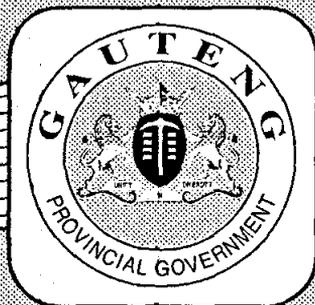


BY LAKE  
THE PROVINCE OF  
GAUTENG



DIE PROVINSIE  
GAUTENG

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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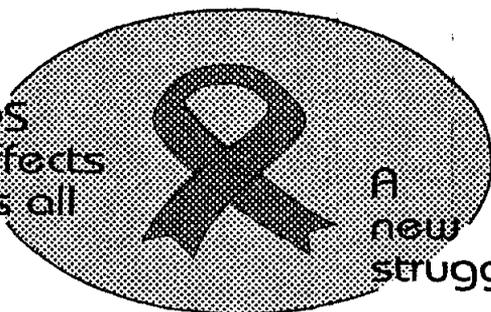
Vol. 12

PRETORIA, 28 FEBRUARY 2006  
FEBRUARIE

No. 65

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

Prevention is the cure

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH



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## LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 385

### MIDVAAL LOCAL MUNICIPALITY

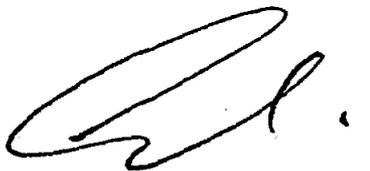
The Midvaal Local Municipality hereby promulgates the undermentioned by-laws in terms of Section 13 of the Local Government: Municipal Systems Act, Act 32 of 2000 as amended and these by-laws shall come into effect on the date of promulgation thereof in the Provincial Gazette.

These by-laws are:

- Water Services by-laws
- Sanitation Services by-laws
- Cemetery and Cremation by-laws
- Public Open Spaces
- Public Amenities
- Culture and Recreation

THIS IS DONE REQUESTED BY:

MIDVAAL LOCAL MUNICIPALITY  
 THE MUNICIPAL MANAGER  
 P.O. BOX 9  
 MEYERTON  
 1960  
 TEL: (016) 360 7400  
 FAX: (016) 360 7519  
 ATTENTION: MRS ANNETTE WILLEMSE



7 B.J. POGENPOEL  
 MUNICIPAL MANAGER

**WATER SERVICES BYLAWS****Arrangement of sections**

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**CHAPTER I: General provisions**

**Part 1: Definitions**

**Definitions**

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

<b>"accommodation unit"</b>	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;
<b>"Act"</b>	means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;
<b>"approved"</b>	means approved by an authorised officer;
<b>"authorised agent"</b>	means a person authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under, these bylaws;
<b>"best practicable environmental option"</b>	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;
<b>"borehole"</b>	means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;
<b>"Building Regulations"</b>	means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
<b>"communal water services work"</b>	means a consumer connection through which water services are supplied to more than one person;
<b>"connecting point"</b>	means the point at which the drainage installation joins the connecting sewer;
<b>"connecting sewer"</b>	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 wayleave or by agreement;
<b>"connection pipe"</b>	means a pipe, the ownership of which is vested in the municipality or its authorised agent 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;
<b>"consumer"</b>	means - (a) any occupier of any premises to which or on which the municipality or its authorised agent has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the municipality or its authorised agent for the provision of water services to or on such premises; or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the municipality or its authorised agent has agreed to provide water services; or (b) person that obtains access to water services are provided through a communal water services work;
<b>"drain"</b>	means that portion of the drainage installation that conveys sewage within any premises;
<b>"drainage installation"</b>	means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;
<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>"duty qualified sampler"</b>	means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems and from public waters and who has been certified to do so by an authorised agent;
<b>"effluent"</b>	means any liquid whether or not containing matter in solution or suspension;
<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 hydrant"</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;
<b>"flood level (1 in 50 year)"</b>	means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;
<b>"flood plain (1 in 50 year)"</b>	means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;
<b>"high strength sewage"</b>	means sewage with a strength or quality greater than standard domestic effluent;
<b>"industrial effluent"</b>	means effluent emanating from industrial use of water, includes for purposes of these bylaws, 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 or its authorised agent 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 water services authority as defined in the Act;
<b>"occupier"</b>	means a person who occupies any premises or part thereof, without regard to the title under which he or she 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 or its authorised agent 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>"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>"prescribed tariff or charge"</b>	means a charge prescribed by the municipality;
<b>"public notice"</b>	means a notice in a newspaper in at least two of the official languages in general use within the Province or area in question, and, where possible, the notice shall be published in a newspaper appearing predominantly in the language utilised in the publication of the notice;

<b>"public water"</b>	means any river, watercourse, bay, estuary, the sea and any other water to which the public has the right of use or to which the public has the right of access;
<b>"sanitation services"</b>	has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;
<b>"sea outfalls"</b>	means the discharge of effluent directly into the sea;
<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 or its authorised agent and which may be used by it in connection with the disposal of sewage and shall include the sea outfalls;
<b>"sewer"</b>	means any pipe or conduit which is the property of or is vested in the municipality or its authorised agent and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;
<b>"standard domestic effluent"</b>	means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality or its authorised agent, but shall not include industrial effluent;
<b>"stormwater"</b>	means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;
<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>"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 or its authorised agent;
<b>"water services"</b>	has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;
<b>"water supply services"</b>	has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;
<b>"water supply system"</b>	means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the municipality or its authorised agent and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;
<b>"wet industry"</b>	means an industry which discharges industrial effluent; and
<b>"working day"</b>	means a day other than a Saturday, Sunday or public holiday.

Any word or expression used in these bylaws 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), the Building Regulations will in respect of Chapter III bear that meaning, unless the context indicates otherwise.

Any reference in Chapter I of these bylaws to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which is applicable.

#### **Part 2: Application for water services**

##### **Application for water services**

2. (1) No person shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the municipality or its authorised agent on the prescribed form for such services for a specific purpose and to which such application has been agreed.
- (2) Where a premises or consumer are provided with water services, it shall be deemed that an agreement in terms of Sub-Section (1) exists.

- (3) An application agreed to by the municipality or its authorised agent shall constitute an agreement between the municipality or its authorised agent and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (4) A consumer shall be liable for all the prescribed tariffs and / or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these bylaws or until such time as any arrears have been paid.
- (5) In preparing an application form for water services the municipality or its authorised agent will ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person. In the case of illiterate or similarly disadvantaged persons, the municipality or its authorised agent will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (6) Water services rendered to a consumer are subject to the provisions of these bylaws and the conditions contained in the relevant agreement.
- (7) If a municipality or its authorised agent 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 or its authorised agent will inform the consumer of such refusal and / or inability, the reasons therefore and, if applicable, when the municipality or its authorised agent will be able to provide such water services.

#### Special agreements for water services

3. The municipality or its authorised agent 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 or its authorised agent having jurisdiction in the area in which the premises is situated.

#### Part 3: Tariffs and charges

##### Prescribed tariffs and charges for water services

4. All tariffs and or charges payable in respect of water services rendered by the municipality or its authorised agent in terms of these bylaws, 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; in accordance with -
    - (i) its tariff policy;
    - (ii) any bylaws in respect thereof; and
    - (iii) any regulations in terms of Section (10) of the Act.

##### Fixed charges for water services

5. (1) The municipality may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with
  - (a) its tariff policy,
  - (b) any bylaws in respect thereof; and
  - (c) any regulations in terms of Section (10) of the Act.
- (2) Where a fixed charge is levied in terms of Sub-Section (1), it shall be payable by every owner or consumer in respect of water services provided by the municipality or its authorised agent to him, her or it, whether or not water services are used by him, her or it.

#### Part 4: Payment

##### Payment of deposit

6. (1) Every consumer must on application for the provision of water services and before such water services will be provided by the municipality or its authorised agent, pay a deposit as determined by the municipality or its authorised agent except in the case of a pre-payment measuring device being used by the municipality or its authorised agent.
- (2) The municipality or its authorised agent may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- (3) The municipality or its authorised agent may from time to time review the sum of money deposited by a consumer in terms of Sub-Section (1) and, in accordance with such review -
  - (a) require that an additional amount be deposited by the consumer; or
  - (b) refund to the consumer such amount as may be held by the municipality or its authorised agent in excess of the reviewed deposit.
- (4) Subject to Sub-Section (5), an amount deposited with the municipality or its authorised agent in terms of Sub-Sections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services rendered.
- (5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the municipality or its authorised agent in respect of water services rendered to the consumer, the municipality or its authorised agent may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.
- (6) No interest shall be payable by the municipality or its authorised agent on the amount of a deposit held by it in terms of this Section.

- (7) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the municipality or its authorised agent if it has not been claimed within twelve months of the termination of the agreement.

**Payment for water services provided**

7. (1) Water services provided by the municipality or its authorised agent to a consumer shall be paid for by the consumer at the prescribed tariff or charge 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. If the consumer fails to pay, the owner shall be responsible.
- (3) The municipality or its authorised agent may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.
- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the municipality or its authorised agent 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 or its authorised agent 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. Provided that no such adjustment shall be made in respect of a period in excess of 12 months prior to the date on which the wrong charge was observed or the council was notified of such wrong charge by the consumer.
- (5) A consumer must pay his or her or its account at an approved agent of the municipality or its authorised agent. A consumer shall remain liable for the payment of an account not paid with the municipality, its authorised agent or approved agent.
- (6) A municipality or its authorised agent must inform a consumer as to who the approved agents for payment of accounts are.

**Part 5: Termination, limitation and discontinuation of water services**

**Termination of agreement for the provision of water services**

13. (1) A consumer may terminate an agreement for the provision of water services by giving to the municipality or its authorised agent not less than ten (10) working days' notice in writing of his or her intention to do so.
- (2) The municipality or its authorised agent may, by notice in writing of not less than thirty 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 or its authorised agent for the continuation of the agreement;
  - (b) he, she or it has failed to comply with the provisions of these bylaws 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 procedure set out in Section (11) was applied;
  - (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.
- (3) The municipality or its authorised agent may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

**Limitation and / or discontinuation of water services provided**

- 14 (1) The municipality or its authorised agent may limit or discontinue water services provided in terms of these bylaws -
- (a) on failure to pay the prescribed tariffs or charges on the date specified, after the provisions of Section (11) were applied;
  - (b) on failure to comply with any other provisions of these bylaws, after notice in terms of Section (23) was given;
  - (c) at the written request of a consumer;
  - (d) if the agreement for the provision of services has been terminated in terms of Section (13) and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;
  - (e) the building on the premises to which services were provided has been demolished;
  - (f) if the consumer has interfered with a limited or discontinued service; or
  - (g) in an emergency.
- (2) The municipality or its authorised agent will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of Sub-Section (1).

**Restoration of water services**

15. When a consumer enters into an agreement for the payment of the arrears amount in installments 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 6: General provisions**

**Responsibility for compliance with these bylaws**

16. (1) The owner of premises is responsible for ensuring compliance with these bylaws in respect of all or any matters relating to any installation.
- (2) The consumer is responsible for compliance with these bylaws in respect of matters relating to the use of any installation.

**Exemption**

17. (1) The municipality or its authorised agent 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 bylaws, 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 or its authorised agent shall not grant exemption from any section of these bylaws 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 bylaws; and
  - (f) the Act, or any regulations made in terms thereof, is not complied with.
- (2) The municipality or its authorised agent may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of Sub-Section (1).

**Unauthorised use of water services**

18. (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 or its authorised agent for the rendering of those services.
- (2) The municipality or its authorised agent may, irrespective of any other action it may take against such person in terms of these bylaws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the municipality or its authorised agent for the rendering of those services,
- (a) to apply for such services in terms of Sections 2 or 3; and
  - (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 bylaws.
- (3) The provisions of Section 23 shall apply to a notice in terms of Sub-Section (2) above.

**Change in purpose for which water services are used**

19. Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the municipality or its authorised agent.

**Interference with water supply system or any sanitation services**

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

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

21. (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes Sub-Section (1), the municipality or its authorised agent 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.

**Notices and documents**

22. (1) A notice or document issued by the municipality or its authorised agent in terms of these bylaws must be deemed to be duly authorised if the authorised agent signs it.
- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of these bylaws 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 Sub-Sections (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.

**Power to serve and compliance with notices**

23. (1) The municipality or its authorised agent 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 bylaws 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 or its authorised agent in terms of these bylaws 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 Sub-Section (1) will –
- (a) give details of the provision of the bylaws 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 or its authorised agent 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 or its authorised agent –
    - (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 or its authorised agent may without prior notice undertake the work required by Sub-Section (3)(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the municipality or its authorised agent in terms of Sub-Sections (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, administrative 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.

**Power of entry and inspection**

24. (1) A municipality or its authorised agent 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 bylaws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

**False statements or information**

25. No person shall make a false statement or furnish false information to the municipality or its authorised agent or falsify a document issued in terms of these bylaws.

**Offences**

26. (1) A person who –
- (a) unlawfully and intentionally or negligently interfere with any water services works of the municipality or its authorised agent;
  - (b) fails to provide information or provide false information reasonably requested by the municipality or its authorised agent;
  - (c) fails or refuses to give access required by a municipality or its authorised agent in terms of Section 24;
  - (d) obstructs or hinders a municipality or its authorised agent in the exercise of his or her powers or performance of his or her functions or duties under these bylaws;
  - (e) contravenes or fails to comply with a provision of these bylaws;
  - (f) contravenes or fails to comply with a condition or prohibition imposed in terms of these bylaws;
  - (g) 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 bylaws; or
  - (h) fails to comply with the terms of a notice served upon him or her in terms of these bylaws; shall be guilty of an offence and liable on conviction to a fine not exceeding R2 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 R1 000,00 for every day during the continuance of such offence after a written notice from the municipality or its authorised agent 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.

**Availability of bylaws**

27. (1) A copy of these bylaws shall be included in the municipalities Municipal Code as required in terms of legislation.
- (2) A copy of these bylaws shall be available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable times.
- (3) A copy of the bylaws may be obtained at the approved tariff from the municipality or its authorised agent.

**CHAPTER II: Water supply services**

**Part 1: Connection to water supply system**

**Provision of connection pipe**

28. (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.

- (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 or its authorised agent may agree to the extension subject to such conditions as it may impose.

#### Location of connection pipe

29. (1) A connection pipe provided and installed by the municipality or its authorised agent shall -
- (a) be located in a position agreed to between the owner and the municipality or its authorised agent and be of a suitable size as determined by the municipality or its authorised agent;
  - (b) terminate at -
    - (i) the boundary of the land owned by or vested in the municipality or its authorised agent, 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 reaching agreement with an owner concerning the location of a connection pipe, the municipality or its authorised agent 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 or its authorised agent 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 or its authorised agent to connect to such installation.
- (3) A municipality or its authorised agent 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 or its authorised agent and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.

#### Provision of single water connection for supply to several consumers on same premises

30. (1) Notwithstanding the provisions of Section 29 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 or its authorised agent 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 or its authorised agent has installed a single measuring device as contemplated in Sub-Section (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 or its authorised agent 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 or its authorised agent for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding Sub-Section (1), the municipality or its authorised agent 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 or its authorised agent, 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 or its authorised agent under Sub-Section (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

#### Interconnection between premises or water installations

31. 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 or its authorised agent, and complies with any conditions that it may have imposed.

#### Disconnection of water installation from connection pipe

32. The municipality or its authorised agent 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
  - (b) the building on the premises concerned has been demolished.

**Part 2: Communal water services works**

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

33. (1) A municipality or its authorised agent may install a communal water services work 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, tariff that will be payable and location of the work.

**Part 3: Temporary supply**

**Water supplied from a hydrant**

34. (1) The municipality or its authorised agent 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 Sub-Section (1) must apply for such water services in terms of Section (2).
- (3) The supply of water in terms of Sub-Section (1) must be measured.
- (4) The municipality or its authorised agent may for purposes of measuring provide a portable water meter to be returned to the municipality or its authorised agent 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 or its authorised agent and will be provided subject any conditions imposed by the municipality or its authorised agent.

**Part 4: Standards and general conditions of supply**

**Quantity, quality and pressure**

35. Water supply services provided by the municipality or its authorised agent will comply with the minimum standards set for the provision of water supply services in terms of Section (9) of the Act.

**General conditions of supply**

36. (1) The municipality or its authorised agent may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will be responsible therefor.
- (2) The municipality or its authorised agent may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (3) If in the opinion of the municipality or its authorised agent the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

**Part 5: Measurement of water supply services**

**Measuring of quantity of water supplied**

37. (1) The municipality or its authorised agent 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 or its authorised agent and its associated apparatus shall be provided and installed by the municipality or its authorised agent, shall remain its property, and may be changed and maintained by the municipality or its authorised agent when deemed necessary by it.
- (3) The municipality or its authorised agent may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) If the municipality or its authorised agent installs a measuring device on a service pipe in terms of Sub-Section (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 or its authorised agent installs a measuring device together with its associated apparatus on a service pipe in terms of Sub-Section (3), the owner shall –
- (a) provide a place satisfactory to the municipality or its authorised agent 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 or its authorised agent 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 or its authorised agent has placed on a meter; or
- (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the municipality or its authorised agent considers that, in the event of the measuring device being a meter that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it

may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.

- (8) The municipality or its authorised agent 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.

#### Quantity of water supplied to consumer

38. (1) For purposes of assessing the quantity of water measured by a measuring device installed by the municipality or its authorised agent on the premises of a consumer or, where applicable, estimated or determined by the municipality or its authorised agent in terms of any provision of these bylaws, it will, for the purposes of these bylaws, 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 or its authorised agent 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 or its authorised agent of the quantity of such water shall be deemed to be correct.
- (2) Where water supplied by the municipality or its authorised agent to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the municipality or its authorised agent, the municipality or its authorised agent may for the purpose of rendering an account estimate, in accordance with Sub-Section (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 Sub-Section (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the municipality or its authorised agent 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 Sub-Section (2) was discovered; or
  - (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in Sub-Section (3)(a).
- (4) Nothing in these regulations shall be construed as imposing on the municipality or its authorised agent an obligation to cause any measuring device installed by the municipality or its authorised agent on any premises to be measured at the end of every month or any other fixed period, and the municipality or its authorised agent 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 or its authorised agent must, on receipt from the consumer of written notice of not less than 7 (seven) days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
- (6) If a contravention of Sub-Section 36(6) occurs, the consumer shall pay to the municipality or its authorised agent the cost of such quantity of water as in the municipality or its authorised agent'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 or its authorised agent it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the municipality or its authorised agent 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 Sub-Section (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 gaining 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.

#### Defective measurement

39. (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 or its authorised agent is defective he or she may, against payment of the prescribed charge, make application in writing for the measuring device to be tested.
- (2) The provisions of Sections 10(8) to 10(12) will apply to such an application.

#### Special measurement

40. (1) If the municipality or its authorised agent 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 Sub-Section (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the municipality or its authorised agent.

- (3) The provisions of Sections 37(5) and 37(6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of Sub-Section (1).

**No reduction of amount payable for water wasted**

41. A consumer shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

**Adjustment of quantity of water supplied through defective measuring device**

42. (1) If a measuring device is found to be defective in terms of Section 10(11), the municipality or its authorised agent 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 two 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 Sub-Section (1), the municipality or its authorised agent may estimate the quantity on any basis that is available to it.
- (3) Provided that no such adjustment shall be made in respect of a period in excess of 12 months prior to the date on which the meter was found to be registering incorrectly.

**Part 6: Installation work**

**Approval of installation work**

43. (1) If an owner wishes to have installation work done, he or she must first obtain the municipality or its authorised agent'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 Sub-Section (1) shall be made on the prescribed form and shall be accompanied by -
- (a) the prescribed charge, if applicable;
  - (b) copies of the drawings as prescribed by the municipality or its authorised agent, 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 Sub-Sections (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 Sub-Section (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 Sub-Section 1.
- (6) If installation work has been done in contravention of Sub-Section (1) or (2), the municipality or its authorised agent 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 bylaws.

**Persons permitted to do installation and other work**

**Provision and maintenance of water installations**

45. (1) An owner must provide and maintain his or her water installation at his or her own cost and, where permitted in terms of Sub-Section (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 its authorised agent or the owner of the land on which such portion is situated, as the case may be.

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

46. (1) No person shall, without the prior written authority of the municipality or its authorised agent, install or use a pipe or water fitting in a water installation within the municipality or its authorised agent's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the municipality or its authorised agent.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in Sub-Section (1) must be made on the form prescribed by the municipality or its authorised agent and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be included in the Schedule referred to in Sub-Section (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 or its authorised agent may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.
- (5) A pipe or water fitting shall be removed from the Schedule if it -
  - (a) no longer complies with the criteria upon which its inclusion was based; or
  - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current schedule shall be available for inspection at the office of the municipality or its authorised agent at any time during working hours.
- (7) The municipality or its authorised agent may sell copies of the current schedule at the prescribed charge.

#### Labelling of terminal water fittings and appliances

47. 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

##### Owner to prevent pollution of water

48. 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.

##### Water restrictions

49. (1) The municipality or its authorised agent may by public notice to prevent the wasteful use of water in terms of Section (51) 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 Sub-Section (1)(b)(i); and
    - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
  - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The municipality or its authorised agent may limit the application of the provisions of a notice contemplated by Sub-Section (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 or its authorised agent may -
- (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of Sub-Section (1); or
  - (b) 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 Sub-Section (1), subject to notice in terms of Section (23); and
  - (c) where the supply has been discontinued, it shall only be restored when the prescribed charge 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 or its authorised agent 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 Sub-Section (1).

##### Waste of water unlawful

50. (1) No consumer shall permit -
- (a) the purposeless or wasteful discharge of water from terminal water fittings;
  - (b) pipes or water fittings to leak;
  - (c) the use of maladjusted or defective water fittings;
  - (d) an overflow of water to persist; or
  - (e) an inefficient use of water to persist.

- (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 Sub-Section (1).
- (3) If an owner fails to take measures as contemplated in Sub-Section (2), the municipality or its authorised agent shall, by written notice in terms of Section (23), require the owner to comply with the provisions of Sub-Section (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 or its authorised agent 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 or its authorised agent.

#### Part 8: Water Audit

##### Water audit

51. (1) Water users using more than 3 650 Kl per annum, excluding those comprising multiple dwelling units, must within one month after the end of each financial year of the municipality or its authorised agent undertake an annual water audit at their own cost.
- (2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and Forestry, the water board, if applicable, and the municipality or its authorised agent.
- (3) The audit must contain details in respect of –
  - (a) the amount of water used during the financial year;
  - (b) the amount paid for water for the financial year;
  - (c) the number of people living on the stand or premises;
  - (d) the number of people permanently working on the stand or premises;
  - (e) the seasonal variation in demand through monthly consumption figures;
  - (f) the water pollution monitoring methods;
  - (g) the current initiatives to manage demand for water;
  - (h) the plans to manage their demand for water;
  - (i) a comparison of the above factors with those reported in each of the previous three years (where available);
  - (j) estimates of consumption by various components of use; and
  - (k) a comparison of the above factors with those reported in each of the previous three years, where available.

#### Part 9: General provisions

##### Notification of boreholes

52. (1) The municipality or its authorised agent may, by public notice, require -
  - (a) the owner of any premises within the area of jurisdiction of the municipality or its authorised agent 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 or its authorised agent 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 or its authorised agent, 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 or its authorised agent 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.

##### Sampling of water

53. (1) The municipality or its authorised agent 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 Sub-Section (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.

##### Supply of non-potable water by municipality or its authorised agent

54. (1) The municipality or its authorised agent 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 or its authorised agent may impose.
- (2) Any supply of water agreed to in terms of Sub-Section (1) shall not be used for domestic or any other purposes, which, in the opinion of the municipality or its authorised agent, 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 authorised agent 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 its authorised agent or the malfunction of a treatment plant.

**Testing of pressure in water supply systems**

55. The municipality or its authorised agent may, on application by an owner and on payment of the prescribed charge, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.

**Pipes in streets or public places**

56. 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 or its authorised agent, except with the prior written permission of that municipality or its authorized agent and subject to such condition as it may impose

**MIDVAAL LOCAL MUNICIPALITY**

**SANITATION SERVICES BY-LAWS**

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*Definitions*

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

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

"applicant" means any person who makes an application;

"application" means an application contemplated in section 4 of the National Building Regulations and Building Standards Act, 1977;

"approval" means approval by the Council;

"approved" means approved by the Council;

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

"back vent" means a ventilating pipe connecting a branch discharge pipe, to which unvented fixture discharge pipes are connected, to a vent stack or to a stack vent;

"block plan" means a plan drawn to scale showing the size, shape and measurements of any piece of land and the position thereon of any existing and proposed buildings and drainage installation or portion thereof;

"branch discharge pipe" means a horizontal discharge pipe conveying the discharge from one or more sanitary fixtures to a discharge stack;

"branch drain" means a drain which discharges into another drain;

"branch vent" means a horizontal ventilation pipe connecting two or more trap vents to a vent stack or to a stack vent;

"branch anti-siphonage pipe" means an anti-siphonage pipe connecting two or more individual anti-siphonage pipes to a main anti-siphonage pipe or to a ventilation pipe;

"branch pipe" means any pipe conveying soil-water or waste-water either separately or together to a stack or other vertical pipe;

"chemical closet" means a closet, which contains a fixed pan, the excreta from which pass into a tank or container where they are acted upon by chemicals, which sterilise and break them down;

"Chief Executive Office" means the person appointed Municipal Manager by the Council or any other person lawfully acting in that capacity and any employee of the Council duly authorised thereto by such Chief Executive Officer or the person so acting;

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

"common drain" means that portion of a drain, which conveys sewage other than or in addition to that, sewage which emanates from the site through which such drain runs;

"connecting sewer" means a pipe vested in the Council, which connects a drain to a sewer;

"conservancy tank" means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;

"council" means the city council, town council, village council or health committee established in terms of the Local Government Ordinance, 1939, or the Transvaal Board for Development of Peri-Urban Areas established in terms of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943, which has adopted these by-laws in terms of the Local Government Ordinance, 1939, and includes the management committee of such council or any officer in the service of such council, acting by virtue of any power vested in such council in connection with these by-laws and delegated to him in terms of section 58 of the Local Government (Administration and Elections) Ordinance, 1960, or any other legislation thereafter;

"cross vent" means a pipe connected between a discharge stack and a vent stack;

"cycle" means any period of one month commencing on the first of the month to the last day of the same month;

"developed length" of any pipe means the length between two specified points on such pipe measured along the centre line of the pipe including any bend, junction or similar fitting;

"discharge pipe" means a pipe, which conveys the discharge from a sanitary fixture to a drain and includes a soil pipe, waste pipe, a discharge stack, a branch discharge pipe or a fixture discharge pipe;

"discharge stack" means a main vertical discharge pipe or any part of a drainage installation;

**"domestic effluent"** means sewage consisting of soil water or wastewater or a combination of both;

**"drain"** means that portion of a drainage installation, other than soil-water pipes, waste-water pipes, ventilation pipes and anti-siphonage pipes which is not vested in the council and which is laid in the ground and used or intended to be used for conveying sewage to the connecting sewer, or for conveying sewage to a conservancy tank or a septic tank and includes a conservancy tank or a septic tank;

**"drainage installation"** means an installation vested in the owner of a site and which is situated on such site and which is intended for the reception, conveyance storage or treatment of sewage and may include sanitary fixtures, discharge pipes, drains, ventilating pipes, septic tanks, conservancy tanks, sewage treatment works, or mechanical appliances associated therewith;

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

**"electrical sanitary fixture"** means a device which is connected to an electricity supply and to a water supply to perform a function such as the washing of clothes or dishes, or rendering waste matter suitable for disposal into a discharge pipe and includes a food-waste disposer, and a sanitary-towel disposer;

**"Engineer"** and **"Council's engineer"** means the person from time to time holding the said appointment or acting in the said capacity in connection with the municipality or any person duly appointed by the Council to act on his behalf or appointed or authorised by the Council to administer these by-law;

**"evapo-transpirative bed"** means an effluent disposal system comprising a shallow sand-filled excavation covered with topsoil and planted over with suitable vegetation;

**"fixture branch"** means a horizontal fixture discharge pipe;

**"fixture unit"** means a unit of measure expressing the hydraulic loading imposed by any sanitary fixture on the system of pipe work to which it discharges;

**"fixture unit rating"** means the value in fixture units assigned to a sanitary fixture from a consideration of the duration of its discharge, the interval between discharges and its mean discharge rate;

**"french drain"** means a trench filled with suitable material which is used for disposal of liquid effluent from a septic tank of wastewater;

**"group"** means a combination of sanitary fittings comprising not more than one each of a water-closet, wash hand basin, sink, shower, bidet and bath;

**"habitable room"** means a room used for designed erected adapted or intended to be used by persons for sleeping in, living in, the preparation or consumption of food or drink, the transaction of business, the rendering of professional services, the manufacture, processing or sale of goods, the performance of work, the gathering together of persons or for recreational purposes;

**"horizontal"** in relation to a discharge pipe or ventilating pipe, means inclined at less than 45E to the horizontal;

**"individual anti-siphonage pipe"** means an anti-siphonage pipe installed to protect a single sanitary fitting;

**"industrial effluent"** means any liquid whether or not containing water in solution which is given off in the course of or as a result of any industrial trade, manufacturing, mining or chemical process or any laboratory, research or agricultural activity, and includes any liquid other than soil water or storm water; ending up in the Council sewer network or disposal of in a legal manner;

**"individual anti-siphonage pipe"** means an anti-siphonage pipe installed to protect a single sanitary fitting;

**"inspection chamber"** means a chamber not deeper than arm length and such dimensions that access may be obtained to a drain without the requiring of a person to enter into such chamber;

**"inspection eye"** means any access opening to the interior of any pipe or pipe fitting in a drainage installation provided solely for the purpose of inspection and testing, and to which permanent access after completion of the drainage installation need to be provided;

**"load"** means the product of the concentration of an element in the effluent, (expressed in grams per litre) and the total volume of effluent over a fixed period of 24 hours (expressed in mega litre) and is expressed; in ton / day;

**"main anti-siphonage pipe"** means the pipe to which branch anti-siphonage pipes are connected and which is either extended independently to discharge into the open air or is connected to a ventilation pipe;

**"manhole"** means a chamber of a depth greater than arm length and such dimensions that allows entry of a person into such chamber for the purpose of providing access to a drain;

**"occupant or owner"** means in each case where the premises is not occupied by the owner, also the occupant;

**"occupancy"** means the particular use or the type of use to which a building or portion thereof is normally put or intended to be put;

**"one-pipe system"** means a drainage installation in which the discharges from soil-water fittings and waste-water fittings are carried to a drain by a common pipe and in which the water seals of the traps of all waste-water fittings connected to such installation are individually protected by anti-siphonage pipes;

**"piece of land"** means any piece of land registered in a deeds registry as an erf, stand, lot, plot or other area, or as a portion or a subdivision of such erf, stand, lot, plot or other area, or any defined portion, not intended as a public place of a piece of land proclaimed

as a township, or of a piece of land which is held under surface right permit or under mining title or which, being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations;

"*pipe*" unless the context otherwise requires, means any number of pipes and fittings joined together to form a line of pipes;

"*pitch*" means the angle between the pitch line and the horizontal;

"*pit latrine*" means a closet placed over or adjacent to an excavation which is of adequate depth;

"*premises*" means any area of land together with any building or improvement thereon;

"*range*" means a number of like sanitary fixtures closely spaced and discharging to a common branch discharge pipe which does not receive the discharge from any other sanitary fixture not in the range;

"*resealing trap*" means a trap so designed that some of the water forming its seal is retained during siphonic action to reseal after siphonage has been broken;

"*rodding eye*" means any access opening to the interior of any drain provided for the purposes of internal cleaning, and which remains permanently accessible after completion of the drainage installation;

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

"*sanitary fixture*" means a receptacle to which water is permanently supplied, and from which waste water or soil water is discharged;

"*sanitary group*" means a combination of sanitary fixtures comprising not more than one each of a water closet pan, bath, shower and sink and either two wash basins or one wash basin and one bidet;

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

"*sewage*" means waste water, soil water, industrial effluent and other liquid waste, either separately or in combination. but shall not include storm water;

"*treated effluent*" means the liquid effluent discharged from a sewage treatment works;

"*sewer*" or "*street sewer*" means a pipe, conduit or fixture which is the property of or is vested in the Council and which is used or intended to be used for the conveyance of sewage;

"*single stack system*" means a modification of the one pipe system in which the water seals of the traps of the waste-water fittings or soil-water fittings are not individually protected by anti-siphonage pipes and in which the system is specifically designed in terms of these by-laws to protect the water seals of the traps of all such fittings by means of the said stack with or without the aid of a supplementary ventilation pipe;

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

"*soil branch*" means a branch discharge pipe which conveys soil water only;

"*soil fixture*" means a sanitary fixture which receives and discharge soil water;

"*soil pipe*" means a discharge pipe which conveys soil water only;

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

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

"*soil-water pipe*" means any pipe, other than a drain, used for the conveyance of soil-water with or without waste-water;

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

"*stack vent*" means the extension of a discharge stack as a ventilating pipe above the highest connected discharge pipe;

"*storm water*" means water resulting from natural precipitation or accumulation and includes rainwater, surface water, sub-soil water or spring water;

"*storm water drain*" means a pipe, conduit of surface channel situated on a site, which is used to convey storm water to a suitable point of discharge;

"*storm water sewer*" means a pipe, conduit or channel, owned by or vested in the Council, which is used for the conveyance of storm water;

"*street*" means any street, road, thoroughfare, lane, footpath, sidewalk, subway or bridge which -

(a) is vested in the Council; or

(b) the public has the right to use; or

(c) is shown on a general plan of a township filed in a deeds registry or a surveyor-general's office and has been provided or reserved for use by the public or the owners of even in such township;

"*street boundary*" in relation to a site, means the boundary of such site which abuts any street;

"*supplementary ventilation pipe*" means a pipe installed to supplement the ventilation of a single stack drainage system;

"*tariff*" means the tariff of charges determined by the Council;

"*Town Clerk*" see Municipal Manager;

"*trained plumber*" means any person who in the trade of plumbing has, in terms of the Manpower Training Act 1981, (Act 56 of 1981), passed a qualifying trade test or has been issued with a certificate of proficiency;

"*trap*" means a pipe fitting or a part of a sanitary fixture which is designed to retain a water seal;

"*trap vent*" means a ventilating pipe connecting an individual trap to the open air or to another ventilating pipe;

"*treated effluent*" means the liquid effluent discharged from a sewage treatment works;

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

"*two-pipe system*" means a system of piping between sanitary fixtures and a drain in which waste water and soil water discharge through separate discharge pipes and in which any trap venting or other venting that is required is via separate event stacks for the waste and soil water systems;

"*ventilating pipe*" or "*vent*" means a pipe, not being a discharge pipe, which leads to the open air at its highest point and which provides ventilation throughout a drainage installation of the purpose of preventing the destruction of water seals;

"*vent stack*" means a vertical ventilating pipe in a drainage installation;

"*vent valve*" means a one-way air valve specifically designed and constructed to be fitted near the crown of the trap serving a waste fixture to protect the water seal of such trap against excessive negative air pressure arising in the fixture discharge pipe;

"*vertical*" in relation to a discharge pipe or ventilating pipe, means inclined at 45° or more to the horizontal;

"*waste branch*" means a branch pipe which conveys waste water only;

"*waste grinder*" means any mechanically operated device which grinds and flushes matter which would not normally be disposed of in the sewer, into the waste water sewerage system or which removes from vegetables or other foodstuffs peas, skins, scales or other matter for discharge directly or indirectly into the waste sewerage system, and including effluent from a food waste grinder;

"*waste pipe*" means a discharge pipe which conveys waste water only;

"*waste water*" means used water not contaminated by spill water or industrial effluent and shall not include storm water;

"*waste-water fittings*" means any fitting used for the reception and discharge of waste-water;

"*waste-water pipe*" means any pipe, other than a drain, used for the conveyance of waste-water;

"*water seal*" means the water in a trap which acts as a barrier against the flow of any foul or gas;

- (1) In these regulations "SABS" followed by a number or a number and a title, is a reference to the specification of the indicated number published by the council of the South African Bureau of Standards, and all amendments thereof, and which are available for inspection at the office of the Council at any time during official office hours.
- (2) Infringement of By-laws – Any owner or occupier having or using upon his premises, and any person providing installing, laying down or connecting, or permitting or causing to be provided, installed, laid down or connected upon any premises any service or part thereof which fail to comply with the requirements of these by-laws shall be guilty of an offence under these by-laws.
- (3) Infringement of other Legislation – Any owner or occupier having or using upon his premises, and any person providing installing, laying down or connecting, or permitting or causing to be provided, installed, laid down or connected upon any premises any service or part thereof which fail to comply with the regulations of the following legislation such as;
  - (a) Municipal Structures Act (Act 117 of 1998)
  - (b) Environmental Conservation Act (Act 73 of 1989)
  - (c) National Environmental Management Act (Act 107 of 1998)
  - (d) Minerals Act (Act 50 of 1991)
  - (e) Atmospheric Pollution Prevention Act (Act 45 of 1965)
  - (f) National Building Regulations Act (Act 103 of 1977)
  - (g) Hazardous Substances Act (Act 15 of 1973)
  - (h) National Heritage Resources Act (Act 25 of 1999)
  - (i) Development Facilitation Act (Act 67 of 1995)

shall be guilty of an offence under these by-laws.

## CHAPTER 1

### PROVISIONS RELATING TO THE SUPPLY OF SANITATION SERVICES BY COUNCIL

**Compulsory Drainage of Buildings**

2. (1) (a) Where in respect of any building a suitable means of disposal of waterborne sewage is available the owner of such building shall provide a drainage installation.
- (b) Where there is no such means of waterborne disposal sewage shall be disposed of in accordance with Part Q (National Building Regulations (Act 103 of 1977))
- (2) Where a sewer is available for the drainage of such building, the owner of such building shall, at his own cost, lay, alter or extend any drain serving such building to terminate at a location and level as prescribed by the local authority for the connection to such sewer.
- (3) Where a connecting sewer has been provided to any site the owner of such site shall cause all sewage discharged from any building on such site to be conveyed by a drain to such connecting sewer.
- (4) Where the owner of such building has failed to lay, alter or extend any drain in terms of sub-section 2(2) the local authority may, at the cost of such owner, lay, alter or extend such drain; provided that the local authority shall, before carrying out such work, give not less than 14 days notice to such owner of its intention to carry out such work.
- (5) Any owner who fails to comply with the requirement contained in sub-section 2(1) or 2(2) shall be guilty of an offence.

**Discharge to Sewerage Disposal System**

3. (1) No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance –
  - (a) which does not comply with the standards and criteria prescribed in these regulations;
  - (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent produced for discharge at any sewage treatment plant or sea outfalls discharge point or in any public water any offensive, or otherwise undesirable taste, color, odor, temperature or any foam;
  - (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
  - (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
  - (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
  - (f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the municipality or its authorized agent for the sewage disposal system, other than in compliance with the permissions issued in terms of these bylaws; and
  - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person shall cause or permit any storm water to enter the sewage disposal system.
- (3) The municipality or its authorized agent may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with these bylaws and to report such findings to an authorized agent.
- (4) If any person contravenes any provision of Sub-Section 3(1) or Sub-Section 3(2) he or she shall within twelve hours, or earlier if possible, advise the municipality or its authorized agent of the details of the contravention and the reasons for it.

**Compulsory Provision of Sewerage**

4. (1) The owner of any property not having a drainage installation terminating at a point of discharge to the sewer prescribed by the Council shall within 20 weeks of receiving written notice from the Council requesting him to do so construct or cause to be constructed such an installation on the property and shall do all work necessary for and all things required by these by-laws in connection with the construction of such an installation, and shall pay all fees due in respect of the connection of the same to the Council's sewer.
- (2) If the owner fails within the said period of 20 weeks to comply with a notice served on him under sub-section 4(1) he shall thereafter, without prejudice to his liability for charges in respect of use of the Council's sewer as prescribed by section 18 of these by laws, pay fees at three times the prescribed rate for the said pail or conserving-tank service until a drainage installation as required by the said notice and complying with these by-laws is connected to the sewer and the Council has been notified in terms of sub-section 4(1).
- (3) The owner as aforesaid shall give written notice to the Council when any pail or conserving-tank service rendered to the property is no longer required, and shall remain liable for the charges for that service until he has done so.

- (4) If the owner fails within the said period of twenty weeks to comply with a notice served on him in terms of sub-section 4(2) he shall thereafter, without detracting from this liability for charges in respect of the use of the council's sewer as prescribed by these by-laws, pay charges at three times the prescribed tariff for the said pail or conservancy tank service until a drainage installation as required by the said notice and complying with these by-laws is connected to the sewer and the council has been notified thereof in terms of sub-section 4(3).
- (5) Notwithstanding that no sewer is available for the service of a new building to be erected on a property or of any alteration or addition to an existing building, the Council shall be entitled, in considering whether to approve any plans submitted to it in terms of these or any other of its by-laws which are relevant: to have regard to the possibility that a sewer will become available as aforesaid and to require the owner so to locate the said new building or alteration or addition -
- (a) that it is possible for its drainage installation to discharge into the said future sewer by gravity; and
- (b) that no obstruction is caused in the expected course of the said sewer.
- (6) Notwithstanding the provisions of sub-section 4(5) where any premises are at such a level in relation to the sewer that their drainage installation, or any part of it cannot discharge to the sewer by gravitation, the Council may permit the discharge in question to be raised by means of pumps, ejectors or any other effective method through a rising main fitted with non-return valves to discharge at such level and at such place as the Council shall determine.
- (7) The owner shall be under a duty to comply with any requirement communicated to him by the Council in terms of sub-section 4(5).
- (8) Every contractor or other person employing workmen for the construction of any building or for the carrying out of any other work on any piece of land to which a sewer is available for the drainage of buildings constructed or to be constructed thereon, shall provide water closet accommodation connected to the sewer for such workmen.

#### **Common Drains**

5. The Council may in its discretion permit the drainage installations on any two or more lots, erfes, or stands whether or not in the same ownership, to discharge in the sewer through a common drain. This permission will have to be obtained in writing by the owner from the Council. Previously connected common drains may be directed by the Council to supply separate connections after consultation between the owner or occupier and the Council.

#### **Unauthorized Drainage Work**

6. (1) No person shall in any manner interfere with any sewer or connecting sewer.
- (2) No person shall break into or interfere with any part of a drainage installation other than for the purpose of repair or maintenance.
- (3) Any person who causes or permits to be caused the carrying out of any unauthorized work contemplated in this regulation shall be guilty of an offence.

#### **Unlawful Drainage Work**

7. (1) Where any drainage work has been constructed without compliance with the provisions of these by-laws concerning the submission and approval of plans the owner shall, on receiving written notice by the council so to do, comply with the said provisions within the period prescribed in that notice.
- (2) Where any drainage installation, has been constructed or any drainage work has been carried out which fails in itself in any respect to comply with any of these by-laws other than those referred to in sub-section 7(1) the owner shall, on receiving written notice by the Council so to do and notwithstanding that he may have received approval of plans in respect of the said installation or work in terms of these by-laws, carry out such alterations to the installation, remove such parts thereof and carry out such other work as, and within the time which, the notice may specify.
- (3) The Council may, instead of serving notice as aforesaid, or where such alterations or a notice has not been complied with within the time prescribed therein, proceed itself to carry out any such alterations, removals or other work as it may deem necessary for compliance with these by-laws and may recover the cost thereof from the owner by the ordinary process of law.
- (4) Should the Council at any time become aware of any installation which does not comply with the provisions of these regulations or that any provision thereof has or is being contravened it may, subject to the provisions of sub-sections 7(1), 7(2) and 7(3), forthwith and without notice carry out such alterations to the installation as it may deem necessary to effect compliance with the provisions of the said section and recover from the owner the appropriate charges prescribed in the relevant schedule to these by-laws.

#### **Duty of Maintenance**

8. (1) The owner or occupier of premises shall at all times keep and maintain in a proper state of repair and in working order any drainage installation thereon.
- (2) Where two or more owners or occupiers use any part of a drainage installation they shall be jointly and severally liable in terms of this section for the maintenance and repair of the same.

#### **Prevention of Blockages**

9. No person shall cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as will block it or prevent its effective operation.

**Clearing of Blockages**

10. (1) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation thereon, he shall forthwith report the fact to the Council.
- (2) Where a blockage occurs in a drainage installation any work necessary for its removal shall, subject to the provisions of sub-section 10(5), be done by or under the supervision of a plumber or drain layer licensed in terms of the Council's by-laws.
- (3) Any plumber or drain layer as aforesaid shall before proceeding to remove any blockage from a drainage installation notify the Council by telephone or otherwise of his intention to do so, and shall when he has done so notify the Council of that fact and of the nature and cause of the said blockage.
- (4) The Council itself shall, whether or not it has been requested by the owner to do so, be entitled at its own discretion to remove a blockage from a drainage installation and may recover the costs thereof from the owner in accordance with the tariff prescribed in the relevant schedule to these by-laws.
- (5) The Council itself shall, whether or not it has been requested by the owner to do so, be entitled at its discretion to remove a blockage from a drainage installation and to recover from him in respect of such work the charge prescribed in the tariff.
- (6) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Council be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage in accordance with the tariff prescribed in the relevant schedule to these by-laws.
- (7) Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for the clearing of such blockage shall be recoverable in the first place in equal portions from each of the owners thereof, who shall, however, be jointly and severally liable for the whole charge.

**Emission of Gas or Entry of Sewage**

11. (1) When in the opinion of the council a nuisance exists owing to the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the council may require the owner, at his own expense, to take such action as may be necessary to prevent the recurrence of the said nuisance.
- (2) Where any sewage, after being discharged into a drainage installation, enters any soil-water fitting or waste-water fitting connected to the same drainage installation whether by reason of surcharge, back pressure or any other circumstance, the council may by notice in writing require the owner to carry out within the period specified by such notice any work necessary to abate such entry of sewage and to prevent any recurrence thereof.

**Work by the Council**

12. (1) Where any person has been required by the council by notice in terms of these by-laws to carry out any work whether by way of construction, repair, replacement or maintenance and has failed to do so within the time stipulated in such notice, the council may, without prejudice to its right also to proceed against him as for a contravention of these by-laws, proceed itself to carry out the work and may recover by the ordinary process of law applicable to the recovery of a civil debt the entire cost of so doing from the person to whom the notice was directed.
- (2) Where any work other than that for which a fixed charge is provided in Section to these by-laws is done by the Council the cost of which it is entitled by these by-laws to recover from any person, there may be included in such cost such sum to be assessed by the Council as will cover all expenditure reasonably incurred by it including the cost of surveys, plans, specifications, bills of quantities, supervision, labor, materials, the use of plant and tools and the cost of disturbing making good and re-making, repairing or re-building any street, ground, building or other works.
- (3) Any damage caused to the council's sewers or any part of its sewerage or sewage treatment system by or in consequence of the non-compliance with or contravention of any provision of these by-laws shall be rectified or repaired by the council at the expense, to be assessed by it, of the person responsible for the said non-compliance or contravention or of causing or permitting same.

**Interference with Sewer**

13. (1) No person except a person authorized by the Council to do so shall break into, enter or in any other manner whatsoever interfere with any sewer, manhole or other work or any part thereof, whether or not situated on property owned or controlled by the Council, intended for the conveyance or treatment of sewage and which is vested in it.

**Disused Conservancy and Septic Tanks**

14. If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner shall either cause it to be completely removed or to be completely filled with earth or other suitable material: Provided that the Council may require such tank to be otherwise dealt with, or he may permit it to be used for some other purpose subject to such conditions as he may consider necessary, regard being had to all the circumstances of the case.

**Obstruction and False Information**

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

- (2) An owner or occupier of premises who denies or causes or suffers any other person to deny entry to premises to any official demanding the same under sub-section 15(1) or who obstructs or causes or suffers any other person to obstruct any such official in the performance of his duties, or who withholds or causes or suffers any other person to withhold information required by the official for the purpose of carrying out his said duties, or who gives or causes or suffers any other person to give to the official any information which is to his knowledge false shall be guilty of an offence.

## CHAPTER 2

### Conditions for the supply of sanitation services

#### *Application for the supply of sanitation services*

16. (1) No person shall gain access to the sewer system or a sanitation service, unless he or she applied to the Council on the prescribed form for such service for a specific purpose and to which such application has been agreed.
- (2) Application may be made to the Council by or on behalf of the owner or occupier of any premises –
- (a) for the initial connection of any premises to a sewer system; or
  - (b) for a reconnection to the sewer system where a previous service agreement in respect of the premises has been terminated, whether for the previous consumer or any subsequent owner or occupier of the premises.
- (3) An application in terms of sub-section 16(1) shall be made in the form provided by the Council for the purpose and shall be submitted to the Council –
- (a) in the case of an application for an initial connection, at least 28 days; and
  - (b) in the case of an application for a reconnection, at least 21 days, before the date on which the supply of water to the premises in question is required.
- (4) Where application is made for the initial connection of any premises to sewer system, the applicant shall, if he or she is not the registered owner of the premises, lodge, together with the applicant, the written permission of the registered owner that such connection may be made.
- (5) When submitting an application in terms of sub-section 16(1) the applicant shall pay the Council the fee determined by the Council for an initial connection or a reconnection to the sewer system as are prescribed in the tariff.
- (6) The connection to the sewer system by the Council of a consumer shall be subject to the provisions of these regulations.
- (7) Sanitation services rendered to a consumer are subject to the provisions of this By-laws.

#### *Payment for Sewer Connection*

17. (1) The fees prescribed in the tariff to all consumers that receive or want to receive sanitation services will be for each individual stand payable by the owner in full before such a connection will be made to the sewer system.
- (2) The minimum charge payable in respect to have any application shall be the published tariff.
- (3) The Council shall have the right in the case of any special service being required from the Council to recover the cost thereof.

#### *Disconnection*

18. (1) Except for the purpose of and for carrying out of any work of maintenance or repair, no soil-water fitting or soil-water pipe shall be disconnected from any soil-water pipe or drain, and no drain shall be disconnected from any other drain or from a sewer without the prior written approval of the council after the lodging of an application in the manner, so far as applicable, prescribed in terms of section 20; Provided that no charge shall be made by the council in respect of an application made in terms of this subsection.
- (2) Where any part of a drainage installation is disconnected from the remainder thereof because it will no longer be used, the said part so disconnected shall be destroyed or entirely removed from the premises on which it was being used unless the council shall otherwise permit, having regard to the impracticability of such destruction or removal, and all openings in the installation or in the said part if left in position, created by the disconnection, shall be effectively sealed to the satisfaction of the council.
- (3) Due notice in writing in advance of any disconnection shall be furnished to the engineer who shall, after the requirements of this section have been complied with and on request of the owner, issue a certificate to the effect that the disconnection has been completed in terms of these by-laws and that any sewerage charges raised in respect of the disconnected portion of the drainage installation shall cease to be raised with effect from the first day of the month following the issue of such certificate: Provided that until such certificate shall have been issued by the engineer any such charges shall continue to be raised.
- (4) When a drainage installation is disconnected from a sewer, the council shall seal the opening to the sewer so made and shall recover from the owner the charge prescribed for such work in the relevant schedule to these by-laws.
- (5) Any person, who, without the permission of the council breaks or removes or causes or permits the breakage or removal of any such seal referred to in sub-section 23(4), shall be guilty of an offence.

**Termination of agreement**

19. The Council may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if –
- (a) the agreement for provision has been terminated and it has not received an application for subsequent provision to the premises served by the sewer within a period of 180 days of such termination; or
  - (b) the building on the premises concerned has been demolished.

**CHAPTER 3****General provisions relating to drainage connections****Connections to Sewer**

20. (1) No part of any drainage installation shall extend beyond the boundary of the lot erf or stand on which the building or part thereof to which it belongs is erected provided that where it considers it necessary or expedient to do so, the Council may permit the owner to lay a drain at his own expense through an adjoining lot, erf or stand on proof of the registration of the appropriated servitude or of a notarial deed of joint drainage.
- (2) Subject to the provisions of sub-section 20(4) and without prejudice to the provisions of section 25 and concerning the testing of drainage installations, the Council will, as soon as is practicable after the owner has notified it that his drainage installation is ready for connection to the sewer, at its own expense effect the connection or cause it to be effected.
- (3) Any connection required by the owner subsequent to that made by the council in terms of sub-section 20(2) shall be subject to the approval of the council and shall be effected at the owner's expense.
- (4) No person shall permit the discharge of any substance whatsoever other than clean water for testing purposes to enter any drainage installation until the same shall have been connected to the sewer.
- (5) Save as may be otherwise authorized by the Council in writing, no person other than an official duly authorized to do so shall connect any drainage installation to the sewer.

**Location of connecting sewer**

21. (1) A connecting sewer provided and installed by the Council or owner in terms of these regulations shall –
- (a) be located in a position agreed to between the owner and the Council and be of a size determined by an Council;
  - (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Council or over which it has a servitude or other right or when Sub-section 21(3) applies, at the connecting point designated in terms of that Sub-section;
- (2) The Council shall have the right to prescribe to what point in the sewer and at what depth below the ground any drainage installation is to be connected and the route to be followed by the drain to the connection so to be made and may in its discretion, having regard to the necessity of maintaining correct levels, require the owner not to begin the construction of the drainage installation until the Council's sewer has been laid.
- (3) In reaching agreement with an owner concerning the location of a connecting sewer, the Council shall ensure that the owner is aware of
- (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
  - (b) the cost implications of the various possible locations of the connecting sewer;
  - (c) whether or not the Council requires the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Council to connect to such installation.
- (4) A Council may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by Council and for obtaining at his or her cost, such servitude's over other premises as may be necessary.
- (5) An owner must pay the prescribed connection charge.
- (6) Where an owner is required to provide a sewage lift as provided for in terms of these regulations the rate and time of discharge into the sewer shall be subject to the approval of the Council.

**Provisions of One Connecting Sewer for Several Consumers on Same Premises**

22. (1) Notwithstanding these provisions only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.

- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the Council may, in its discretion, provide and install either –
- a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
  - a separate connecting sewer for each accommodation unit or any number thereof.
- (3) Where the Council has installed a single connecting sewer as contemplated in sub-section (2)(a), the owner or the person having the charge or management of the premises, as the case may be, –
- must if the Council so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units – a separate connecting sewer; and an isolating valve; and
  - will be liable to the municipality or its authorized agent for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.
- (4) Notwithstanding sub-section 25(1), the Council may authorize that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (5) Where the provision of more than one connecting sewer is authorized by the Council under sub-section 25(4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

**Interconnection between Premises**

23. An owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on other premises, unless he or she has obtained the prior written consent of the Council and complies with any conditions that it may have imposed.

**Loads Carried by Drainage Installations**

24. (1) The load discharged into or carried by a drain, a soil-water pipe or a wastewater pipe shall be calculated in units, hereinafter referred to as discharge units.
- (2) The load at any point in a drain, soil-water pipe or wastewater pipe shall be the sum of the discharge units of all sanitary fittings the discharges from which enter such drain or pipe upstream of that particular point.
- (3) The load expressed in discharge units discharged from any sanitary fitting specified in column 3 of the following table shall be as specified in column 2, and in the case of any sanitary or other fitting not specified in the table, the hydraulic load shall be as specified in column 2 for the relevant diameter of the outlet of the trap of such fittings as specified in column 1.

TABLE

1 Nominal Diameter of Trap (mm)	2 Load in Discharge Units	3 Sanitary Fitting
32	½	Wash-hand basin, bidet
38	1	Bath, sink, shower, wash trough, wall hung urinal
50	1½	Channel type urinal
75	2½	Water closet
100	4	

- (4) The load of all sanitary fittings the discharges from which are conveyed by a drain or part of a drain having a nominal diameter set out in column 1 of the following table and a gradient set out in either column 5, 6, 7 or 8 shall not exceed the number of discharge units set out in the said table for such diameter and gradient of drain.
- (5) The nominal diameter of any drain shall be not less than 100mm, and no drain shall be laid to a gradient flatter than 1 in 60 without the consent of the council as required by the provisions of section 28(3).

**CHAPTER 4**

**General provisions relating to drainage Installations**

**Standard Specifications and codes of practice applicable**

25. For the purpose of these regulations the relevant SABS standards and codes shall be applicable, but the Council may also approve the use of any other specification and codes where in its opinion it is appropriate to do so, and it shall in considering any application for such approval be guided by accepted practice and international specifications and codes of practice.

**Provision of drainage installation**

26. Every owner or consumer shall, at his own expense, provide, install, lay down and maintain his own drainage installation.

**Information and drawings**

27. (1) In respect of every new drainage installation, or changes to an existing drainage installation necessitated by any alteration or extension of an existing building, the owner of such premises shall submit for approval to the Council, in the format determined by the Council, the information and drawings thereof: Provided that the information relating to a drainage installation to be installed on any premises may be indicated on the same drawing as the water installation.
- (2) A complete set of approved drawings of the sewer installation shall be kept available at the premises.
- (3) Where any installation work has been done in contravention of sub-section 27(1), the Council may by written notice require from the owner of the premises to comply within a specified period with the provisions of that sub-section, in which event -
- (a) Work in progress shall cease until the approval required by that sub-section have been granted.
- (b) Work that does not comply with these sections shall be removed from the premises.
- (4) An application as required that in terms of section 16 shall be accompanied by one or more sets of drawings as the Council may require, each set comprising a block plan of the premises and plans, elevations and sections indicating clearly the nature and extent of the proposed work: Provided that where the particulars required in terms of sub-section 27(5) sufficiently appear on the other drawings herein referred to, no block plan need be furnished with the application.
- (5) One set of the required drawings shall be made in waterproof ink or otherwise clearly reproduced on tracing cloth or other approved durable transparent material or be clearly legible prints with a white background on polyester or other approved durable material and shall be signed as prescribed in sub-section 27(1); but any additional sets of drawings required by the council may consist of white paper prints, the minimum size of all drawings to be not less than A4 (297mm by 240mm).
- (5) The plans, elevations and sections of the required drawings shall be drawn to a natural scale of not smaller than 1:200 except in the case of block plans, which shall be to a natural scale of not smaller than 1:500.
- (6) The plans, elevations and sections shall show -
- (a) the position and arrangement in any building of every waste-water and soil- water fitting to be installed therein;
- (b) the size, gradient and position of every drain, the size and position of every manhole, gully trap, bend, soil-water pipe, waste-water pipe, anti-siphonage pipe and ventilation pipe, and the means of access to and inspection of drains;
- (c) the position and height of all chimneys, buildings, windows and other openings within a distance of 6m from the open end of any ventilation pipe;
- (d) the levels of the floors of the building, of any yards and in the case of sections, the level of the ground in relation to the levels of drain throughout its length; and
- (e) as much as is necessary of any existing drainage installation, which will be affected by the proposed work.
- (8) The block plan shall show -
- (a) the full extent of the piece of land on which the drainage work is to be carried out and the position of the buildings and the existing and proposed drains thereon;
- (b) the title deed description of the piece of land on which the drainage work is to be carried out and of all pieces of land contiguous thereto, the name of the township, agricultural holding or farm, and the name of any street on which any part of the said piece of land abuts; and
- (c) the north point.
- (9) On the drawings referred to in subsection 21(7) the items specified in the left-hand column of the following table shall, if abbreviations are used, be identified by the abbreviations shown opposite to them in the right-hand column:

**TABLE**

Access eye	AE
Anti-siphonage pipe	ASP
Bath	B
Bidet	Bt
Cast-iron pipe	CIP
Cleaning eye	CE
Earthenware pipe/Vitrified clay pipe	EWP
Fresh-air inlet	FAI
Gully	G
Gully-dished	DG
Grease trap	GT
Inspection chamber	IC
Inspection eye	IE
Manhole	MH
Outlet ventilation pipe	OVP
Rainwater pipe	RWP
Rodding eye	RE
Sink	S

Shower	Sh
Slop hopper	SH
Soil-water pipe	SP
Soil-water ventilation pipe	SVP
Urinal	U
Ventilation pipe	VP
Water closet	WC
Wash trough	WT
Waste-water ventilation pipe	WVP
Waste-water pipe	WP

**Payment for application fees of drawings**

28. Charges regarding the approval of drawings as prescribed in the National Building Regulations and Building Standards Act (Act 103 of 1977) will be as prescribed in the tariff, section 106.

**Period of validity of approved drawings**

29. (1) An approval given by the council in terms of section 27 shall become invalid in respect of any work covered by such approval which has not been commenced within twelve calendar months of the date on which it was given unless the said work is associated with building operations which have commenced during the said twelve months.
- (2) Where any such work as mentioned in section 26, not being work associated with building operations, has not been commenced within the said twelve months the owner shall, before proceeding with it, submit a new drawings as prescribed in terms of section 27, which application shall be deemed for all purpose to be a new application, and the owner shall not be entitled to a refund of any fees paid in respect of the original application but shall, on marking the new application, pay the fees prescribed in terms of section 28.

**Changes in application after approval of drawings**

30. (1) After approval by the council of an application in terms of section 27 has been conveyed to the applicant in writing, a departure or deviation from the work as so approved may thereafter be made with the prior written consent of the council only after the owner has submitted an application for such departure or deviation, accompanied by the drawings and particulars specified in section 27 and containing a clear indication of the nature of the proposed departure or deviation and of any part of the original proposed work which is to be superseded, altered or revised.
- (2) An application made in terms of sub-section 27(4) shall be deemed to be a new application in terms of section 30 for which the fee prescribed in terms of section 28 shall be payable and in respect of which the provisions of sub-section 27(4) relating to the council's approval thereof shall apply.

**Standards of drainage installations**

31. (1) Where any drainage installation is required in terms of these regulations:
- the Council may permit or require, subject to the requirements contained in regulation A8 (2) of the National Building Regulations and Building Standards Act(103 of 1977) , the submission for approval, of an alternative rational design of such drainage installation which shall be prepared by a professional engineer or other approved competent person and which shall be based on hydraulic calculations; and
  - such design shall comply with the requirements of these regulations and may be in respect of either any discharge pipe and ventilating pipe installation of the below-ground installation, or both such installations; or
  - any such installation or any portion thereof not included in the design contemplated in sub-section 31(a) shall be designed and constructed in accordance with the regulations contained in these regulations.

**Materials, Pipes, Fittings and Joints**

32. (1) For the purposes of these regulation the relevant standard specifications with regard to materials used in any drainage installation shall be as contained in the Table.
- (2) In any drainage installation any joint between pipes or between such pipes and fittings shall-
- be appropriate to the materials of which such pipes and fittings are made; and
  - remain watertight under normal working conditions or where there may be any differential movement between such pipes and any building or ground or other construction forming part of the drainage installation; and
  - be able to withstand an internal water pressure of 60 kPa and an external water pressure of 30 kPa without leaking.

**MATERIALS USED IN DRAINAGE INSTALLATIONS AND RELEVANT STANDARD SPECIFICATIONS**

1	2
Item	SABS Standard specification
Fibre cement pipes and pipe fittings for use above ground in drainage installations (soil, waste and vent)	721
Fibre cement sewer pipes	819
Cast Iron fittings for fibre cement pressure pipes	546
Concrete pipes - non pressure	677
Unplasticized polyvinyl (UPVC) sewer and drain pipes and	

pipe fittings	791
Vitrified clay sewer pipes and fittings	559
Cast iron pipes and pipe fittings for use above ground	746
Pitch-impregnated fibre pipes, couplings and fittings	921
Steel pipes and pipe fittings up to 150mm nominal bore suitable for screwing to ISO R7 pipe threads	62
Unplasticized polyvinyl chloride (UPVC) pipes and pipe fittings for use above ground	967
Cast iron surfact boxes and manhole and inspection covers and frames	558
WC flushing cisterns	821
Float valves (Parts I and II)	752
Plastic ball floats for ball valves	1006
Stainless steel wash-hand basins and wash troughs	906
Sanitaryware (glazed ceramic)	497
Stainless steel sink with draining boards (for domestic use)	242
Stainless steel sinks for institutional use	907
Urinal stalls (stainless steel)	924
Rubber joint rings (non-cellular)(Part 1)	974
Non-metallic water traps (Part 1:Plastic waste traps)	1321
Black polyethylene pipes for the conveyance of liquids	533

**Design of a proposed sewer installation**

33. (1) The Council may require that professional engineer designs a proposed sewer installation or other approved competent person in cases where the Council is of the opinion that a detail design is necessary due to the complexity of the installation.
- (2) Any designer of a water installation shall take the necessary care in the detail design that the sewer installation shall fully comply with the requirements as set out in these regulations.

**Control over work on sewer installation**

34. (1) Subject to sub-section 34(2), the installation of a sewer installation shall be carried out -
- (a) according to drawings approved in terms of section 27 and detail specification for the installation; and
- (2) Every person carrying out or exercising control over the installation of any sewer installation shall ensure that -
- (a) shall not be shallower than 300 mm

**Cleaning, inspection and testing of sewer installation**

35. (1) Every drainage installation shall be properly cleaned, inspected and tested in accordance with section 35
- (2) Every drainage installation shall on completion -
- (a) be properly cleaned to remove any foreign matter;
- (b) be inspected by the representative of the council;
- (c) be tested under pressure
- (3) At least 2 working days' notice shall be given to the Council for the purpose of any inspection to be carried out in terms of sub-section 35(2)(b).
- (4) After the completion of a drainage installation or any part thereof, but before it is connected to a conservancy tank, a septic tank, the council's sewer or an existing approved installation, any one or more or all of the following tests shall in the presence of one of its authorized officers be applied and withstood to the satisfaction of the council:
- (a) The interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light; during the inspection a full circle of light shall appear to the observer, and the pipe or series of pipes shall be seen to be unobstructed.
- (b) A smooth ball having a diameter 12mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end.
- (c) All openings of the pipe or series of pipes to be tested having been plugged or sealed and all traps associated therewith filled with water, air shall be pumped into the said pipe or pipes until a manometric pressure of 38mm of water is indicated, after which without further pumping the said pressure shall remain greater than 25mm of water for a period of at least three minutes.
- (5) The aforesaid tests shall be carried out and the apparatus therefor shall be supplied at no expense to the council.
- (6) Where the Council has reason to believe that any drainage installation or any part thereof has become defective it may require the owner thereof to conduct, at no expense to the council, any or all of the tests prescribed in sub-section 35(1) and if the installation fails to withstand any such tests to the satisfaction of the council, the council may call upon the owner to carry out at his own expense, and within such period as it may stipulate, such repairs as may be necessary to enable the installation to withstand any or all of the said tests.

**Approval required for drainage work.**

36. (1) No person shall construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the approval of the council in writing.
- (2) No drainage work mentioned in section 36 for which approval has been given as provided for in terms of these by-laws, shall be commenced until after the expiration of two clear days after notice in writing has been served on the council stating the day on and time at which it is intended to commence the work.
- (3) Any person who commences any drainage work without applying to the council for approval thereof or before his application has been granted, or without giving notice as prescribed in terms of sub-section 36(2), or before the expiry of such notice, or who carries out any work otherwise than in accordance with the approval thereof given by the council, may be called upon by the council by notice in writing to cease the work forthwith and for every day on which work is continued in contravention of such notice, shall without prejudice to any other penalty he may have incurred with regard to the same drainage work, be guilty of an offence.
- (4) Before any part of a drainage installation is permanently covered or otherwise rendered permanently inaccessible to visual inspection, it shall be inspected and approved by the council and any person who shall have so covered or rendered inaccessible any part of any installation before such inspection has been made and such approval has been given shall, on being required by the council to do so, at his own expense remove the covering and do whatever else may be necessary to enable the council to carry out the said inspection, and shall in addition be guilty of an offence.

**Covering of drainage installation**

37. When any drainage installation is being or has been installed or any alteration or extension of any existing drainage installation is being or has been carried out, no person shall cover any part of such installation, alteration or extension or cause, permit or suffer it to be covered until it has been inspected and approved by the Council.

**CHAPTER 5****Technical requirements relating to drainage installations****Drain Pipes and Fittings**

38. (1) All pipes, junctions, bends and associated fittings forming part of a drain shall be made of vitrified clay or any other approved material bearing the standardization mark of the South African Bureau of Standards or of some other approved material.
- (2) All pipes, junctions, bends and associated fittings forming part of a drainage installation shall be installed in an approved manner.

**Joints in and with Drains**

39. (1) All joints between pipes and appliances and fittings in a drainage installation shall be such that adjacent pipe barrels are concentric, inverts are true to line and grade and there are no internal obstructions.
- (2) All joints as aforesaid shall be so made that they are air and watertight and that a badger of 6mm less in diameter than the nominal internal diameter of the pipe can pass freely through them.
- (3) Cement mortar for jointing vitrified clay pipes shall have a composition of not more than three parts of clean and sharp sand to one part of Portland cement and shall be properly caulked between the spigots and sockets of the pipes.
- (4) The joints between cast-iron spigot and socket pipes shall be formed with a gasket of hemp or yarn the depth of which shall not exceed one-half of the depth of the socket when the gasket is properly caulked, and the remainder of the socket shall be filled with molten lead run at one pouring, or with lead fibre, and thereafter solidly caulked.
- (5) Alternative approved methods of jointing pipes and associated fittings made of vitrified clay or any other approved material or cast iron may be used.
- (6) Methods of jointing pipes and fittings made of such other materials as may be approved in terms of section 39(1) shall be as approved by the Council.
- (7) Where in the opinion of the Council the nature of the soil in which any pipes and associated fittings are to be laid is such that ground movement, which may result in fracture of the pipes or fittings, is likely to occur, flexible joints shall be formed either by the use of approved special pipes and fittings or by the use of approved jointing material which will permit joint movement to take place throughout the life of the drainage installation and withstand root penetration and not swell or deteriorate when in contact with sewerage or water.

**Size of Drains**

40. The internal diameter of a drain shall be not less than 100mm: Provided that the Council may if it shall think fit having regard to any special circumstances require the laying of drains with a diameter exceeding 100mm.

**Laying, Alignment and Gradients of Drains**

41. (1) Drains shall be laid in a straight line and at a uniform gradient between the points of access referred to in section 41, they shall be everywhere so laid that the barrel of every pipe is firmly supported throughout its length, and they shall be laid at a gradient not greater than 1 in 10 or less than 1 in 60: Provided that the Council may in its absolute discretion permit.

- (a) a gradient greater than 1 in 10;
  - (b) construction of vertical drops not exceeding eight feet, such drops only to be permitted in the case of glazed-earthenware pipes where they are encased in concrete; or
  - (c) a gradient within the limits or 1 in 60 and 1 in 90 inclusive in the case of drains having a diameter of or exceeding 150mm.
- (2) No person other than a plumber licensed in terms of the Council's by-laws for the Licensing and Regulating of Plumbers and Drain layers shall lay cast-iron drains, nor shall any person other than a drain layer licensed as aforesaid lay glazed - earthenware drains: Provided that -
- (a) the jointing of glazed-earthenware pipes may be carried out by any person working under the supervision of a licensed drainlayer; and
  - (b) where in the exercise of its discretion under sub-section 41(1) the Council has permitted a drain to be made of some material other than cast iron or glazed earthenware the drain so made may at the discretion of the Council be laid by the holder of either a plumber's or a drain layer's license.
- (3) Drains shall be laid at a gradient not steeper than 1 in 6 or flatter than 1 in 60: Provided that the Council may at its discretion and on such conditions as it may prescribe, permit -
- (a) a gradient steeper than 1 in 6 or a gradient flatter than 1 in 60;
  - (b) the construction of portions of drains in the form of inclined ramps at a slope not exceeding 45° below the horizontal.
- (4) Where ramps are constructed with pipes made of materials other than cast iron, they shall be encased in concrete.

**Drains in Unstable Ground**

42. (1) Drains passing through ground which in the opinion of the engineer is liable to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100mm thick under the barrel of the pipe with a surround of similar material and thickness, and the joints of such drains shall be approved flexible joints complying with the requirements of section 39(7).
- (2) Every pipe, which has been laid as prescribed in sub-section 42(1), shall be properly bedded and haunched by bringing the concrete up to the level of the horizontal diameter of the pipe.

**Drains within or under Buildings**

43. (1) A drain or part thereof may be laid or may pass, as the case may be, within or under or through a building unless the council shall decide otherwise, having regard to considerations of health and maintenance or other matters relevant to the particular case.
- (2) A drain or part thereof shall where it is under a building be without change of direction or gradient and without means of access thereto and shall be laid on a bed of concrete at least 100mm thick having a composition of not more than six parts of coarse aggregate to three parts of fine aggregate to one part of Portland cement, and if it is made of glazed earthenware, shall also be encased in similar concrete having a minimum thickness at all points of 100mm measured from the external surface of the pipe.
- (3) Where a drain or part thereof is laid in an exposed position within a building it shall be constructed of cast-iron pipes and shall be adequately supported at intervals not exceeding 150mm along its course.
- (4) No part of the weight of a wall or foundation shall bear upon a drain, which passes under or through it.

**Protection of Shallow Drains**

44. Any portion of a vitrified clay drain which is 450mm or less below the surface of the ground shall be encased in concrete composed of not less than 1 part of cement to 3 parts of fine aggregate and 6 parts of coarse aggregate and having a minimum thickness at all points of 100mm measured from the external surface of the pipe.

**Branch Drains**

45. (1) Every branch drain shall be connected to another drain by means of a junction, not being a saddle junction, made especially for the purpose of such connection.
- (2) Every branch drain shall enter the other drain obliquely in the direction of the flow so that the included angle between the axes of the two drains does not exceed 45° C.

**Access to Drains**

46. (1) Every drain shall be provided as a means of access thereto with a manhole as prescribed in terms of these by-laws or with an access eye with or without a rodding eye, as the council may require, at the following points.
- (a) within 1,5m of the point of junction with the Council's sewer;
  - (b) within 1,5m of the upper extremity of every drain or branch drain;
  - (c) at every change of direction;
  - (d) at every change of gradient; and
  - (e) at every point of junction with another drain.
- (2) There shall in any case be a point of access to every drain at intervals of not more than 25m.
- (3) Access to the interior of a drain shall be provided by means of either manholes or access pipes.

- (4) The lids of openings in access pipes shall be sealed with such approved material as will remain effective as a seal at all temperatures up to 70 ° C.
- (5) (a) Where for any reason the provision of adequate means of access within 1,5m of the point of connection with the council's connecting sewer is impracticable on any private premises, the council may, at the owners expense cause or permit a manhole to be constructed over the council's connecting sewer in such public place and in such position and of such materials and dimensions as the council may decide and in addition the owner shall bear the cost, as assessed by the council, of any alteration to existing services in the public place which may be reason of the construction of the manhole be necessary.
- (b) The owner of the private premises referred to in paragraph (a) shall, if required by the council, pay to the council the charges set out in the relevant schedule to these by-laws as rental for the area of the public place occupied by the manhole.
- (6) Adequate and appropriately marked removable slabs on the surface shall cover the points of access to drains laid beneath paved areas.
- (7) Where any part of a drainage installation passes under a building, it shall be provided with adequate means of access outside and as near as possible to the building at each point of its entry to and exit from the building.
- (7) In any circumstance not provided for in these by-laws, the Engineer may require that access eyes or other approved means of access to a drain or to any part thereof be provided in such positions as he may deem necessary to render the interior of any part of such drain readily accessible for cleaning or inspection.

**Rodding Eyes**

47. (1) Rodding eyes required by the Council in terms of section 47(1) shall be provided in the positions specified in sub-section 47(2) and shall comply with the requirements set out in sub-section 47(3).
- (2) A rodding eye shall be provided -
- (a) within 1,5m of the point of connection between the drain and the connecting sewer;
- (b) at the upper extremity of every drain;
- (c) at every change of direction, whether such change of direction is horizontal or vertical;
- (d) at the upper extremity of every branch drain the developed length of which exceeds 3m; and
- (e) at points not exceeding 25m apart along the drain.
- (3) Every rodding eye shall -
- (a) be constructed with pipes made of vitrified clay or of other approved material and shall join the drain in the direction of the flow at an angle of not more than 45° and be continued upwards to ground level;
- (b) be completely encased in concrete not less than 100 mm thick composed of 6 parts of stone, 3 parts of sand and 1 part cement;
- (c) in the case of a Rodding eye which is inclined from the vertical have the concrete casing adequately supported by a pier obstructed of concrete of similar composition;
- (d) be fitted with an approved cast iron cover plate secured by bolts or screws made of brass or other corrosion-resistant material and surmounted by an approved concrete box with a cast iron cover and frame measuring 300 mm x 300 mm and finished off with a 100 mm wide granolithic surround level with the surrounding ground level: Provided that if a Rodding eye is exposed to vehicular traffic, the cast iron cover and frame shall be of a heavy duty type approved by the council.

**Manholes**

48. (1) Every manhole in a drainage installation shall, unless otherwise permitted by the Council, be located in an open air space.
- (2) The chamber of every manhole shall be of adequate size generally and in particular to permit the convenient insertion of drain-cleaning rods.
- (3) The floor of the base of a manhole shall be steel trowled to a smooth base surface.
- (4) Every manhole shall be so constructed as to prevent the infiltration of water.
- (5) (a) The walls of every manhole shall be constructed of concrete or brickwork supported on a concrete base not less than 150mm thick composed of not less than 1 part by volume of cement to 2 parts of fine aggregate and 4 parts of coarse aggregate.
- (b) Except when otherwise permitted by the engineer, the walls of any manhole shall, if constructed of brickwork, be not less than 220mm thick, and if constructed of concrete be not less than 150mm thick.
- (c) All bricks used in the construction of a manhole shall be hard and well burnt and shall be laid in mortar consisting of not more than 3 parts of sand to 1 part of cement, and if the walls are constructed of concrete, such concrete shall be composed of not less than 1 part of cement to 2 parts of fine aggregate and 4 parts of coarse aggregate.

- (d) Where the base of a manhole is traversed by an open channel -
  - (i) the sides of the channel shall be brought up vertically to the soffit of the outgoing pipe and from that level the floor of the base of the manhole shall rise continuously to its walls at a slope of not less than 1 in 5;
  - (ii) the walls shall be plastered internally with cement plaster not less than 12 mm thick composed of not more than 4 parts of sand to 1 part of cement; and
  - (iii) the walls and floor shall be steel trowled to a smooth finish.
- (e) The walls of the manhole or the walls of any shaft giving access thereto shall be carried up to the level above the surrounding ground or floor.
- (f) Access to the interior of the manhole shall be provided by means of a cast iron cover and frame complying with South African Bureau of Standards Specification No 558, supported by a reinforced concrete slab; or the walls may be corbelled to support such frame and cover.
- (g) The top of the manhole shall be finished off with a granolithic surround not less than 150mm wide trowled to a smooth finish.
- (h) Where a manhole is constructed in a place traversed by -
  - (i) heavy vehicles, it shall be provided with a heavy-duty cover;
  - (ii) motor cars or similar light vehicles, it shall be provided with either a medium or heavy-duty cover.
  - (iii) Every manhole exceeding 2m in depth shall have an unobstructed internal working height of at least 1,8 m measured from the highest point of the floor thereof, and where the floor of a manhole is more than 1m below the cover, such cast iron step-irons shall be provided in its walls as will ensure safe and convenient access to its base.
- (6) Where the base of a manhole is more than three feet below ground level such cast-iron step-irons shall be provided in its walls as will ensure safe and convenient access to the said base.
- (7) Every manhole shall be fitted with a cover sufficiently strong to support cover the load imposed by any traffic likely to pass over it and the cover shall have a double seal where the base is traversed by glazed-earthenware channels, but need only have a single seal if the said base is traversed by pipes access to the interior of which is obtained only through an access pipe.
- (8) Where a pipe leading into a manhole is at a higher level than the outlet pipe of the manhole it shall be brought down to the invert level of the manhole by means of a vertical or sufficiently inclined pipe encased in concrete and located outside the manhole which pipe shall also be continued upwards to the surface of the ground and shall there terminate in a removable watertight cover or such other device as may be approved by the Council.
- (9) (a) The internal length and width of a manhole shall be determined according to the depth between the cover and the lowest invert level of the manhole and shall in no case be less than the dimensions set out in the following table:

TABLE

Depth	Length	Width
Not exceeding 750mm	600 mm	450mm
Exceeding 750mm but not exceeding 2m	900 mm	600mm
Exceeding 2m	1m	750mm

- (b) The dimensions of the access opening to a manhole provided with -
  - (i) a rectangular cover, shall not be less than 450mm by 600mm;
  - (ii) a square cover, shall not be less than 600mm by 600mm;
  - (iii) a circular cover, shall not be less than 550mm in diameter.
- (10) Where a pipe leading to a manhole is at a higher level than the outlet pipe of the manhole, it shall be brought down to the invert level of the manhole by means of an inclined pipe encased in concrete and located outside the manhole, which pipe shall also be continued upwards to the surface of the ground and shall there terminate in a removable watertight cover or other similar approved device: Provided that where permitted or required by the Council, the pipe at the higher level may be extended horizontally to terminate with or without a watertight cover in the manhole and in this case the inclined pipe need to be continued upwards to the surface of the ground.
- (11) The recess in the frame of every manhole cover having a single seal shall be filled with grease having a high melting point and the cover shall be set therein to form an airtight seal.

**Gully Traps**

- 49. (1) Every drainage installation shall have one gully trap provided with a dished gully and a tap above supplied with running water and, except where a mechanical appliance for the raising of sewage is installed, the top of such gully shall be not less than 150mm below the crown of the lowest situated trap of any sanitary fitting connected to the drainage installation.
- (2) No drainage installation shall have more than one gully trap connected to it, unless otherwise authorized by the council.

- (3) Where it is impracticable for any waste-water pipe to be made to discharge into the gully trap required in terms of sub-section 49(1) or into a gully trap authorized in terms of sub-section 49(2), such waste-water pipe shall be connected directly to a drain or to a soil-water pipe and the water seal of every trap connected to such waste-water pipe shall be protected in accordance with the requirements of these by-laws for the protection of water seals of traps installed on the one-pipe system.
- (4) The level of the water in the trap of any gully should not be more than 450mm below the top of the benched dishing referred to in sub-section 49(3) and when in the opinion of the Council regard being had to the relevant positions of waste-water fittings and any existing proposed adjacent drainage installation, the level of the water in the trap of any gully is required to be at a greater depth than aforesaid the gully shall be placed in an unroofed chamber constructed in the manner prescribed for manholes in section 48 the walls of which have been brought up to a height at least three inches above the surrounding ground.
- (5) A tap supplied with running water shall discharge over every gully or trap which does not receive a discharge wastewater.

#### **Requirements for Trapped Gullies**

50. (1) Every gully trap shall have a minimum internal diameter of 100mm and a water seal at least 65mm in depth.
- (2) Every gully trap shall be kept covered with a grating made of cast iron or other approved material. The spaces between the bars of the grating shall be not less than 10mm or more than 12mm wide, and shall have an effective open area at least equal to the minimum cross-sectional area of the trap.
- (3) Every gully trap laid in the ground shall be bedded on concrete not less than 100mm thick
- (4) Every dished gully shall rise at least 75mm above the level of the grating covering the gully trap and in no case less than 150mm above the level of the surrounding ground; and the levels of the tops of all other gullies shall be at least 150mm above the surrounding ground.
- (5) Subject to the provisions of sub-section 50(6), the surface level of the water in any gully trap shall not be more than 500mm below the top of the dished gully referred to in sub-section 50(4).
- (6) Where it is impracticable to comply with the dimensional requirements of sub-section 50(5), the gully trap shall be located in a manhole the walls of which shall be brought up to a height of at least 150mm above the surrounding ground and covered with an approved metal grating.
- (7) Every wastewater pipe, which discharges into a gully, shall discharge at a point below the grating but above the surface of the water seal of the gully trap.

#### **Grease Traps**

51. A grease trap of approved type, size and capacity shall be provided instead of, or in addition to, a gully as the council may decide, to take the discharge of waste-water from every sink or other fitting in -
  - (a) every building the waste-water from which is disposed of in French drains or other similar works, and
  - (b) any place where in the opinion of the council the discharge of grease, oil or fat is likely to cause an obstruction to the flow in sewers or drains, or interference with the proper operation of any sewage treatment system.

#### **Industrial Grease Traps**

52. (1) Industrial effluent which contains or, in the opinion of the council, is likely to contain grease, oil, fat or inorganic solid matter in suspension shall, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.
- (2) Oil, grease or any other substance which is contained in any industrial effluent or other liquid which gives off a flammable or noxious vapor at a temperature of or exceeding 20 ° C, shall be intercepted and retained in a tank or chamber so as to prevent the entry thereof into the sewer.
- (3) A tank or chamber as referred to in sub-section 52(2), shall comply with the following requirements:
  - (a) It shall be of adequate capacity, constructed of hard durable materials and watertight when completed;
  - (b) the water-seal formed by its discharge pipe shall be not less than 300mm in depth; and
  - (c) it shall be provided with such number of manhole covers as may be adequate for the effective removal of grease, oil, fat and solid matter.

#### **Clogging of Traps, Tanks and Similar Fittings**

53. No person shall cause or permit such an accumulation of grease, oil, fat, silt or solid matter in any trap, tank or other fitting as will prevent its effective operation.

#### **Location of Gullies**

54. (1) Without prejudice to the provisions of section 50(1), the inlet of every gully trap, grease trap or stable gully shall be situated outside of any building or in a place permanently open to the external air of an approved extent, and shall at all times be readily accessible for purposes of cleaning or maintenance to the satisfaction of the council.
- (2) Every floor in a factory, stable or other premises from which liquid is discharged continuously or intermittently to a gully shall have an impervious, smooth and durable surface and notwithstanding the provisions of sub-section 54(1) such

gully may be situated within a building, provided that the pipe receiving the discharges from such gully discharges into another gully trap the inlet of which is situated as required in terms of sub-section 54(1).

- (3) A gully trap or traps may be situated within any building in which an automatic water sprinkler system is installed to receive the water from such system, provided that the pipe or pipes receiving the discharges from such trap or traps is made to discharge into another gully trap the inlet of which is situated as required in terms of sub-section 54(1).

**Construction of Pipes**

- 55. (1) Waste-water pipes, soil-water pipes, and ventilation pipes with their associated traps and fittings shall be constructed of cast iron, mild steel, copper, brass or drawn lead, in each case of a quality satisfactory to the Council, or of such other materials as the Council may in its discretion approve, the Council's discretion in terms of this sub-section to be exercised by reference to established codes of practice and to the appropriate standard specifications issued by the South African Bureau of Standards specification.
- (2) Cast-iron pipes and their associated traps and fittings shall have both their inside and their outside surfaces adequately coated with a bituminous or other corrosion-resisting material, and mild-steel pipes shall be adequately galvanized or otherwise rendered resistant to corrosion.
- (3) No soil-water pipe or wastewater pipe shall have an internal diameter less than that of any pipe or fitting discharging into it.

**Joints**

- 56. (1) Every connection between a pipe, trap or fitting and another pipe, trap or fitting or a drain shall be made in such a manner as to be gas and water tight end to cause no internal obstruction, and shall be carried out to the satisfaction of the Council in accordance with established plumbing and drainage practice.
- (2) Where the use of generally recognized methods of jointing requires a reduction in the internal diameter of any part of a pipe or trap, the amount of the reduction shall be not greater than twice the thickness of the wall of the trap or pipe or one quarter of an inch, whichever is the less, and the reduction so made shall in no case extend further along the line of flow than one and one-half times the internal nominal diameter of the trap or pipe.

**Size of Pipes**

- 57. (1) The internal diameter of waste-water pipes shall be determined according to the number and kind of fittings and shall in no case be less than that prescribed in the right-hand column of the following table in respect of the fitting or fittings appearing opposite to it in the left-hand column thereof.

TABLE

FITTINGS	MINIMUM INTERNAL DIAMETER IN MM
One wash-hand basin	30
Two, three or four wash-hand basin	40
Five or more wash-hand basins	50
One bath or sink	40
Two, three or four baths or sinks	50
Five or more baths or sinks	75
Overflow pipes	35

- (2) Notwithstanding the provisions of sub-section 57(1) of this section, where the one-pipe system is used no wastewater pipe receiving the discharge of two or more fittings shall have an internal diameter of less than 50mm.

**Location of Pipes**

- 58. (1) Every soil-water Pipe, waste-water pipe, ventilation pipe and anti-siphonage pipe shall be readily accessible for inspection and repair, and in particular no such pipe shall be built into any wall, floor, beam, column or other part of a building save in so far as it may be necessary to pass it into or out of the building.
- (2) Where any such pipe as aforesaid is attached to the outside of a building it shall be effectively protected against damage, and where it is fixed inside a building it may be encased in a chase having removable covers or a ventilated duct constructed of approved impervious material which shall have an area at least four feet square in cross section and shall be provided with means of access to its interior adequate for inspection and repair.

**Access to Pipes**

- 59. (1) Subject to the provisions of sub-section 59(2) an access eye shall be provided within six feet above the point of entry into the ground of every soil-water pipe, at each change of direction in a soil-water or waste-water pipe, at every junction of any such pipe as aforesaid with any other positions as are necessary to render the whole of the interior of any such pipe as aforesaid readily accessible for cleaning and inspection, and, in the case of a ventilation pipe, within 1m of its point of entry into the ground.

- (2) Where a soil-water pipe or waste-water pipe, not being a waste-water pipe connected to a fitting in the room, passes through a kitchen, pantry, or other room used or intended for use for the preparation, handling storage or sale of food, means of access necessary for the cleaning and inspection of that part of the said pipe which passes through the room shall be located outside the room.
- (4) An inlet to a waste-water pipe as referred to in sub-section 59(2) may be provided in the floor of such a room as there referred to so long as the said inlet is equipped with a trap situated in the open air.
- (5) No bend or junction shall be permitted in any such pipe as is referred to in sub-section 59(2) unless its position in relation to an access eye is such as to permit the ready cleaning and inspection from outside the room of every part of the pipe passing through such room.
- (6) Every ventilation pipe and every anti-siphonage pipe shall be so graded as to provide a continuous fall without the interposition of a trap from its open end to the point of connection to the waste-water pipe, soil-water pipe or drain which it serves.
- (7) Every ventilation and every anti-siphonage pipe shall unless carried up independently be connected to a main ventilation pipe at a point at least 150mm above the top of the highest fitting, which it serves.
- (8) Where the two-pipe system is used a pipe which ventilates a soil-water pipe or fitting and a pipe which ventilates a waste-water pipe or fitting shall not be connected to one another unless the waste-water fitting so ventilated as provided with a trap having a water seal not less than 60mm in depth.
- (9) Where access to a soil-water pipe within a building is permitted it shall be effected through an adequate screwed or bolted airtight cover.

#### **Ventilation Pipes - Where Required**

60. (1) A ventilation pipe complying with the relevant requirements of section 55 shall be provided for -

Every drain, every branch drain and every soil water pipe and every combination thereof the course of which exceeds 6m in length measured from its junction with a ventilated drain or a ventilated soil-water pipe to its point of connection with the soil-water fitting which it serves and every waste-water pipe and branch waste-water pipe the course of which exceeds 6m in length measured from its point of discharge over a gully or from its junction with a ventilated waste-water pipe or ventilated soil-water pipe as the case may be, to its point of connection with the waste-water fitting which it serves shall be provided with a ventilation pipe leading upwards from its highest convenient point;

- (a) every branch drain the developed length of which exceeds 6m measured from the outlet of any sanitary fitting or trap served by it to its point of connection with a ventilated drain;
  - (b) every soil-water pipe the developed length of which, inclusive of the developed length of any unventilated drain into which it discharges, exceeds 6m measured from the outlet of any sanitary fitting served by it to the point of connection to a ventilated drain;
  - (c) every branch soil-water pipe which receives the discharges from only one sanitary fitting and which has a developed length greater than 6m measured from the outlet of such fitting to the point of connection to a ventilated soil-water pipe;
  - (d) every waste-water pipe the developed length of which exceeds 6m measured from the outlet of the trap of any waste-water fitting served by it to its point of discharge into a gully or similar trap; or in the case of the one-pipe system to its point of connection to a ventilated soil-water pipe or a ventilated drain;
  - (e) every branch wastewater pipe the developed length of which exceeds 6m measured from the outlet of the trap of any wastewater fitting served by it to its point of connection to a ventilated wastewater pipe.
- (2) Every soil-water stack which carries a hydraulic load greater than 50% of the load specified in column 2 of the table in section 44(4) shall, in addition to any ventilation pipe required in terms of the provisions of this section, be provided with a 100mm diameter ventilation pipe connected to such stack below the lowest point of entry to the stack of any branch waste-water pipe or soil-water pipe.
  - (3) No ventilation pipe shall have an internal diameter less than that of the drain, soil-water or wastewater pipes which it ventilates.

#### **Ventilation Pipes - Outlets**

61. (1) Every ventilation pipe or anti-siphonage pipe shall be carried upwards without diminution of diameter to a height of at least 5m above the ground or to such greater height or to such position as the Council may require.
- (2) The open end of any ventilation pipe passing through or attached to a building shall be higher than that part of the roof which is closest to it and not less than six feet above the head of any window, door or other opening in the same or any other building, whether forming part of the same property or not, which is within a horizontal distance of 6m of the said open end: Provided that where a roof or any part thereof is used or capable of being used for any purpose other than that of maintenance or repair the pipe shall, unless the Council shall otherwise permit extend at least eight feet above such roof or any part thereof.
  - (3) Whenever in the opinion of the Council a nuisance exists owing to the emission of gas from ventilation pipe the Council may require the owner at his own expense to extend the pipe upwards so far as the Council may prescribe.
  - (4) Where any new building or any addition to an existing building has any window, door or other openings so placed that the provisions of sub-section 61(2) become contravened in respect of an existing ventilation pipe, whether on the same

or any other property, the owner of such new building or addition shall at his own expense extend or cause such ventilation pipe to be extended upwards so far as may be necessary for compliance with the said sub-section.

**Chimneys or Flues**

62. No chimney or other flue shall be used for ventilating any drain, soil-water pipe or wastewater pipe.

**Ventilation Pipes and Anti-siphonage Pipes - General**

63. (1) Every ventilation pipe shall throughout its length have a nominal diameter not less than the diameter of the drain or soil-water pipe or waste-water pipe which it ventilates: Provided that if any branch drain or branch soil-water pipe carries the discharge from not more than one gully or other trap or from not more than one soil-water fitting, the diameter of the ventilation pipe may be less than the diameter of the said drain or soil-water pipe but not less than 50mm.
- (2) The connection between a ventilation pipe and any drain or pipe mentioned in section 54(1) shall be made immediately downstream of the point of discharge into such drain or pipe of the uppermost connected sanitary fitting, gully or similar trap.
- (3) Every individual anti-siphonage pipe shall be connected to the crown or soffit of the soil-water pipe or waste-water pipe on the outlet side of the protected trap obliquely in the direction of flow at a point not less than 75mm or more than 750mm from the crown of such trap.
- (4) The nominal diameter of any anti-siphonage pipe shall be in accordance with the provisions of section 46.
- (5) Every ventilation pipe and every anti-siphonage pipe shall be carried upwards without any reduction in diameter and shall, throughout its length, be so graded as to provide a continuous fall from its open end back to the waste-water pipe or soil-water pipe or drain to which it is connected.
- (6) The open end of any ventilation pipe or any anti-siphonage pipe which passes through or is attached to a building, shall be not less than 600mm higher than that part of the roof which is closest to it and not less than 2m above the head of any window, door or other opening in the same building or any other building, whether forming part of the same premises or not, which is within a horizontal distance of 6m of the said open end: Provided that -
- (a) where a roof slab or any part thereof used or is intended to be used for any purpose the pipe shall, unless the engineer shall otherwise permit, extend at least 2,5m above such roof or part thereof; and
  - (b) the open end of any ventilation pipe or anti-siphonage pipe shall in no case be less than 3,6m above ground level.
- (7) Every individual anti-siphonage pipe shall, unless carried up independently, be connected to another anti-siphonage pipe or to a ventilation pipe at a point at least 150mm above the flood level of the sanitary fitting, which it serves.
- (8) Where the two-pipe system is used, a pipe which ventilates a soil-water pipe or protects the water-seal of the trap of a soil-water fitting shall not be connected to a pipe which ventilates a waste-water pipe or a pipe which protects the water seal of the trap of a waste-water fitting.
- (9) Whenever, in the opinion of the council, a nuisance exists owing to the emission of gas from a ventilation pipe or an anti-siphonage pipe, the council may require the owner at his own expense to extend the pipe upwards for so far as the council may prescribe as being necessary to eliminate such nuisance.
- (10) Where any new building or any addition to an existing building has any window, door or other opening so placed that the provisions of sub-section 63(6) in respect of any existing ventilation pipe or anti-siphonage pipe, whether on the same or any other premises, are being contravened, the owner of such new building or addition shall, at his own expense, take such action as may be necessary for compliance with the provisions of the said sub-section 63(6).
- (11) Where the top of a ventilation pipe or an anti-siphonage pipe is more than 1m above the topmost point of its attachment to a building or other means of support, that part of the pipe which is above the said point shall be adequately stayed or shall otherwise be made secure.

**Anti-Siphonage pipes - Where Required**

64. (1) Subject to the provisions of sections 61, 62, 63 and 64, the water seal of the trap of a soil-water fitting shall be protected by an individual anti-siphonage pipe complying with the relevant requirements of sections 44 and 46, in all cases where the discharges from such soil-water fitting are conveyed -
- (a) by an unventilated branch drain or an unventilated soil-water pipe or a combination thereof in which there is a fall of more than 1,2m within a horizontal distance of 300mm of the crown of the trap of such fitting; or
  - (b) by an unventilated branch drain or an unventilated soil-water pipe which receives the discharges from any other soil-water fitting; or
  - (c) by a vertical pipe or stack, including any inclined part thereof, which receives at a higher level the discharges from one or more other soil-water fittings; or
  - (d) by a branch soil-water pipe which receives the discharges from any other soil-water fitting;
- Provided that individual anti-siphonage pipes may be omitted in the case of those soil-water fittings the discharges from which are carried by a branch soil-water pipe if -
- (i) the hydraulic load carried by such branch soil-water pipe does not exceed 25 discharge units;
  - (ii) such branch pipe is connected to a 100mm diameter ventilation pipe in accordance with the requirements of section 55(2); and

- (iii) not more than 16 such branch pipes discharge into the same soil-water stack or vertical pipe.
- (2) The water seals of the traps of waste-water fittings installed in accordance with the requirements of these by-laws for the two-pipe system shall be protected by individual anti-siphonage pipes, unless approved re-sealing traps are installed: Provided that this requirement shall not apply to a single bath, shower or sink having an independent discharge to a gully trap and situated not more than 2m above or 3m from such gully trap.
- (3) Subject to the provisions of sections 61, 62 63 and 64, individual anti-siphonage pipes shall protect the water seals of the traps of wastewater fittings installed in accordance with the requirements of these by-laws for the one-pipe system.

**Sizes of Anti-siphonage Pipes**

65. (1) The nominal diameter of an individual anti-siphonage pipe for the protection of the water seal of the trap of a water closet pan shall be not less than 50mm.
- (2) The nominal diameter of an individual anti-siphonage pipe for the protection of the water seal of the trap of a urinal or a waste-water fitting shall be not less than 32mm or one half the diameter of the soil-water pipe or waste-water pipe to which the said individual pipe is connected, whichever is the greater diameter.
- (3) (a) For the purpose of this subsection -
- (i) the developed length of a branch anti-siphonage pipe shall be the length of the pipe measured from its point of connection to a main anti-siphonage pipe or from its point of connection to a ventilation pipe, as the case may be, to the farthest individual anti-siphonage pipe connected to it;
- (ii) the developed length of a main anti-siphonage pipe shall be the length of the pipe measured from the open end of such main anti-siphonage pipe, or from the open end of a ventilation pipe if the said main anti-siphonage pipe is connected to it, to its farthest point of connection to a soil-water pipe or waste-water pipe.
- (b) Where at any point on a branch anti-siphonage pipe or on a main anti-siphonage pipe, as the case may be, the sum of the discharge units of all sanitary fittings, the individual anti-siphonage pipes of which are connected either directly or indirectly to the aforesaid branch or main anti-siphonage pipe downward of such point, falls within the sum of discharge units specified in column 1 of the following table the nominal diameter of the branch or main pipe at that point shall, subject to the provisions of sub-sections 65(1) and 65(2), be not less than the diameter specified in column 3 for the applicable developed length of such pipe as set out in column 2 of the table.

TABLE

1 Sum of discharge units of sanitary fittings connected to the branch or main anti-siphonage pipe	2 Developed length of branch or main anti-siphonage pipe (meters)	3 Nominal diameter of branch or main anti-siphonage pipe	
		Internal diameter (metallic pipes), (mm)	Outside diameter (non-metallic pipes) (mm)
1	unlimited	32	40
1½ to 3	unlimited	38	40
3½ to 8	not exceeding 30	38	50
	exceeding 30 but not exceeding 51	50	50
	not exceeding 51	50	75
8½ to 16	not exceeding 9	38	40
	exceeding 9 but not exceeding 30	38	50
	exceeding 30 but not exceeding 51	50	50
	exceeding 51	50	75
	not exceeding 9	38	50
16½ to 24	exceeding 9 but not exceeding 30	50	50
	exceeding 30 but not exceeding 51	50	75
	exceeding 51	65	75
	not exceeding 5	38	50
24½ to 42	exceeding 5 but not exceeding 9	50	50
	exceeding 9 but not exceeding 21	50	75
	exceeding 21 but not exceeding 51	65	75
	exceeding 51 but not exceeding 75	75	75
	exceeding 75	75	110
	not exceeding 7	50	50
42½ to 64	exceeding 7 but not exceeding 15	50	75
	exceeding 15 but not exceeding 36	65	75
	exceeding 36 but not exceeding 60	75	75
	exceeding 60 but not exceeding 90	75	110
	exceeding 90	100	110
	not exceeding 5	50	50
	exceeding 5 but not exceeding 7	50	75

64½ to 95	exceeding 7 but not exceeding 27	65	75
	exceeding 27 but not exceeding 51	75	75
	exceeding 51 but not exceeding 75	75	110
	exceeding 75	100	110
95½ to 500	not exceeding 7	65	75
	exceeding 7 but not exceeding 18	75	75
	exceeding 18 but not exceeding 24	75	110
	exceeding 24 but not exceeding 96	100	110
	exceeding 96	125	160
500½ to 1 100	not exceeding 5	65	75
	exceeding 5 but not exceeding 9	75	75
	exceeding 9 but not exceeding 15	75	110
	exceeding 15 but not exceeding 57	100	110
	exceeding 57 but not exceeding 177	125	160
	exceeding 177	125	160
1 100½ to 1 900	not exceeding 5	75	75
	exceeding 5 but not exceeding 7	75	110
	exceeding 7 but not exceeding 27	100	110
	exceeding 27 but not exceeding 75	125	160
	exceeding 75 but not exceeding 195	150	160
	exceeding 195	200	-
	not exceeding 7	100	110
1 900½ to 3 600	exceeding 7 but not exceeding 21	125	160
	exceeding 21 but not exceeding 57	150	160
	exceeding 57 but not exceeding 222	200	-
	exceeding 222	225	-

**Soil-water Pipe and Waste-water Pipe Systems - General**

66. Soil-water pipe and wastewater pipe installations shall comply with the requirements, as hereinafter set out, for either of the following systems:
- (a) The one pipe system, or
  - (b) the two pipe system, or
  - (c) the single stack system:

Provided that the engineer may permit any combination of the requirements of each system if, in his opinion such combination will result in an adequately ventilated drainage installation and the effective protection of the water seals of all traps connected thereto.

**Requirements for the One-Pipe System**

67. The following requirements shall apply to the one-pipe system:
- (a) All soil-water pipes shall be connected directly to a drain or to another soil-water pipe similarly connected;
  - (b) all waste-water pipes shall be connected directly to a drain or to a soil-water pipe; and
  - (c) the depth of the water seal of the trap of every waste-water fitting shall be not less than 65mm nor more than 100mm, and each such water seal shall be protected by means of an anti-siphonage pipe in accordance with the relevant provisions of sections 55 and 57.

**Requirements for the Two-Pipe System**

68. The following requirements shall apply to the two-pipe system:
- (a) Every wastewater pipe or system of wastewater pipes shall discharge into a gully trap connected to a drain or to a soil-water pipe;
  - (b) every soil-water pipe shall be connected directly to a drain or to another soil-water pipe similarly connected; and
  - (c) the depth of the water seal of the trap of every wastewater fitting shall be not less than neither 38mm nor more than 100mm and the protection of the water seal of each such trap shall be effected in accordance with the provisions of section 56(2).

**General Requirements for the Single Stack System**

69. The following provisions and requirements shall apply in the case of the single stack system:
- (a) The single stack system shall be installed only in a building of the office class or a residential building.
  - (b) The single stack system shall not be installed in any building the height of which exceeds 25 stories above the lowest ground level abutting on such building.
  - (c) Notwithstanding anything to the contrary in these by-laws contained individual anti-siphonage pipes for the protection of the water seals of the traps of sanitary fittings may be omitted in any drainage installation carried out in accordance with the requirements of sections 62, 63 and 64.

**Single Stack System: Requirements for Residential and Office Buildings**

70. The following requirements shall apply in the case of the single stack system in both residential and office buildings:
- (a) The soil-water stack shall, at its topmost end, be continued upwards as a ventilation pipe to comply with the relevant provisions of section 55 and may, in addition, be provided with a supplementary ventilation pipe.

- (b) A supplementary ventilation pipe as required in terms of paragraph (a), shall have a nominal diameter of not less than 50mm and shall be connected to the soil-water stack at a point below the lowest branch pipe connected to such stack, and shall be continued upwards and be interconnected to such stack to the intervals prescribed for the buildings as required in sections 63 and 64.
- (c) The interconnection between a supplementary ventilation pipe and any other pipe shall be so located and made that no soil-water or wastewater can, under any circumstances, be discharged through any ventilation pipe.
- (d) The radius of the centerline of any bend installed at the lowest extremity of the soil-water stack shall not be less than 300mm.
- (e) No offset shall be made in any soil-water stack or waste-water stack unless a supplementary ventilation pipe is provided to relieve any pressure caused by the offset, and the nominal diameter of such ventilation pipe shall not be less than one half the diameter of the stack.
- (f) Every wastewater trap shall be either a "P" trap of the resealing type or other approved "P" trap with a water seal of not less than 75mm in depth.
- (g) The vertical distance between the invert of the lowest branch pipe connected to the stack and the invert of the drain at the point of connection between the stack and the drain shall be not less than 500mm in the case of a stack serving a building of not more than three stories in height, and 3m in the other cases.
- (h) Where soil-water fittings and waste-water fittings are installed in ranges or batteries, the branch pipe conveying the discharges from the soil-water fittings shall be separate from the branch pipe conveying the discharges from the waste-water fittings, and each such branch pipe shall individually be connected to the stack.
- (i) The gradient of any branch pipe conveying wastewater shall in no part be steeper than 1 in 25 or flatter than 1 in 50.
- (j) The point of connection between a branch waste-water pipe and a stack shall be so located that the center line of the branch pipe meets the center line of the stack at or above the level at which the center line of any water closet branch pipe meets the center line of the stack or at least 200mm below such level.

**Single Stack System: Additional Requirements for Residential Buildings**

71. The following additional requirements shall apply to a single stack system installed in a residential building:

- (a) The branch pipe of each fitting in a group of sanitary fittings shall be separately connected to the stack.
- (b) Where the trap fitted to a wash-hand basin has a nominal diameter of 32mm, the diameter of the branch pipe, which connects such trap to the stack, shall not be less than 38mm.
- (c) The gradient of the branch pipe referred to in paragraph (b) shall in no part be steeper than 1 in 25, and the length of such pipe measured between its point of connection with the soil-water stack and the crown of the trap shall not exceed 3m.
- (d) Not more than 2 groups of sanitary fittings installed in any one story shall be connected to the same stack.
- (e) The nominal diameter of a stack serving a residential building, the height of which exceeds 20 stories above the lowest ground level abutting on such building, shall not be less than 150mm.
- (f) Where a stack with a nominal diameter of 100mm serves a residential building which -
  - (i) does not exceed a height of 10 stories, a supplementary ventilation pipe shall not be required;
  - (ii) exceeds 10 stories but does not exceed 15 stories in height and such stack receives the discharges from one group of sanitary fittings installed at each story, a supplementary ventilation pipe with a nominal diameter of not less than 50mm shall be provided and interconnected with the stack above the level of the highest branch pipe connection of each alternate story;
  - (iii) exceeds 10 stories but does not exceed 15 stories in height and such stack receives the discharges from 2 groups of sanitary fittings installed in each story, a supplementary ventilation pipe with a nominal diameter of not less than 50mm shall be provided and interconnected with the stack above the level of the highest branch pipe connection at each story;
  - (iv) exceeds 15 stories but does not exceed 20 stories in height and such stack receives the discharges from one group of sanitary fittings installed in each story, a supplementary ventilation pipe with a nominal diameter of not less than 75mm shall be provided and interconnected with the stack above the level of the highest branch pipe connection at each alternate story;
  - (v) exceeds 15 stories but does not exceed 20 stories in height and such stack receives the discharges from 2 groups of sanitary fittings installed in each story, a supplementary ventilation pipe with a nominal diameter of not less than 75mm shall be provided and interconnected with the stack above the level of the highest branch pipe connection at each story.
- (g) Where a stack with a nominal diameter of 150mm serves a residential building not exceeding 25 stories in height, a supplementary ventilation pipe shall not be required.

**Single Stack System: Additional Requirements for Office Buildings**

72. The following additional requirements shall apply in the case of a single stack system installed in a building of the office class:

- (a) Subject to the provisions of paragraph (e), individual anti-siphonage pipes may be omitted in the case of sanitary fittings installed in ranges or batteries as envisaged in the table below, if the branch pipes to which such fittings are connected are themselves separately connected to the stack, and a supplementary ventilation pipe as specified in the said table is provided.
- (b) The supplementary ventilation pipe referred to in paragraph (a) shall be interconnected with the stack above the level of the highest branch pipe connection at each story.
- (c) The nominal diameter of the supplementary ventilation pipe shall be not less than the diameter specified in the table below, regard being had to the diameter of the stack, the number of stories served by such stack and the number of sanitary fittings installed in a range or battery in each story.

- (d) For the purposes of the table below, more than one urinal but not more than four urinals may be regarded as equivalent to one water closet pan.
- (e) The single stack system shall not be used in any building of the office class if the number of sanitary fittings installed in a range or battery in any story exceeds the number specified in the table below for the relevant diameter of stack, or if the number of stories served by such stack exceeds the number specified in the said table.

TABLE

Nominal diameter of stack	Number of stories served by the stack	Number of sanitary fittings installed in a range or battery in each story	Nominal diameter of supplementary ventilation pipe
100mm	8 stories	not exceeding 2W.C. pans and 2 hand basins	not required
		exceeding 2W.C. pans and 2 hand basins but not exceeding 5 W.C. pans and 5 hand basins	50mm
	12 stories	not exceeding 4 W.C. pans and 4 hand basins	50mm
150mm	8 stories	not exceeding 4 W.C. pans and 4 hand basins	not required
	24 stories	not exceeding 3 W.C. pans and 3 hand basins	not required

**Protection of Soil-Water Traps**

73. Subject to the provisions of section 63, the water seal of the trap of a soil-water fitting shall in the following cases be protected by means of an anti-siphonage pipe of such location and dimensions as are prescribed in section 61, that is to say, in all cases where the said fitting -
- (a) discharges into an unventilated drain or soil-water pipe or a combination thereof in which there is a fall of more than four feet within a horizontal distance of eight feet of the crown of the trap; or
  - (b) discharges into a soil-water pipe or drain having an inclination from the horizontal greater than 45° and receiving at a higher level the discharge from another soil-water fitting; or

**Ventilation of Soil-Water Fittings**

74. Where a number of soil-water fittings is installed on a branch soil-water pipe which is continued beyond the end of the last fitting and there connected to a ventilation pipe at a point not less than six inches above the top of any of the fittings served, anti-siphonage pipes may be omitted: Provided that where more than four fittings are so installed an additional ventilation pipe having an internal diameter of not less than two inches shall be connected to the branch soil-water pipe at a point beyond every fourth fitting and shall be connected to a ventilation pipe at a point not less than six inches above the top of any of the fittings served.

**Protection of Waste-Water Traps**

75. (1) In the one-pipe system the water seal of the trap of every wastewater fitting shall be protected by means of an anti-siphonage pipe.
- (2) In the two-pipe system the water seal of the trap of every waste-water fitting shall be protected by means of an anti-siphonage pipe unless an approved re-sealing trap is installed: Provided that this sub-section shall not apply in the case of a single bath, shower or sink having an independent discharge to a gully.

**Design and Installation of Soil-water Pipes and Waste-water Pipes**

76. (1) No soil-water pipe or wastewater pipe shall have an internal diameter less than the diameter of any other pipe or of the trap of any sanitary fitting discharging into it.
- (2) No pipe having an internal diameter of less than 100mm shall receive the discharges from any water closet pan.
- (3) Save as otherwise provided in sections 61, 62, 63 and 64 in respect of the single stack system -
- (a) the hydraulic load carried by a vertical pipe or stack having a nominal diameter set out in column 1 of table 2 under section 24, shall not exceed the number of discharge units specified in column 2 of that table for such pipe or stack: Provided that where the angle of any inclined part of a stack is less than 45° above the horizontal, such part shall be deemed to be a horizontal pipe and the diameter of such part shall be determined in accordance with the provisions of paragraph (b) and the diameter of the stack below such inclined part shall be not less than the diameter of the inclined part;
  - (b) the hydraulic load carried by a horizontal pipe, other than a branch pipe, having a nominal diameter set out in column 1 of the said table 2, shall not exceed the number of discharge units specified in column 4 for such pipe;
  - (c) the load carried by a branch pipe having a diameter set out in column 1 of the said table 2 shall not exceed the number of discharge units specified in column 3 for such pipe;
  - (d) and notwithstanding anything to the contrary in these by-laws contained, any waste-water pipe having a diameter of 100mm or greater than 100mm and any soil-water pipe shall be deemed to be a drain from that point downstream of which the inclination of such pipe and of any drain to which it is connected does not in any part exceed 45° below the horizontal, and the permissible hydraulic load for that part of the waste-water pipe and soil-water pipe deemed to be a drain shall not exceed the number of discharge units prescribed in column 5, 6, 7 or 8 of the said table 2 for a drain of equivalent diameter and gradient;
  - (e) and where the diameter of any soil-water stack or any waste-water stack is greater than the diameter of any drain into which it discharges, the pipe at the base of such stack shall be extended horizontally for a length of

not less than 2m without any reduction in diameter before it is connected to the drain, and when required by the council, a manhole shall be provided at such point of connection.

**Location of Soil-water, Waste-water, Ventilation and Anti-siphonage Pipes**

77. (1) Every soil-water pipe, wastewater pipe, ventilation pipe and anti-siphonage pipe shall be effectively protected against damage by vehicular impact or shall be so located as to be effectively protected against such damage.
- (2) No pipe mentioned in sub-section 77(1) should be so installed that the removal of any part of a building for the purpose of gaining access to renew, maintain or repair such pipe will endanger the structural stability of the building or any part thereof.
- (3) The shape and dimensions of a recess or chase containing any part of a drainage installation and the arrangement of all pipes and any other services therein shall be such as the Council considers adequate to permit the renewal, replacement, maintenance or repair of such installation or service, and if such recess or chase is provided with a cover or covers, it shall be adequately ventilated.
- (4) If an enclosed shaft or duct contains any part of a drainage installation it shall be adequately ventilated, shall have a minimum cross-sectional area of 1,5m<sup>2</sup> and a minimum width of 1m and shall be provided with means of access to its interior adequate for inspection and repair of the drainage installation and of any other services therein: Provided that the council may, subject to the provisions of sub-section 77(2) and to such further conditions as it may consider necessary, permit any part of a drainage installation to be located in an unventilated enclosed shaft or duct having a smaller cross-sectional area and width in any case where the whole of the interior of every soil-water pipe and waste-water pipe contained therein is otherwise rendered readily accessible for cleaning.
- (5) Unless otherwise permitted by the council, regard being had to the aesthetics of external appearance and the amenities of the neighborhood, no pipe, bend or junction forming part of a drainage installation serving a building shall be exposed to view from the outside of such building.

**Access to Interior of Soil-water Pipes and Waste-water Pipes**

78. (1) Subject to the provisions of sub-section 78(2), adequate means of access to the interior of the pipe shall be provided within 2m above the point of entry into the ground of every soil-water pipe and in such other positions as are necessary to render the whole of the interior of every soil-water pipe, waste-water pipe and every bend and junction associated therewith readily accessible for cleaning.
- (2) Where a soil-water pipe or waste-water pipe, not being a waste-water pipe connected to a fitting in the room, passes through a kitchen, pantry or other room used or intended for use for the preparation, handling, storage or sale of food, the means of access necessary for the cleaning of that part of the said pipe which passes through the room, shall be located outside the room.
- (3) An inlet to a waste-water pipe as referred to in sub-section 78(2) may be provided in the floor of such a room as is referred to in sub-section 78(2) so long as the said inlet is equipped with a trap connected to a pipe discharging over a gully or other trap situated in the open air.
- (4) No bend or junction shall be permitted in any such pipe as is referred to in sub-section 78(2), unless its position in relation to any access eye is such as readily to permit the ready cleaning from outside the room of every part of the part passing through such room.
- (5) If access to a soil-water pipe is permitted and provided within a building, access to a soil-water pipe located within a building shall be provided only through an adequate screwed or bolted airtight cover.

**Waste, water, Soil-water, Ventilation and Anti-Siphonage Pipes and Fittings**

79. (1) Waste-water pipes, soil-water pipes, ventilation pipes and anti-siphonage pipes and their associated traps and fittings shall be made of cast iron, mild steel, copper, brass, drawn lead, asbestos cement or unplasticised polyvinyl chloride, in each case of approved quality in accordance with the relevant South-African Bureau of Standards Specification, if applicable, or of such other materials as the council may at its discretion approve. The council's discretion in terms of this subsection shall be exercised by reference to established codes of practice and to the appropriate standard specifications issued by the South African Bureau of Standards from time to time, or in the absence of any such specifications, to the appropriate British Standard Specification.
- (2) An approval given by the council in terms of sub-section 79(1) may include such conditions as it may deem necessary to prevent the spread of fire or the spread of noxious fumes in dangerous quantities given off by pipes, traps or other fittings made of such other materials in the event of an outbreak of fire.
- (3) Cast iron pipes and their associated traps and fittings shall have both their inside and outside surfaces adequately coated with a bituminous or other corrosion-resisting material, and mild steel pipes and fittings shall be adequately galvanized or otherwise rendered resistant to corrosion.
- (4) Where the axes of two or more branch waste-water pipes or branch soil-water pipes intersect at a common point on the axis of a waste-water pipe or a soil-water pipe, the included angle between the axes of the said branch pipes shall not exceed 90°.

**Joints between Pipes and Pipes and Fittings**

80. Every connection between a pipe, trap or fitting and another pipe, trap or fitting shall be made in such a manner as to be gas and water-tight and to cause no internal obstruction, and shall be carried out to the approval of the council in accordance with established plumbing and drainage practice.

**Traps to Waste-water Fittings**

81. (1) There shall be provided immediately beneath every wastewater fitting traps an approved self-cleansing tubular trap having an adequate cleaning eye protected by the water seal and having a removable cover.
- (2) Except in the case of a trap made of rubber or other approved flexible material, every trap on terms of sub-section 81(1) shall be provided with an adequate cleaning eye protected by a water seal and having a removable cover.
- (3) The nominal diameter of any trap shall be not less than 32mm in the case of a trap serving a wash-hand basin and 38mm in the case of traps serving other wastewater fittings.
- (4) The depth of the water seal in a trap shall in no case exceed 100mm and shall be not less than 40mm in the two-pipe system and not less than 65mm in the one-pipe system.
- (5) Notwithstanding the provisions of sub-section 81(1), it shall be permissible -
- (a) for a bath, wash-hand basin or shower to discharge without the interposition of a trap as aforesaid into an open channel semi-circular in cross section having a diameter of at least 100mm, made of glazed earthenware, porcelain or other approved material, accessible for cleaning throughout its length and fixed immediately beneath the point or points of discharge into a trapped gully constructed and fixed as prescribed in terms of these by-laws;
- (b) for a bath, wash-hand basin or shower installed in a compartment containing a urinal to discharge without the interposition of a trap as aforesaid into the urinal channel: Provided that such channel is constructed in accordance with the provisions of section 68 and 73.
- (6) Every inlet to a drain other than that from a ventilation pipe, a soil-water fitting, a soil-water pipe or another drain shall be closed by an approved trap and so formed and fixed as to be capable of maintaining a water seal at least two and a half inches in depth and no other trap shall be placed between that trap and the Council's sewer.
- (7) Wastewater fittings forming part of a two-pipe system shall discharge into a gully of approved type, and the point of such discharge shall be above the surface of the water seal in the trap.

**Soil-water Fittings**

82. (1) Every room or compartment containing any soil-water fitting shall have a rigid floor of non-absorbent material.
- (2) Without prejudice to the particular provisions of sections 72 and 73, every soil-water fitting shall be made of earthenware, section 67, 68, 72 and 73 fireclay, porcelain, vitreous china or other approved material having in every case a glazed or smooth finish, shall be of approved type and shall be provided with a trap having a water seal not less than 50mm in depth.

**Water Closet Soil-water Fittings**

83. (1) Every water closet pan of the wash-down or siphonic type and its associated trap shall be made in one piece, shall be provided with an integral flushing rim so constructed that the entire surface of the bowl is effectively flushed, and shall have a minimum standing water-level area of 130cm<sup>2</sup>: Provided that the trap used with a squatting pan may be an independent unit.
- (2) Any such trap as referred to in sub-section 83(1) shall have an exposed outlet of sufficient length to be conveniently accessible for jointing: Provided that the provisions of this subsection may be relaxed in the case of water closet pans connected to a soil-water pipe by bolts or flanges or other approved devices.
- (3) If a ventilating horn is provided on the trap referred to in sub-section 83(1), such horn shall have an internal diameter of not less than 50mm and shall be placed at the side of and not less than 75mm from the crown of the trap on its outlet side.
- (4) The following requirements shall be applicable to "P" traps fitted to water closet pans:
- (a) they shall not be fitted with ventilating horns; and
- (b) their outlet pipes shall slope downwards at an angle of not less than five degrees to the horizontal.
- (5) The minimum internal diameter of the outlet of every trap shall be 90mm in the case of a wash-down or squatting pan and 80mm in the case of a siphonic water closet pan.
- (6) The distance between the invert and the lip of the trap of a wash-down water closet pan shall be not less than 70mm or more than 75mm.
- (7) Except in the case of squatting pans, pans shall be provided with hinged or other seats of approved type and material.
- (8) Any pad or packing inserted between the base of the pan and the floor shall be of non-absorbent material.
- (9) The council may at its absolute discretion and subject to such conditions as it may impose, permit the use of trough closets of approved design in separate buildings provided for the purpose.

**Urinals**

84. (1) Urinals shall be of the stall, slab, wall hung or other approved type made to discharge, without the interposition of a trap, into a channel uniformly graded to a trap connected to a drain or soil-water pipe: Provided that a wall hung urinal may,

subject to the provisions of sub-section 84(3), have a trap attached to or formed integrally with the urinal directly connected to a soil-water pipe or drain.

- (2) No automatic flush urinals will be allowed
- (3) Wall hung urinals shall have -
  - (a) a minimum overall height, excluding any trap, of 600mm; and
  - (b) a minimum overall width of 380mm; and
  - (c) a minimum horizontal projection from the back of the fixture to the front of the lip of 380mm
- (4) Where urinals of any type are installed for public use or are installed in a factory, hostel or educational institution, or where more than three wall hung urinals are installed in the same room or compartment in any building, such urinals shall discharge into a channel complying with the relevant requirements of this section.
- (5) Where urinals are directly connected to a soil-water pipe or drain, the floor of the room or compartment containing the urinals shall be graded and drained to an approved floor trap similarly connected.
- (6) All surfaces liable to fouling in any room or compartment containing a urinal shall be protected with an approved impervious material having a glazed or other smooth finish.
- (7) The floor of a room or compartment containing a urinal channel shall slope towards and drain into the channel: Provided that where the channel is raised above the level of the floor, a platform at least 400mm wide shall be provided and only the said platform shall be required to slope and drain as aforesaid.
- (8) Every channel and trap forming part of a urinal or receiving the discharges from a urinal shall be made of approved impervious material having a glazed or smooth finish and shall be located in the same room or compartment as the urinal itself.
- (9) The nominal diameter of a trap receiving the discharges from a channel in a compartment or room containing a urinal shall be not less than 75mm and the diameter of a trap attached to or formed integrally with a wall hung urinal shall be not less than 38mm.
- (10) At least one trap having a diameter of 75mm shall be provided for every 5 urinal stalls or for every 3,5m length of slab urinal; or at least one trap having a diameter of 100mm for every 10 stalls or 7m length of slab urinal.
- (11) Except in the case of a siphonic urinal, every urinal trap shall be provided with a hinged and domed grating designed to retain solid matter without obstructing the flow of liquids.

#### **Flushing of Soil-water Fittings**

85. (1) Every soil-water fitting shall be capable of being effectively flushed by means of a flushing cistern, flushing valve or other device approved by the Council as being except suitable for the purpose: Provided that urinals may, except where they form part of a conserving-tank drainage installation, be flushed by a continuous flow of water.
- (2) Notwithstanding the generality of sub-section 85(1) the flushing action shall be effective to flush the entire fouling surface of the fitting and clear the trap completely at each flush.

#### **Flushing Cisterns**

86. (1) No mechanism of a flushing cistern shall so operate that the cistern is automatically refilled after every flushing, that the inflow of water is automatically stopped when the cistern is full and that no water can escape from the cistern otherwise than by the manual operation of the flushing mechanism or through an overflow pipe.
- (2) A flushing cistern shall have an overflow pipe of adequate diameter the discharge from which shall be reasonably detectable and so directed that it cannot cause damage to the building.
- (3) The ball valve in a cistern shall be so located and constructed that no back-siphonage from the cistern can take place.
- (4) The flow of water into a flushing cistern shall be separately controlled by a stop tap or other approved device situated within 2m thereof in the same room or compartment as the cistern.
- (5) Flushing cisterns for water closets slop hoppers and bedpan sinks and washers shall discharge at each flush not less than 11 liters of water.
- (6) Automatic flushing cisterns for trough closets shall at each flush and at intervals of not more than 30 minutes discharge not less than 13l of water for each seat.

#### **Mechanical supplies for lifting sewage**

87. (1) Every person shall before installing any mechanical appliance for the raising or transfer of sewage in terms of sub-section 4(5), make application in writing to the Council for permission to do so in the form, to be completed in duplicate, set out in the relevant appendix to these by-laws and shall thereafter give such additional information as the engineer may require.
- (2) A professional engineer who is full conversant with the technical details of the appliance shall complete the form prescribed by sub-section 87(1), and the owner of the premises shall sign the undertaking annexed to such form.
- (3) The application mentioned in sub-section 87(1) shall be accompanied by drawings prepared in accordance with the relevant provisions of section 27 and shall show details of the compartment containing the appliance, the sewage

storage tank, the stilling chamber and the position thereof, and the positions of the drains, ventilation pipes, rising main and the connecting sewer.

- (4) Notwithstanding any permission given in terms of sub-section 87(1), the council shall not be liable for any injury or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of such appliance.
- (5) Every mechanical appliance installed for the raising or transfer of sewage shall be specifically designed for the purpose and shall be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.
- (6) Unless otherwise permitted by the engineer, such mechanical appliances shall be installed in duplicate and each such appliance shall be so controlled that either will begin to function automatically immediately in the event of failure of the other.
- (7) Every mechanical appliance forming part of a drainage installation shall be so located and operated as not to cause any nuisance through noise or smell or otherwise and every compartment containing any such appliance shall be effectively ventilated.
- (8) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place shall be as prescribed by the engineer who may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate shall not be exceeded.
- (9)
  - (a) except where sewage storage space is incorporated as an integral part of a mechanical appliance, a sewage storage tank shall be provided in conjunction with such appliance.
  - (b) Every sewage storage tank required in terms of paragraph (a) shall -
    - (i) be constructed of hard, durable materials and shall be watertight and the internal surfaces of the walls and floor shall be rendered smooth and impermeable;
    - (ii) have a storage capacity below the level of the inlet equal to the quantity of sewage discharged thereunto in 24 hours or 900 liters, whichever is the greater quantity; and
    - (iii) be so designed that the maximum proportion of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.
- (10) If the mechanical appliance consists of a pump, the starting mechanism shall be set for pumping to commence when the volume of sewage contained in the storage tank is equal to not more than one-fifth of its storage capacity.
- (11) When required by the engineer, a stilling chamber shall be installed between the outlet of the mechanical appliance and the connecting drain or connecting sewer, as the case may be, and such chamber shall have a depth of not less than 850mm.
- (12) Every storage tank and stilling chamber shall be provided with a ventilation pipe having a diameter of not less than 10mm carried upwards in accordance with the relevant provisions of section 55.

**Septic Tanks and Treatment Plants**

88. (1) No person shall construct, install, maintain or operate any septic tank or other plant for the treatment, disposal or storage of sewage without the prior written consent of the Council, the giving of which shall be without prejudice to any of the provisions of these by-laws and in any event without complying with its Public Health By-laws so far as relevant, or any other relevant by-laws.
- (2) No part of any septic tank or other sewage treatment plant shall be situated nearer than 3m to any building used for human habitation or to any boundary of the piece of land on which it is situated or in any such other position as may be prohibited or limited by the council's Public Health By-laws or any other relevant by-laws.
- (3) The effluent from a septic tank or other sewage treatment plant shall be disposed of to the satisfaction of the council.
- (4) Every septic tank shall be watertight, securely covered and provided with gas-tight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.
- (5)
  - (a) A septic tank serving a dwelling house shall -
    - (i) have a capacity below the level of the invert of the outlet pipe of not less than 500 liters per bedroom, subject to a minimum capacity below such invert level of 2 500 liters;
    - (ii) have an internal width of not less than 1 m measured at right angles to the direction of the flow;
    - (iii) have an internal depth between the cover and the bottom of the tank of not less than 1,7m;
    - (iv) retain liquid to a depth not less than 1,4m.
  - (b) Septic tanks serving premises other than a dwelling house shall be of approved design, construction and capacity.

**French Drains**

89. (1) The council may, at its discretion and on such conditions as it may prescribe having regard to the quantity and the nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South African Bureau of Standards, permit the disposal of waste-water or other effluent by means of French drains, soakage pits or other approved works.

- (2) No part of a French drain, soakage pit or other similar work shall be situated nearer than 5m to any building used for human habitation or to any boundary of the piece of land on which it is situated, or within such other distance or in such position as may be prescribed by the council's Public Health By-laws or any other relevant by-laws, nor in any such position as will, in the opinion of the council, cause contamination of any borehole or other source of water which is or may be used for drinking purposes, or cause dampness in any building.
- (3) The dimensions of any French drain, soakage pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.

#### **Conservancy Tanks**

90. (1) The council may at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of soil-water or such other sewage or effluent as it may decide and such tank and appliances shall be of such capacity and located in such position and at such level as it may prescribe.
- (2) No rainwater or stormwater and no effluent other than that, which the council shall have permitted in terms of subsection 90(1), shall be discharged into a conservancy tank.
  - (3) No conservancy tank shall be used as such unless -
    - (a) it is constructed of hard and durable materials;
    - (b) the walls, if made of brick, are at least 220mm thick and made of approved bricks, laid in cement mortar, or if made of reinforced concrete, are at least 150mm thick;
    - (c) the floor is made of concrete not less than 150mm thick;
    - (d) the roof is made of concrete of adequate strength to withstand the loads to which it may be subjected;
    - (e) the exposed surfaces of the walls, floor and roof are rendered smooth and impermeable;
    - (f) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
    - (g) the tank is gas and water-tight;
    - (h) the tank has an outlet pipe, 100mm in internal diameter, made of wrought iron, cast iron or other approved material, and except if otherwise permitted by the council, terminating at an approved valve and fittings for connection to the council's removal vehicles;
    - (i) the valve and fittings referred to in paragraph (h) or the outlet end of the pipe, as the case may be, are located in a chamber, having an approved hinged cover and situated in such position as the council may require;
    - (j) access to the conservancy tank is provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.
  - (4) The council may at its discretion, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, make it a condition of its emptying the tank that the owner or user thereof shall indemnify the council, in writing, against any sum which it may become liable to pay to any person as a result direct or indirect, of the rendering of that service.
  - (5) Where the council's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner thereof shall provide for the purpose of roadway at least 3,5m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather, and shall ensure that no gateway through which the vehicle is required to pass to reach the tank, shall be less than 3,5m wide.
  - (6) The council shall be entitled to empty or to draw off part of the contents of any conservancy tank at any reasonable time on any day of the week and in such matter as it may decide having regard to the general requirements of the service and in particular to the necessity for avoiding separate or unnecessary journeys by the council's removal vehicles.
  - (7) The owner or occupier of premises on which a conservancy tank is installed shall at all times maintain such tank in good order and condition to the satisfaction of the council.

### **CHAPTER 6**

#### **Industrial Effluent and Other Discharges**

##### ***Sewage or other Prohibited Discharges not to Enter Storm water Drains***

91. (1) No person shall discharge or cause or permit to be discharged any sewage directly or indirectly into a storm water drain, river, stream or other watercourse, whether natural or artificial.
- (2) The owner or occupier of any piece of land on which steam or any liquid, other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, storm water drain or water course except where, in the case of steam, the council has specifically permitted such discharge in writing.
  - (3) Where the hosing down or flushing by rainwater or an open are on any private premises is in the opinion of the council likely to cause the discharge of objectionable matter into any street gutter, storm water drain, river stream or other watercourse, whether natural or artificial. Or to cause or contribute toward the pollution of any such watercourse, the council may instruct the owner of the premises to execute at his own cost whatever measures by way of alteration to the drainage installation or roofing of the area it may consider necessary to prevent or minimise such discharge or pollution.

##### ***Storm water not to Enter Sewers***

92. (1) No part of a drainage installation shall at any time be such or capable of being rendered such that water from any source, not being soil-water or wastewater, can enter the installation without the intervention of human agency.

- (2) No person shall discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.
- (3) No pipe, channel or other device used for or capable of being used to conduct rainwater from any roof or other surface shall be permitted to discharge into any gully forming part of a drainage installation.

**Discharges from Swimming Pools**

93. (1) No person shall discharge or permit the discharge of water from any swimming pool directly or indirectly over any road or into a gutter, storm water drain, watercourse, open ground or private premises other than the premises of the owner of such swimming pool.
- (2) Water from fountains, reservoirs or swimming pools situate on private premises shall be discharged to a drainage installation only with the prior written consent of the council and subject to such conditions as to place, time rate of discharge and total discharge as the council may impose.
- (3) The discharge of water referred to in sub-section 93(2) shall be subject to the payment of the charges specified in terms of the tariff.

**Permission to Discharge Industrial Effluents**

94. (1) No person shall discharge or cause or permit to be discharged into any sewer any industrial effluent or other liquid or substance other than soil-water or waste-water without the written permission of the Council first and had and obtained or, if such permission has been obtained, otherwise than in strict compliance with any and all of the conditions of such permission.
- (2) Every person shall, before discharging any industrial effluent into a sewer, make application in writing to the council for permission to do so in Appendix II, to be completed in duplicate, set out in the relevant appendix to these by-laws and shall thereafter furnish such additional information and submit such samples as the Council may require.
- (3) The Council may at its discretion, having regard to the capacity of any sewer or any mechanical appliance used for sewage or any sewage treatment plant, whether or not vested in the Council and subject to such conditions as it may deem fit to impose, including the payment of any charge assessed in terms of the tariff, grant permission for the discharge of industrial effluent from any premises into any sewer.
- (4) A person to whom permission has been granted in terms of sub-section 94(3), to discharge industrial effluent into a sewer shall, before doing or causing or permitting to be done anything to result in any change in the quantity or discharge or nature of that effluent, notify the Council in writing of the date on which it is proposed that the change shall take place and of the nature of the proposed change. The Council must grant permission before the proposed changes may be implemented.
- (5) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtained permission to do so in terms of sub-section 94(3), shall be guilty of an offence and liable, in addition to the penalties prescribed in terms of these by-laws, to such charge as the Council may assess for the conveyance and treatment of the effluent so discharged and for any damage caused as a result of such unauthorised discharge.
- (6) Without prejudice to its rights in terms of sub-section 94(5), the Council shall be entitled to recover from any person who discharges to a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of section 15 or which has been the subject of an order issued in terms of section 106(2) of Chapter 7 all costs, expenses or charges incurred or to be incurred by the Council as a result of any or all the following:
  - (a) Injury to persons, damage to the sewer or any sewage treatment works or mechanical appliance or to any property whatsoever, as the result of the breakdown, either partial or complete, of any sewage treatment plant or mechanical appliance, whether under the control of the Council or not; or
  - (b) any costs including fines and damages which may be imposed or awarded against the Council and any expense incurred by the Council as a result of a prosecution in terms of the National Water Act, 1998 (Act 36 of 1998), as amended, or any action against it consequent on any partial or complete breakdown of any sewage treatment plant or mechanical appliance caused directly or indirectly by the said discharge.
- (7) Due to any change in circumstances arising from a change in the method of sewage treatment or the introduction of new or revised or stricter or other standards by the Council or in terms of the National Water Act, 1998 (Act 36 of 1998), as amended, or as a result of any other reason, the Council may from time to time or at any time review, amend, modify or revoke any permission given or any conditions attached to such permission and/or impose new conditions for the acceptance of any industrial effluent into the sewer or prohibit the discharge of any or all of such effluent to the sewer on giving adequate written notice in advance of its intention to do so, and on the expiration of such period of notice the previous permission or conditions, as the case may be, shall be regarded as having fallen away and the new or amended conditions, if any, as the case may be, shall forthwith apply.

**Control of Industrial Effluent**

95. (1) The owner or occupier of any premises from which industrial effluent is discharged to a sewer shall provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into any sewer, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other like reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of these by-laws.

The owner or occupier of any premises from which industrial effluent is discharged to a sewer shall inform the Council of the accidental discharge into any sewer.

- (2) The Council may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him without prejudice to any other provision of these by-laws to do all or any of the following:
- (a) to subject the effluent before it is discharged to the sewer, to such pre-treatment as well ensure that it at no time will fail to conform in all respects with the requirements of section these regulations, or to modify the effluent cycle of the industrial process to an extent and in such a manner as in the opinion of the Council is necessary to enable any sewage treatment works receiving the said effluent, whether under the control of the Council or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the National Water Act, 1998 (Act 36 of 1998), as amended;
  - (b) to restrict the discharge of effluents to certain specified hours and the rate of discharge to a specified maximum and to install at his own expense such tanks, appliances and other equipment as in the opinion of the Council may be necessary or adequate for compliance with the said restrictions;
  - (c) to install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into a sewer through a separate connection as directed by the Council and to refrain from discharging the said effluent through any drainage installation intended or used for the conveyance of domestic sewage or from discharging any domestic sewage through the said separate installation for industrial effluent;
  - (d) to construct at his own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Council may prescribe;
  - (e) to pay in respect of the industrial effluent discharged from the premises such charge as may be assessed in terms of the tariff: Provided that where, owing to the particular circumstances of any case the method of assessment prescribed in terms of the Tariff of Charges does not reflect the true chemical oxygen demand value (COD) of the industrial effluent, the engineer may adopt such alternative method of assessment as does reflect the said value and shall assess the charge accordingly;
  - (f) to provide all such information as may be required by the engineer to enable him to assess the charges payable in terms of the tariff;
- (3)
- (a) if any person in contravention of any provision of these by-laws discharges industrial effluent into a sewer, or causes or permits it to be so discharged or is about to do so, the authorised official may, if he is of the opinion that such effluent is likely to cause damage to any sewer, mechanical appliance, sewage treatment works, forthwith after notifying the owner or occupier of the premises conceded of his intention to do so, close and seal off the drain conveying such effluent of the sewer for such period as he may deem expedient so as to prevent such effluent from entering the sewer.
  - (b) The Council shall not be liable for any damage occasioned by any action taken in terms of subparagraph hereof.
  - (c) No person shall without the written permission of the Council open or break the seal of a drain closed and sealed off in terms of item (a) hereof or cause or permit this to be done.

#### **Metering and Assessment of Industrial Effluent**

96. (1) The Council may incorporate, in such position as it shall determine in any drainage installation conveying industrial effluent to the sewer, any meter or gauge or other device for the purpose of ascertaining the volume or composition of the said effluent, and it shall be an offence for any person to by-pass, open, break into or otherwise interfere with or to damage any such meter, gauge or other device: provided that the Council may at its discretion enter into an agreement with any person discharging industrial effluent into the sewer, establishing an alternative method of assessing the quantity of effluent so discharged.
- (2) The Council shall be entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner of the premises on which it is installed.
- (3) The owner of any premises on which there is situated any borehole used for a water supply for trade or industrial purposes shall -
- (a) register such borehole with the Council as prescribed in the Water supply By-laws
  - (b) provide the Council with full particulars of the discharge capacity of the borehole; and
  - (c) if the Council has reason to doubt the reliability of the particulars given, carry out at the expense of the owner such tests on the discharge capacity of the borehole as may, in the opinion of the Council; be necessary for the purpose of these by-laws.
  - (d) for the purpose of item (f) of sub-section 95(2), to provide and maintain at his own expense a meter measuring the total quantity of water drawn from any borehole, spring or other natural source of water and used on the property.

#### **Prohibited Discharges**

97. (1) No person shall discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance -
- (a) which in the opinion of the authorised official may be offensive to or may cause a nuisance to the public;
  - (b) which contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing an obstruction to the flow in sewers or drains or interference with the proper operation of a sewage treatment works;
  - (c) which shows any visible signs of tar or associated products or distillates, bituminous or asphalts;
  - (d) which contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment works to produce an undesirable taste after chlorinating or an undesirable odour or colour, or excessive foam;
  - (e) which contains any substance specified in the said relevant Appendix in concentration greater than those there listed:

Provided that the Council may approve or limit such smaller or greater limits or concentrations in respect of any such substance for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of such substance on the sewer or any sewage treatment process if the Council is satisfied that in the circumstances the discharge of such substance would not-

- (i) harm or damage any sewer, mechanical appliance, sewage treatment works or equipment; or

- (ii) prejudice the use of sewage effluent for re-use; or
  - (iii) adversely affect any waters, into which treated sewage effluent is discharged, or any land or crops irrigated with the sewage effluent;
- (f) which contains any substance of whatsoever nature which in the opinion of the Council -
- (i) is not amenable to purification or treatment at the sewage treatment works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
  - (ii) is of such nature as is or may be amenable to purification or treatment only to such degree as to prevent the final treated effluent from the sewage treatment works from satisfactorily complying in all respects with any requirements imposed in terms of the National Water Act, 1998(Act 36 of 1998), as amended; or
  - (iii) whether listed in the relevant Appendix to these by-laws or not, either alone or in combination with other matter may
- (aa) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the Council's sewers or manholes in the course of their duties; or
- (2) (a) Any person receiving from an official duly authorised thereto by the Council a written order instructing him or her to stop the discharge to the sewer of any substance referred to in sub-section 97(1) of section 15, shall forthwith stop such discharge.
- (b) Any person who contravenes the provisions of sub-section 97(1), or who fails to comply with an order issued in terms of paragraph (a) of sub-section 97(2), shall be liable to the inspection fees as per approved tariff.
- (c) Notwithstanding the provisions of item (b) of sub-section 97(2), should any persons have valid to comply with the terms of an order served in terms of item (b) of sub-section 97(2) and such discharge is likely in the opinion of the Council seriously to prejudice the efficient operation of any sewage treatment works, the Council may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until such time as the industrial effluent complies in all respects with the Council's requirements as prescribed in terms of these by-laws, in which event the discharge shall forthwith be stopped by the person responsible for the discharge or by the Council in the event of his or her failure to do so.

**Withdrawal of written permission for disposal of industrial effluent**

98. (1) The municipality or its authorized agent may withdraw any permission, after giving at least 14 (fourteen) days written notice if its intention to a person permitted to discharge industrial effluent into the sewage disposal system if the person -
- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedules A and B of these bylaws or the written permission;
  - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these bylaws or contravenes any provisions of these bylaws or any condition imposed in terms of any permission granted to him or her; or
  - (c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- (2) The municipality or its authorized agent may on withdrawal of any written permission -
- (a) in addition to any steps prescribed in these bylaws, and on 14 (fourteen) days' written notice authorize the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the municipality or its authorized agent's tariff of charges; and
  - (b) refuse to accept any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent to be discharged conforms to the standards prescribed in these bylaws.

**Private Treatment Plants**

99. No person shall construct, fix, maintain or operate any septic tank, French drain, conserving tank or other plant for the treatment, disposal or storage of sewage without the written consent of the Council, the giving of which shall be without prejudice to the provisions of section 9, and in any event without complying with its Public Health By-laws so far as relevant.

**CHAPTER 7**

**General Provisions**

**Stables and Similar Premises**

100. (1) Subject to the provisions of sub-section 100(2), the council may at its discretion permit stables, cowsheds, dairies, kennels and similar premises or other premises for the accommodation of animals to be connected to a drainage installation.
- (2) The floor of any premises connected to a drainage installation in terms of subsection (1), shall be paved with approved impervious materials and graded to a silt trap, grease trap or gully of adequate capacity.
- (3) Every part of the floor of premises mentioned in sub-section 100(1) should be covered by a roof and otherwise effectively protected to prevent the entry of rain or stormwater into the drainage installation.

**Waste Food or other Disposal Units**

101. (1) The Council may in its discretion and subject to the payment of the charges prescribed in part VI of Schedule B to these by-laws permit the discharge from a waste-food disposal unit to enter a drainage installation.
- (2) Waste-food disposal units shall be of approved type and the installation and connections thereof shall comply with these by-laws as if it were a waste-water fitting and with the Council's Water Supply By-laws and Electricity Supply By-laws so far as applicable.

- (3) No person shall incorporate into a drainage installation a mechanical waste food or other disposal unit or garbage grinder unless -
- (a) the owner of the premises has registered such unit or garbage grinder with the council and the Council is satisfied that the working of the council's sewerage and sewage treatment system shall not thereby be impaired; and
  - (b) such unit or garbage grinder is of an approved type and has been installed in conformity with the council's Electricity By-laws.
- (4) The Council may require the owner or occupier of any premises on which a waste food or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder either to remove, repair or replace any unit which, in the opinion of the engineer, is functioning inefficiently or which may impair the working of the council's sewerage system.
- (5) The owner shall, upon the removal of any such unit or grinder, notify the council within 14 days of its removal.

**Disposal of Sludge, Compost and Manure**

102. (1) Except when prohibited by any competent authority, the Council may sell or dispose of sewage sludge, compost or animal manure resulting from the operation of any sewage treatment works operated by the council or farm associated therewith on such conditions regarding the loading and conveyance thereof, the place to which it is conveyed and the manner in which it is to be used, applied or processed as the Council may impose.
- (2) Save in the case of long term contracts entered into for the purpose of removal thereof, such sludge, compost or manure shall be sold or disposed of at the charges set out in the tariff.

**Offences and Penalties**

103. (1) Without prejudice to any provision of these by-laws wherein an offence is expressly specified, any person who contravenes or fails to comply with any provision of these by-laws or who shall be in default in complying therewith, shall be guilty of an offence and shall be liable, on first conviction, to a fine not exceeding the determined amount or, in default of payment, to imprisonment for a period not exceeding three months, and on any subsequent conviction to a fine not exceeding the determined amount or, in default of payment, to imprisonment as aforesaid.
- (2) Any person who fails to comply in any respect with any notice served on him by the council directing him to do or not to do anything, shall be guilty of an offence and shall in addition be guilty of a further offence for every day or part of a day during which non compliance continues and he shall be liable in respect of each offence as aforesaid to a fine not exceeding the determined amount or, in default of payment, to imprisonment for a period not exceeding six months.

**Scope of By-laws**

104. (1) These by-laws shall apply to every drainage installation, and in particular to the design and construction of such an installation in any new building or existing building, to any installation required by the Council to be constructed and to alterations or additions to an existing drainage installation whether or not required by the Council to be made in terms of these by-laws.
- (2) Every drainage installation shall both during its construction and on its completion be subject to such inspection; approval, tests and control as the council shall deem fit or require.

**Right of Appeal**

105. (1) Any person aggrieved by any decision given or act done by any officer in terms of these by-laws in connection with a drainage installation or any work connected therewith, shall have the right to appeal to the committee of the council appointed to supervise the administration of these by-laws or if there is no such committee to the council itself.
- (2) Notice of intention to appeal in terms of sub-section 105(1) shall be given to the Council within seven days of the decision or act complained of and shall be followed within a further fourteen days by a full statement of the appellant's case in writing to be furnished by the appellant to the Council.

**Notices**

106. (1) Every notice, order or other document issued or served by the council in terms of these by-laws shall be valid if signed by an officer of the council duly authorized thereto.
- (2) Any notice, order or other document served in terms of these by-laws on any person shall be so served by delivering it, or a true copy thereof, to the person to whom it is addressed personally or at his last known residence or place of business or by posting it in which case it shall be deemed to have been served five days after it was posted.
- (3) Every notice, order or other document issued or served in terms of these by-laws shall specify the premises to which it relates, but may refer to the person for whom it is intended as "the owner" or "the occupier" if which does not know his name.

**Tariffs**

107. Charges for sewerage services as determined from time to time by the council in terms of the relevant legislation.

**APPENDIX I**

**LIMITS OF pH, ELECTRICAL CONDUCTIVITY AND MAXIMUM CONCENTRATION OF CERTAIN SUBSTANCES**

Subject to the provisions of section 7(1)(i), the following are:

- a) The limits of the pH and electrical conductivity; and
- b) the substances and the maximum permissible concentrations thereof, expressed in milligrams per litre (mg/l) referred to in section 7(1)(i):

**(i) GENERAL**

- pH - within the range: 6,0 - 10,0
- Electrical conductivity - not greater than: 500 mS/m at 20° C.
- Caustic alkalinity (expressed as CaCO<sub>3</sub>): 2 000 mg/l.
- Substances not in solution (including fat, oil, and grease, waxes and like substances) and where the volume of effluent discharged per month do not exceed 10 000 kl: 2 000 mg/l.
- Substances not in solution (including fat, oil, and grease, waxes and like substances) and where the volume of effluent discharged per month do exceed 10 000 kl: 500 mg/l.
- Substances soluble in petroleum ether: 500 mg/l
- Sulphides, (expressed as S): 20 mg/l and Hydrogen Sulphide (expressed as H<sub>2</sub>S): 1 mg/l
- Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN): 20 mg/l
- Formaldehyde (expressed as HCHO): 50 mg/l
- Non-organic solids in suspension: 100 mg/l
- Chemical oxygen demand (COD): 5 000 mg/l
- All sugars and/or starch (expressed as glucose): 1 500 mg/l
- Available chlorine (expressed as Cl<sub>2</sub>): 100 mg/l
- Sulphates (expressed as SO<sub>4</sub>): 1 800 mg/l
- Fluorine-containing compounds (expressed as F): 5 mg/l
- Sodium (expressed as Na): 120 mg/l
- Anionic surface active agents: 500 mg/l

**METALS:**

**Group 1**

- Iron (expressed as Fe)
- Chromium (expressed as CrO<sub>3</sub>)
- Copper (expressed as Cu)
- Nickel (expressed as Ni)
- Zinc (expressed as Zn)
- Silver (expressed as Ag)
- Cobalt (expressed as Co)
- Tungsten (expressed as W)
- Titanium (expressed as Ti)
- Cadmium (expressed as Cd)

The total collective concentration of all metals in Group 1 (expressed as indicated above) in any sample of the effluent shall not exceed 50 mg/l, nor shall the concentration of any individual metal exceed 20 mg/l.

**Group 2**

- Lead (expressed as Pb)
- Selenium (expressed as Se)
- Mercury (expressed as Hg)
- Manganese (expressed as Mn)

The total collective concentration of all metals in Group 2 (expressed as indicated above) in any sample of the effluent shall not exceed 20 mg/l, nor shall the concentration of any individual metal in any sample exceed 5 mg/l.

**(iii) OTHER ELEMENTS**

- Arsenic (expressed as As)
- Boron (expressed as B)

The total collective concentration of all elements (expressed as indicated above) in any sample of the effluent shall not exceed 20 mg/l.

**(iv) RADIO-ACTIVE WASTES:**

Radio-active wastes or isotopes: Such concentration as may be laid down by the Atomic Energy Board or any State Department: Provided that, notwithstanding the requirements set out in this Appendix, the Council reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into the sewers from any premises.

**NOTE:** The method of testing in order to ascertain the concentration of any substance here mentioned shall be the test normally used by the Council for the purpose. Any person discharging any substance referred to in Appendix I shall ascertain the details of the appropriate test from the Council.

**APPENDIX II**

**APPLICATION FORM**

**APPLICATION TO DISCHARGE INDUSTRIAL EFFLUENT INTO THE COUNCIL'S SEWER SYSTEM**

I (Name) \_\_\_\_\_ authorised to act on behalf of \_\_\_\_\_

and hereinafter referred to as the applicant, hereby apply in terms of sub-section (2) of section 4 of the Sewerage By-laws, of the Midvaal Local Municipality for permission to discharge industrial effluent into the Council's Sewer on the basis of the facts stated herein.

**PART I**

**GENERAL INFORMATION**

Name of the Industry : \_\_\_\_\_

Nature of industry : \_\_\_\_\_

Street address of industry : \_\_\_\_\_

Stand/s number/s : \_\_\_\_\_

Township : \_\_\_\_\_

Municipal Account Number : \_\_\_\_\_

Postal address of industry : \_\_\_\_\_

Contact person(s) : \_\_\_\_\_

Tel. No.: ( ) \_\_\_\_\_ Fax. No.: ( ) \_\_\_\_\_

Cell. No.: \_\_\_\_\_

E-Mail address: \_\_\_\_\_

Internet Web Site: \_\_\_\_\_

**PART II**

**INFORMATION REGARDING THE CONSUMPTION OF WATER**

The following information is required for the purpose of estimating the quantity of industrial effluent discharged into the Council's sewer. All figures given shall relate to a total, in kiloliters, (estimated or measured) taken over a period of 12 months.

**TOTAL VOLUME OF WATER CONSUMED IN KILOLITRES - ESTIMATED OR MEASURED**

	Meter no.	Total					
							kl
Section of plant served by meter							kl
Water purchased							kl
Water from borehole							kl
Water entering with raw materials							kl
<b>Total volume:(A)</b>							kl

**WATER USED BY STAFF FOR DOMESTIC PURPOSES**

	(a) Number	(b) Shifts per day	(c) Days per week	(d) Allowance litres/person/day	(a)x(b)x(c)x(d)x52/1000 Total	
Daily employees: Office						kl
Factory						kl
Resident persons						kl
Canteen						kl
Other						kl
<b>Total volume: (B)</b>						kl

**WATER LOST DUE TO PROCESSES**

	Total	
Water lost/absorbed by goods manufactured		kl
Water lost due to evaporation from cooling towers		kl
Water lost due to the operation of boilers		kl
Water lost/used for coal wetting		kl
Water lost/used for quenching		kl
Water lost due to other reason/s (state reason)		kl
<b>Total volume: (C)</b>		kl

**INDUSTRIAL EFFLUENT DISCHARGED INTO THE COUNCIL'S SEWER SYSTEM**

Blow-down water from boilers into the sewer system (D) \_\_\_\_\_ kl

The estimated volume of process water discharged to the Council's sewer is: (A-B-C+D) \_\_\_\_\_ kl. (E)

The estimated percentage of water consumed, discharged as industrial effluent: E/A\*100= \_\_\_\_\_ %.

**NUMBER AND DESCRIPTION OF DISCHARGE POINTS**

NUMBER	DESCRIPTION

Please attach a layout plan indicating the discharge points.

APPLICANT	COUNCIL
Name: _____	Name: _____
Authority: _____	Authority: _____
Signature: _____	Signature: _____
Date: _____	Date: _____

**PART III**

**INFORMATION REQUIRED CONCERNING THE CHEMICAL AND PHYSICAL CHARACTERISTICS OF THE EFFLUENT TO BE DISCHARGED:**

- (1) Maximum temperature of effluent: \_\_\_\_\_ ° Celsius
- (2) pH value: \_\_\_\_\_
- (3) Nature and amount of settleable solids: \_\_\_\_\_ mg/l
- (4) Chemical Oxygen Demand strength as determined according to Council's method: \_\_\_\_\_ mg/l
- (5) Maximum total daily discharge: \_\_\_\_\_ Kiloliters
- (6) Maximum rate of discharge: \_\_\_\_\_ Kiloliters p/h
- (7) Periods of maximum discharge:

DAY	FROM	TO
Mondays		
Tuesdays		
Wednesdays		
Thursdays		
Fridays		
Saturdays		
Sundays		

If any of the substances or their salts, specified in the table below, are formed on the premises, then a cross must be placed in the space in which the substance appears and if possible, the average concentration of the substance likely to be present in any effluent must be stated.

TABLE

Cyanide		Chromium		Nickel		Cadmium	
	mg/l		mg/l		mg/l		mg/l
Copper		Zinc		Iron		Ammonium	
	mg/l		mg/l		mg/l		mg/l
Sulphide		Sulphates		Nitrates		Others	
	mg/l		mg/l		mg/l		mg/l
Starch or sugars		Tar or Tar oil		Grease or oil		Synthetic detergents	
	mg/l		mg/l		mg/l		mg/l
Volatile solvents		Others		Others		Others	
	mg/l		mg/l		mg/l		mg/l

Any other information as to kind and character, chemical composition and concentrations peculiar to the industrial effluent?

**PART IV  
CONDITIONS OF ACCEPTANCE OF INDUSTRIAL EFFLUENT**

This application shall only be granted on the applicant's undertaking, as he is by virtue of his signature hereto appended deemed to do, to observe the following terms and conditions and any further special conditions which the engineer may think fit to impose in any particular case:

The applicant shall annex hereto descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising-tanks and any other provision made by him for the treatment of the industrial effluent before it is discharged to the sewer.

The applicant shall submit to the Council, if requested, plans showing the reticulation systems on his premises for water and industrial effluent.

The applicant shall, in addition to complying with the provisions of the Council's Drainage By-laws concerned with the protection of its employees, sewers and treatment plant from injury or damage, comply with any direction concerned with such protection given to him by the engineer verbally or in writing for the purpose of ensuring the applicant's compliance with the said by-laws.

The applicant shall notify the Council, as soon as possible after he becomes aware of or at least 14 days before anything is done to cause any material alteration in the nature or quantity of discharge of the industrial effluent specified in this application or in any of the facts stated by him therein.

The applicant shall within 30 days from the date of signature of this application procure an approved accurately representative sample of not less than five litres of the industrial effluent to be discharged to the sewer, which sample shall be free of domestic sewage, and shall submit one half thereof to the Council for analysis and also submit to the engineer a report on the sample made by an analyst appointed by him: Provided that in the case of a newly established industry the period specified in this rule may be extended by the Council for a period not exceeding six months or such further extended periods as the Council in its discretion may from time to time in writing permit.

The applicant hereby declares and warrants that the information given by him on this form or otherwise in connection with this application is to the best of his knowledge and belief in all respects correct.

The applicant agrees that the said information, being in all respects correct, shall form the basis on which the Council grants this application.

Thus done at \_\_\_\_\_ by the applicant on this \_\_\_\_\_ day of \_\_\_\_\_.

Name of applicant

Capacity of applicant

Signature of the applicant

Permission is hereby granted by me on behalf of the Council, I being duly thereunto authorised, for the discharge into the Council's sewer in accordance with the Council's Drainage By-laws of industrial effluent as described in this form and the circumstance therein set forth: Provided that this permission shall be revocable by the Council at any time at its absolute discretion on the expiry of reasonable notice on writing given by it to the applicant.

The said permission is given subject also the following special conditions:

SIGNED \_\_\_\_\_

Date: \_\_\_\_\_

Council's representative

**APPENDIX III**

**APPLICATION FORM**

**PERMISSION TO INSTALL APPLIANCES TO PUMP SEWAGE INTO COUNCIL'S SEWER SYSTEM**

**NOTE :** On premises where it is not possible to drain all sanitary fittings by gravitation to a connecting sewer, the Council will consider applications for pumping sewage in compliance with regulation P3 of the National Building Regulations and Building Standards Act only in respect of those parts of a premises which cannot be drained by gravitation.

In the case of single basements, consideration will be given to the use of sanitary fittings on the ground floor.

In all cases where lifting of sewerage is permitted, the engineer will stipulate the rate of discharge, which will be normally limited to a maximum of 4 litres per second.

**INFORMATION TO BE FURNISHED BY APPLICANT**

The applicant shall furnish the following information, as well as and the relevant literature and characteristic curves and must sign the application and undertaking:

**INDUSTRY/BUSINESS INFORMATION:**

Name of the industry/business: \_\_\_\_\_  
 Nature of industry/business : \_\_\_\_\_  
 Street address of industry/business: \_\_\_\_\_  
 Stand/s number/s : \_\_\_\_\_  
 Township : \_\_\_\_\_  
 Municipal Account Number: \_\_\_\_\_  
 Postal address of industry/business: \_\_\_\_\_  
 Contact person(s) : \_\_\_\_\_  
 Tel. No.: ( ) \_\_\_\_\_ Fax. No.: ( ) \_\_\_\_\_  
 Cell. No.: \_\_\_\_\_  
 E-Mail address: \_\_\_\_\_  
 Internet Web Site: \_\_\_\_\_

**TECHNICAL INFORMATION:**

Make of appliance, name of supplier and purpose for which the appliance is designed

kW rating and speed of motor/pump: \_\_\_\_\_

Maximum rate of discharge in litres per second: \_\_\_\_\_

(d) Size of rising main and velocity of discharge: \_\_\_\_\_

(e) Capacity and dimensions of storage tank - depth to be given as liquid depth below inlet drain: \_\_\_\_\_

(f) Descriptions of stand-by equipment, automatic controls, warning systems, and other relevant information:

Any matters relating to the electric power connection and switchboard will be referred to the Electricity Department and will be subject to the approval of that Department.

The engineer may require the owner to supply a key to enable Council employees to gain access to the mechanical appliance installation at all times.

**APPLICATION AND UNDERTAKING BY OWNER**

I, the undersigned, hereby make application to install mechanical appliances for the lifting of sewage and accept without reservations, and undertake to abide by, the following conditions:

- (a) The maximum discharge rate shall not exceed \_\_\_\_\_ litres per second.
- (b) The onus shall be on the owner of the premises to have the installation regularly serviced and maintained in a hygienic and efficient working condition at all times. Any necessary repairs or replacements are to be effected immediately, so that interruptions in operation are reduced to a minimum.
- (c) In the event of breakdowns from any cause whatsoever, the owner shall take immediate precautions to ensure that unhygienic conditions do not develop.  
The Council shall not be held responsible for any damages or claims, which may arise through unhygienic conditions, installation stoppages, and inefficient operation, explosion or other causes.  
Council employees shall, at all times, be given unhindered access to the installation for the purpose of inspection.

Signed

\_\_\_\_\_ Applicant \_\_\_\_\_ Owner

ERF No.: \_\_\_\_\_ TOWNSHIP: \_\_\_\_\_

DATE: \_\_\_\_\_

**FOR OFFICE USE ONLY**

This application is approved and permission to install the proposed mechanical appliances for pumping sewage into the Council's sewerage system is hereby granted on the under-mentioned conditions (if any):

**CONDITIONS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

SUPPLIER	APPLICANT	COUNCIL
Name:	Name:	Name:
Authority:	Authority:	Authority:
Signature:	Signature:	Signature:
Date:	Date:	Date:

**SCHEDULE "A"**  
**ACCEPTABLE DISCHARGE LIMITS**

**(i) GENERAL:**

Determinants	Lower limits of concentrations
pH at 25°C	6,0 pH Units

Determinants	Upper limits of concentrations
pH at 25°C	10,0 pH Units
Electrical conductivity at 25°C	500 mS/m
Caustic alkalinity (expressed as CaCO <sub>3</sub> )	2000 mg/l
Substances not in solution (including fat, oil, grease, waxes and like substances) and where the volume of effluent discharged per month does not exceed 10 000 kl	1000 mg/l
Substances not in solution (including fat, oil, grease, waxes and like substances) and where the volume of effluent discharged per month does exceed 10 000 kl	500 mg/l
Fat, oil grease, waxes and like substances soluble in petroleum ether	500 mg/l
Sulphides, (expressed as S)	10 mg/l
Hydrogen sulphide (expressed as H <sub>2</sub> S)	5 mg/l
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer and sewage treatment works (expressed as HCN)	20 mg/l
Formaldehyde (expressed as HCHO)	50 mg/l
Non-organic solids in suspension	100 mg/l
Chemical oxygen demand (COD)	5000 mg/l
All sugars and/or starch (expressed as glucose)	1500 mg/l
Available chlorine (expressed as Cl)	100 mg/l
Sulphates (expressed as SO <sub>4</sub> )	1800 mg/l
Fluorine-containing compounds (expressed as F)	5 mg/l
Sodium (expressed as Na)	500 mg/l
Anionic surface active agents	500 mg/l
Ammonium Nitrogen as N	200 mg/l
Orthophosphate as P	50 mg/l
Phenols	150 mg/l
Chloride (Cl)	500 mg/l

**(ii) METALS AND OTHER ELEMENTS:**

**Group A**

Determinants	Upper limits of concentrations
Nickel (expressed as Ni)	20 mg/l
Zinc (expressed as Zn)	20 mg/l
Cobalt (expressed as Co)	20 mg/l
Chromium (expressed as Cr)	20 mg/l

Should the total collective concentration of all metals in Group A (expressed as indicated above) in any sample of the effluent exceed 40 mg/l, or the concentration of any individual metal in any sample exceed the upper limits as indicated above, the provisions of items 6.1 and 8.4.2 shall apply.

**Group B**

Determinants	Upper limits of concentrations
Lead (expressed as Pb)	5 mg/l
Copper (expressed as Cu)	5 mg/l
Cadmium (expressed as Cd)	5 mg/l
Arsenic (expressed as As)	5 mg/l
Boron (expressed as B)	5 mg/l
Selenium (expressed as Se)	5 mg/l
Mercury (expressed as Hg)	5 mg/l
Molybdenum (expressed as Mo)	5 mg/l

Should the total collective concentration of all metals and elements in Group B (expressed as indicated above) in any sample of the effluent exceed 20 mg/l, or the concentration of any individual metal or elements in any sample exceed the upper limits as indicated above, the provisions of items 6.1 and 8.4.2 shall apply.

**Group C**

Determinants	Upper limits of concentrations
Aluminium (expressed as Al)	20 mg/l
Iron (expressed as Fe)	20 mg/l
Silver (expressed as Ag)	20 mg/l
Tungsten (expressed as W)	20 mg/l
Titanium (expressed as Ti)	20 mg/l
Manganese (expressed as Mn)	20 mg/l

Should the individual concentration of all metals in Group C (expressed as indicated above) in any sample of the effluent exceed the upper limits as indicated above, the provisions of items 6.1 and 8.4.2 shall apply.

**(III) RADIO-ACTIVE WASTE:**

Radio-active waste must comply to safety standards as contemplated in section 36 of the National Nuclear Regulation Act, 1999.

**MIDVAAL CEMETERY AND CREMATORIA BY-LAWS**

The Midvaal Local Municipality hereby publishes the Cemetery and Crematoria By-laws set forth hereinafter, which have been promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

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**CHAPTER I: INTERPRETATION**

**1. Definitions**

In these by-laws, unless the context indicates otherwise—

“**active cemetery**” means a Public Cemetery situated within the jurisdiction of the municipality, and includes the buildings and fixtures within the cemeteries;

“**adult**” (where the word is used to describe a body) means any deceased person over the age of 12 years;

“**aesthetic (also called Lawn) section**” means a section of a cemetery, which has been set aside by the municipality in which only a headstone may be erected on a berm and in which the municipality must provide and maintain a strip of lawn;

“**ashes**” means the remains of a cremated human body;

“**berm**” means a concrete strip laid by the municipality along a row of graves, or between two such rows, in the aesthetic section;

“**body**” means any dead human body including the body of a still-born child;

“**burial order**” means an order issued by a person authorised to do so in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);

“**burial place**” means any burial-ground whether public or private, or any place whatsoever in which one or more bodies is or are buried, interred, cremated or otherwise disposed of, or intended to be buried, interred, cremated, or otherwise disposed of;

“**caretaker**” means the person appointed from time to time by the municipality in a supervisory capacity with regard to any cemetery in accordance with section 0 of these by-laws;

“**cemetery**” means any piece of land for the burial or interment of a body and, except for Chapter 3 of these by-laws, refers only to public cemeteries;

“**cemetery services**” means the management, administration, operation and maintenance of an active cemetery;

“**child**” means any deceased person of the age of 12 years or under whose coffin will fit into the grave opening prescribed for children in section 25;

“**commonwealth war burial**” means a burial of any member of the naval, military or air forces of the Commonwealth who died as a result of injuries sustained or illnesses contracted in the course of active duty during the First World War (1914 to 1921) or the Second World War (1939 to 1947);

“**commonwealth war grave**” means any grave, tombstone, monument or memorial connected with a Commonwealth war burial;

“**customer**” means the person who has paid or caused any of the charges determined from time to time by the municipality to be paid or who has obtained the right to have any memorial work erected or constructed or who has obtained any other rights or interests referred to or mentioned in these by-laws;

“**cremation**” means the practice of disposing of a human body by fire and thereby reducing any human remains to ashes;

“**crematorium**” means a crematorium as defined in section 1 of the Crematorium Ordinance, 1965 (Transvaal Ordinance 18 of 1965) which includes the buildings in which the ceremony is conducted and the cremation carried out;

“**cremated remains**” means all recoverable human remains after the cremation process;

“**exhumation**” means the disinterment of a body from its interment site;

“**full capacity**” means that all existing space for interment has been used so that it is no longer reasonably practicable, whether for economic, aesthetic, physical or any other good reason of whatsoever nature, for the municipality to determine, to set out further new grave sites;

“**garden of remembrance**” means a section of a cemetery or crematorium set aside for the erection of memorial work to commemorate a deceased person whose body was cremated;

“**grave**” means any piece of land laid out for the interment of one or more bodies within any cemetery;

“**grave of a victim of conflict**” means grave of a victim of conflict as defined in section 2 of the National Heritage Resources Act, 1999 (Act 25 of 1999);

“**Health Act**” means the Health Act, 1977 (Act 63 of 1977);

“**indigent person**” means a person who has been identified as indigent at the time of his death in terms of the Memorandum of Agreement between Midvaal Local Municipality and Lekoa Cemeteries; the burial of such a person to be conducted at a reduced tariff, annually revised in terms of Section 11 of these by-laws.

“**inhumation**” means the burial of human remains;

“**interment**” means burial in earth or in any form of sepulchre and includes the cremation of a body;

“**local community**” means the body of persons comprising –

the residents of the municipality;

the ratepayers of the municipality;

any civic organisations or non-governmental organisations which are involved in local affairs within the municipality;

and visitors and other people residing outside the municipality who, because of their presence in the municipality,

make use of the services provided by the municipality, including any person or persons who would, if he or she were

ordinarily resident in the municipality, qualify as an indigent person;

- "medical officer of health"** means the medical officer of health of the municipality appointed in terms of section 22 of the Health Act, or any person appointed to assist him in terms of section 24 of the Health Act, authorised by the medical officer of health and acting under his supervision;
- "memorial wall"** means a wall containing niches provided for the placement of ashes and inscribed plaques in a garden of remembrance;
- "memorial work"** means any tombstone, railing, fence, monument, memorial, inscription or other work erected or which may be erected on or about any grave;
- "monumental section"** means a section of a cemetery, which has been set aside by the municipality wherein memorial work may be erected to cover the entire grave area;
- "municipal manager"** means the municipal manager as defined in section 82(1)(a) of the Structures Act;
- "municipality"** means-
- (a) the Midvaal Local Municipality, a category B municipality in the district of Sedibeng, Gauteng, established in terms of section 12(1) of the Structures Act; or
  - (b) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Systems Act, or any other law;
- "new cemetery"** means a public cemetery which is developed or set aside for development by the municipality and which is or may become an active cemetery as contemplated in section 2(1) of these by-laws;
- "niche"** means a recessed compartment in a memorial wall for the interment of ashes;
- "passive cemetery"** means a public cemetery owned, regulated, established or maintained by, or the control of which is vested in, the municipality, and which is certified as a "passive cemetery" in terms of section 0 of these by-laws;
- "pauper"** means a person who has died as an unknown person;
- "private cemetery"** means any cemetery which is not a public cemetery;
- "private grave"** means any piece of ground that has been laid out for a grave within any cemetery and in respect of which an exclusive right of use has been purchased in terms of section 22 of these by-laws;
- "public cemetery"** means any cemetery which is owned, regulated, established or maintained by, or the control of which is legally vested in, the municipality;
- "registrar of deaths"** means a person appointed by the Government to register deaths;
- "resident"** means a person who, at the time of death, ordinarily resides in the boundaries of the municipality;
- "sepulchre"** means a tomb;
- "SANS"** means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice as contemplated in Government Notice No. 1373 published in Government Gazette 24002, dated 8 November 2002 in terms of the Standards Act, 1993 (Act 29 of 1993);
- "service area"** means the area of jurisdiction of the municipality;
- "service delivery agreement"** means an agreement between the municipality and a service provider in terms of which the service provider is required to provide cemetery services;
- "service provider"** means any person who has entered into a service delivery agreement with the municipality in terms of section 81(2) of the Systems Act;
- "still-born child"** means a human foetus that has had at least 26 weeks of intra-uterine existence but showed no sign of life after complete birth;
- "Structures Act"** means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
- "Systems Act"** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
- "tariff"** means the tariff promulgated by the municipality and collected from the customer by the municipality for rendering cemetery services; and
- "undertaker"** means a person registered to undertake the preparation of a human body for burial or cremation in terms of the Health Act.

## CHAPTER II: ESTABLISHMENT OF PUBLIC CEMETERIES

### 2. Establishment of Cemeteries

- (1) The municipality may from time to time set aside, acquire or develop any ground for the purpose of establishing a cemetery.
- (2) The municipality must at all times ensure that sufficient burial space is available for the burial of bodies within the service area.
- (3) The municipality is responsible for the on-going maintenance of all cemeteries, including any damage to the cemetery, but not to any memorial work, caused by Acts of God.
- (4) The cemetery services may, from time to time, be suspended at a particular cemetery for the purposes of undertaking maintenance, including extraordinary maintenance: Provided that adequate notice be given to members of the public; Provided further that, if the municipality has other active cemeteries of the same category (if the municipality has classified the active cemeteries in its service area into different categories in terms of section 0, there is another active cemetery of the same category available to the public within the service area.

### 3. Caretakers

- (1) The municipality must appoint a caretaker to every cemetery to control the day-to-day management of the cemetery.
- (2) The caretaker may be a caretaker for more than one cemetery.

### 4. Classification of Cemeteries

- (1) The municipality may classify active cemeteries into different categories for the purposes of establishing different service levels.
- (2) The classification must be undertaken in such a manner that the cemeteries are classified for the purposes of price differentiation in order to ensure affordability: Provided that such differentiation does not amount to unfair discrimination.

### 5. Passive Cemeteries

- (1) Once a cemetery is full and can no longer be used as an active cemetery, the municipality must declare, through the issuing of a certificate, that cemetery to be a passive cemetery.

- (2) The municipality may declare sections of a cemetery which are full to be closed, pending the use of the remaining sections of the cemetery. Once the entire cemetery is full, the municipality must declare the cemetery to be a passive cemetery in accordance with subsection 0.
- (3) The municipality is responsible for the on-going maintenance of all passive cemeteries.

### CHAPTER III: PRIVATE CEMETERIES

#### 6. Registration of Existing Graves

Any owner of land, other than the municipality, upon whose land any grave or graves exist, must inform the municipality of the existence of such graves on a form to be prescribed by the municipality.

#### 7. Establishment and Continued Use of Private Cemeteries

No person shall, within the service area, establish a private cemetery and no owner of any private cemetery already in existence shall, if the use of such cemetery was not previously authorised by the municipality, continue to use such existing cemetery for burial purposes without the municipality's authority being obtained in terms of section 8.

#### 8. Application for a Private Cemetery

(1) Applications for the municipality's approval to continue using a private cemetery shall be made in writing to the municipal manager. The application must include:

- (a) A locality plan to a scale of not less than 1:10 000, showing the position of the existing cemetery in relation to the boundaries of the land upon which it is situated, the registered description of the site and showing all streets, public places and privately-owned property within a distance of 100 metres of the site;
- (b) A block plan to a scale of at least 1 in 500 showing the position of external boundaries, internal roads and paths, sub-divisions, grave sites, drainage and any buildings existing or proposed to be erected;
- (c) A plan and sections to a scale of at least 1 in 100 of any building existing or proposed to be erected, and which shall in the latter case conform with the building and sewage by-laws of the municipality;
- (d) A list of registers or records kept or proposed to be kept with reference to identification of graves, sale or transfer of grave sites and interments;
- (e) The full names and addresses of the owner and the caretaker;
- (f) The nature of the title under which the owner of the private cemetery will hold or holds the land on which the cemetery is to be established or which is being used as a cemetery, and whether such land is subject to any encumbrance in any way;
- (g) Proof, to the satisfaction of the municipality, that the owner has adequate insurance and real security to be able to discharge the obligation of maintaining the private cemetery and all graves in the future; and
- (h) A schedule of burial fees proposed to be charged or currently being charged.

(2) On receipt of the application referred to in subsection (1), the municipal manager must inform the applicant that he must place within one or more newspapers, circulating within the municipality, a notice stating the nature of the application and specifying the date by which objections to the granting of the application must be lodged with the municipal manager: Provided that the period in which objections must be lodged may not be less than 14 days.

(3) Within 60 days of the final date for the lodging of objections, the municipal manager must submit the application to the municipality for consideration by the municipality.

(4) Within 30 days of the municipality's receiving the application in terms of subsection (3), the municipality must consider the application and any objections to the application which may have been lodged. If, after consideration of the application and any objections, the municipality is satisfied that no interference with any public amenity, or nuisance or danger to the public health is likely to take place or arise as a result, the municipality may authorise, in writing, the continued use of the private cemetery, in accordance with the document submitted to the municipality in terms of subsection (1).

(5) If approval is granted for the continued use of a private cemetery in terms of subsection (4), then there may be no departure from the plans submitted in terms of subsection (1) without the approval of municipality in writing.

#### 9. Duties of the Owner of a Private Cemetery

Every owner of a private cemetery which has been authorised in terms of section 8(4) to continue a private cemetery shall -

- (a) Maintain a burial register in accordance with section 21 of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);
- (b) Maintain a duplicate copy of the burial register referred to in subsection 0 at a place other than the place where the burial register referred to in subsection 0 is kept;
- (c) Keep a record or records showing -
  - (i) the number of each grave site and the ownership of the ground in which the grave is situated; and
  - (ii) the number of interments in each and every grave site and the name, age, sex, race, last known address, date and cause of death of each person interred in it;
- (d) Comply with the provisions of Chapter 3 and any other relevant provisions of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);
- (e) Maintain all grounds, fences, gates roads, paths and drains in good order and condition and clear of weeds and overgrowth and provide adequate potable and ablution facilities;
- (f) Provide for the identification of grave sites by subdividing the cemetery into blocks each containing a number of graves or grave sites and each block being demarcated by means of signs showing the number and situation of each block. Every grave site in each block must be separately numbered by means of durable number plates. All signs and number plates must be maintained in a neat and legible condition;

- (g) Allow the municipality or its duly authorised officers to enter and inspect the cemetery, the burial register, and all records kept in connection therewith;
- (h) Render a monthly report on all burials to the municipal manager on a date to be determined by the municipal manager, detailing the name, last known address, age, sex, race, date and cause of death in each case, and the name of the Medical Practitioner who issued the certificate of death, a copy of the burial order, the authority who issued the burial order, the block and grave site number, and the date of burial;
- (i) Render an annual return to the municipal manager on a date to be determined by the municipal manager, detailing the names and addresses of all trustees, committee members and persons controlling the private cemetery, if there be any;
- (j) Appoint a caretaker to manage the cemetery and keep the records thereof. Any new appointment or change in the identity of the caretaker should be reported to the municipal manager on the monthly report submitted to the municipal manager in terms of subsection 900; and
- (k) Comply with any other conditions prescribed by the municipality.

#### CHAPTER IV: SERVICE PROVIDERS

##### 10. Agreement, Delegation and Customer Care Charter

- (1) Subject to subsection 0, the municipality may discharge all or some of its obligations under these by-laws for the rendering of cemetery services by entering into a service delivery agreement with a service provider or service providers in terms section 81(2) of the Systems Act.
- (2) Subject to the provisions of the Systems Act or any other law, the municipality may assign to a service provider any power enjoyed by the municipality under these by-laws: Provided that the assignment is necessary to enable the service provider to discharge any obligation under its service delivery agreement.
- (3) Any reference in these by-laws to "municipality or service provider" must be read as the "municipality" if the municipality has not entered into a service delivery agreement; and, if the municipality has entered into a service delivery agreement, must be read as "service provider".
- (4) Without derogating from the generality of the provisions of subsection 0, the municipality may not discharge an obligation to monitor and enforce the provisions of these by-laws by entering into an agreement with a service provider to do so.
- (5) A service provider established in terms of subsection 0 must prepare a customer care charter which shows how the service provider intends to deal with complaints and customer care.

##### 11. Tariffs

- (1) Notwithstanding the provisions of section 0, the municipality retains the responsibility to establish maximum tariffs for cemetery services.
- (2) The municipality must evaluate and promulgate maximum tariffs annually, prior to 1 July of each year.

#### CHAPTER V: DISPOSAL OF A BODY

##### 12. Disposal of a Body

- (1) No person may, save with the prior written permission of the municipality, dispose of or attempt to dispose of a body, other than:
  - (a) by interment in a private cemetery or a public cemetery established by the municipality in terms of section 2(1), and in accordance with the procedure set out in Chapter 7 of these by-laws; or
  - (b) by cremation in a crematorium as regulated by Chapter 12 of these by-laws.
- (2) No body intended for burial or cremation may be presented at a cemetery or crematorium unless being first enclosed in a sealed body bag or placed within a coffin, except where there is an objection thereto on religious grounds: Provided that, where there is an objection to a coffin or body bag on religious grounds, the body must be covered in a burial shroud or other suitable perishable material.

##### 13. Funeral Undertakers

- (1) Subject to the provisions of sections 20, 33, 34 and 39 of the Health Act, no funeral undertaker shall enter into a contract to bury or cremate any body in any cemetery or crematorium under the control of the municipality unless—
  - (a) The funeral undertaker is in possession of a certificate of competence issued by the municipality in terms of the Health Act;
  - (b) The premises from which the funeral undertaker operates is zoned in accordance with planning for such a business; and
  - (c) All the requirements of a funeral undertaker and a funeral undertaker's premises in terms of the Health Act have been complied with.
- (2) The municipality may, after giving reasonable notice to an undertaker of its intention to conduct an inspection, enter into and inspect the undertakers premise to enable it to determine whether subsection 0 and 0 have been complied with.
- (3) All undertakers must keep records of all bodies which they receive and of the burial orders for these bodies.
- (4) Any caretaker may refuse to bury a body presented for burial by an undertaker who has not complied with these by-laws; Provided that where a caretaker refuses such a burial, this is reported in writing to the municipality along with the reasons for refusal.

##### 14. Register

- (1) The caretaker of a cemetery must maintain a burial register in accordance with section 21 of the Births and Deaths Registrations Act, 1992 (Act 51 of 1992).

- (2) The caretaker must maintain a duplicate copy of the burial register referred to in subsection 0 at a place other than the place where the burial register referred to in subsection 0 is kept.

**CHAPTER VI: FUNERALS**

**15. Religious Ceremonies**

- (1) The members of any religious denomination may conduct religious ceremonies in a cemetery in connection with any interment or memorial service subject to the control and by-laws of the municipality.
- (2) No person shall conduct any religious ceremony according to the rites of any denomination in such portion of any cemetery that is reserved by the municipality for members of another denomination.

**16. Exposure of Corpses**

No person shall convey a corpse which is not covered, or expose any such corpse or any part thereof in any street, cemetery or public place.

**17. Instructions of the Caretaker**

Every person taking part in any funeral procession ceremony shall comply with the directions of the caretaker within a cemetery.

**18. Music and Singing**

No music or singing will be allowed in a cemetery, except for sacred singing, and except in the case of police or military funerals, without the caretaker's permission.

**19. Occupation of Chapel or Shelter**

No person shall occupy any chapel or shelter in a cemetery for more than 45 minutes, unless authorised to do so by the caretaker of the cemetery.

**20. Hours for Interments**

- (1) Subject to the provisions of subsection 0, interments shall take place during the following hours:
- (a) On a Monday to Thursday, excluding public holidays, from 09:00 to 15:30; and
  - (b) On a Friday, excluding public holidays, from 09:00 to 14:00.
- (2) The caretaker may, upon payment of the prescribed charge, allow interments to take place after the hours referred to in subsection 0 on weekdays and also on Saturdays, Sundays and public holidays: Provided that, if the proceedings at the grave commence after the hours referred to in subsection 0, the charges will be payable as prescribed in the cemetery tariffs.

**21. Numbering of Graves**

- (1) Until such time as a memorial has been erected on a grave, the caretaker shall fix and maintain an identification plate on every grave plot in the cemetery.
- (2) No person shall inter a body in any grave which has not been allotted by the municipality.

**CHAPTER VII: INTERMENTS**

**22. Application for Purchase and Use of a Grave**

- (1) No person shall inter or cause to be interred any body within any cemetery without the permission of the caretaker. Such permission shall only be granted on submission to the caretaker of the original burial order authorising interment, together with notice of such interment.
- (a) A person wishing to have a body interred shall notify the caretaker on a form to be prescribed by the municipality not less than eight hours before the time arranged for such interment. Such application shall be signed by the nearest surviving relative of the person whose body is to be interred in the grave, or such other person as the nearest surviving relative may authorise to sign the application on his behalf: Provided that if the caretaker is satisfied that the signature of the nearest surviving relative cannot be obtained timeously, he may at his discretion grant an application signed by any other interested person.
- (2) The municipality may, at its discretion, sell to any person the use of any piece of ground for a grave. Any person wishing to purchase the use of any such grave shall apply to the municipality. Such grave shall be allotted by the municipality and held subject to the cemetery by-laws from time to time in force.
- (3) Not more than one interment may be made in a grave, except with the written permission of the caretaker.
- (4) Where there has been an interment in a grave and where a deeper grave is required for the interment of another coffin in the same grave at a later stage, application to inter another coffin must be made to the caretaker when notice of the first interment is given to the caretaker.
- (5) A second interment in the same grave will not be allowed within one year from the date of the first interment.
- (6) Not more than three coffins may be interred in the same grave.
- (7) The municipality may, upon application and in its sole discretion, inter any body free of charge in such place and manner as it may consider fit.

- (8) No body shall be interred unless it is placed in a coffin as described in section 29, unless there is an objection thereto on religious grounds in terms of section 0.

**23. Permission to Inter**

- (1) Subject to the provisions of subsection 0, the caretaker may not grant permission to inter a body where:
- (a) A burial order in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992) has not been presented to the caretaker;
  - (b) All appropriate tariffs, as prescribed by the municipality, have not been paid; and
  - (c) An application in terms of section 0 has not been made.
- (2) In circumstances which, in the opinion of the caretaker, are exceptional, the caretaker may grant permission to inter a body where the requirements in subsection 0 and 0 have not been met.

**24. Alteration of Date of Interment**

Should any alteration be made in the day or hour previously fixed for an interment, notice of that alteration shall be given to the caretaker at the cemetery at least 6 hours before the time fixed for such interment.

**25. Dimensions of Grave Openings**

- (1) The dimensions of graves shall be as follows:
- (a) Graves for adults shall have at least the following dimensions:
    - (i) a length of 2 200 millimetres;
    - (ii) a width at the position of the shoulders of 900 millimetres;
    - (iii) a width at the position of the head of 600 millimetres;
    - (iv) a width at the position of the feet of 500 millimetres; and
    - (v) a depth of 1 900 millimetres.
  - (b) Graves for children shall have the following dimensions:
    - (i) a length of 1 400 millimetres;
    - (ii) a width at the position of the shoulders of 500 millimetres;
    - (iii) a width at the position of the head of 450 millimetres;
    - (iv) a width at the position of the feet of 330 millimetres; and
    - (v) a depth of 1 500 millimetres.
- (2) Where the interment of any body requires an aperture in excess of the standard dimensions, the notice of interment must specify the dimensions of the coffin and its fittings.
- (3) Upon the death of a person the nearest relative shall have the right, on payment of the charges determined from time to time by the municipality, to purchase one adjoining grave, if it be available, for future use.
- (4) Any person wishing to purchase the right to a grave shall apply to the municipality and pay the prescribed tariff.

**26. Rights not Transferable**

- (1) No person shall, without the consent of the municipality, sell or transfer to any other person any right relating to a grave or niche which he has obtained or may obtain in terms of the provisions of these by-laws.
- (2) Every transfer of the right to a purchased grave or niche shall be registered by the municipality and the transfer charge determined from time to time by the municipality shall be paid to the municipality by the new customer.
- (3) The municipality may purchase the right to an unused grave or niche if this is necessary for the efficient administration of the cemetery or for any reasonable environmental considerations: Provided that where the municipality does so, it must provide just compensation to the customer.
- (4) The right to a niche shall accrue to the municipality without any compensation when the ashes of a deceased are removed or when the commemorative plate is removed from the niche.

**27. Children's Coffins Which Are Too Large For a Child's Grave**

Should a child's coffin be too large for the dimensions of a child's grave, it will be placed in an adult's grave and the prescribed charge for an adult's grave shall be paid.

**28. Covering with Earth**

There shall be at least 1 200mm of earth between the top of any adult's coffin and the surface of the ground and at least 900 mm of earth between the top of a child's coffin and the surface of the ground.

**29. Coffins in Graves**

No person shall place in any grave, or cause to be placed in any grave, any coffin constructed from any material other than soft wood or other perishable material, without the written consent of the caretaker: Provided that any attachments to such a coffin which normally form part of a coffin, need not be made of soft wood or other perishable material.

**30. Number of Bodies in One Coffin**

- (1) Subject to the provisions of section 0 two or more bodies of members of the same family may be buried in the same coffin where –
- (a) Two members of a family die together, including two persons married to one another;
  - (b) A mother and child or children die during childbirth; or
  - (c) Two unmarried persons of the same or different sex who, at the time of their death, in the reasonable opinion of the customer, were involved in a committed relationship with one another, die at the same time.

- (2) Anatomy remains of two or more bodies may be buried in the same grave.
- (3) Notwithstanding the provisions of subsection 0 or 0, the customer will still be liable to pay the applicable tariff as prescribed in section 11.

**31. Covering of the Coffin or Body with Earth**  
Every coffin or body bag shall, upon being placed in any grave be covered without delay with at least 300 millimetres of earth.

**32. Disturbance of Human Remains**  
Subject to these by-laws, the provisions of an exhumation order given in terms of the Inquests Act, 1959 (Act 58 of 1959), section 46 of the Health Act, or any other provision of any law relating to the exhumation of bodies, no person shall disturb any mortal remains or any ground surrounding them in any cemetery.

**33. Interment of Deceased Persons Resident Outside the Municipality**  
The municipality may in its discretion permit the interment of a deceased person who was resident outside the municipal area.

- 34. Pauper and Indigent Burials**
- (1) The body of a pauper must be buried at the cost of the municipality at a cemetery to be determined by the municipality.
  - (2) The body of an indigent person may be buried at a different tariff to be approved by the municipality in accordance with section 11 of these by-laws.

**CHAPTER VIII: EXHUMATION OF BODIES AND RE-OPENING OF GRAVES**

**35. Opening of Graves**  
(1) Subject to the provisions of the Removal of Graves and Dead Bodies Ordinance, 1925 (Ordinance 7 of 1925), and to any provisions of any other law pertaining to the exhumation of a corpse, no grave may be opened without the written consent of the following authorities—

- (a) The Gauteng Department of Health; and
- (b) The municipality.

(2) In addition to the consent required in subsection 0, where a grave is older than 60 years and is situated outside a cemetery administered by the municipality, or constitutes a grave of a victim of conflict, the approval of the South African Heritage Resources Authority or the Provincial Heritage Resources Authority established for the province of Gauteng if there be one, is required through the issuing of a permit in terms of section 36(3) of the National Heritage Resources Act, 1999 (Act 25 of 1999).

(3) No person may disinter, remove, reinter or cremate a body buried in a Commonwealth war grave, or otherwise interfere with a Commonwealth war grave or Commonwealth war burial other than in accordance with the Commonwealth War Graves Act, 1992 (Act 8 of 1992).

- 36. Exhumations**
- (1) Subject to the provisions of sections 32, 35 and 39, no person shall exhume or cause any corpse to be exhumed or removed without the written consent of the municipality and the medical officer of health.
  - (2) The charges for exhumation determined from time to time by the municipality shall in every case be paid before the exhumation takes place.
  - (3) Such permission shall be submitted to the caretaker at least two days before the date fixed for the exhumation or removal of such corpse.

**37. Screening of Activities**  
The undertaker shall effectively screen the grave from which any corpse is to be removed from view during the exhumation.

**38. Persons to be Present During Exhumations**  
No exhumation or removal by any body shall take place unless the medical officer of health is present as well as a member of the South African Police Service.

**39. Transfer of Buried Corpses**  
Should the transfer of a corpse be deemed expedient by the municipality at any time or should any provision of these by-laws be contravened during the interment of a corpse in any grave, the municipality may, after having complied with the provisions of the Removal of Graves and Dead Bodies Ordinance, 1925 and these by-laws, transfer such corpse to another grave. Where reasonably possible, a relative of such deceased person shall be notified accordingly.

**CHAPTER IX: CARE OF GRAVES**

**40. Care of Graves**  
The customer in respect of any grave shall keep such grave clear of weeds and in proper order. Should the customer fail to do so, the municipality may itself do so or cause the necessary work for the abovementioned purpose to be done and to recover the cost thereof from the customer.

- 41. Shrubs and Flowers**
- (a) No person, other than the caretaker, may plant any shrub, tree, plant or flower upon any grave in the cemetery;
  - (b) No shrub, tree, plant or flower in the cemetery shall be cut or removed by any person without the consent of the caretaker; and
  - (c) The caretaker shall have the right to prune, cut down, dig up or remove any shrub, tree, plant or flower in the cemetery at any time.

42. **Care of Graves**  
The municipality may, in its discretion, undertake to keep any grave in order for any period against payment of the charges determined from time to time by the municipality.

**CHAPTER X: ERECTION AND MAINTENANCE OF MEMORIAL WORK**

43. **Memorial Work**  
No person shall, unless the charges as determined from time to time by the municipality have been paid, and the consent in writing of the caretaker and of the customer for such grave has been obtained, bring any memorial work into a cemetery, or, after its having been brought into it, erect, alter, paint, renovate, remove or otherwise interfere with it, or cut any inscription thereon.
44. **Waiting Period Before Erecting of Memorial**  
No memorial may be erected in the monumental section within six months after the date of interment, unless the caretaker, after consideration of written representations and subject to the conditions set out in 0, 0 and 0, grants approval thereto:  
(a) That sufficient provision was made for the stabilisation of the ground, and that any displacement of the memorial work will be rectified by the customer;  
(b) That the relatives indemnify the municipality against any claims arising as a result of damages caused to the memorial because of subsidence; and  
(c) That the erector of the memorial undertakes in writing to repair memorials, which were damaged because of subsidence.
45. **Position of Memorial Work**  
No person shall erect any memorial work on any grave except in such position as the caretaker may direct or as otherwise provided for in these by-laws.
46. **Repairs to Memorial Work**  
Should the customer of a grave allow any memorial work to fall into a state of disrepair that may, in the opinion of the caretaker, cause danger to any person or to any thing situated in the cemetery, or to deface or damage any cemetery, the caretaker may order him by notice in writing, to make such repairs as the caretaker may consider necessary. Should the address of the customer be unknown to the caretaker, such notice may be published in both official languages in any daily newspaper circulating within the municipality. Should the required repairs not be carried out within one month of serving such notice or the publication of it, the caretaker may himself carry out such repair or remove the memorial work without paying any compensation and may recover the cost of the repairs or of removal from the customer, or both.
47. **Supervision of Work**  
Any person engaged upon any memorial work in a cemetery shall affect such work in accordance with the plan submitted and to the satisfaction of the caretaker.
48. **Damaging of Memorial Work**  
(1) Subject to the provisions of subsection 0, the municipality shall not be liable for any damage which may at any time occur to any memorial work.  
(2) The municipality shall be liable to the person to whom it has caused harm for damage caused by the wrongful and either intentional or grossly negligent acts of the municipality or any of its employees that causes damage to any memorial work.
49. **Moving of Memorial Work**  
The caretaker may, after due notice to the customer, at any time, change or alter the position of any memorial work and recover the cost of doing so from the customer of such memorial work: Provided that in any case where any memorial work has originally been placed in a certain position with the consent of the caretaker, any alteration to that position shall be done at the expense of the municipality.
50. **Bringing Material into Cemetery**  
No person shall bring into the cemetery any material for the purpose of constructing any memorial work on any grave, or to erect a commemorative plaque in the garden of remembrance, unless and until—  
(a) a sketch together with the essential dimensions in figures of the proposed memorial, and showing the position of the proposed work, accompanied by a specification of the materials to be used in addition to a copy of any proposed inscription has been submitted to the caretaker at least fourteen days prior to the date on which such material is intended to be brought into any cemetery;  
(b) all charges due in respect of such grave or graves or niches have been paid;  
(c) the caretaker's written approval of the proposed work has been given; and  
(d) the grave number has been engraved on the memorial work.
51. **Approval and Removal of Memorial Work by the Caretaker**  
(1) Subject to the right of an affected person to appeal to the municipality against any rejection by the caretaker, the caretaker may reject any proposed design or material for a memorial, which he considers to be unsuitable.  
(2) Any memorial which is not erected to the satisfaction of the caretaker must be rectified by the customer within one month after having been notified in writing by the caretaker to do so, or be removed by the customer and at the expense of the customer.  
(3) No Person shall remove or disturb any memorial within any cemetery without the permission of the caretaker.
52. **Requirements for Erection of Memorial Work**  
(1) Memorial work shall be in accordance with the following requirements:  
(a) Where any part of any memorial work is to be joined to any other part, copper or galvanized iron pins of approved thickness and 160 millimetres long shall be used for such purpose. The holes, into which such pins must fit, shall be not less than 80 millimetres deep;

- (b) Any part of such work resting upon the ground or any stone or other foundation shall be fairly squared and bedded;
  - (c) No stone of uneven thickness, or having any corner wanting, shall be used unless shown on the sketch submitted in terms of section 0;
  - (d) The underside of each memorial shall be set at least 50 millimetres below the natural level of the ground and on an adequate concrete foundation;
  - (e) Without the written consent of the caretaker, no kerb stones shall be used which protrude more than 250 millimetres above the surface of the ground or are more than 200 millimetres thick;
  - (f) All head and curb stones shall be properly secured from the inside with round copper or galvanized iron pins;
  - (g) All headstones up to 150 millimetres in thickness shall be securely attached to the base in an acceptable manner;
  - (h) All memorial work shall be complete as far as possible before it is brought into any cemetery;
  - (i) In the case of single graves, foot kerbs shall consist of one solid piece.
  - (j) Memorial work shall be made of marble or granite or any other SANS-approved hard stone, subject to the approval of the caretaker;
  - (k) No person shall do any stonework, chiselling or other work upon any memorial work not connected with the fixing of such memorial work within any cemetery except where such work is expressly permitted in terms of these by-laws;
  - (l) If a memorial rests on a base:
    - (i) It must be set on a concrete foundation approved by the caretaker;
    - (ii) It shall be set in good cement mortar; and
    - (iii) The base shall be not less than 1.000 millimetres by 330 millimetres by 330 millimetres;
  - (m) The concrete foundation to the headstone shall have the following dimensions:
    - (i) The length, at right angles to the longitudinal axis of grave, must be at least 1 300 millimetres;
    - (ii) The width must be not less than the width of the bottom of the headstone plus a projection of 160 millimetres either side; and
    - (iii) The depth must be not less than 160mm;
  - (n) The concrete foundation for the kerbing shall extend across the foot of the grave plot and shall be of the following dimensions:
    - (i) The length must be at least 1 220 millimetres;
    - (ii) The width must be at least 330 millimetres; and
    - (iii) The depth must be at least 110 millimetres; and
  - (o) The tops of all concrete foundations shall be not less than 60 millimetres below ground level.
- (2) Lettering upon memorials must be engraved thereon or when lettering protrudes from the surface of the memorial work, it must be of durable material, be fixed permanently upon the memorial work and must not protrude more than 1 centimetre from the surface of the memorial work.
- (3) With the consent of the caretaker and the customer the name of the maker may be engraved on the memorial work: Provided that no address or other particulars shall be added thereto and that the caretaker may require that uniform letter sizes and spaces be used for such engraving.

**53. Conveying of Memorial Work**

The conveying of any stone, brick or memorial work or any part thereof along paths between graves may be undertaken only by means of a trolley fitted with pneumatic tires: Provided that no such trolley shall be moved along any path which in the opinion of the caretaker, is too narrow or otherwise unsuitable for such trolley.

**54. Vehicles and Tools**

Any person engaged upon any work upon any grave or graves shall use vehicles, tools and other appliances of such kind as not to contravene the by-laws.

**55. Complying with the Caretaker's Directions**

Any person carrying on any work within a cemetery shall at all times comply with the directions of the caretaker.

**56. Rubbish and Damage to Cemetery**

No person shall at any time leave any rubbish, soil, stone or other debris within any cemetery or in any way damage or deface any part of any cemetery or anything therein contained.

**57. Times for Bringing in Material and Doing Work**

- (1) No person shall bring memorial work or material or do any work, within any cemetery except during the following hours:
  - (a) Mondays to Fridays, with the exception of public holidays, from 07h00 to 16h00.
- (2) In exceptional cases the caretaker may permit work to be done outside of the times prescribed in subsection 0, but only if the prescribed charges determined from time to time by the municipality have been paid.

**58. Inclement Weather**

- (1) No person shall fix or place any memorial work during inclement weather or while the soil is in an unsuitable condition.
- (2) The caretaker may decide when the weather may said to be inclement weather or when the soil is in an unsuitable condition.

**59. Production of Written Permission**

Any person who undertakes any work within any cemetery shall, upon demand by the municipality, produce the written consent issued to him in terms of section 43.

**CHAPTER XI: ALL SECTIONS****60. Adornment of Graves**

- (1) Subject to the provisions of subsection 0, no person shall, except with the consent of the caretaker, erect, place or leave upon or around a grave any railings, wire-work, flower stand, ornament, wreath, embellishment or other object of any kind, other than a vase, together with such flowers and foliage as may be inserted therein.
- (2) Notwithstanding the provisions of subsection 0, no person shall erect, place or leave upon or around a grave any railings, wire-work, flower stand, ornament, wreath, embellishment or other object of any kind in the aesthetic section.
- (3) Where the caretaker considers whether to grant consent for the adornment of any grave in terms of subsection 0, he must take into consideration the cultural and religious values of the local community as well as the cultural and religious values of the deceased interred in the grave.
- (4) Fresh flowers and foliage placed on a grave with the consent of the caretaker in terms of subsection 0 may be removed by him when in his opinion they have faded.
- (5) A memorial may incorporate not more than two vases or other receptacles for flowers or foliage.

**61. Monumental Section**

The following provisions shall apply to the monumental section of a cemetery, if there be one:

- (a) No memorial, which is erected, shall exceed a height of 1500 millimetres provided a proper foundation is incorporated in the design; and
- (b) No planting of any kind, except with the permission of the caretaker, shall be allowed on the graves.

**62. Aesthetic Section**

The following provisions shall apply to the aesthetic section of a cemetery, if there be one:

- (a) No kerbing or any form of base shall be erected;
- (b) The headstone memorial shall be erected only on the concrete strip as provided by the municipality;
- (c) The pedestal of the memorial shall not exceed 800 millimetres by 260 millimetres unless the memorial is to be erected on two adjoining grave plots, in which case the measurements may be 1 220 millimetres by 260 millimetres;
- (d) No memorial shall overhang the pedestal at any point and it shall be so erected on the berm that the edge nearest to the grave shall be at least 120 millimetres from the edge of the berm. The height of memorial shall not exceed 1000 millimetres, including the base;
- (e) The municipality retains the right to flatten any remains of soil or fill any subsidence of a grave to the same level as the adjoining undisturbed ground level to facilitate mechanised maintenance;
- (f) Except for a memorial or vase for flowers or foliage which may be placed in the space provided on the berm, no object may be placed or kept on any grave after the expiration of six months from the date of interment;
- (g) Subject to the provisions of subsection 0, the caretaker may remove any object, which has been placed on a grave; and
- (h) Excluding the vase for flowers or foliage in the berm, no memorial may contain more than one additional container for flowers or foliage.

**CHAPTER XII: CREMATORIA****63. Cremation**

- (1) No person shall dispose of a body in any manner other than by interring it in a cemetery or having it cremated in a crematorium approved in terms of the provisions of the Crematorium Ordinance, 1965 (Ordinance 18 of 1965).
- (2) No person shall dispose of a body by cremation other than in accordance with the Crematorium Ordinance, 1965 (Ordinance 18 of 1965).
- (3) The ashes remaining after a cremation, may, with the written consent of the caretaker, be interred in a public or private grave in which the body of a relative or any other person has already been interred.
- (4) If ashes are not collected after a cremation, they may be strewn in a garden of remembrance by the caretaker.

**64. Coffins**

Coffins intended for cremation shall be constructed principally out of timber or wood derivatives, as regulated by regulation 14 of the Crematorium Ordinance, 1965 (Ordinance 18 of 1965).

**CHAPTER XIII: PROHIBITED CONDUCT****65. Prohibited Acts within Cemeteries.**

- (1) No person shall-
  - (a) solicit any business, order or exhibit, distribute or leave any tracts, business cards or advertisements within any cemetery other than as provided for in section 0 of these by-laws;
  - (b) sit, stand or climb upon or over any memorial work, gate, wall, fence or building in any cemetery;
  - (c) commit any nuisance within any cemetery;
  - (d) ride any animal or motorcycle within any cemetery, and no other vehicle may exceed a speed of 16 km per hour;
  - (e) intentionally bring any animal or bird into a cemetery or allow it to wander in it, with the exception of guide dogs;
  - (f) plant, cut, pick or remove any plant, shrub or flower without the permission of the caretaker;

- (g) hold or take part in any demonstration in any cemetery;
- (h) hinder during the performance of his duties any officer, workman or labourer employed by the municipality in any cemetery;
- (i) obstruct, resist or oppose the caretaker in the course of his duty or refuse to comply with any order or request which the caretaker is entitled to make;
- (j) use or cause any cemetery to be used for any immoral purpose; or
- (k) mark, draw, scribble, erect advertisements or objects on any wall, building, fence, gate, memorial work or other structure within any cemetery or in any other way deface them.

- (2) When assessing what constitutes prohibited conduct in terms of subsection 0 the social and cultural values of the local community should be taken into account.
- (3) The caretaker must place a notice in the cemetery setting out the prohibited conduct.
- (4) Any person wishing to lodge a complaint about any prohibited conduct must do so in writing to the municipality.

**66. Keeping the Paths**

All persons shall use only the roads, walks and turfed paths provided in the cemetery.

**67. Entrance to and Exits from Cemeteries**

No person shall enter or leave any cemetery except by the gates provided for that purpose and no person shall enter any office or fenced place in a cemetery except in connection with lawful business.

**68. Penalties**

- (1) Any person contravening any provisions of these by-laws or failing to comply therewith, shall be guilty of an offence and liable, on conviction, to a sentence of up to six months or a fine not exceeding R1000, or both and, in the case of any continued offence, to a fine not exceeding R50 per day for every day such offence is continued.
- (2) In addition to such fine prescribed in subsection 0, the person guilty of such contravention shall pay any cost incurred by the municipality as a result of any contravention of any of the provisions of these by-laws.
- (3) The caretaker may at any time order any person who does not comply with these by-laws in the cemetery or disturbs the sacred atmosphere in the cemetery in any manner, to leave the cemetery immediately in which event that person must forthwith comply with the order, or the caretaker may make arrangements that the trespassers be lawfully removed from the cemetery.

**CHAPTER XIV: GENERAL**

**69. Rights to Graves**

No person shall acquire any right to or interest in any ground or grave in any cemetery, other than such rights or interests as may be acquired in terms of these by-laws.

**70. Non-discrimination**

- (1) Subject to the provision of subsection 0, no provision of these by-laws shall be construed so as to authorise discrimination between any persons on the basis of race, religion or gender. Nor shall these by-laws be applied in such a way as to discriminate between such persons.
- (2) Notwithstanding the provisions of subsection 0, discrimination on the grounds of gender may be expressly authorised in terms of any provision of these by-laws which prescribes the wearing of appropriate apparel in a public place or that imposes a restriction upon the entry of persons into public ablutions, toilet and change-room facilities or prescribes different standards for such facilities.

**71. Admission of Visitors**

- (1) Every cemetery shall be open to the public during the following hours:
  - (a) From 1 September to 30 April: 07:00 to 18:00; and
  - (b) From 1 May to 31 August: 07:00 to 17:30.
- (2) Notwithstanding the provisions of subsection 0, the municipality shall have the right to close any cemetery or part of it to the public for such period as it may consider fit if it is, in the opinion of the municipality, in the interests of the public to do so.
- (3) No person shall enter into or remain in any cemetery or part of it before or after the hours mentioned in subsection 0 or during any period when it is closed to the public.
- (4) No person under 12 years of age may enter any cemetery unless in the care of a responsible person.

**72. Revocation of By-laws**

The laws listed in Schedule A are hereby repealed in their entirety: Provided that the repeal of such by-laws shall not affect anything done in terms of or any right, obligation or liability acquired or incurred under those by-laws.

**73. Date of Commencement**

These by-laws commence on the date of publication in the Gauteng Provincial Gazette.

**SCHEDULE A: LEGISLATION REPEALED**

Meyerton-Jacobskop Municipality: Cemetery By-laws and Crematorium By-laws published as Administrator's Notice [-] dated 15 November 1996, to the extent that it falls within the jurisdiction of the Midvaal Municipality.

**Midvaal Local Municipality**  
**PUBLIC OPEN SPACES BY-LAWS**

The Municipal Manager of the Midvaal Local Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), publishes the Public Open Spaces By-laws for the Midvaal Local Municipality, as approved by its Council, as set out hereunder.

**Midvaal Local Municipality**  
**PUBLIC OPEN SPACES BY-LAWS**  
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**CHAPTER 1  
INTERPRETATION AND FUNDAMENTAL PRINCIPLES**

**1. Definitions and interpretation**

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

“active game” means any physical sport, game or other activity participated in by one or more persons which is undertaken within a public open space other than in an area set aside for that purpose, and which may cause injury to other users of the public open space, a nuisance or damage to vegetation or municipal property within a public open space and includes rugby, golf, archery, football, tennis, badminton, hockey, netball, volleyball, skate-boarding, roller-skating and in-line skating; “authorised official” means any official of the Council who has been authorised by the Council to administer, implement, and enforce the provisions of these By-laws;

“conservation public open space” means public open space which is managed by or on behalf of the Council for conservation purposes, and includes any nature reserve, greenbelt, ravine, bird sanctuary and site of historic, ecological or archaeological value;

“Council” means –

- (a) the Midvaal Local Municipality established by General Notice 6770 in Provincial Gazette Extraordinary 141 of 1 October 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998, (Act 117 of 1998), and includes the Council, the Executive Mayor and / or the Mayoral Committee or any other committee established by the Council and any employee or official of the Council duly authorised to perform any duty, power or function in term of these by-laws;
- (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 (Act No. 32 of 2000) or any other law, as the case may be.

“designated area” means an area designated by the Council as an area in which an active game or any other activity or conduct, which would otherwise be prohibited under Chapter 3 of these By-laws, may be undertaken;

“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 or combination of paragraphs (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;

“environmentally sustainable” means the exercising of any decision-making powers or performance of any activities in a manner aimed at ensuring that –

- (a) the risk of harm to the environment and to human health and safety is minimised to the extent reasonably possible under the circumstances;
- (b) the potential benefits to the environment and to human health and safety are maximised to the extent reasonably possible under the circumstances; and
- (c) legislation intended to protect the environment and human health and safety is complied with;

“local community” means that body of persons comprising –

- (a) the residents of the area in which a public open space is situated;
- (b) the ratepayers of the area in which a public open space is situated; and
- (c) any civic organisation and non-governmental or private sector organisation or body which are involved in local affairs in the area in which a public open space is situated;

“municipal manager” means a person appointed as such by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998);

“municipal property” means any structure or thing owned or managed by or on behalf of the Council and which is incidental to the use and enjoyment of a public open space and includes any building, lapa, kiosk, bench, picnic table, playground equipment, fountain, statue, monument, fence, pole, notice and sign;

“notice” means a clear and legible official notice drawn up by the Council in English and Afrikaans and prominently displayed in a public open space;

“nuisance” means an unreasonable interference or likely interference with–

- (a) the health or well-being of any person;
- (b) the use and enjoyment by an owner or occupier of his or her property; or
- (c) the use and enjoyment by a member of the public of a public open space;

“organ of State” means –

- (a) any department of State or administration in the national, provincial or local sphere of government; and
- (b) any other functionary or institution –
  - (i) exercising a power or performing a function in terms of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996) or a provincial Constitution; or

(ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court of law and a judicial officer;

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

"prescribed fee" means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

"printed matter" includes any advertisement, billboard, poster, book, pamphlet or handbill;

"prohibited activity" means any activity or behaviour which is prohibited in terms of Chapter 3 from being undertaken in a public open space, either completely or without permission in terms of section 21, 22 or 23;

"public open space" means any land which –

- (a) is owned by an organ of State, or
- (b) over which an organ of State has certain real rights arising from the filing in the Deeds Office or other registration office of a general plan of a township, agricultural holding or other division of land, or any alteration, addition to or amendment of such land approved by the Surveyor-General, on which is marked the land to which the public has a common right of use; and
- (c) is controlled and managed by the Council; and
- (d) is either –
  - (i) set aside in terms of any law, zoning scheme or spatial plan, for the purpose of public recreation, conservation, the installation of public infrastructure or agriculture; or
  - (ii) predominantly undeveloped and open and has not yet been set aside for a particular purpose in terms of any law, zoning scheme or spatial plan;

"public utility public open space" means public open space which is managed by or on behalf of the Council for the purposes of providing a public service, which includes road reserves and areas subject to electrical, pipeline and other public utility servitudes, but excludes council housing, clinics and other social services;

"recreational public open space" means public open space which is managed by or on behalf of the Council for public recreational purposes, and includes any park, botanical garden, sports ground and playground, but excludes any golf course;

"road reserve" means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic and which is between the edges of the roadway and that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or shoulder;

"special event" means a parade, procession, race, concert, show, exhibition, festival, ceremony, film shoot, photographic shoot or similar event, which requires, for that purpose, exclusive use of a part of a public open space;

"urban agricultural public open space" means public open space which is managed by or on behalf of the Council for urban agricultural purposes;

"vehicle" means a device designed or adapted mainly to travel on wheels, but excludes a wheelchair and children's pushchair and perambulator;

"waste" means any substance or article which a person wishes to dispose of because it is unwanted, superfluous, broken, worn out, contaminated or otherwise spoilt and that has been discarded or has been accumulated or stored so that it can be discarded, reused, reclaimed or recycled;

"watercraft" includes any boat, raft, yacht, canoe, inflatable mattress, model ship or boat, radio-controlled boat or similar device;

"water body" means any body of water within a public open space and includes a pond, fountain, artificial watercourse, dam, lake, canal, reservoir, stream, river and wetland.

(2) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal systems Act, 2000, or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

## 2. Application of By-laws

(1) These By-laws apply to every public open space which falls under the jurisdiction of the Council, but do not apply to cemeteries.

(2) These By-laws are binding on the State.

## 3. Purpose of By-laws

The purpose of these By-laws is to provide, in conjunction with other applicable legislation, an effective legal and administrative framework-

- (a) to ensure that the way in which the Council controls, manages and develops public open spaces is environmentally sustainable, and is in the long-term interests of the whole community of Midvaal, including future generations; and
- (b) which clearly defines the rights and obligations of the public in relation to public open spaces.

**CHAPTER 2  
MANAGEMENT AND ADMINISTRATION OF PUBLIC OPEN SPACES**

**4. Principles of By-laws**

- (1) Public open spaces must be managed, and where appropriate developed, in the interests of the whole community, and in determining the interests of the whole community –
  - (a) the long-term collective interests of the people of Midvaal, and of South Africa, must be prioritised over the interests of any specific interest group or sector of society;
  - (b) a long-term perspective, which takes account the interests of future generations, must be adopted; and
  - (c) the interests of other living organisms which depend on public open spaces must be taken into account.
- (2) Public open spaces must be managed in an environmentally sustainable manner.
- (3) Subject to the provisions of subsection (5) and section 7, people must be given access to public open spaces on a non-discriminatory and equitable basis.
- (4) If necessary, special measures must be taken to facilitate access to public open spaces by historically disadvantaged persons and by disabled persons.
- (5) Access to a public open space may be restricted in a manner which does not unjustifiably discriminate against any person or class of persons–
  - (a) if the restriction is authorised by these By-laws or by any other law; or
  - (b) in order to achieve the purposes of these By-laws.
- (6) The recreational, educational, social and other opportunities which public open spaces offer must be protected and enhanced to enable local communities, particularly historically disadvantaged communities, and the public to improve and enrich their quality of life.
- (7) Local communities must be encouraged to use and care for public open spaces in their areas.
- (8) The natural environment and heritage resources within public open spaces must be identified, preserved, protected and promoted, for the benefit of the local community, the public and future generations.

**5. Application of principles**

The public open space management principles set out in section 4, and the national environmental management principles set out in section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998), must be considered and applied by any person –

- (a) exercising a power or function or performing a duty under these By-laws;
- (b) formulating or implementing any policy which is likely to have a significant effect on, or which concerns the use of, public open spaces within the Council's jurisdiction; or
- (c) exercising a public power or function or performing a public duty which is likely to have a significant effect on, or which concerns the use of, public open spaces.

**6. General powers of Council**

The Council may in relation to any public open space –

- (a) designate any area within a public open space as an area within which one or more activities otherwise prohibited in terms of these By-laws may be undertaken, and display a prominent notice to this effect at every entrance to the designated area;
- (b) develop any public open space in accordance with the principles set out in section 4;
- (c) erect, construct, establish or demolish municipal property; and
- (d) exercise any other power reasonably necessary for the discharge of the Council's obligations in terms of these By-laws relating to the management of public open spaces.

**7. Fees**

Any member of the public must pay –

- (a) a prescribed fee to use recreational or other facilities which the Council provides within any public open space;
- (b) a prescribed fee for entrance to any public open space which is significantly more expensive to maintain than other public open spaces, such as botanical gardens;
- (c) a prescribed fee for the right to undertake a special event;
- (d) a prescribed fee for the right to exclusively use municipal property for a specific period;
- (e) a deposit prior to undertaking a prohibited activity permitted by the Council;
- (f) an annual or monthly fee for the right to use urban agricultural public open space to the exclusion of any other person; and
- (g) a prescribed fee for processing applications for permits or letters of permission under these By-laws, if such a fee or deposit has been determined by the Council.

**8. Restricting access**

The Council may restrict access to any public open space or to any part of a public open space for a specified period of time –

- (a) to protect any aspect of the environment within a public open space;
- (b) to reduce vandalism and the destruction of property;
- (c) to improve the administration of a public open space;
- (d) to develop a public open space;
- (e) to enable a special event which has been permitted in terms of section 22, to proceed; or
- (f) to undertake any activity which the Council reasonably considers necessary or appropriate to achieve the purposes of these By-laws.

#### 9. Powers of authorised officials

In relation to any public open space, an authorized official may –

- (a) to the extent authorised by the Council administer, implement and enforce the provisions of these By-laws;
- (b) issue a notice in terms of section 20;
- (c) instruct any person to leave a public open space if the authorized official reasonably believes that the person is contravening any provision of these By-laws, and fails to immediately terminate such contravention upon the instruction of that official; and
- (d) if such official is a peace officer, exercise any power which may be exercised by a peace officer under the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

#### 10. Obligations in relation to public open spaces

- (1) The Council must within a public open space display any notice required under these By-laws.
- (2) In relation to recreational public open spaces, the Council must –
  - (a) ensure that they are open to the public between sunrise and sunset, unless specified otherwise in terms of a notice; and
  - (b) prominently display a notice at every entrance indicating:
    - (i) the opening and closing times of that recreational public open space; and
    - (ii) any rules made by the Council in relation to that recreational public open space.

### CHAPTER 3 PROHIBITED CONDUCT

#### 11. Prohibited activities

- (1) Any person who undertakes an activity or behaves in a manner that is prohibited in terms of these By-laws, commits an offence unless, in addition to any exceptions contained in sections 12 to 19, that activity or conduct –
  - (a) takes place in a designated area within which that activity or conduct is allowed; or
  - (b) is authorised in terms of a permission granted or permit issued in terms of section 21, 22 or 23; or
  - (c) is deemed to be authorised by the Council under subsection (2).
- (2) Subject to the provisions of subsection (3), a person is not in contravention of any provision of section 12 to 19 if that person needs to undertake the prohibited activity –
  - (a) to perform his or her obligations as an employee, agent or contractor of the Council under his or her contract with, or mandate from, the Council or to achieve the purposes of these By-laws;
  - (b) to carry out public duties as an employee, agent or contractor of an organ of State within a public open space which is subject to a public utility servitude in favour of that organ of State;
  - (c) to fulfil his or her duties as an authorised official; or
  - (d) to fulfil his or her duties as a peace officer.
- (3) Subsection (2) must not be interpreted to allow a contravention of section 12(a) or (e) or any activity which the Council has expressly refused to permit.

#### 12. General prohibition

No person may within a public open space –

- (a) act in a manner which is dangerous to life or property;
- (b) contravene the provisions of any notice within any public open space;
- (c) unlawfully enter a public open space to which access has been restricted in terms of section 8;
- (d) cause a nuisance; or
- (e) behave in an indecent or offensive manner.

#### 13. Prohibited use

No person may within a public open space –

- (a) bathe, wade, or swim in or wash him- or herself, an animal or any object, including clothing, in any water body;
- (b) make, light or otherwise start a fire except in a facility provided by the Council for that purpose;
- (c) camp or reside;
- (d) consume, brew, store or sell any alcoholic beverage;
- (e) use any sound equipment, including a radio, portable hi-fi or car stereo;

- (f) play an active game, except in an area designated for that purpose on a sport playing field or on a golf course; or
- (g) shoot a projectile of any nature.

**14. Waste**

No person may within a public open space –

- (a) deposit, dump or discard any waste, other than in a receptacle provided by the Council for that purpose; or
- (b) pollute or deposit any waste or thing in a manner which may detrimentally impact on a water body.

**15. Vehicles**

No person may within a public open space –

- (a) except at times specified and on roads or pathways provided by the Council, drive, draw or propel any vehicle other than a bicycle;
- (b) drive, draw or propel a vehicle in excess of five kilometres per hour; or
- (c) park a vehicle in a public open space, except in designated area or other area where parking is otherwise permitted by the Council.

**16. Vegetation and animals**

(1) Subject to the provisions of subsection (2), no person may within a public open space –

- (a) disturb, damage, destroy or remove any tree, shrub or other vegetation;
- (b) affix or place any printed matter on a tree;
- (c) plant any vegetation;
- (d) alter the slope or drainage pattern so as to interfere with the access of water, air or nutrients to any tree or other plant;
- (e) capture or attempt to capture, chase, shoot at, injure, throw objects at, tease, molest or in any other way disturb any animal, fish, or bird;
- (f) disturb, damage or destroy any bird nest or egg;
- (g) ride a horse, except-
  - (i) in a public open space or any part thereof designated by the Council for that purpose; and
  - (ii) a person who in the performance of his or her official duties, patrols a public open space on horseback;
- (h) walk, carry, ride or bring an animal other than a horse or dog; or
- (i) walk any dog unless-
  - (i) it is in a public open space or any part thereof which has not been designated by the Council as an area where no dogs are allowed, and it is on a leash and under control of a person; or
  - (ii) it is in a public open space or any part thereof designated by the Council as an area where dogs may run free;

Provided that if any dog excretes in a public open space, the person in control of the dog must immediately remove such excrement and dispose of it in a waste bin or other receptacle provided by the Council for that purpose.

- (2) The provisions of subsection (1)(a) and (c) do not apply to any person who has obtained a permit in terms of section 23 to undertake agricultural activities in an urban agricultural public open space.  
Municipal property and erection of structures

17. (1) Subject to the provisions of subsection (2), no person may within a public open space –

- (a) deface, damage, destroy or remove any municipal property;
- (b) disturb the surface of any land, whether by digging, undertaking any earthworks or otherwise;
- (c) erect, build or assemble any structure, including a hut, tent, screen, bulletin board, pole, stand or stage;
- (d) affix or place on any municipal property, or distribute, any printed matter; or
- (e) plug, tamper with, or in any way damage any plumbing, electrical, heating or other fixtures or installations.

- (2) The provisions of subsection (1)(b) do not apply to any person who has obtained a permit in terms of section 23 to undertake agricultural activities in an urban agricultural public open space.  
Selling and special events

18. (1) No person may within a public open space –

- (a) use municipal property in a way that unfairly restricts or prevents other users of the public open space from enjoying that municipal property; or
- (b) except within a public open space or part thereof, which has been let to a person by the Council for that purpose, sell, hawk, offer or display any goods or articles for sale or hire;

- (2) No person may undertake a special event, except in terms of a permit issued in terms of section 22.  
Community service

19. Except in terms of an agreement entered into in terms of section 24, no person may within a public open space undertake any community or voluntary work of any description.

**20. Restoration or removal notices**

- (1) Unless permission or a permit to do so has been obtained in terms of section 21, 22 or 23, an authorised official may issue a restoration or removal notice to any person who has in a public open space –
  - (a) damaged, defaced, disturbed, destroyed, demolished or removed vegetation or a municipal structure;
  - (b) erected, built or assembled a structure; or
  - (c) dumped, discarded or deposited any waste, other than in a receptacle provided by the Council for that purpose.
- (2) The restoration or removal notice may direct the person concerned within a reasonable time specified in the notice to take stated reasonable steps specified in the notice-
  - (a) to restore or rehabilitate the affected area to the reasonable satisfaction of the Council; or
  - (b) to remove a structure or thing and restore the affected site, as nearly as practicable, to its former condition.

**CHAPTER 4  
APPLICATIONS FOR AUTHORISATION**

**21. Application for permission**

- (1) Any person who wants to undertake a prohibited activity must make application in writing to the Council for permission to do so, which application must be accompanied by the prescribed fee.
- (2) The Council may, after receiving an application, request the applicant to provide additional information which the Council reasonably requires in order to consider the application.
- (3) 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 if the prescribed fee has not been paid.
- (4) Subject to the provisions of subsections (2) and (3), the Council must consider the application within a reasonable time and must either-
  - (a) refuse the application; or
  - (b) grant permission in writing to the applicant subject to such conditions as the Council may consider appropriate to best achieve the purposes of these By-laws, which may include payment of a deposit, a prescribed fee or both.
- (5) The Council may not grant permission for any person to behave in a manner which is prohibited in terms of section 12(a) or (e).

**22. Application for a special event permit**

- (1) An application for permission to hold a special event in a public open space must be made at least 21 days prior to the proposed date of the special event.
- (2) The time period referred to in subsection (1) may, on good cause shown, be reduced by the Council.
- (3) An application in terms of subsection (1), must contain the following information:
  - (a) The name and full contact details of the applicant, including name, postal address, telephone and fax numbers and email address, if available;
  - (b) the nature and purpose of the special event;
  - (c) the intended route or area proposed to be used for purposes of the special event; and
  - (d) any permission required under Chapter 3 of these By-laws.
- (4) Subject to any permit conditions imposed by the Council, the holder of a special events permit has the right to use the area of public open space specified in the permit to the exclusion of any other person during the period specified in the permit.

**23. Application for permission to farm in an urban agricultural public open space**

- (1) An application for permission to farm in an urban agricultural public open space must contain the following information:
  - (a) The name and full contact details of the applicant, including name, postal address, telephone and fax numbers and email address, if available;
  - (b) the nature of the agricultural activity that the applicant proposes to undertake; and
  - (c) the size and location of the area on which the applicant wishes to undertake the proposed agricultural activity.
- (2) A permit under this section may require the permit holder to pay an annual or monthly fee for the use of the land.
- (3) The holder of an urban agricultural permit may, subject to any condition specified in the permit, use the area of public open space specified in the permit for agricultural purposes to the exclusion of any other person.

**CHAPTER 5  
CO-OPERATIVE MANAGEMENT AGREEMENTS**

**24. Entering into agreements**

- (1) The Council may enter into a written agreement with any organ of State, local community or organization to provide for –
  - (a) the co-operative development of any public open space; or
  - (b) the co-operative management of any public open space; and
  - (c) the regulation of human activities within a public open space.
- (2) The Council may not enter into an agreement in terms of subsection (1) (b) unless it reasonably believes that entering into such an agreement will promote the purpose of these By-laws.
- (3) The Council must monitor the effectiveness of any agreement entered into in terms of subsection (1), in achieving the purposes for which it was entered into and may cancel the agreement after giving reasonable notice to the other party if the Council has reason to believe that the agreement is not effective, or is inhibiting the attainment of the purpose of these By-laws.

**CHAPTER 6  
TREE PRESERVATION ORDERS**

**25. General**

- (1) If the Council believes that any tree or group of trees in a public open space requires legal protection the Council may issue a tree preservation order in respect of that tree or group of trees.
- (2) A tree preservation order-
  - (a) must indicate the tree or trees to which it relates; and
  - (b) may provide that any person who cuts, disturbs, damages, destroys, removes, transports, exports, purchases, sells, donates or in any other manner acquires or disposes of the tree or trees to which it relates, commits an offence.
- (3) The Council must prominently display a copy of a tree preservation order issued within 3 metres of the tree or trees to which the order relates.

**26. Procedure**

Unless, in the Council's opinion, the issuing of a tree preservation order is required as a matter of urgency, the Council must, before issuing a tree preservation order in terms of section 25–

- (a) give notice of the proposal to protect the tree or group of trees and invite comments and objections within a specified period, by publishing a notice in the Provincial Gazette and in two newspapers circulating in the area in which the tree or group of trees is situated;
- (b) notify any affected organs of State; and
- (c) consider any comments and objections received in response to the notice.

**CHAPTER 7  
MISCELLANEOUS**

**27. 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 or other document 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 any authorised official in the execution of his or her duties under these By-laws

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

**MIDVAAL LOCAL MUNICIPALITY  
BY-LAWS PERTAINING TO PUBLIC AMENITIES**

**Definitions**

1. In these by-laws, unless the context otherwise indicates :
- "boat" means any vessel, punt, raft, canoe or windsurfer moved or propelled by oars, poles or sails or any combination thereof which is used to carry persons;
- "distribute" means to plant, sow seed or throw away;
- "hunt" means to chase, track, shoot at, kill, to follow, to look for or to lie in waiting with the intention of killing with equipment, resources or dogs;
- "lake" means any lake situated within the area of jurisdiction of the Municipality which is owned, leased, administered, managed or controlled by the Municipality and includes the banks of such lake and the adjacent land to which the general public has access;
- "Municipality" means the Midvaal Local Municipality established by General Notice 6770 in Provincial Gazette Extraordinary 141 of 1 October 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998, (Act 117 of 1998), and includes the Council, the Executive Mayor and / or the Mayoral Committee or any other committee established by the Council and any employee or official of the Council duly authorised to perform any duty, power or function in terms of these by-laws;
- "nature conservation area" means any area classified as such and it includes the following as well as any new areas which may be classified as such at any future stage :
- L Klipriver
  - L Suikerbosrand
  - L Local conservancies
- "notice" means a clearly visible notice in one or more official languages exhibited at or in a public amenity by or under the authority of the Municipality;
- "pick" means to gather, cut off, chop down, root out, damage or destroy;
- "plant" means any tree, shrub, grass or flower indigenous, exotic or endemic;
- "public amenity" means --
- a). any land, square, camping site, swimming-bath, public resort, recreation site, zoological, botanical or other garden park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public road, road reserve, street, lake, dam or river which is owned, leased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not;
  - b). any building, structure, hall room or office, including any part thereof and any facility or apparatus therein, which is owned, leased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not;
  - c). any public amenity contemplated in subsection (a) or (b), which is lawfully administered, managed or controlled by a person other than the Municipality in terms of an agreement between such person and the Municipality;
  - d). any nature conservation area, including:
    - nature reserves
    - protected natural areas
    - nature conservation worthy areas
    - natural open spaces
 which is owned, leased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not;
- "public gathering or procession" means a gathering or procession of 12 or more persons;
- "rivers and dams" means natural or man-made water surfaces situated within the area of jurisdiction of the Municipality which is owned, leased, administered, managed or controlled by the Municipality and to which the general public has access, whether on payment of admission fees or not and includes the banks of the rivers and dams and adjacent land to which the general public has access;

"wild animal" means any animal found within the borders of the Republic of South Africa, including mammals, invertebrates, reptiles, birds and insects.

#### **Maximum Number of Visitors**

2. (1) The Municipality may determine the maximum number of visitors who may be present at a specific time in or at a public amenity: Provided that different numbers of visitors may so be determined for different public amenities.
- (2) The numbers of visitors contemplated in subsection (1) are made known by the Municipality by means of a notice.

#### **Admission to and Stay in a Public Amenity**

3. (1) A public amenity is, subject to the provisions of these by-laws, open to the public during the times determined by the Municipality: Provided that different times may be determined in respect of different public amenities.
- (2) No person shall, where a public amenity is enclosed by a wall, fence, barrier or trellis, enter or leave such public amenity other than by way of a gate or entrance which serves as entrance or exit.
- (3) No person shall climb, sit, stand or lie on, or climb or crawl through any wall, fence, barrier or trellis which serves as a fence for any public amenity.
- (4) No person shall enter or remain in a public amenity or portion thereof in conflict with a notice which restricts access to specific times.
- (5) The Municipality may temporarily close any public amenity to visitors in case of an emergency or for the purposes of repair to or maintenance of such public amenity.
- (6) The times and places contemplated in subsections (1) and (2) shall be made known by the Municipality by means of a notice.
- (7) All persons shall promptly leave the public amenity at the time of closing of the gates thereof and no person shall enter or remain therein after such gates have been closed or climb on or over the gates or fences enclosing the public amenity or enter or leave otherwise than through an authorized entrance or exit.
- (8) Any person entering a gate which was closed must close it again, provided that where a gate which is supposed to be closed is found to be open, it shall be closed forthwith.

#### **Animals**

4. (1) No person shall bring any living or non-living animal, wild or tame into a public amenity, except in accordance with the directions of the Municipality: Provided that different directions may so be determined in respect of different public amenities and different types of animals, birds, fish, reptiles and poultry.
- (2) No person shall take any dog or permit any dog to be taken into a public amenity unless such a dog is allowed in accordance with a direction of the Municipality and it is secured to a leash and under the control of its owner. The said owner shall be obliged to promptly remove all excreta of a dog under his / her control from the public amenity.
- (3) The directions contemplated in subsections (1) and (2) shall be made known by means of a notice
- (4) An animal which is found in a public amenity and causes a Nuisance to or instills fear in visitors, may be impounded or destroyed by an authorized official.
- (5) No one may hunt any wild animal in a public amenity, unless he/she is a holder of a valid permit as well as the necessary permission.
- (6) No person may be in possession of, or place equipment or devices in areas set aside for the purpose of nature conservation, with the intention of hunting or catching a wild animal.
- (7) No person may make an opening in a fence with the intent to entice an animal through it.
- (8) No person may receive, be in possession of or trade with / in any wild animal product, whether alive or not .
- (9) No person may disturb any animal, entice or feed it, unless permission has been granted.

#### **Plants**

5. (1) No alien plants as contemplated by the Conservation of Agricultural Resources Act, 1983 ( Act No 43 of 1983) may be planted in any classified nature conservation area.

- (2) No person may pick any indigenous plant without the necessary permit authorising it and the written permission of the Municipality.
- (3) No person may receive, be in possession of or trade with / in any indigenous plant or product, whether alive or not, without the necessary permit authorising it.
- (4) No person may distribute any plant, whether indigenous or exotic on nature conservation areas, without the necessary permission.

#### **Entrance Fees**

6. (1) A visitor to a public amenity shall pay the entrance fees determined from time to time by the Municipality and such entrance fees shall be made known by means of a notice.
- (2) Different entrance fees may so be determined in respect of visitors of different ages.
- (3) No private organisation may change any entrance fees at any public amenity without the permission of the Municipality.
- (4) No person may obtain entrance to a public amenity unless he/she has paid the approved tariff of the Municipality or has an approved permit.

#### **Use of the Play Apparatus**

7. (1) No person above the age of 14 years shall climb onto any play apparatus supplied by the Municipality or use it in any way whatsoever.
- (2) Not more than the maximum number of seats provided or not more than the maximum number of persons for which the play apparatus is designed will be allowed on any play apparatus at any given point in time. All playground equipment will be used at own risk.

#### **Prohibited Actions**

8. No person shall in any public amenity :

- (1) remove, damage or injure any fountain, statue, monument, bust, post, chain, railing, fence, seat, barrier, gate, lamp-post, electrical appliances, notice-board or -plate, house, building, shed, urinal, closet, flag, mark or other article or thing which is the property of the Municipality and no person shall disfigure or deface same by pasting thereon or affixing thereto in any way any bills, papers, placards or notices or by cutting, writing, stamping, painting, drawing or marking thereon or interfering therewith in any other manner whatsoever;
- (2) saw, cut, gather, remove, dig up, fill in, burn, pick or break any timber, tree, shrub, brushwood, fencing pole, lawn, plant, fruit, flower or equipment or climb thereon or do any damage thereto;
- (3) enter or attempt to enter into any enclosure, plantation, garden or temporary enclosure, which is the property of the Municipality, or walk over, stand or recline in any flower bed;
- (4) erect any shelter / house / shack with the intention to live or reside therein in a public amenity;
- (5) hawk or display for sale any goods whatsoever, without the prior written consent of the Municipality ;
- (6) erect or cause to be erected, any post, rail, fence, tent, screen, stand, swing, structure, building or construction of whatever nature, without the prior written consent of the Municipality;
- (7) drive, park or place a vehicle upon or over any part of a flower bed or lawn, except in such spaces as are specially reserved for such purpose;
- (8) in rivers, ponds or fountains in a public amenity, wash any clothes or other articles or otherwise pollute the water therein or contaminate or waste any water source;
- (9) wash, polish, service or repair his / her vehicle in a public amenity;
- (10) in a river, bath or wash himself / herself or any other person or any animal, or allow any animal belonging to him / her or under his / her control to be therein;

- (11) use or try to use or enter or try to enter into any water closet, urinal, bathing booth, change-room or other place of convenience provided for the opposite sex, indicated by means of a notice erected in a conspicuous place: Provided that this restriction shall not apply to children under the age of five years;
- (12) cause unpleasant or offensive smells;
- (13) be allowed to dump, burn or allow to burn any wood, grass, garden refuse, packaging material or any flammable material;
- (14) be allowed to present any public entertainment or make use of a loud speaker, amplifier or any other audio equipment without the prior written permission of the Municipality.;
- (15) deliver, utter or read aloud any public address, prayer or speech of whatever nature or sing any song or hold or participate in any public meeting or function except with the prior written consent of the Municipality;
- (16) engage in any activity related to the practising of occults, drug abuse or dealing of drugs;
- (17) assault or resist or aid or incite any person to assault or resist any servant of the Municipality or other person in the execution of his / her duty or the lawful exercise of any authority in terms of these by-laws;
- (18) refuse to leave any park, natural area, garden or any other enclosed space, at or after the time of closing the gates, when requested to do so by any servant of the Municipality or member of the police force or unlawfully remain therein after the gates are closed or climb on or over the gates, fences or railings, or enter or leave otherwise than through one of the authorized means of ingress or egress;
- (19) smoke in any place or building in which it is forbidden by notice affixed in a conspicuous place at or near the entrance to such place or building;
- (20) obstruct, disturb, interrupt or annoy any person in the proper use of any park, garden, open space or the lake;
- (21) brawl, fight, use profane, indecent or improper language, be intoxicated, bet, gamble, beg, lay down on any seat or behave in an indecent or offensive manner, or commit any nuisance;
- (22) contravene or act contrary to any notice by the Municipality;
- (23) play or make preparation to play any game, except at the places and at the times indicated and set apart for such games by the Municipality;
- (24) fire any firearm, discharge any firework, catapult or sling, throw any stone, stick or other object or missile, use any squirt, syringe or other instrument, or do anything which may endanger or be deemed a nuisance, obstruction or annoyance to the public;
- (25) be in the possession of a fire arm in a public amenity without the necessary permission;
- (26) swim in a stream, river or dam, unless the necessary permission is granted;
- (27) allow any child under the age of 13 years to enter a swimming pool area unless he / she is accompanied by an adult. All swimming pool facilities are entered at own risk;
- (28) utilise a booked facility unless it has been booked in advance and the hiring fees have been paid in full;
- (29) (i) Any person who in any public amenity:
  - a) contravenes the provisions of these by-laws, or does not comply with any condition imposed in connection with the use of such public amenity; or
  - b) acts in such a manner as to be a nuisance to other users of such public amenity and refuses to discontinue such action after being requested thereto by an authorized official;
  - c) may be instructed by such authorized official to leave such public amenity.
- (ii) Any person who has in terms of subsection (i) been instructed to leave a public amenity and :
  - a) refuses to do so; or
  - b) returns within 24 hours to such a public amenity;
  - c) shall be guilty of an offence.

**Health Matters**

9. No person shall in or at a public amenity :

- (1) dump, drop or place any refuse, rubble, material or any other object or thing or permit it to be done, except in a container provided for that purpose by the Municipality ;
- (2) pollute or contaminate in any way the water in any bath, swimming-bath, dam, spruit, river or water-course;
- (3) enter any bath or swimming-bath while suffering from an infectious or contagious disease or having an open wound on his / her body;
- (4) perform any act which may detrimentally affect the health of any visitor to a public amenity;
- (5) use any soap or substance which will make the water of a swimming pool muddy, murky or unacceptable for swimming purposes.

**Liquor, Food and Fires**

10. (1) No person shall, contrary to a provision in a notice, bring into a public amenity any alcoholic beverage or any other liquor or any food of whatever nature.
- (2) Subject to the provisions of subsection (1) no person shall on, in or at a public amenity and contrary to a provision in a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice: Provided that the preparation and cooking of food in or at a public amenity or lake shall be done in a clean and sanitary manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health: Provided further that no live animals, poultry or fish may be killed, skinned on, in or at a public amenity;
- (3) No person shall on, in or at a public amenity make a fire or hold a braai except at places where braai facilities are provided or at places so indicated by notice.

**Loitering**

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

**Gatherings and Processions**

12. (1) No person shall without the prior written consent of the Municipality, or contrary to any conditions which the Municipality may have imposed when granting such consent, on, in or at any public amenity :
  - a) arrange, present or attend any public entertainment;
  - b) collect money or any other goods for charity or any other purposes from the general public;
  - c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
  - d) arrange, hold address or attend any meeting;
  - e) arrange, hold, address or attend a public gathering or procession, exhibition or performance;
  - f) conduct any trade, occupation or business;
  - g) display, sell or rent out or present for sale or rent any wares or articles;
  - h) hold or attend an auction;
  - i) tell fortunes for compensation, in or at a public amenity or lake;
- (2) Any person who requires the Municipality's written consent for any action contemplated in subsection (1), shall apply in writing to the Municipality at least 21 days before such action
- (3) No person shall use a public amenity which is hired out to a person, school, sport club or association of persons, except in the case where there is a written agreement with the Municipality to use such amenity and the hiring fees (if any) are fully paid.

**Vehicles**

13. (1) No person may bring into a public amenity any truck, bus, motorcar, motorcycle, motortricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the Municipality: Provided that different directions may be determined for different public amenities and for different such vehicles, craft or aeroplanes.
- (2) The Municipality may determine the speed limit applicable in a public amenity : Provided that different speed limits may be determined for different public amenities and for different such vehicles, craft or aeroplanes.

- (3) The directions contemplated in subsection (1) and the speed limits contemplated in subsection (2) shall be made known by the Municipality by way of notice.
- (4) Road signage erected in a public amenity shall have the same significance and authority as road signs erected in terms of the Ordinance on Road Traffic, 1966, and any person who fails to comply with such road sign is guilty of an offence.
- (5) No person may drive a vehicle or ride a bicycle in a nature conservation area unless otherwise specified.
- (6) No person will be allowed to drive on the indicated roads in a public amenity unless he / she is in possession of a valid driver's licence.
- (7) No person will be allowed to drive a vehicle in such a manner that it will endanger the lives or safety of people or animals in the public amenity.

**Improper or Indecent Behaviour**

14. No person may in or at a public amenity :

- (1) perform an indecent act or conduct himself / herself improperly by exposure of his / her person or otherwise, or make improper gestures or incite or urge someone else to perform a disorderly or indecent act;
- (2) write, paint, draw or in any way make a filthy or immoral figure, writing, drawing or representation;
- (3) defecate, urinate or undress, except in such building or on a premises intended or indicated by notice for such purpose or enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex;
- (4) not be clothed as decency requires.

**Powers of Municipal Personnel**

15 (a) A person appointed by the Municipality to control a public amenity may;

- (1) at any time enter upon any place, land, premises or building in a public amenity to conduct an investigation in order to determine whether the provisions of these bylaws are complied with;
  - (2) for the better exercising of any power or the performance of any function or duty assigned or granted to him / her, take along an interpreter who, while acting under the lawful order of such a person, shall have the same powers, functions and duties as such person;
  - (3) banish any person committing any breach of any provision of these bylaws from the public amenity or order him / her to leave such public amenity;
  - (4) Any person who has in terms of subsection (3) been instructed to leave a public amenity and -
    - (i) refuses to do so; or
    - (ii) returns to such public amenity within 24 hours;
 shall be guilty of an offence.
- (b) (1) The Municipality may appoint Nature Conservationists, Honorary Conservationists and such other personnel as may be deemed necessary for a public amenity and the Municipality shall determine their powers, functions and duties.
- (2) Nature Conservation personnel appointed in terms of subsection (1), must be dressed in the uniform as determined by the Municipality.

**Furnishing of Name and Address**

16. No person shall in a public amenity, when requested to do so, refuse to furnish his / her correct name and address to an authorized officer of the Municipality.

**Boats**

- (1) No person shall place or use or cause or permit to be placed or used on the water a boat unless a permit in respect thereof has been obtained from the Municipality and the fees determined by the Municipality have been paid in full.
- (2) Such permit shall clearly specify the number of persons who may at any one time be conveyed in the boat, and the person taking out such permit shall retain the permit and present it to an authorized officer of the Municipality when requested to do so.

- (3) The Municipality may at any time suspend a permit issued in accordance with these by-laws and the Municipality shall not be obliged to refund the fees paid.
- (4) The Municipality has the right to refuse to issue such permit in respect of any boat if the Municipality or its duly authorized officer or representative is of the opinion that such boat is not sound in construction or is not in a proper and suitable condition.
- (5) The Municipality may, through its duly authorized officer or representative, before or after the issue of any boat permit, enter into any boat and take any other steps which such officer or representative may consider necessary for the purpose of inspecting such boat.
- (6) No person shall place, use or cause to be placed or used on the water a boat propelled by an engine of any sort without permission. The Municipality reserves the right to prescribe and limit the number and type of boats which shall at any stage be allowed on the lake.
- (7) No person being the owner of a boat, or having the use or control of or being in possession or in charge of any boat, shall at any one time permit the use of a boat by a number of persons in excess of the number stipulated on the permit for such boat.
- (8) No person shall, without the written permission of the Municipality, ply boats for hire from the public piers or transport any persons at a fee on a boat. The Municipality may, at the granting of such permission
  - (i) impose any condition which it deems fit and such person shall be compelled to comply with such condition;
  - (ii) determine the charges payable by such person.
- (9) No person under the influence of intoxicating liquor or a narcotic drug shall enter, remain in or occupy any boat and no person under the influence of intoxicating liquor or a narcotic drug shall, at any time, enter any landing stage at the waterfront.
- (10) No person shall, between the hours from half an hour after sunset until sunrise, use any boat on the water unless such boat is fitted with at least one lamp and be so lighted and placed as to show a bright light which can continuously be seen from the shore. Any owner or occupant of a boat which is not so provided with a light, shall be guilty of an offence under these by-laws.
- (11) No person in charge of any boat or having supervision thereof, or being an occupant thereof, shall use such boat in a negligent manner or due to negligence or misconduct, injure or damage any person, animal or object, or shall be guilty of any negligence or misconduct whatsoever which will damage or be likely to injure or damage or endanger any other boat or any person, animal or object on the water and the Municipality may cancel a permit or refuse the renewal thereof due to such behaviour.
- (12) No person shall paint, repair, dry or beach any boat or cause or allow such painting, repairing, drying or beaching to be done, except in such places as are provided or indicated for that purpose by the Municipality. The appearance of any boat shall at all times be neat and to the satisfaction of the Municipality, failing which, it shall be removed from the shore.
- (13) No sports or games shall take place in or upon the water without the consent of the Municipality nor shall any person participate in or assist at any sports or games on the lake which has not been approved by the Municipality
- (14) No person shall enter or land upon any of the islands in the water which are not connected by bridge with the main land without the consent of the Municipality.
- (15) No person shall dive from a boat or swim in the water from a boat.
- (16) No person shall board or moor a boat at any place other than the duly authorized mooring places, nor shall any person having the charge, care or control of a boat or an occupant thereof, permit or allow any of the other occupants to do so.
- (17) No person shall board a boat if he /she is not supplied and fitted with a safety belt by the owner thereof, and any person allowing another person not wearing a safety belt to board a boat under his / her control shall be guilty of an offence.
- (18) Children under the age of 17 years shall not embark upon a boat, except under the supervision of an adult.

- (19) Permits are issued in terms of subsection (1) and the Municipality shall not incur any liability whatsoever for any claim for damages which may result from the activities of the holder of the permit on the lake. Any person who sets foot on the lake or lakeshore, does so at his / her own risk.

#### **Angling**

18. (1) Angling shall be permitted at times and places determined by these by-laws or by notices affixed or erected on the shores.
- (2) Angling shall not be permitted during the hours of darkness, unless an entrance permit has been obtained from the Municipality and the prescribed fees have been paid.
- (3) Persons who are not in possession of a Provincial Angling Licence shall not be permitted to angle;
- (4) An entrance permit shall only be issued after the prescribed fees have been paid.
- (5) Angling competitions shall be permitted only with the consent of the Municipality and after the prescribed fees have been paid.
- (6) No person shall be permitted to feed any fish without the prior approval of the Municipality.
- (7) No person shall be permitted to introduce or release any kind of fish into the lake without the prior approval of the Municipality.
- (8) No person may angle with more than two lines with more than two single hooks with natural bait or one artificial bait medium or one spoon on each line.
- (9) No person may catch fish with a net or any other apparatus.
- (10) No bait boats, feeding place or canoes for taking in of lines is allowed.
- (11) The amount and size of fish which may be angled is determined by Ordonance No 12 of 1984.
- (12) No person above the age of 16 years may fish unless he/she is in possession of a valid angling licence.

#### **Camping**

19. (1) No person shall in a camping site –
- a) camp on a stand other than the stand allocated to him / her; or
  - b) do washing or hang out washing other than at or in a place specifically provided for such purpose.
- (2) No person shall camp in a camping site unless he / she has paid the charges laid down by the Municipality.
- (3) If any person is instructed to leave a camping site and such person has paid camping charges in advance for a period, such person shall be refunded the portion of the camping charges for the unexpired period.
- (4) Any vehicle, caravan, tent or other article in a camping site for a period in excess of seven days and in respect of which the prescribed charges have not been paid, may be removed by or at the instruction of an authorised officer of the Municipality, and such vehicle, caravan, tent or other article may be dealt with in accordance with the provisions of section 20 of these by-laws.

#### **Lost Property**

20. (1) Any vehicle or other article found in any public amenity or other property belonging to the Municipality, and which is, on reasonable grounds, presumed to be abandoned or lost, or which, in conflict with these by-laws, is found in such place, except a vehicle found in any street, may be taken into safe keeping by an official of the Municipality. Provided that should the head of the section of such official be of the opinion that such vehicle or article is of no value, such vehicle or article may be regarded as refuse and discarded as such.
- (2) Any vehicle or article taken into safekeeping in accordance with subsection (1), which is not regarded as refuse and which is not claimed within one month from the date on which it was taken into safekeeping, shall be sold by public auction after at least 14 days prior notice of such auction has been given in at least two newspapers circulating within the area of jurisdiction of the Municipality.
- (3) Any person claiming as his / her lawful property any vehicle or article taken into safekeeping in accordance with subsection (1), may repossess such vehicle or article only after proving his / her ownership of such vehicle or article to the satisfaction of the head of the section and after he / she has paid to the Municipality the costs of the removal, safekeeping, tracing of the owner and if notice of an auction in accordance with subsection (2) has been given, also such costs: Provided that notwithstanding payment of such costs, such owner shall still be liable to prosecution for a contravention of the provisions of these by-laws.

- (4) The proceeds of a public auction held in terms of subsection (2) shall be appropriated in payment of –
- The costs incurred to find the owner of such a vehicle or article;
  - the costs incurred to remove the vehicle or article to a place of safe custody;
  - the costs of keeping such vehicle or article in a place of safe custody;
  - the costs incurred in connection with the arranging and advertising of the public auction.
- (5) Any balance of the proceeds received from the public auction contemplated by subsection (2), shall, after appropriation of the amounts in accordance with subsection (4) be paid to the owner of the vehicle or article if ownership has been proved to the satisfaction of the head of the section.
- (6) If a vehicle or article, as contemplated in subsection (2), is not sold, then the head of the section may deal with such vehicle or article in a manner which he / she deems appropriate under the circumstances.

#### **Caves**

21. (1) No person may pollute the atmosphere inside a cave, for example, by the burning of combustible material.
- (2) No person may break or tamper with or remove any barrier or obstacle which has been erected in front of a cave.
- (3) No person may break, break off or damage any rock formation in a cave or anywhere else in a public amenity.

#### **Exploitation / Collection**

22. (1) No person may pump water out of any stream, dam or river without the necessary permission.
- (2) No archeological, geological or historical material may be disturbed or removed.

#### **Development**

23. No person / institution may plan or execute any activity, development or improvement in a public amenity without the necessary approval.

#### **Erosion**

24. (1) No person / institution may undertake any activity in a public amenity where ground works are involved without the necessary permission.
- (2) No person may remove any soil, stones or sand without the necessary permission.

#### **Offences and Penalties**

- 25 (1) Any person who –
- contravenes or fails to comply with any provision of these by-laws, a condition imposed under these by-laws or a direction adopted by the Municipality under these by-laws and made known by notice, irrespective of whether such contravention or failure has been declared as an offence elsewhere in these by-laws or not;
  - deliberately obstructs, hampers or handicaps any person in the execution of any power or the performance of any duty or function in terms of any provision of these by-laws; or
  - furnishes false, incorrect or misleading information when applying for permission from the Municipality in terms of a provision of these by-laws, shall be guilty of an offence and shall, upon conviction, be liable to the payment of a fine not exceeding R2000,00, or in default of the payment of such fine, to imprisonment for a period not exceeding 12 months.
- (2) Should a person be found guilty of an offence which, in terms of these by-laws is a continuous offence, such person shall be liable to a proportionate part of the fine contemplated in subsection (1) for each day during which such offence continues after the date on which notice in writing has been given to perform or to discontinue a specific act, and in default of payment of such proportionate fine, to imprisonment for a proportionate part of the period contemplated in subsection (1).

**MIDVAAL LOCAL MUNICIPALITY**

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**CHAPTER 1  
LIBRARY AND INFORMATION SERVICES**

**Definitions and interpretation**

1. (1) In this Chapter, unless the context otherwise indicates-

"audio-visual material" means any film, record, compact disc, stiffy, audio book, language course, audio and video cassette, including digital video material, and any gramophone record available for use in or borrowing from, a library, whether the property of, or on loan to, the Council for that purpose;

"child" means a person under the age of fourteen years who has never been married;

"Municipality" means –

- (a) the Midvaal Local Municipality established by General Notice 6770 in Provincial Gazette Extraordinary 141 of 1 October 2000 in terms of the provisions of the Local Government Municipal Structures Act, 1998, (Act 117 of 1998), and includes the Council, the Executive Mayor and / or the Mayoral Committee or any other committee established by the Council and any employee or official of the Council duly authorised to perform any duty, power or function in terms of these by-laws;
- (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 subdelegated, 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 (Act No. 32 of 2000) or any other law, as the case may be."

"Director" means the Director: Library and Information services and his or her assistant or delegate;

"indigent person" means any person in circumstances of poverty whose total household income does not exceed State pensions per month or, in the case of a pensioner or person dependent on grants, where the household income does not exceed State pensions per month;

"lending period" means a period during which a member or visitor is permitted to retain any borrowed library material;

"librarian" means an official employed by the Council who exercises control of and manages a library or a section thereof, and includes any assistant to a librarian;

"library" means any public library administered and maintained by the Council.

"library material" means all books, periodicals, newspapers, prints, pictures, documents, posters and printed music, and audio-visual material, regardless of whether it is the property of or on loan to the Council, which is available to be perused, studied, copied in, or borrowed from, a library;

"library week" means a period of seven days or more during a year determined by the Library and Information Association of South Africa, during which information services are promoted;

"member" means any person or organisation registered as a member of the library;

"multimedia library" means a library dedicated to to the provision and presentation of information in any two or more of written, visual, audiovisual and electronic forms, and includes any facility within that library that are capable of presenting information in such formats;

"organisation" means a non-profit-making institution or company, or a cultural association having a constitution;

"pensioner" means any person over the age of 60 years;

"prescribed fee" means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

"resident" means a person who resides in, is a property owner or rate payer, or who is employed within or is registered with an educational institution within the area of jurisdiction of the Council;

"specialised library material" means library material which needs special equipment in order to access the content of such material or the use of which is likely to inconvenience other patrons of a library if utilised within a library;  
"the library" means the totality of public libraries, with their contents, administered and maintained by the Council;

"visitor" means a person residing, working or studying for a period of not more than three continuous months within the area of jurisdiction of the Council.

- (2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference in any such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

#### **Admission to library buildings**

2. (1) Subject to the provisions of subsection (2), and of section 19, any person admitted to a library may use the facilities of that library during official library hours: Provided that if a person wishes to borrow library material, that person must first become a member of the library and pay the prescribed fee for membership.
- (2) A librarian may-
- (a) in his or her discretion determine the maximum number of persons that may be allowed in any part of the library at any given time and may exercise the necessary access control for that purpose;
  - (b) for any reasonable cause, instruct a member or other person to leave the library.

#### **Membership**

3. (1) Application for membership or visitor's rights must be made on a form prescribed by the Council.
- (2) The Council may –
- (a) grant membership of the library to any resident, or any resident as a representative of any organisation or similar body, duly authorised by that organisation or body, and every such resident must –
    - (i) pay the prescribed fee for membership; and
    - (ii) undertake to abide by the policies adopted by the Council from time to time for the conduct of the business of the library;
  - (b) subject to such conditions as it may determine from time to time, grant membership of the library to a child if his or her parent or guardian consents thereto in writing and undertakes to ensure the observance by the child of the provisions of these By-laws;
  - (c) grant membership of the library to a person who is not a resident on conditions determined by the Council from time to time;
  - (d) admit a person residing, working or studying in the area of jurisdiction of the Council for a period of not more than three months, as a visitor if –
    - (i) the particulars determined by the Council or the Director are submitted by such person;
    - (ii) such person pays the prescribed fee; and
    - (iii) a librarian approves the application,
 and upon such admission, the visitor has all the rights and privileges, and is subject to the same obligations and duties, as a member;
  - (e) exempt any applicant for membership who is an indigent person wholly or partially from the payment of the prescribed fee for membership.
- (3) (a) A library membership card must be issued to each member authorising that member to borrow from the library such quantity of library materials as may be determined by the Council from time to time.
- (b) Additional membership cards, entitling a member to borrow further quantities of library material may be issued to a member in the discretion of a librarian.
- (4) A membership card is valid from its date of issue to the date of expiry stated thereon and the membership of a person to whom such a card has been issued lapses after the expiry of that period, unless it is renewed prior to the expiry date.
- (5) A member who wishes to cancel his or her membership of the library must –
- (a) notify a librarian in writing;
  - (b) return the membership card or cards concerned; and
  - (c) simultaneously return all borrowed library material in his or her possession to a librarian.
- (6) If library material is not returned in terms of subsection (5)(c), the person concerned is liable in terms of section 8(2), read with the necessary changes.

- (7) If a member changes his or her address, the member must notify the Director thereof in writing within thirty days after the change has taken place.
- (8) If a membership card is lost, the member must forthwith notify a librarian in writing, and –
  - (a) the librarian must, on payment of the prescribed fee, issue a duplicate card;
  - (b) should a lost membership card subsequently be found by the member, any duplicate card must be returned to the librarian immediately; and
  - (c) notwithstanding the provisions of section 8(a) a member is not liable in terms of that section for any library material borrowed against a lost membership card after the date of such notice.

**Loan of library material**

- 4. (1) Library material which is not available for removal from a library on loan in any reference or special library must be determined by the Director and a notice specifying such material must be displayed at the inquiry desk of each library.
- (2) (a) Library material borrowed from a library is the responsibility of the member against whose membership card it was borrowed.
- (b) If a member borrows material from a library, that member must ascertain whether or not the material is visibly damaged, and if so, must draw a librarian's attention to the damage and the librarian must record particulars of the damage on the date sheet and sign it.
- (c) If a member returns damaged library material, he or she is responsible for making good the damage, or paying the prescribed fee in respect of damaged library material, unless the damage was recorded in terms of paragraph (b).
- (d) No person may be in possession of library material outside a library unless it has been lent to him or her in terms of a membership card.
- (3) A librarian may refuse to make damaged library material available for borrowing, but if such material is made available for borrowing, the particulars of the damage must first be recorded in terms of section 4(2)(b).
- (4) A member may, upon payment of the prescribed fee, request that any library material which may be lent out not available at a library, but which is available at another library or a library not operated by the Council, be obtained from that source and made available or loaned to that member.
- (5) The loan of audiovisual-material or items from student service, is subject to the payment of the prescribed fee.
- (6) Library material bearing the distinguishing insignia of the Council or any of its predecessors or the insignia of the Gauteng Provincial Government, with no indication on it that it has been officially discarded or sold, remains the property of the Council or of the Gauteng Provincial Government, as the case may be.

**Return of library material**

- 5. (1) A member must return borrowed library material not later than the last day of the lending period .
- (2) If the library material concerned is not required by any other member, the librarian may extend the lending period of that material for a further lending period.
- (3) A member who fails to return library material by the end of the lending period or an extension thereof allowed by a librarian, may not keep it for more than seven days after receipt of a written notice from a librarian that the library material is to be returned to that library.

**Overdue library material**

- 6. (1) If a member fails return library material borrowed against a membership card within the lending or extended lending period contemplated in section 5, he or she is liable for payment to the Council of the prescribed fees for every period of seven days or portion thereof during which the member fails to return the library material, unless –
  - (a) good cause is shown to the satisfaction of a librarian;
  - (b) the return date falls within a library week or other period when the library concerned is closed to the public for any reason; or
  - (c) any other period of grace is given by the Director;
- (2) Every librarian must ensure that the rules and prescribed fees for overdue and lost library material are displayed at a prominent place in the library.

**Reservation of library material**

7. (1) A member may reserve library material available for borrowing, which will then be held available for the member, provided payment of the prescribed fee therefore is made in advance.
- (2) No library material will be held available for a period longer than the period specified by the Director.

#### **Lost and damaged library material**

8. (1) It must be stated on every membership card that if a member damages or loses library material, the member will be liable in terms of subsection (2) for payment to the Council of the prescribed fee therefor.
- (2) Library material not returned within one hundred days from the date of borrowing must be regarded as lost, and the member who borrowed it last is liable for the replacement cost thereof or the prescribed fee, at the discretion of the Director.
- (3) The particulars of a member who has failed to return library material outstanding for a period longer than that stated in subsection (2) must, if the Council is unable to retrieve that library material from the member, despite reasonable efforts to do so, be entered on a central register of unreturned library material, together with the details of the material concerned, any unpaid prescribed fee due by the member, and such particulars must be circulated to every library, and the member's privilege of borrowing material from the library is suspended until that library material is returned to a library or payment is made as contemplated in subsection (2).
- (4) Any lost or damaged library material remains the property of the Council or the Gauteng Provincial Government, as the case may be, even if replacement cost or the prescribed fee in respect thereof has been paid to the Council.
- (5) If damaged library material returned by a member is found to be repairable, the member must pay the costs of repair incurred by the Council, before being permitted to borrow any further library material.

#### **Handling of library material**

9. A member who has borrowed library material or is using library material in the library must –
- keep the library material in a clean condition;
  - prevent the library material from being damaged in any way;
  - ensure that the library material is not mutilated, defaced, marked or creased;
  - ensure that no part of that library material, or any protective coverings or identification thereof as the property of the Council or the Gauteng Provincial Government, is removed; and
  - ensure that the library material is not lent to any other person.

#### **Exposure of library material to notifiable and infectious diseases**

10. (1) No person suffering from a notifiable medical condition proclaimed in terms of section 45 of the Health Act, 1977 (Act No. 63 of 1977), may borrow or handle library material, and no member may allow any other person suffering from such medical condition to handle or come in contact with library material lent to that member, if such handling or contact would expose others to the danger of infection or any form of health hazard.
- (2) The provisions of subsection (1) also apply to any person supervising or in charge of a child known by such person to be suffering from a medical condition, contemplated in that subsection.
- (3) A notice with examples of notifiable medical conditions must be displayed at a prominent place in a library.
- (4) Any person in possession of library material which to that person's knowledge has been exposed to a notifiable medical condition, must immediately advise a librarian that the library material has been so exposed.

#### **Library material for special and reference purposes**

11. (1) Specialised library material may be used only in areas of a library specifically demarcated for that purpose, and no such material may be removed from that part of a library without the permission of a librarian.
- (2) No person in possession of library material drawn from the reference section of a library may keep it for longer than ten minutes after a librarian has requested its surrender.

#### **Reproduction of library material and objects and use of facsimile facilities**

12. (1) Any person may use the facsimile and photocopier facilities of a library subject to –
- payment of the prescribed fee; and
  - the furnishing by him or her of a declaration in writing, if requested by a librarian, that the purpose for which the facsimile or photographic reproduction is required, falls within the exceptions to the protection of literary, dramatic, musical and artistic works specified in the Copyright Act, 1978, (Act No. 98 of 1978).
- (2) A librarian must display the relevant sections of the legislation referred to in subsection (1) (b), in a prominent place in the library.

- (3) The permission of a librarian must be obtained before any library material or object in the library is reproduced by means of a photograph, motion picture, transparency or any other means.
- (4) In granting or refusing permission in terms of subsection (2), a librarian may take cognisance of the possibility of damage being caused to the material or object as a result of it being handled for the purposes of making the reproduction, and may impose any condition reasonably necessary to prevent damage being caused to the material or object.

**Library hours**

13. The hours determined by the Council during which any library will be open to the public, must be displayed on a notice at the entrance to the library concerned and must specify –
  - (a) the days on and hours during which the library will be open and closed; and
  - (b) the hours during which the use of such library or any section thereof will be restricted to adults or children.

**Hire and use of auditoria and lecture rooms or library space**

14. (1) The Council may hire out to any member or other person, any auditorium, lecture room or other area within a library complex against the payment of the prescribed fee therefor, for the purpose of holding a lecture, debate or presentation or staging of an exhibition or filming or programming a sequence of scenes requiring a library background or which incorporates the use of library material.
- (2) Application for the hire of any such facility must be made in writing to the Director.
- (3) Notwithstanding the provisions of subsection (1), any facility contemplated in that subsection, may be made available without payment of a prescribed fee –
  - (a) to any organisation supporting the provision of library services;
  - (b) for any activity which the Council may either generally or specifically determine.

**Internet viewing stations**

15. Any person may utilize an internet viewing station at a library, where such facilities are made available by the Council, provided he or she –
  - (a) pays the prescribed fee therefor;
  - (b) obtains prior permission from a librarian; and
  - (c) observes the maximum period of use determined by a librarian;
  - (d) abstains from loading personal software on to any hardware comprising an internet viewing station;
  - (e) agrees to and does bear the cost of repairing any damage caused intentionally or negligently to the internet equipment while being operated by him or her; and
  - (f) agrees to and does observe the Council's policy on e-mail and internet usage, which must be displayed at each internet viewing station.

**Hiring of multimedia library space**

16. (1) A multimedia library may be made available to any person applying therefor against payment in advance of the prescribed fee.
- (2) Any person who wishes to hire a multimedia library must make an advance reservation with the librarian in charge thereof.
- (3) The hiring of a multimedia library is subject to such conditions as the Director may determine.

**Availability of By-Laws and notices**

17. A copy of these By-laws must be available for inspection, and a notice to that effect must be displayed at a prominent place, in every library and be brought to the attention of any library user when necessary.

**Conduct in libraries**

18. (1) Any person who –
  - (a) conducts or engages in excessively loud conversation in any part of a building housing a library in a manner which causes or is likely to cause annoyance to any other person in that library;
  - (b) uses abusive or otherwise objectionable language or behaves in an abusive, objectionable or disorderly manner, in a library;
  - (c) hampers, disturbs, obstructs or harasses any other person in the legitimate use of a library;
  - (d) damages any part of a library building or its contents;
  - (e) furnishes a false name or address to a librarian for the purpose of entering any part of a library or for obtaining any benefit or privilege;
  - (f) enters or remains in a library while knowingly suffering from any notifiable medical condition proclaimed in terms of section 45 of the Health Act, 1977, or while under the influence of intoxicating liquor or habit-forming drugs;
  - (g) smokes, eats, drinks or sleeps in any part of a library where these activities are forbidden; or
  - (h) contravenes any other provision of these By-laws,

may be ordered by a librarian to leave that library, and if he or she refuses to do so, may be removed from that library by the use of reasonable and necessary force.

## CHAPTER 2 ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES

### Part 1: Hire and use of community, arts and culture facilities

#### Definitions and interpretation

19. (1) In this Chapter, unless the context otherwise indicates-

"art" means all forms and traditions of dance, drama, music, music theatre, visual arts, crafts, design, written and oral literature, film, video, traditional and community art, all of which serve as means for individual and collective creativity and expression through performance, execution; presentation, exhibition, transmission and study and artistic has a corresponding meaning;

"artist" means any person who is involved in the creation or production of art, music, dance, theatre, craft, films, video, traditional and community art, musical theatre and literature;

"appurtenance" means any installation or appliance on or in the premises and includes, without derogating from the generality of the foregoing, any key, lock, window, toilet pan, basin, water tap and fitting;

"authorised official" means an official of the Council who has been authorized by it to administer, implement and enforce the provisions of these By-laws;

"centre" means a building or premises owned or operated by the Council, whether incorporating a community hall or not, at which group activities of an indoor sporting, cultural or recreational nature can be pursued;

"Council" bears the same meaning as defined in section 1;

"culture" means the dynamic totality of distinctive, spiritual, material, intellectual and emotional features which characterise a society or a social group and includes language and heritage conservation and further includes any museum, archive, library, historical site and monument and cultural has a corresponding meaning;

"cultural activity" means any cultural function, meeting, festival, flea market and exhibition and any other cultural activity;

"facility" means any art and cultural facility under the administration and control of the Council and includes all appurtenances;

"group activity" means -

- (a) for the purposes of Part 1 of this Chapter, an activity or function of an artistic or cultural nature, in which several members of a group of persons having an interest in the nature of that activity, participate either together or in sub-groups or serially; and
- (b) for the purposes of Part 2 of this Chapter, an activity or function of an artistic, cultural or indoor sporting nature, in which several members of a group of persons having an interest in the nature of the activity, participate either together or in sub-groups, or serially, whether as individuals or in teams;

"hirer" means any person who applies, pays and obtains approval for the use of premises or a facility;

"premises" means any land, building or structure or any portion of land, building or structure on or in which art and cultural activities regulated by these By-laws take place or on which a centre has been constructed and includes any facility in or on the premises;

"prescribed fee" bears the same meaning as defined in section 1;

"property" means the land on which any building or structure of the Council is situated;

#### Rights and status of artists

20. The Council must recognise the right of all artists to practise their respective forms of art and enjoy their right to freedom of expression through such medium, subject of the provision of any law.

**Co-operation between Council departments**

21. (1) Every department of the Council having jurisdiction over or responsibility for any multi-purpose community premises must cooperate with any other such department in ensuring that –
- (a) the premises is properly maintained in a state fit for the purposes for which it was designed and is used; and
  - (b) no part of the premises is made available to or hired out to more than one person at the same time.
- (2) The Council's Department of Arts Culture and Heritage must coordinate the co-operation contemplated in subsection (1).

**Application for hiring of premises**

22. (1) Any person wishing to apply for the hiring of premises must–
- (a) submit an application on the form prescribed by the Council for this purpose; and
  - (b) submit such application form to the Arts and Culture Office of the Council not less than 42 days prior to the date on which the premises are first required by the applicant.
- (2) The Council may refuse to hire out any premises in terms of subsection (1), or cancel any hiring thereof if –
- (a) the premises are to be, or being, used for any unlawful purpose; or
  - (b) the premises being applied for are required by the Council for municipal purposes during the same time.
- (3) The Council may in its discretion refund all the prescribed fees that have already been paid to it in respect of the application concerned.
- (4) The hirer is limited to the use of the premises specified in the application form.
- (5) The premises so hired may not, except with the prior written permission of the Council, be used for any purpose other than the purpose indicated on the application form.
- (6) No premises hired out by the Council may be used for the purpose of conducting any form of religious worship, unless the express written permission of the Council for such use has been given in writing: Provided that –
- (a) such use may be made of the premises only at the times specified in the agreement of hire or letter of approval; and
  - (b) the Council is entitled to refuse its approval unless it is satisfied that such use will not, by reason of singing, chanting, acclamation or other form of noise-producing worship, constitute an undue interference with the amenities normally enjoyed by other occupants of the building or occupants of any neighbouring building.

**Prescribed fees**

23. A prescribed fee, if determined by the Council, is payable for premises, services and facilities provided by the Council in terms of these By-laws.

**Payment of fees**

24. No person is permitted to use any premises hired unless the prescribed fee has been fully paid: Provided that the Council may exempt any person or organisation, on good cause, from the payment of portion or all of the prescribed fee.

**Period of hire**

25. Notwithstanding any determination made by the Council regarding the dates and period for which the premises may be hired, the Council may allow the hirer reasonable access to the premises prior to the commencement date of the period of hire, to enable the hirer to make the necessary preparations and arrangements in or on the premises.

**Adjustment of period of hire**

26. (1) Any person who makes an application for the hire of premises in terms section 23 may, subsequent to the approval of such application, apply for the postponement of such hiring to a later date, without penalty or forfeiture: Provided that the postponement may be refused if the premises have in the meantime been hired for use by another person or is required by the Council on the dates to which the postponement is sought.
- (2) Any person who has made an application for hiring of premises may cancel such application and if –
- (a) an application is cancelled 30 days or longer prior to the commencement date of the period of hire, the hirer must receive a full refund of the prescribed fee already paid;

- (b) an application is cancelled more than 15 days but less than 30 days prior to the commencement date of the period of hire, the hirer must receive a 50% refund of the prescribed fee already paid; or
  - (c) an application is cancelled 15 days or less prior to the commencement date of the period of hire, the hirer is not entitled to receive any refund of the prescribed fee already paid.
- (3) Provided the premises concerned have not in the meantime been hired for use on the date concerned by any other person a person who has hired premises may extend the period of hire of that premises upon written application to the Council as contemplated in section 23, except that a period of 42 days' notice is not required.

#### Joint hire

27. (1) The Council may let any premises or part thereof to different hirers for simultaneous use and in such a case, each hirer must use all the ancillary facilities which serve the different parts of the premises in common, jointly with the other users and in such manner that all the different hirers, their guests, customers and patrons, are able to enjoy the use of those facilities without infringing on the rights of use by other users.
- (2) The provisions of this Part of these By-laws, read with the necessary changes, apply to the joint users of the hired premises.

#### Sub-letting

28. A hirer may not sub-let the hired premises, or any part thereof, to any other person nor may the hirer cede, pledge or renounce in favour of another person any of his rights or obligations under these By-laws, nor allow any other person to occupy the premises, without the prior written permission of the Council.

#### Condition of premises

29. (1) The hirer must inspect the hired premises, including any installation, appliance, fitting, accessory and furniture, on or in the premises before he commences to use such installation, appliance, fitting, accessory and furniture and if the hirer finds that any installation, appliance, fitting, accessory or furniture on the premises are not in a proper state of repair, the hirer must report this fact to the Council in writing.
- (2) If the hirer fails either to inspect the premises or to report any defects found, in terms of subsection (1), it is deemed that upon commencement of occupation by the hirer, everything in the premises was in a proper state of repair.

#### Duties of the hirer

30. A person hiring premises from the Council –
- (a) must keep and maintain the premises hired out and return them to the Council in the same order and condition as when they were hired out;
  - (b) must take all reasonable steps to keep every sewerage pipe, water tap and drain within or serving the premises free from obstruction or blockage as a result of the hirer's activities;
  - (c) must at all times keep the premises in a clean, tidy and sanitary condition;
  - (d) may not affix or attach to the premises any notice or other matter without the prior written permission of the Council and must upon the termination of the hire, remove every such attachment;
  - (e) may not obscure any plate glass window by painting or otherwise;
  - (f) may not drive any screw or nail into a wall or partition or door of the premises;
  - (g) may not change or interfere with or overload any electrical installation in or on the premises;
  - (h) may not remove or take out from the premises any furniture or other articles whatsoever belonging to the Council;
  - (i) may not obstruct, interfere or tamper with any thermostat or air conditioning appliance in the premises or any building in which the premises are located;
  - (j) may not introduce or install any unsafe or heavy article, furniture, fitting, appliance or equipment which, in the opinion of an authorised official could damage the premises or any part thereof without the permission of that official and subject to any conditions imposed by that official, to ensure the safety of the premises and any person using them;
  - (k) may not install in the premises any air conditioning or ventilating unit or equipment without the prior written permission of the Council;
  - (l) may not permit the storage of any motor vehicle or other movable item of any description on any pavement outside an entrance hall, staircase or passage of the premises;
  - (m) may not do anything on the premises, nor allow anything to be done in non-compliance with any reasonable instruction given or issued by an authorised official; and
  - (n) may not park any vehicle nor allow the parking of any vehicle by any of the hirer's employees, invitees, agents, directors or other representatives anywhere on the premises except in properly demarcated parking bays on the premises as pointed out by an authorised official.

**Advertisements and decorations**

31. (1) No person who has applied for the hire of premises may publicly announce or advertise any function or event in respect of which an application for the hire of such premises in terms of section 23 has been made, before the Council has notified that person in writing that the application has been approved.
- (2) Every hirer must, before vacating the hired premises or the termination of the period of hire for any reason whatsoever, remove every poster, notice, decoration, flag, emblem, sign and other form of advertisement or direction erected or affixed by him or her, and make good any damage caused by such removal

**Admissions and sale of tickets**

32. The hirer is responsible for all arrangements in connection with the admission of the members of the public to any function or event on or in the hired premises, the provision of ushers and other persons necessary to control the admission of persons to the premises, and the sale of tickets.

**Overcrowding**

33. (1) No overcrowding of the premises or facilities is allowed at any time during the hirer's function or event and the hirer must comply with the Council's requirements prescribing the maximum number of persons allowed on the premises during the function or event.
- (2) Without detracting from the general requirements referred to in subsection (1), the hirer may not allow more persons admission to the premises than the number of available seats or, if seating is not provided, the maximum number of persons prescribed by notice on the premises or as stipulated in the agreement of hire.

**Sale of refreshments**

34. (1) No person may sell refreshments or food stuffs on or in any hired premises during any function or event for which they have been hired, without the prior written permission of the Council.
- (2) The Council may permit the sale of refreshments or foodstuffs by any person as it may approve after it has received a written application to sell such items, and the Council may allocate sufficient accommodation to that approved person, wherein trading stock, furniture, equipment, installations and books necessarily required for trading may be accommodated.
- (3) The provisions of subsections (1) and (2) do not apply if the supply and sale of refreshments or foodstuffs is an integral part of the function or event of the hirer.

**Services**

35. (1) The nature of the municipal services to be provided to the hired premises by the Council is at the sole discretion of the Council.
- (2) The Council may take such steps as it may consider necessary in its discretion for the proper maintenance and operation of any common areas in or on the hired premises.
- (3) An authorised representative of the Council may attend the hirer's function or event to ensure compliance with any provision of this Part.
- (4) A hirer is not entitled to the official services of any authorised official or other representative of the Council who attends the hirer's function or event in terms of subsection (3).
- (5) A hirer is not entitled to receive gratuitous cleaning or other service from the Council in connection with the hirer's activities during the preparation for, or during, a function or event.

**Cancellation due to destruction of premises**

36. (1) The Council may cancel the hire of premises if-
- (a) the premises are destroyed or are damaged to such an extent that they are substantially unusable;
  - (b) there is such damage to the premises that, although paragraph (a) does not apply, the premises have been rendered substantially unusable because of the absence of access or supply of any necessary municipal service or amenity; or
  - (c) there is destruction of damage to the premises or any part thereof or to any neighbouring building, whether or not the hired premises are involved, and the Council decides not to proceed with the hire of the premises in order to engage in reconstruction, renovation or rebuilding or for safety reasons.
- (2) Any decision made in terms of subsection (1), must be communicated by written notice given by the Council to the hirer within a reasonable period after the event referred to in subsection (1) giving rise to the cancellation.

**Cancellation due to non-compliance**

37. (1) The Council may at any time cancel the hire of premises if the hirer contravenes or fails to comply with any provision of this Part.

(2) A cancellation in terms of subsection (1) is without prejudice to any right or claim which the Council may have against the hirer under any provision of these By-laws or at common law.

**Termination of period of hire**

38. (1) Upon the termination of the period of hire for any reason, the hirer must return the premises and the facilities to the Council in good order and condition and must make good and repair or replace at his or her own cost on demand of the Council any damage or breakage or missing article or, in the alternative, reimburse the Council for the cost of repairing, making good or replacing any broken, damaged or missing article.

(2) (a) Every hirer must vacate the hired premises after termination of the period of hire within the period specified in the application form or agreement of hire.

(b) If a hirer fails to comply with the provisions of paragraph (a), he or she is liable to pay a further prescribed fee, for the additional period during which the hirer remains in occupation of the premises after the termination of the period of hire.

(c) The provisions of this subsection do not preclude the Council from taking lawful steps to procure the eviction of any such hirer from the premises.

(3) (a) A hirer must comply with every reasonable and lawful instruction of the Council or an authorized official in respect of the cleaning of the premises when the hirer

(b) An authorized official may elect to undertake the vacates the premises, cleaning of all crockery and cutlery used by the hirer.

(4) A hirer must comply with all reasonable and lawful instructions of the Council or an authorized official in respect of the vacation of the premises and the return of the facilities concerned.

**Fire hazards and insurance**

39. (1) A hirer may not at any time bring or allow to be brought or kept on the premises, nor do or undertake nor permit to be done or undertaken in or on the premises, any matter, thing or activity whereby a fire or any other insurance policy relating to the building concerned may become or becomes void or voidable or whereby the premium for any such insurance may be or is increased.

(2) If the premiums for insurance contemplated in subsection (1), are increased as a result of any act or omission contemplated in that subsection, the Council may, in its discretion, allow the activity concerned to continue and recover from the hirer the amount due in respect of any additional insurance premiums and the hirer must pay such amount immediately on notification from the Council or the insurance company to the effect that such additional premiums have been charged.

(3) The Council may at any time in its discretion require the hirer to take up insurance of the premises hired with an insurance company approved by the Council, against loss or damage by fire or any other cause during or as a result of any function or event for which the premises are hired.

**Storage facilities**

40. The Council is not responsible for providing facilities for the storage of the equipment of the hirer, or the hirer's employees, visitors, supporters or agents during any period prior to, during or after the function or event concerned.

**Equipment**

41. (1) A hirer who requests the Council to supply any equipment for use during a function or event, may use such equipment only with the permission of the Council and under the supervision of an authorized official.

(2) If a hirer causes damage to the equipment referred to in subsection (1), or removes or causes the equipment to be removed from the premises without permission or, having removed it with permission, fails to return it, the hirer is liable for the repair or replacement costs thereof.

**Right of entry**

42. (1) Subject to the provisions of applicable national and provincial legislation, an authorized official or another authorized representative of the Council, or service provider may enter hired premises at any reasonable time –

(a) to inspect the premises and carry out any repairs, alterations, additions, modifications or improvements on or in the premises.

(b) in order to ensure that the conditions of hire of the premises and the provisions of this Part are being complied with.

- (2) An authorised official, other authorised representative of the Council, or a service provider is entitled to erect scaffolding, hoardings and building equipment in, at, near or in front of hired premises as well as such other devices required by law or which the Council's architects may certify is necessary to carry out the activities contemplated in subsection (1)(a).

**Inspection**

43. Upon the conclusion of all the hirer's activities at the termination of the period of hire or at the cancellation of the hire in terms of any provision in this Part, an authorised official and the hirer or his or her nominee must inspect the premises, for the purpose of assessing any damage or loss and compliance with the provisions of this Part.

**Regulations**

44. A hirer must comply with the Council's security and fire protection regulations which may from time to time be in force in respect of the premises concerned.

**Nuisance**

45. (1) No person attending or intending to attend any function or event in or on hired premises, may conduct himself or herself in an unseemly or obnoxious manner or cause a nuisance or annoyance to any other person in or user of the premises, or to any occupier of any other part of the building or neighbouring building.
- (2) An authorised official may, during any function or event of a hirer, instruct the hirer to remove from the premises any person who is in a state of intoxication or who is acting in contravention of subsection (1).
- (3) An authorised official may, during any function or event of a hirer, direct the hirer to prevent the entry on or into the hired premises by any person who is in a state of intoxication or who is acting in contravention of subsection (1).

**Part 2: Community centres****Group activities**

46. (1) Every participant in a group activity must be a registered member of the centre at which such activity takes place.
- (2) Notwithstanding the provisions of subsection (1), a member may introduce a guest participant and every guest must be registered with an authorised official upon arrival, and, if no authorised official is then present, the particulars of the guest must be entered in a register kept at the centre for that purpose.
- (3) Unless permission to do otherwise has been granted by the authorised official in charge of a centre, a group activity may only take place under the supervision of an authorised official.
- (4) A group activity may only take place at times allocated for that activity by the authorised official in charge of the centre.

**Membership**

47. (1) Membership of a centre is valid for one calendar year, from January to December of each year, or for the remaining portion of such year after the date of approval of an application for membership.
- (2) Membership may be renewed at the end of each year for the following year.
- (3) Resignation from membership during the course of a year does not entitle a member to a refund of any portion of the prescribed membership fee.

**Membership fees**

48. (1) In determining prescribed fees for membership, the Council may differentiate between the prescribed fees payable by members of different centres and between classes of membership, which are dependent on the nature of the activity which a member wishes to pursue.

**Use of centres for religious or personal purposes**

49. (1) The Council may determine, either specifically or generally, the times when and the conditions under which any portion of a centre may be set aside for exclusive use by members of one sex only, whether in accordance with religious observance or for any other reason.
- (2) The Council may also determine which portions of a centre may be so set aside at such times.

**Dress code**

50. Any member and his or her guest must at all times be suitably attired for participation in the activity they propose to pursue, and without derogating from the generality of this requirement, no participant may wear any shoes or other footwear which, in the opinion of the authorised official in charge of, or supervising, the activity may cause damage to any part of the floor of a centre

**Conduct of children**

51. Unless the group activity in which a child under the age of 14 years is participating is a session specially arranged for young participants, every such child must be accompanied to the centre and must at all times be under the control and supervision of a parent or other adult, and such parent or adult is responsible for the conduct of such child while present in the centre.

**Application of certain sections of Part 1 of Chapter 2 to centres**

52. The provisions of sections 22 to 29, 31, 34 to 37, 39 to 42, 45 and 46 read with the necessary changes, apply to the hire, operation and use of centres.

**Application of certain sections of Part 1 of Chapter 3 to centres**

53. The provisions of sections 75 to 95 read with the necessary changes, apply to the operation and use of centres.

**CHAPTER 3  
RECREATION AND SPORT**

**Part 1: Camping and caravan parks**

**Definitions and Interpretation**

54. (1) In this Part any word or expression defined in section -20, bears that meaning and, unless the context otherwise indicates –

"ablution room" means a room or facility set aside for persons lawfully present in a camping ground to wash themselves or to take a bath or shower;

"calendar year" means the period 1 January to 31 December of any year;

"camping ground" means any area of land which has been set aside by the Council for use as a camping ground or as a caravan park, or as both;

"camping site" means an area of land in extent 10.75 square metres situate within the boundaries of a camping ground;

"camping officer" means the Director of Parks or his duly authorised representative and includes an authorize person

"caravan" means a vehicle or similar portable, movable or towable structure having no foundation

"caravan site" means a site set aside and designated by a camping officer in a camping ground as an area for the parking of a caravan, with or without a side tent, and a motor vehicle for towing purposes;

"permit holder" means the person to whom a permit is issued in respect of a camping site or caravan site;

(2) Section 1 (2) applies equally to this Part.

**Lighting of fires prohibited**

55. No person may camp or light a fire for the purpose of camping upon any open space vested in, or under the control of, the Council, except on a camping site.

**Permits**

56. (1) Any person who wishes to makes use of a camping site or caravan site may do so only under and by virtue of a permit to do so.

(2) A permit to occupy a camping or caravan site must be obtained from a camping officer, and is valid for the period specified therein.

(3) Every permit holder and any person accompanying him or her must at all times comply with the conditions specified in the permit concerned and the provisions of this Part.

**Extension of permits**

57. Subject to the provisions of this Part, the period of validity of a permit may be extended at the discretion of a camping officer if the site concerned has not previously been allocated to another party for the period in respect of which the extension is required.

**Limitation on the period of occupancy of a camping site**

58. No permit holder may occupy a camping site for a period longer than 30 days in all in any consecutive period of 12 months.

**Allocation and use of sites**

59. (1) A camping site is allocated in the discretion of the camping officer in charge and may only be used for the purpose of a camping holiday and no building or structure whatsoever may be erected thereon other than a tent for the bona fide use of the permit holder and his or her party.

(2) A caravan site is allocated in the discretion of the camping officer in charge and may, subject to the provisions of subsection (4), only be used for the parking of a caravan and one towing vehicle.

(3) A caravan parked on a caravan site may only be used to house the permit holder and his or her party.

(4) The provisions of subsection (2) do not preclude the erection of a side tent which is attached to a caravan on a caravan site.

**Proper use of roads and pathways**

60. In proceeding to and from a camping site, a permit holder or members of a permit holder's party must travel over the established roads within the camping ground and may not drive any vehicle across other camping sites or other areas.

**Reservation of sites**

61. (1) A camping or caravan site may be reserved in advance, but such reservation lapses if the person making the reservation does not present himself or herself to the camping officer in charge on or before the first day of the period of the reservation and pay the prescribed fee.

(2) No refund of any prescribed fee paid in advance will be made in respect of a camping or caravan site reserved but not occupied.

**Right of refusal to issue or renew permits**

62. A camping officer may refuse to issue or renew a permit to any person whom he or she reasonably suspects to be under the influence of intoxicating liquor or habit forming drugs.

**Obligations of permit holders**

63. A permit holder—

(a) must take all precautions to prevent the creation of any nuisance prejudicial to public health or the peaceful enjoyment by others of the camping ground and its facilities;

(b) may not by act or omission cause or permit such a nuisance to exist on his or her camping or caravan site;

(c) must make camp or park a caravan on a site allocated in his or her permit and pointed out by the camping officer;

(d) must comply with any reasonable instruction of the camping officer as to the manner of making camp or parking a caravan or towing vehicle;

(e) must ensure that the camping or caravan site allotted in his or her permit is kept in a clean and sanitary condition;

(f) may not deposit nor permit to be deposited any litter, rubbish or refuse, whether within or outside the allocated camping or caravan site, except in places which may be set apart for that purpose by the Council.

(g) is responsible for the maintenance of good order and decency on his or her camping or caravan site and may not allow anything therein to interfere with the comfort and convenience of other campers;

(h) must voluntarily vacate the camping or caravan site on the expiry or cancellation of his or her permit failing which he or she may be ejected from the camping ground by a camping officer without notice.

**Cancellation of permits**

64. If a permit holder or any member of his or her party commits a breach of any provision in this Part, a camping officer may, after having considered any reasons advanced by such permit holder as to why that camping officer should not act in terms of this section, cancel his or her permit.

**Access and loitering by members of the public prohibited**

65. No person, other than a permit holder or a member of a permit holder's party or a bona fide guest of a permit holder, may enter, or loiter in or about, any camping ground.

**Site to be left in a clean condition**

66. Every permit holder vacating a camping or caravan site must—

- (a) leave that site in a clean and tidy condition and take steps to have all rubbish generated, deposited in a rubbish bin provided for that purpose; and
- (b) fill in any hole made in the ground by him or her or any member of his or her party.

**Washing of clothes and utensils and preparation of foodstuffs**

67. No permit holder or a member of his or her party may wash clothes, clean household utensils, fish, vegetables or the like or prepare food, except at a place set aside for that purpose or a place which a camping officer may indicate.

**Trading without permission**

68. (1) No person may carry on any trade or business at any camping ground without the prior written permission of the Council.
- (2) No person may hawk or expose for sale any goods whatsoever within the precincts of any camping ground without the prior written permission of the Council.

**Damage to vegetation or property**

69. (1) No person may cut down or damage any tree, shrub or other plant or unnecessarily disturb any vegetation within any camping ground.
- (2) No person may wilfully or negligently damage any tap, toilet; notice board or any other property belonging to the Council in a camping ground.

**Instruction of camping officer to be complied with**

70. Any person, must promptly observe and comply with any lawful instruction of a camping officer concerning any camping ground, and no unauthorised person may remain therein after having been requested to leave by a camping officer or authorised official.

**Registration and use of firearms**

71. (1) No firearm may be brought into a camping ground, except for the personal protection of a permit holder and his or her party.
- (2) Any firearm must be declared and registered with a camping officer upon arrival at the camping ground, and if not required for personal protection, may be impounded by a camping officer and must be returned to the owner upon departure from the camping ground.

**Protection of wild life**

72. (1) No person may shoot, trap or in any way injure or interfere with any animal, bird or fish in a camping ground.
- (2) No person may fish in a camping ground, except in a river or dam where a notice permitting fishing is displayed, and only if the person concerned holds a valid licence to fish issued in terms of any applicable law.

**Special requirements regarding caravan parks and caravans**

73. (1) A permit holder may only use hooks or pegs approved by a camping officer, to fasten or anchor a caravan or side tent.
- (2) No person may bathe or shower in any place other than an ablution room.
- (3) (a) No permit holder who has been issued with a permit for a period of less than 14 days, may subject to the provisions of paragraph (b) keep any animal in a caravan or on a caravan site except with the prior written permission of a camping officer, who may refuse such permission on grounds of the size, nature, or behaviour of the animal concerned, and any such permission may be withdrawn without notice if the animal concerned misbehaves or causes a nuisance to any other occupant of the camping ground;
- (b) For the purposes of paragraph (a), an animal does not include a small dog standing less than 25 centimetres at the shoulder, a cat, canary, budgerigar or parakeet or similar caged bird that does not utter disturbing sounds, turtle, tortoise, goldfish or similar fish type, or other pet which is unlikely to cause a nuisance.
- (4) No person occupying a caravan site may make undue noise or, without the prior permission of a camping officer, play any musical instrument in the camping ground, and no television set, radio, gramophone, tape recorder or other device for the reproduction or broadcast of recorded sound may be operated –
- (a) outside a caravan; or
  - (b) inside a caravan except at a level of output that is unlikely to cause a nuisance or disturbance to any other occupant of the camping ground.

- (5) Any electrical generator powered by an internal combustion engine must be of such design that the noise of the engine is sufficiently muffled as not to cause a disturbance to any other occupant of the camping ground and may not be operated between the hours of 20h00 and 06h00.
- (6) If a chemical toilet is used in a caravan, the permit holder must ensure that it is free of any offensive odour and that it is emptied and cleaned regularly.

### **Part 2: Sport facilities**

#### **Definitions and interpretation**

74. (1) In this Part, any word or expression defined in section 20, bears that meaning and, unless the context otherwise indicates-

"group activity" means any sporting activity involving, or conducted by, an organised body of people which body can be joined by any member of the public who is eligible for membership, and "group" has a corresponding meaning;

"local sport facility" means any sport facility which falls within the area of jurisdiction of the Council;

"notice" means a clearly visible notice in the official languages determined by the Council as contemplated in section 21(2) of the Local Government: Municipal Systems Act, 2000, or any graphic icon depicting notification to members of the public;

"sporting activity" means any game or recreational activity pursued in a sport facility, and includes practice and training sessions;

"sport facility" means any area, building or structure which is designated or set aside for a sporting activity and which is owned, managed or controlled by the Council, including but not limited to a stadium, a tennis court or tennis court complex, a squash court or squash court complex, a swimming pool, a golf course or an ice rink, or any combination of such facilities, and the surrounding and ancillary facilities associated with any such sport facility;

#### **Administration**

75. (1) Subject to the Council's statutory duty to use the resources of the Council in the best interest of the local community, as envisaged in Section 4(2)(a) of the Local Government: Municipal Systems Act, 2000, all local sport facilities must be administered by or on behalf of the Council in accordance with this Part: Provided that nothing in this Part may be interpreted so as to prevent the Council from disposing of any local sport facility or any rights thereto, in accordance with applicable legislation.
- (2) The use and enjoyment of the local sport facilities by the local community or by any other person are subject to such terms and conditions as may be determined by the Council from time to time, and subject also to such terms and conditions, not inconsistent with this Part, which are contained in any agreement of hire or lease entered into between the Council and any individual or group.
  - (3) Despite the right of the local community to the use and enjoyment of the local sport facilities, the Council is entitled to hire out any local sport facility on a regularly recurring or specific basis for any purpose whatsoever.

#### **Access conditions**

76. (1) No person, other than an authorised official or any other person duly authorised by such official, may enter or be admitted into any local sport facility or any part thereof otherwise than by an entrance designated for that purpose.
- (2) The right of access to any local sport facility is reserved by the Council at all times and an authorised official may refuse admission to any person or instruct any person to leave a local sport facility forthwith if such person behaves or conducts him/herself in a manner which is considered by the authorised official to be prejudicial to good order or contrary to, or disruptive of, the generally accepted rules for the sporting activity concerned.
  - (3) In the event of a person contemplated in subsection (1), refusing to leave a sporting facility voluntarily when instructed to do so, the authorised official is entitled to eject such person forcibly from the local sport facility, with or without the assistance of security personnel or a member of the South African Police Services or a member of any other police force, if available.
  - (4) The Council has a discretion to determine the maximum capacity of any local sport facility, and an authorised official, or any other person designated by him or her, may, once the maximum capacity has been reached, refuse further access to that facility by closing every entrance to the facility and, if necessary, by the construction of barriers at any entrance thereto, and by displaying a notice prohibiting further access to the facility, once such maximum capacity has been reached.

- (5) For the purpose of ensuring that law and order is observed and for the safety of persons patronising or using a local sport facility, an authorised official has the power to –
- (a) search any person wishing to enter that facility;
  - (b) search any container of whatever kind which such person proposes to bring into or on to that facility;
  - (c) search any motor vehicle which it is proposed to drive into or onto that facility;
  - (d) seize any item or object being carried by any person or revealed by any such search which, in the opinion of the authorised official –
    - (i) is a substance the possession of which is prohibited by any law;
    - (ii) is or could become a dangerous weapon;
    - (iii) contains intoxicating liquor; or
    - (iv) might otherwise be used to disrupt the peaceful enjoyment of that facility by persons lawfully admitted thereto;
- (6) With the exception of any substance referred to in subsection (5) (d)(i), any object seized in terms of paragraph (d), must be returned to the person concerned, upon request, at his or her departure from the local sport facility.
- (7) (a) The Council must, display conspicuous notices at or near every entrance gate, indicate the hours during which a local sport facility is open to members of the public.
- (b) The Council may at any time temporarily close a local sport facility to members of the public for purposes of repair, maintenance, hire to a group, or for any other reason, in the Council's discretion.
- (c) No unauthorised person may enter or remain inside, a local sport facility, at any time other than during the hours when that sport facility is open to members of the public or during any period when that facility is closed in terms of paragraph (b).

#### **Smoking**

77. Subject to any other law, and save for an open air local sport facility, such as an open air stadium or a golf course, no person may smoke in a local sport facility except in any portion thereof which has been designated for that purpose, as indicated by a notice to that effect.

#### **Alcoholic beverages**

78. (1) Subject to the terms and conditions stipulated in any agreement entered into between the Council and a hirer of a local sport facility, and subject to any other law, no person may –
- (a) sell any alcoholic beverage on the premises of a sport facility without the prior written permission of the Council; or
  - (b) bring his or her own supply of alcoholic beverage on or into a local sport facility without the prior written permission of an authorised official.
- (2) If the sale and consumption of alcohol on or in a local sport facility is permitted by the Council, such sale or consumption is on condition that –
- (a) beer, cider and alcoholic cordials of all descriptions is served only in a can, keg, or plastic cup, and no alcoholic beverage may be served in a glass bottle; and
  - (b) no person who is under 18 years of age is served or allowed to consume any alcoholic beverage and the hirer of a sport facility or the person in charge thereof, as the case may be, is responsible for ensuring that this age limit restriction is observed.

#### **Duties of hirer**

79. A hirer of a local sport facility is responsible for the maintenance of good order and socially acceptable behaviour within the sport facility and must ensure that the sport facility is left in the same condition it was in when he or she was given possession thereof, failing which the hirer is liable for the cost to the Council of repairing any damage to, or cleaning, that facility.

#### **Dress code**

80. (1) Every person who participates in a sporting activity must wear appropriate apparel for that activity and an authorised official who is of the opinion that any person is not appropriately clothed, may instruct that any additional item of apparel be worn for a particular sporting activity by that person.
- (2) No person may wear shoes or other footwear which may damage the surface of a local sport facility in any manner and an authorised official may instruct that they be removed forthwith and, if the person concerned refuses to comply with such instruction, may prohibit such person from participating in the activity concerned.
- (3) If the conduct of a person not participating in a sporting activity is such that his or her shoes are likely to cause damage to a local sport facility while wearing such shoes an authorised official may eject the person concerned from the premises and debar him or her from re-entry until such shoes have been removed.

**Hiring of sport facilities**

- 81 (1) The hiring of a local sport facility must be arranged by prior reservation with an authorised official and must be recorded in a register kept by an authorised official for that purpose and, depending on the length of the period for which the facility is to be hired, may be on a first-come-first-served basis.
- (2) The purpose for which the local sport facility is to be hired must be disclosed to the authorised official with whom the reservation is made, who may refuse the reservation if such purpose is, in his or her opinion, illegal or contrary to the policy of the Council or is likely to result in violence or possible damage to that facility or to other property.
- (3) The terms and conditions of the hiring of a local sport facility must be contained in a written agreement, which must be signed by both the hirer and the authorised official at least 7 days prior to the date of commencement of the proposed hiring, or such shorter period as may be agreed upon with the authorised official, against payment by the hirer of a prescribed fee as confirmation of the reservation.
- (4) No agreement for the hiring of a local sport facility may be entered into with any minor, unless properly assisted by his or her parent, guardian or tutor, and the authorised official is, in his or her discretion, entitled to require any applicant for hire to produce proof of age.
- (5) The agreement contemplated in section 79(1) constitutes proof of reservation and the hirer must produce it at any stage whilst making use of the local sport facility if he or she is required by an authorised official to do so.
- (6) A hirer of a local sport facility on which any alcoholic beverage is served is responsible for ensuring that the age limit restriction contemplated in section 79(2) (b) is observed at all times.
- (7) A hirer of a local sport facility must take out an insurance policy with an insurance company approved by the Council, in an amount likewise approved, to cover any structural damage which may occur to the sport facility whilst being used by the hirer, and may also be required by the Council to take out public liability insurance, likewise approved, in respect of the death of, or injury to, any person that may occur during or as a consequence of any activity taking place during the period of hire.

**Reservation of sport facilities by the Council**

82. (1) Notwithstanding any other provision of this Part, the Council may –
- (a) for any period reserve any local sport facility for the holding of any specific sporting activity or competition and may during any such period or on any other day reserve to itself the right of admission to that facility and determine a fee for admission to that facility;
- (b) reserve any local sport facility either permanently or for such period as it deems fit.
- (2) Except insofar as is provided otherwise in subsection (1), the provisions of this Part, read with the necessary changes, remain applicable to a local sport facility reserved in terms of subsection (1) and to any person visiting or using it while it is being used for the purpose for which it was reserved.

**Group activities**

83. (1) Each participant in a group activity must be registered as a member of the group concerned, or be a bona fide guest of the group, introduced as a member; and the Council may determine a prescribed fee for the hire of a sport facility if it is used by guests in addition to the registered members of a group.
- (2) (a) Each member of a group making use of a local sport facility must be issued with a membership card either by the group, or by the Council, if the Council elects to establish a club or group for any group activity on or in that sport facility.
- (b) Any member who fails to produce his or her membership card when requested to do so by an authorised official, may be refused admission.
- (c) The holder of a membership card may not transfer it or allow it to be used by any other person.
- (3) If any membership card issued by the Council is lost, it will be replaced at the cost of the member.
- (4) A membership card must be renewed annually and, if issued by the Council, the prescribed fee therefor must be paid;
- (5) Any group activity may be organised and controlled by an authorised official, free lance instructor, volunteer or any other person, and an authorised official may be present in any instance where the activity is not controlled or organised such official.
- (6) Every group must strictly adhere to the specific period allocated to it by an authorised official for the use of a local sport facility or any part thereof, and if the use is extended beyond such period, an additional prescribed fee becomes payable.

- (7) If a local sport facility or any part thereof has been allocated to a group, either for a group activity or for any other purpose, that group must ensure that it or its members make regular use of its allocated period and that if any group is for any reason unable to use its allocated period, the authorised official who is in charge of the sport facility must be notified beforehand.
- (8) If the use of a local sport facility has been allocated to a group for a specific activity, that group is prohibited from engaging in any other type of activity on or in the sport facility concerned during the allocated period unless prior permission to do so has been obtained from an authorised official in charge of the sport facility concerned.
- (9) A group may not transfer its allocated period to any other group or person, and any alteration in the local sport facility programme must be negotiated and agreed with an authorised official in charge of the sport facility concerned.
- (10) (a) A group may be instructed by an authorised official to cancel their regular activities on a particular day due to any circumstances, including repairs and maintenance, which may require temporary closure of the whole or part of a local sport facility.  
(b) An authorised official must give prior written notice to an affected group of a proposed instruction in terms of paragraph (a).  
(c) Notwithstanding the provision of paragraph (b), an authorised official may cancel at short notice any regular activity if, in his or her opinion, a situation of emergency has arisen which renders such cancellation necessary or desirable.
- (11) Notwithstanding anything to the contrary contained in this Part, it is competent for an authorised official to suspend or terminate with immediate effect the use of a local sport facility by any person or group whose conduct or behaviour is, in the opinion of that official, prejudicial to good order or the generally accepted rules of the group activity concerned.
- (12) Any person whose participation in a group activity or use of a local sport facility is suspended in terms of subsection (11), is barred from entering into the local sport facility concerned or participating in the group activity concerned until the suspension is raised by an authorised official.

#### **Public decency**

84. (1) (a) No person may be present in or on any local sport facility, except in a change room or ablution facility specifically set aside for use by persons of the same sex, in a state of undress or any other state which is indecent or harmful in any way to the morals of any other person present in or on the sport facility at the time.  
(b) An authorised official may instruct any person to refrain from contravening paragraph (a) and such person must comply with the reasonable requirements of that official so as to remove the cause of contravention, and failing such compliance, that person may be ejected from the sport facility and denied re-entry until the offending state of undress or other state contemplated in paragraph (a) has been remedied.
- (2) No person may relieve him or herself in any part of a local sport facility other than in the ablution facilities specifically provided for that purpose and for use by members of his or her own sex.
  - (3) Any cubicle, change room and place of ablution set aside for persons of one sex may not be used by any person of the other sex and no person, other than a child not exceeding the age of five years, may enter any part of the premises which is reserved for the use of persons of the other sex.
  - (4) No person may occupy a change room for longer than is reasonably necessary to change into different attire.
  - (5) No person may use profane or indecent language or behave in an indecent manner or in any other manner which, constitutes a nuisance or hinders or interferes with the enjoyment of a local sport facility by other persons, and, if that person persists in such conduct after having been instructed by an authorised official to desist, he or she may be ejected forthwith from the sport facility by that official.

#### **Clothing an personal effects**

85. (1) Subject to the availability of an appropriate storage facility within the premises of a local sport facility, a person who has changed into appropriate attire in order to participate in a sporting activity may place his or her clothing, possessions and effects in a container provided for the purpose by an authorised official, and may deposit such container for safekeeping in the change room or any other place which an authorised official may direct.
- (2) The authorised official must give a disc or other token bearing a number or other distinguishing mark by means of which the container may be identified, to the person concerned.

- (3) Notwithstanding the provisions of subsection (2), a scholar intending to participate in a group activity organised by his or her school or a voluntary schools association, may present his or her clothing, possessions and effects for deposit in terms of this section in a neat bundle only.
- (4) The authorised official must return a container or bundle referred to in subsection (1) or (3) with all its contents to the person surrendering the appropriate disc in exchange therefor.

**Prescribed fees**

86. The person concerned must pay the appropriate prescribed fee for admission to, or hire or use of, any local sport facility and any other prescribed fee contemplated in this Part.

**Generally prohibited conduct**

87. No person may –

- (a) wilfully or negligently destroy, damage or deface any part of a sport facility, including any feature, fixture, fitting or appliance contained therein or any article supplied by the Council for use in a local sport facility;
- (b) throw, deposit or drop or cause to be thrown, deposited or dropped any refuse, glass, tin, paper, fruit, fruit peels, sharp object or any other object that is perishable, offensive or that may interfere with the cleanliness of a local sport facility or that may cause annoyance, danger, injury or accident to any other person inside a sport facility; other than inside a refuse bin or container provided by the Council for that purpose;
- (c) remove or in any way interfere with any gravel, sand, sod, turf, mould or other substance covering the surface of a local sport facility;
- (d) except where special provision therefor has been made by the Council, light any fire or do any act which may cause any substance or thing to catch fire inside a local sport facility;
- (e) walk upon or recline in any flowerbed or lawn on the premises of a local sport facility or draw, drive or propel thereon any vehicle or machine of whatsoever nature in contravention of any propitiatory notice displayed in a conspicuous place therein or thereon;
- (f) encroach upon or build any enclosure, make any hole, or erect or place any peg, spike, tent, booth, screen, stand, swing or any other building, erection or structure of on or within a local sport facility, without written authority from an authorised official;
- (g) except in any place and at any time prescribed by these or any other By-laws or by a notice displayed at the entrance to a local sport facility, drive, draw or propel any vehicle within a local sport facility-
  - (i) other than a wheelchair, whether propelled by electrical power or not, or perambulator propelled by hand and used solely for the conveyance of an invalid or a child;
  - (ii) except in any place where access of vehicles is allowed; or
  - (iii) in excess of the speed limit indicated by a notice displayed in the local sport facility.
- (h) sell, hawk, advertise, place any advertisement, offer or expose any article for sale or hire or distribute any pamphlet, book, handbill or other written or printed matter inside a local sport facility without the prior written permission of an authorised official;
  - (i) tamper with or in any way interfere with the action or function of any lock, cock, tap, valve, pipe or other appliance or any machine in a local sport facility.
  - (j) otherwise do anything which may endanger the safety of others or constitute a nuisance, obstruction or annoyance to member of the public, either inside or outside a local sport facility.

**Animals**

88. Unless where otherwise allowed by a notice displayed in a conspicuous place at the entrance to a local sport facility, or the sport facility is designed or has been hired out for an activity that necessarily involves the presence of animals, no animal other than a guide dog may be brought into a local sport facility, without the prior written permission of an authorised official.

**Infectious diseases**

89. No person who is suffering from or is in quarantine for any infectious or contagious disease may enter or seek admission to any local sport facility.

**Firearms and traditional weapons**

90. No firearm or traditional weapon may be brought into a local sport facility, unless, subject to the availability of a safe or other appropriate storage facility at the entrance to a local sport facility, it is surrendered to an authorised official for safe keeping and must be collected from that official when leaving the local sport facility.

**Disturbance by sound systems**

91. No amplified music or sound relayed through a public address system is allowed in a local sport facility without the prior permission of an authorised official and then only in an area specified by that official and any sound system must be positioned in such a way that sound travels to the interior of the sport facility with volume at a moderate level so that it will not disturb the peace and quiet of the surrounding community.

**Sale of food and refreshments**

92. No person may, without the prior written permission of the Council and, subject to compliance with any other law, prepare or sell food or refreshments within a local sport facility or in the immediate vicinity of an entrance thereto.

**Filming and photographs**

93. (1) No person may without the prior written permission of an authorised official film or take a photograph for reward or anticipated profit, on or in a local sport facility.

(2) Written permission must be obtained from the Council for the filming of commercial material or documentaries, which is subject to payment of a prescribed fee.

**Sport advisory forum**

94. The Council may establish a sport forum or sport council to assist and advise it in connection with the management of any or all of its local sport facilities, and sport representatives and members of groups may be elected to serve on such a body.

## CHAPTER 4 MISCELLANEOUS

**Definitions and interpretation**

95. (1) In this Chapter, unless the context otherwise indicates, "authorised official" and "Council" bears the same meaning as defined in section 20.

(2) Section 1 (2) applies equally to this Part.

**Animals in facilities**

96. (1) Subject to any provision to the contrary contained in these By-laws, no dog, except a guide dog accompanying a blind person, or other pet may be brought into the premises of any facility contemplated in these by-laws, except with the prior written permission of an authorised official or other employee of the Council in charge of the facility concerned.

(2) Permission in terms of subsection (1) may not be granted in respect of –

- (a) any area inside, or occupied by, any building or structure;
- (b) the premises of any swimming pool; or

(c) any area where the presence of dogs or other pets are prohibited by a notice displayed by the Council.

(3) Any dog in respect of which permission has been granted in terms of subsection (1) must while it is on the premises concerned, at all times be on a leash and under control by its owner or other person in charge of the dog.

(4) Any excretion left by a dog on premises contemplated in this section, must immediately be removed by the owner or person in charge and be deposited in a waste receptacle provided by the Council or removed from the premises.

**Offences and penalties**

97. Any person who –

- (a) contravenes or fails to comply with any provision of these By-laws;
- (b) fails to comply with any notice issued or displayed in terms of these By-laws; or
- (c) fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) who obstructs or hinders any authorised official, other official or representative, of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months.