alarms**

- (b) A fire damper must be affixed in front of any air purification filter, or any part of a filter forming an integral part of the ventilation system, on the inside of the spraying room, which fire damper must be manufactured and installed in accordance with the provisions of SANS 193: Provided that the fire damper must -
  - (i) close automatically by means of a sensor that is suitably located and actuated by a rise of more than 10 °C in the predetermined working temperature;
  - (ii) be so installed that the damper will remain in position even if the air duct distorts during a fire; and
  - (iii) be provided with an overriding fusible link.
- (c) The sensor contemplated in subsection (12)(b)(i) must also -
  - (i) be capable of turning off the ventilation system and any heating device used in connection with the spraying room in the event of a fire or whenever there is a rise of more than 10 °C in the predetermined working temperature inside the spraying room; and
  - (ii) activate a visual and audible alarm inside and outside the spraying room.

#### **Positioning of ventilation outlets**

- (13) All outlet openings must be designed and positioned so as to release all fumes into the open air at a place at least 1 m above a roof or 4 m above the ground level and at least 5 m from any opening of a building.
- (14) The ventilation system must commence operating automatically whenever any activities related to spray-painting take place in the spraying room.

#### **Display of signs prohibiting open flames and smoking**

- (15) No person may use any spraying room or permit any spraying room to be used, unless and until symbolic signs prohibiting open flames and smoking, at least 290 mm x 290 mm in extent, manufactured and installed in accordance with the provisions of SANS 1186, are affixed to the inside and outside of all doors of the spraying room.

#### **Maintenance of spraying rooms**

- (16) All spraying rooms must be maintained at all times in accordance with the provisions of this section and the manufacturers' specifications. Proof of such maintenance must be provided upon request from a member.

#### **Unauthorised access**

- (17) No person may enter a spraying room or permit any other person to enter a spraying room without the express permission of the owner or occupier or any other responsible person in charge of the spraying room.

#### **Abuse of spraying room**

- (18) No person may -
  - (a) use any spraying room or permit any spraying room to be used for any purpose other than for practising or exercising activities related to spray-painting in the spraying room;
  - (b) employ any other person in a spraying room or permit any other person to work in the spraying room unless the mechanical ventilation system is on; and

- (c) place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrance or obstruction to be placed in the escape openings or in front of any doors of the spraying room.

#### **Provision of fire-fighting equipment**

- (19) (a) Any spraying room must have one 9kg dry chemical fire extinguisher per every 100m<sup>2</sup> of floor space or part thereof, on the outside, which extinguisher must be installed in positions determined by the Chief Fire Officer.
- (b) All spraying rooms must be protected by a fire hose reel, referred to in section 29(1)(b) of these by-laws.

#### **Drying kiln/heating devices**

- (20) Whenever any manifold installation of a Group II dangerous good forms an integral part of the heating of a spraying room, the manifold installation must be in accordance with the provisions of SANS 10087, Part I, and the relevant provisions of these by-laws will apply *mutatis mutandis* in the application of this section.

### **PART VIII ANIMALS**

#### **HANDLING ANIMALS DURING EMERGENCIES**

47. Provision must be made for the professional handling of animals during an emergency on any premises, but particularly at zoological gardens, feedlots, stables, research institutions, veterinary practices and places of veterinary science study: Provided that the Chief Fire Officer may -
- (a) authorise a suitably qualified person to handle or put down the animals during an emergency situation, as the case may be; and
- (b) recover all costs involved in the matter from the owner or the institution responsible for the care of the animals.

### **PART IX PENALTIES**

#### **PENALTIES FOR CONTRAVENTIONS**

48. Any person who –
- (a) contravenes or fails to comply with any provision of these by-laws or SANS ;
- (b) fails to comply with any notice issued or displayed in terms of these By-laws;
- (c) fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) obstructs or hinders, or improperly influences or attempts to do so, any authorised representative or employee of the Council in the execution of his or her duties or performance of his or her powers or functions under these By-laws;

is guilty of an offence and liable on conviction to a fine to a maximum of R100 000 or in default of payment to imprisonment for a period not exceeding twelve months, and in the case of a continuing offence, to a further fine not exceeding R5000 per day, 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.

### **PART X GENERAL**

#### **PAYMENT FOR SERVICES**

49. (1) Subject to the provisions of section 50, the owners or occupiers of land or premises, or both such owners and occupiers jointly and severally, or the owner of a vehicle, as the case may be, for or in connection with:
- (a) the attendance of the Service as requested or for any services rendered; and/or
- (b) the use of manpower, equipment and materials; and/or
- (c) the consumption of materials

shall pay to the Controlling Authority the fixed charges for the attendance of the Service in terms of the prescribed tariffs determined by the Municipality from time to time.

- (2) Notwithstanding the provisions of subsection (1), the Chief Fire Officer may assess the aggregate of charges as contemplated in subsection (1) or any portion thereof, provided that such portion shall not be less than ninety percent of the aggregate of the charges that would have been payable; provided further that in assessing such charges or portion thereof, due regard, in addition to other factors, be given to:
- (a) the fact that the amount so assessed shall be commensurate with the service rendered;
  - (b) the manner, place and origin of fire or other emergency situation;
  - (c) the loss that might have been caused by the fire or other emergency situation to the person liable to pay the charges, if the services had not been rendered.

#### EXEMPTION FROM PAYMENT OF CHARGES:

50. (1) Notwithstanding the provisions of Part IX, the Chief Fire Officer may exempt a person from charges payable:
- (a) where a false alarm was given in good faith;
  - (b) where the service was rendered as a result of a civil commotion, riot or natural disaster;
  - (c) where the service was rendered in the interest of public safety;
  - (d) where the Chief Fire Officer is of the opinion that the service was of a purely humane nature and or was rendered solely for the saving of a life;
  - (e) by the owner of a vehicle if he or she furnishes proof to the satisfaction of the Chief Fire Officer that such a vehicle was stolen and that it had not been recovered at the time when the service was rendered in respect thereof;
  - (f) by any person, including the State, with whom the Municipality has entered into agreement in terms of Section 12 of the Act, whereby the services of the Service is made available to such person against payment as determined in such agreement.

### PART X GENERAL

#### OPERATION OF THESE BY-LAWS IN RELATION TO OTHER LAWS

51. The provisions of these by-laws are in addition to and not a substitution for any other law which is not in conflict or inconsistent with these by-laws.

#### REPEAL OF BY-LAWS

52. The following by-laws are hereby repealed:
- (1) The Fire Brigade Service Regulations promulgated under Administrator's Notice No 210 of 1970, as amended, are hereby repealed.
  - (2) The Regulations relating to Petroleum, Flammable Liquid and other Substances promulgated under Administrator's Notice No 222 of 1972, as amended, are hereby repealed.

#### SHORT TITLE

53. These by-laws are called the **Mangaung, Fire-fighting Services By-laws**, and come into operation on the date of promulgation thereof in the Provincial Gazette.

## PART XI

## ANNEXURES

## ANNEXURE A: OFFICIAL DOCUMENTS

## A. GENERAL

The Chief Fire Officer must design and draw up all official documents in connection with these by-laws in accordance with the prevailing policy, and the documents must comply with the specific needs and requirements of the Service and the Council, but must not detract from the directives and provisions of these by-laws.

## B. APPLICATION FORMS

On receipt of an application made in terms of these by-laws and proof of payment of the prescribed fees, determined by Council from time to time, the Chief Fire Officer shall avail to the applicant, the relevant application forms. The following application forms are obtainable from the Municipality's Fire Fighting Services:

	APPLICATION FORM	SECTION
1	Application for Certificate of Fitness : Public Gathering in Public Building / Temporary structure	17(1)
2	Application :Certificate of Registration: Dangerous Goods	21(1)
3	Application for approval of plans- alterations to premises	33(1)
4	Application: Transport Permit	38(1)
5	Application: Spraying Permit	41(1)

## C. APPROVALS AND CERTIFICATES

- 1.) After evaluation of complete application forms submitted in terms of these by-laws, the Chief Fire Officer, if satisfied that the application in question complies with the requirements of these by-laws, shall grant his or her approval or recommendation for approval in respect thereof. The following certificates and permits may be given :

	CERTIFICATE / APPROVAL	SECTION
1	Certificate of Fitness : Public Gathering in Public Building / Temporary structure	17(3)
2	Certificate of Registration	21(1)
3	Approval or recommendation for approval of plans	33
4	Transport Permit	38(1)
5	Spraying Permit	41(3)

- 2.) If the Chief Fire Officer, is not satisfied that the application received complies with these by-laws, or is satisfied that the approval of such an application will probably or in fact be dangerous to life or property, he shall refuse to grant his approval or recommendation for approval in respect thereof and give written reasons for such refusal, if requested thereto by the applicant.
- 3.) Any approval granted by the Chief Fire Officer in accordance with these by-laws in respect of any application referred to in Paragraph B shall lapse after the expiry of a period of 12 months as from the date on which it was granted unless the Chief Fire Officer extended the said period after receiving a written request for such an extension from the applicant concerned.
- (4) An applicant is granted only 14 working days (weekends and public holidays excluded) to make any corrections that may be indicated to him by the Chief Fire Officer or a member, without any additional cost, but that if the said period of 14 days is exceeded, the prescribed fee must be paid again before any permit or certificate will be issued.

**ANNEXURE B: EMERGENCY EVACUATION PLANS****A. GENERAL**

1. Any emergency evacuation plan must contain at least the following information under the headings listed below. All emergency evacuation plans must be updated at least once a year or, alternatively, whenever the key staff member referred to in the plan leaves the employ of the employer.
2. All emergency evacuation plans must be drilled at least annually, and all the staff members must participate. The employer must also ensure that all the disciplines involved are notified in writing of an emergency evacuation plan drill at least 21 calendar days prior to the proposed date of the drill.
3. All staff members of an employer must be aware of the emergency evacuation plan of the employer. Whenever an emergency evacuation plan is updated, the designated person responsible must collect and destroy all old plans that the emergency management members have in their possession to eliminate confusion as to the validity and accuracy of the emergency evacuation plan.

**B. IMPLEMENTATION OF EMERGENCY EVACUATION PLANS**

1. The emergency evacuation plan must be drawn up so that any sensitive information that may appear in the document can easily be removed to make it available to specific persons in the emergency management team.

**2. DEALING WITH AND FURNISHING INFORMATION CONTAINED IN THE EMERGENCY EVACUATION PLAN****(1) THE EMERGENCY EVACUATION PLAN IN ITS ENTIRETY**

- (a) The entire emergency evacuation plan must be made available to every member of the emergency management team.

- (b) A number of copies must be kept in a safe in the control room.

**(2) EMERGENCY TELEPHONE NUMBERS AND BOMB THREAT QUESTIONNAIRE**

Emergency telephone numbers must be on hand at all telephones on the premises and the bomb threat questionnaire must be on hand at all designated telephones on the premises.

**(3) DUTIES AND RESPONSIBILITIES OF EMERGENCY PERSONNEL**

All staff members involved must be informed in writing of their particular duties and responsibilities in this regard.

**(4) ACTION PLANS AND EMERGENCY ACTIONS**

Action plans must be available to all staff members to ensure that every staff member knows exactly what to do in an emergency.

**(5) PLANS OF THE LAYOUT OF PREMISES AND ESCAPE ROUTES**

Plans of the layout of the premises and escape routes must be put up permanently at all exits and strategic points on the premises.

**3. TRAINING OF STAFF MEMBERS**

Designated staff members must be trained in the following:

- (1) First aid and/or fire fighting
- (2) Emergency aid
- (3) Emergency evacuation procedures
- (4) Emergency management techniques

(Drills of the emergency evacuation plan are an excellent training programme and offer the opportunity for the improvement of the plan.)

**C. THE CONTENT OF AN EMERGENCY EVACUATION PLAN**

Any emergency evacuation plan must contain the following:

- (1) Emergency telephone numbers;
- (2) The following general information:



- 
- (a) The address of the premises in question
  - (b) The nature of the activities on the premises
  - (c) The number of staff members present on the premises at any time
  - (d) An indication of whether or not there is a control room on the premises
  - (e) An indication of whether or not there is an alarm system on the premises
  - (f) Particulars of contact persons
- (3) An area study with the following information:
- (a) History of incidents on the premises in question
  - (b) Important features/landmarks with regard to the location of the premises
  - (c) Key information of adjacent premises
- (4) Particulars regarding socio-economic or other threats and the potential impact of these threats on premises
- (5) Particulars of the following equipment available on the premises:
- (a) Equipment in the control room
  - (b) Fire-fighting and first-aid equipment throughout the premises
  - (c) Any other equipment
- (6) The following information on manpower:
- (a) Emergency management
  - (b) Continuity officers
  - (c) Fire teams
  - (d) First-aid teams
- (7) The duties and responsibilities of members of the emergency team
- (8) Action plans and emergency procedures
- (9) Plans of the buildings and topographical maps of the premises
- (10) An emergency plan register with the following information:
- (a) Updated register of emergency evacuation plan
  - (b) Drill register of emergency evacuation plan
- (11) A bomb threat questionnaire

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**ANNEXURE C****Material Safety Data Sheet Box****1. Material Safety Data Sheet Box**

- i. A container no smaller than 300 x 400 mm shall be provided to contain all MSDS's
- ii. Material safety data must be provided for every individual chemical substance when such substance is to be found on the said premises and falls outside exempt quantities as described in SABS 0228,
- iii. Such MSDS shall contain no less information than shown on NOSA Form 2.17.05.01 "Hazardous Substances Record"
- iv. Such container shall be affixed to the outside of the building next to or near the main entrance and shall be placed 1,5 m above ground level,
- v. Such container shall have a locking device which will be to the satisfaction of the Chief Fire Officer.

**ANNEXURE D****Emergency Evacuation Plan Box****1. Emergency Evacuation Plan Box**

- i. a container no smaller than 300 x 400 mm shall be provided to contain al EEP's
- ii. Such container shall have a locking device which will be to the satisfaction of the Chief Fire Officer
- iii. Such container shall be painted day-glow orange and be marked in black capital letters no smaller than 150 x 15 mm and shall read 'EEP'

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**NOTICE**  

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**PLEASE TAKE NOTE: THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2013 WILL BE ON 13 DECEMBER 2013.**

**THE NEXT PUBLICATION WILL BE ON 10 JANUARY 2014.**

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**PROVINCIAL GAZETTE**  
(Published every Friday)

All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, Tel.: (051) 403 3139. Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied.

**Subscription Rates (payable in advance)**

The subscription fee for the Provincial Gazette (including all Extraordinary Provincial Gazettes) are as follows:

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PRICE PER COPY	R 19.80
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**Closing time for acceptance of copy**

All advertisements must reach the Officer in Charge of the Provincial Gazette **not later than 16:00, three working days** prior to the publication of the Gazette. Advertisements received after that time will be held over for publication in the issue of the following week, or if desired by the advertiser, will be inserted in the current issue as a "Late Advertisement". In such case the advertisement must be delivered to the Officer in Charge **not later than 08:00 on the Tuesday** preceding the publication of the Gazette and double rate will be charged for that advertisement.

A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.

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**Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300, Tel.: (051) 403 3139.**

**NUMBERING OF PROVINCIAL GAZETTE**

You are hereby informed that the numbering of the Provincial Gazette /Tender Bulletin and notice numbers will from 2010 coincide with the relevant financial year. In other words, the chronological numbering starting from one will commence on or after 1 April of every year.

**PROVINSIALE KOERANT**  
(Verskyn elke Vrydag)

Alle korrespondensie, advertensies, ens. moet aan die Beampte Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, Tel.: No. (051) 403 3139 geadresseer word. Gratis eksemplare van die Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie.

**Intekengeld (vooruitbetaalbaar)**

Die intekengeld vir die Provinsiale Koerant (insluitend alle Buitengewone Provinsiale Koerante) is soos volg:

**INTEKENGELD: (POS)**

PRYS PER EKSEMPLAAR	R 19.80
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**INTEKENGELD: (OOR DIE TOONBANK / E-POS)**

PRYS PER EKSEMPLAAR	R 11.70
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JAARLIKS	R 586.00

Seëls word nie aanvaar nie.

**Sluitingstyd vir die Aanneem van Kopie**

Alle advertensies moet die Beampte Belas met die Provinsiale Koerant bereik **nie later nie as 16:00 drie werksdae** voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beampte oorhandig word **nie later nie as 08:00 op die Dinsdag** voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.

'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.

**Advertensietariewe**

Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: **R27.90** per sentimeter of deel daarvan, enkel-kolom.

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**NOMMERING VAN PROVINSIALE KOERANT**

U word hiermee in kennis gestel dat die nommering van die Provinsiale Koerant / Tender Bulletin en kennisgewingnummers vanaf 2010 met die betrokke boekjaar sal ooreenstem. Met ander woorde, die kronologiese nommering beginnende met een, sal op of na 1 April van elke jaar begin.