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## **LOCAL AUTHORITY NOTICES**

### **LOCAL AUTHORITY NOTICE 985**

## **KUNGWINI LOCAL MUNICIPALITY**

### **LOCAL AUTHORITY NOTICE NUMBER: 44 OF 2008**

#### **VARIOUS BY-LAWS**

The Municipal Manager of the Kungwini Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the various By-Laws for the Kungwini Local Municipality as approved by it's Council as per Council Resolution KA70/28-3-2008, and as set out hereunder.

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**Notice No: 44/2008**

# KUNGWINI LOCAL MUNICIPALITY

## BY-LAWS: CONSOLIDATED BUILDING REGULATIONS

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# **1. KUNGWINI MUNICIPAL COUNCIL BY-LAW ON THE GOVERNING OF BUILDINGS**

The purpose of this by-law is to govern buildings. It will also govern the processes involved in the design and construction of all buildings and other man-made structures to be erected in the council area. This will ensure the interests of the Kungwini community are maintained and effective governance is achieved in a manner that complies with the objectives of the South African Constitution.

## **2. DEFINITIONS**

The following list of definitions is provided to facilitate the accurate interpretation of this by-law. For the purposes of this by-law, unless the context otherwise indicates:

"Act" and "Regulations"	means the National Building Regulations and Building Standards Act, Act 103 of 1977, and means the National Building Regulations defined in the Act
"adequate"	means sufficient, in the opinion of the Council, after they have considered all aspects of a specific case, or fitting or other object, including the accepted principles of drainage installation and the use to which an object or fitting may be put
"antisiphonage pipe"	means a ventilation pipe designed to prevent damage to a water seal or trap from siphonage or backpressure
"approved"	means that the council has accepted the proposal or application for use, after they have considered all the circumstances of the case, the principles of drainage installation and, in the case of any appliance fitting or other object, how it will be used
"cleaning eye"	means a permanently accessible opening to the interior of a discharge pipe or trap for internal draining
"communication pipe"	means a pipe leading from a main to the premises of a consumer as far as the nearest street boundary of the premises or, where a meter is installed inside the premises, as far as the inlet of the meter
"connecting sewer"	means that part of a sewerage system which belongs to the Council and through which a drain is connected to the Council's sewer
"connection"	means the point at which a drain is connected to a connecting sewer
"conservancy tank"	means a tank used for storage of effluent from a drainage installation and which is emptied from time to time
"consumer"	means <ul style="list-style-type: none"> <li>the owner, or occupier, of a premises to which the Council has contracted to supply water; or,</li> <li>a person who has entered into a contract with the Council for the supply of water; or,</li> <li>a person who lawfully obtains water from the council</li> </ul>
"Council"	means the Council of the Kungwini Local Municipality, or the Municipality
"drain"	means that portion of a drainage installation on any premises, excluding <ul style="list-style-type: none"> <li>a soil-water pipe,</li> <li>waste-water pipe,</li> <li>ventilation pipe or</li> </ul>

	<ul style="list-style-type: none"> <li>• antisiphonage pipe,</li> </ul> <p>which belongs to the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to</p> <ul style="list-style-type: none"> <li>• a connecting sewer,</li> <li>• a common drain,</li> <li>• a conservancy tank or</li> <li>• a septic tank</li> </ul> <p>situated on the premises</p>
"drainage installation"	<p>means an installation which belongs to the owner of a premises for collecting and conveying sewage. It includes a</p> <ul style="list-style-type: none"> <li>• drain,</li> <li>• soil-water pipe,</li> <li>• stack,</li> <li>• waste-water pipe,</li> <li>• ventilation pipe,</li> <li>• antisiphonage pipe,</li> <li>• soil-water fitting,</li> <li>• waste-water fitting,</li> <li>• mechanical appliance or</li> <li>• any other appliance or fitting, or combination thereof</li> </ul>
"drainage work"	<p>means the:</p> <ul style="list-style-type: none"> <li>• construction, or reconstruction</li> <li>• alteration of or</li> <li>• addition to a drainage installation, or</li> <li>• any work done in connection with a drainage installation,</li> </ul> <p>but does not include any work undertaken solely for repair or maintenance purposes</p>
"Floor area"	<p>means the plan area of a storey including all wall thicknesses, corridors, staircases, lift wells, balconies, loggias, access ramps to car parking areas, projection canopies within the boundaries of the site, and usable roofed areas on each floor level as well as all space contained within the outer limits of the external walls of the building at all levels</p>
"industrial effluent"	<p>means any liquid, with or without solid matter in solution or suspension, which is emitted in the course of or as a result of any trade or industrial operation, including a mining operation, and includes any liquid besides soil, waste, or storm water</p>
"main"	<p>means a pipe, aqueduct or other work which is managed solely by the Council and which is used by the Council to convey water to consumers, but does not include a communication pipe</p>
"official"	<p>means a person employed and/or authorised by the Council</p>

"owner"	<p>means:</p> <ul style="list-style-type: none"> <li>the person who owns the legal title to land or property, or who would receive the rent or profits if the land or property were leased, whether for his or her own account, or as an agent for a person entitled to the rent or profit;</li> <li>where the person who owns legal title to premises is insolvent or dead, or under any form of legal disability whatsoever, the person who acts as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; and</li> <li>in relation to - <ul style="list-style-type: none"> <li>a piece of land marked on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986),</li> <li>the developer, or the body corporate, in respect of the common property; or a section as defined in the Sectional Titles Act, 1986,</li> <li>the person in whose name the section is registered under a sectional title deed and includes the lawfully appointed agent of the person</li> </ul> </li> </ul>
"piece of land"	<p>means:</p> <ul style="list-style-type: none"> <li>a piece of land registered in a deeds registry as an erf, stand, lot, plot or other area or as a portion or a subdivision portion of the erf, stand, lot, plot or other area; or</li> <li>a defined portion 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 concerned with mining operations and is not intended as a public place</li> </ul>
"premises"	<p>means a piece of land, the external surface boundaries of which are delineated on:</p> <ul style="list-style-type: none"> <li>a general plan or diagram registered in terms of the Land Survey Act, Act 8 of 1997, or in terms of the Deeds Registries Act, Act 47 of 1937; or</li> <li>a sectional plan registered in terms of the Sectional Titles Act of 1986;</li> </ul>
"purified sewage effluent"	means water discharged from a water care works after the water has been purified, either into a watercourse or for re-using;
"sanitary fitting" or "sanitary appliance"	means a soil-water fitting or waste-water fitting;
"septic tank"	means a tank designed to receive sewage in which bacteria is used to adequately decompose the organic matter in the sewage;
"sewage"	means soil water, waste water and/or industrial effluent, both separately or together;
"sewer"	means a pipe with fittings which belongs to the Council and which may be used for the transport of sewage;
"soil water"	means water mixed with human or animal excreta;
"soil-water fitting"	means a fitting that is used to receive and discharge soil water;

"soil-water pipe"	means a pipe, other than a drain, that is used to convey soil water with or without waste water;
"stack"	means the main vertical component of a drainage installation or any part of the drainage installation other than a ventilation pipe;
"storm water"	means water resulting from rain, snow, hail, spring floods and ground water;
"tariff"	means the tariff the Council charges for sewerage services,
"trap"	means a pipe fitting or sanitary appliance designed to hold a water seal in position;
"ventilation pipe"	means a pipe or portion of a pipe which leads to the open air at its highest point and which does not hold any liquid, but is used to ventilate a drainage installation in order to prevent the water seals from being destroyed;
"waste water"	means used water that has not been polluted by soil water or industrial effluent, but does not include storm water;
"waste-water fitting"	means a fitting that is used to receive and discharge waste water;
"waste-water pipe"	means a pipe, other than a drain, that is used to convey waste water only;
"water care works"	means a water works for the purification, treatment or disposal of effluent;
"water seal"	means the water in a trap which serves as a barrier against the flow of foul air or gas.

### 3. SCOPE OF THIS BY-LAW

This by-law:

is supplementary to the National Building Regulations and

is applicable to every building, sewerage installation and water installation in the Kungwini Municipality

applies to the operation and maintenance of the installation of any sewerage or water installation in any new or existing building whether or not that modification is required by the Council in terms of the National Building Regulations, or this by-law.

Any building, sewerage installation or water installation may, at any time after its completion and commissioning, be subject to inspection, approval, tests and/or control as and when the Council decides.

### 4. STREETS AND PAVEMENTS

Catheads, Cranes and Platforms:

No cathead, lifting crane, platform or other similar device may overhang any street or sidewalk without the special consent of the Council.

Slab Footways and Pavements:

The owner or occupier of a piece of land adjoining a street may lay or construct a slab footway or pavement on the portion of the verge of the street which is intended for exclusive use as a street or sidewalk.

The paving or slabs for a slab footway or pavement must be laid to the grade, line and cross-fall determined by the Council and must meet the following further requirements:

For ordinary paving or slabs the minimum cross-fall is 1:100 and the maximum cross-fall is 1:25.

Non-skid paving or non-skid slabs of a type to be approved by the Council up must be used when the cross-fall is between 1:25 and 1:15, provided that the cross-fall does not exceed 1:15.

Longitudinal grades may not be steeper than 1:25 for ordinary paving or ordinary slabs, and non-skid paving or non-skid slabs must be used for longitudinal grades of between 1:25 and 1:15, provided that the longitudinal grade does not exceed 1:15.

If a motor driveway is positioned on a kerb, intersecting footway or pavement, the opening must be paved or slabbed.

Council may impose, on any slab footway or pavement, any conditions it feels necessary to maintain public safety, protection of property and other relevant circumstances.

#### Plants on Street Verges:

The owner or occupier of a piece of land adjoining a street may grade and plant grass on the piece of land up to the street used by vehicles.

The owner or occupier of a piece of land adjoining a street may plant flowers or small shrubs on a strip of land not exceeding 1m wide immediately joining the piece of land.

The Council may impose conditions as it feels necessary to limit the planting of grass, flowers and small shrubs, having considered public safety, the protection of property and any other relevant circumstances.

#### Street Gutter Bridges:

No person may, without the express permission of the Council, bridge over or enclose any gutter or storm water drain that is managed by the Council.

#### Encroachments.

With the consent of the Council:

a cantilevered overhanging roof may be erected over a street boundary or building line, no less than 2,75 m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof;

foundations that are at least 0,75 m under the ground level may exceed a street boundary or building line by a maximum of 0,5 m;

a sunshade or overhead lamp may exceed a street boundary or building line, provided that there is a head clearance of not less than 2,1m, measured from the finished ground level to the lowest point of the sunshade or overhead lamp; and

a projection from any eaves may exceed a street boundary or building line.

#### Restriction on the Erection of Buildings within the One-In-Fifty-Year Flood-Line:

Without the express permission of the Council, no building may be erected so that it is, at its nearest point to a natural watercourse, nearer to the centre of the natural watercourse than to a line indicating the maximum level likely to be reached every fifty years, on average, by flood water in the watercourse.

Council will be the sole judge of the position of the line and the centre of the natural watercourse.

A natural watercourse means a topographic land depression that collects and conveys surface storm water in a definite direction. This includes any clearly defined natural channel that conveys water in a definite course between visible banks, whether or not the channel's layout has been changed by artificial means and whether or not the channel is dry during any period of the year. This channel may include any river, spruit or stream.

**Relay of Storm-water from High-Lying Erven to Lower-Lying Erven:**

If, in the opinion of the Council, it is not viable for storm water to be drained from a high-lying erf direct to a public street, the owner of a lower-lying erf will accept and permit the passage of the storm water over the lower-lying erf.

The owner of the high-lying erf from which storm-water is discharged over the lower-lying erf must pay a part of the cost of any pipe-line or drain that the owner of the lower-lying erf may construct so that the storm-water is discharged.

**Enclosures:**

Where a piece of land is enclosed, the enclosure must be designed, erected and maintained in accordance with Schedule I and any other provisions of this by-law.

**Roofs:**

Sheet metal that is used for a roof and is visible from a street or surrounding erf must be properly painted within 15 months after construction, if the Council finds it necessary.

No roof surface may have a luminous finish.

**5. SEWERAGE - GENERAL PROVISIONS****Connection to Sewer:**

No part of any drainage installation may extend beyond the boundary of the piece of land on which the building or part of the building served by the drainage installation is erected, provided that:

where the Council feels it should be done, the Council may permit the owner of the piece of land to lay a drain, at his or her own expense, through an adjoining piece of land.

this may be undertaken on submission of proof of registration of an appropriate servitude, or of a notarial deed of joint drainage, as the Council may require.

The owner of any premises must, 14 days before the drainage installation on his or her premises is ready for connection to a connecting sewer, advise the council of their intention to connect. As soon as the Council has provided the connecting sewer, the owner must connect the drain to the connecting sewer at their own expense. The connection and drainage installation must comply with the requirements of the National Building Regulations regarding the inspection and testing of drainage installations.

Any alternative or additional connection required by the owner of any premises is subject to the approval of the Municipality and must be carried out at the owner's expense.

No person will allow, for testing purposes, the entry of any substance whatsoever other than clean water into any drainage installation before it has been connected to a sewer.

Unless specifically authorised by the Council in writing, no person other than an official, may lay and connect any connecting sewer to a sewer.

The removal of sewage from two or more premises, by means of a common drain, to a connecting sewer may be authorised by the Council.

**Disconnection of Drainage Installations and Conservancy and Septic Tanks:**

If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for the use of a conservancy tank or septic tank is withdrawn, the owner of the premises on which the conservancy tank or septic tank is situated must:

disconnect the conservancy tank or septic tank, and



either completely remove or fill the tank with earth or other suitable materials.

The Council may require the conservancy tank or septic tank to be dealt with in a different manner, or may permit it to be used for some other purpose. This decision will be dependant on the compliance with the conditions that the council may consider necessary.

After the tanks have been disconnected, the Council will issue a certificate to the effect that:

the disconnection has been completed in terms of the National Building Regulations; and

any sewerage charges prescribed in the tariff and raised in respect of the disconnected portion of the drainage installation will stop being raised for the disconnected portion with effect from the first day of the month following the issue of the certificate.

Until the certificate is issued by the council, all relevant charges will continue to be raised.

When a drainage installation on any premises is disconnected from the sewer, the council will seal the opening made and recover the cost of the work from the owner of the premises.

Any person who, without the permission of the Council, breaks, removes or causes or permits the breakage or removal of a seal that has been put in place as previously described is guilty of an offence under this by-law.

Where a soil-water fitting has, during the month, been connected to or disconnected from a drainage installation that discharges into a sewer system, the charge as prescribed in the tariff (excluding the fixed charge) will be calculated as if the connection or disconnection had been made on the first day of the month following the month in which the connection or disconnection was made.

#### Drainage Work That Does Not Meet the Requirements:

Where a drainage installation or drainage work that has been done on any premises fails to comply with any of the provisions of the National Building Regulations or this by-law, the owner of the premises must, on receiving written notice from the Council, carry out any repairs, replacements, maintenance work or alteration to the drainage installation as the council notice specifies.

These repairs, replacements, maintenance work or alterations must be completed within the time that the notice specifies.

If, in the opinion of the Council, a nuisance exists as a result of the emission of gas from a trap, sanitary fitting or any other part of a drainage installation on any premises, the council may require the owner of the premises to, at his or her own expense, take action as necessary to prevent the recurrence of the nuisance.

Where any sewage, after being discharged into a drainage installation, enters or overflows a soil-water fitting or waste-water fitting connected to the drainage installation on any premises, or leaks out somewhere from the drainage installation, the Municipality may, by notice in writing, require the owner of the premises to carry out the work necessary to stop and prevent any recurrence of the entry, overflow or leakage of sewage within the period specified in the notice.

Instead of serving a notice, or where the notice has not been complied with within the prescribed period, the Council may:

carry out any alteration, removal or other work as it may feel necessary to make the system comply with the provisions of the National Building Regulations or this by-law; and

recover the cost of the alteration, removal or other work from the owner

Where any work, other than that for which a fixed charge has been determined in the tariff, is done by the Council, the Council is entitled to recover the cost of the work from the owner of the premises.

**Maintenance:**

Where any part of a drainage installation is used by more than one owner or occupiers of any one or more premises, the owners or occupiers are, jointly and severally, responsible for the maintenance and repair of the drainage installation.

**Drain and Sewer Blockages:**

No person may allow an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting so that it causes a blockage or ineffective operation of the trap, tank, pipe, drain or fitting.

If the owner or occupier of any premises believes that a blockage has occurred in any drainage installation on the premises, he or she must immediately inform the Council of the blockage and take steps to have it removed.

Where a blockage occurs in a drainage installation, any work necessary for the removal of the blockage must be done by, or under the supervision of, a plumber or registered person, as required by the National Building Regulations in regard to the control of plumbers and plumbing work.

**Any plumber or registered person must:**

before removing any blockage from a drainage installation, notify the Council by telephone or otherwise of his or her intention to remove the blockage; and

after removing the blockage, notify the Council of the removal of the blockage and the nature, location and cause of the blockage.

The Council may, at its own discretion, remove a blockage from a drainage installation on any premises and, whether or not it has been requested by the owner of the premises to do so. The Council may recover the costs of the removal from the owner.

Should the removal, by the Council, of any blockage in a drainage installation cause the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Council will not be liable for the replacement of the paving, lawn or other artificial surfacing.

Should any drainage installation on any premises overflow as a result of an blockage in the connecting sewer, if the Municipality is reasonably satisfied that the obstruction was caused by objects coming from the drainage installation, the owner of the premises served by the drainage installation will be liable for the cost of removing the blockage and the Council may recover the costs from the owner.

Where a blockage has been removed from a drain or portion of a drain that serves two or more pieces of land, the charge for removal of the blockage, as prescribed in the tariff, is recoverable in equal portions from each of the owners of the pieces of land as the owners are jointly and severally responsible for the whole charge.

**Interference with, or Damage to, Sewers and Water Care Works:**

Any damage caused to the Municipality's sewer or any part of its sewerage, or water care works through or as a result of noncompliance with, or contravention of, any provision of the National Building Regulations, or this by-law will be rectified, or repaired, by the Council at the expense of the person responsible for the contravention or noncompliance. The cost of rectifying or repairing the damage will be determined by the Council.



#### Access to Premises:

A Council Official has the right to enter any premises, at any reasonable time in order to take samples of colour or test sewage, or industrial effluent, or to carry out the inspection or work in connection with a drainage installation as the Council may consider necessary.

The owner, or occupier, of any premises will be guilty of an offence under this by-law if he or she, in respect of an official entering the premises:

denies the official entry to the premises or orders or allows any other person to deny the officer entry;

obstructs the official in the performance of the official's duties or orders or allows any other person to obstruct the official;

withholds information that the official needs to carry out his or her duties or orders or allows any other person to withhold the information; or

knowingly gives the official false information or orders or allows any other person to give the officer the false information.

#### Manholes on Municipal Property:

Where, for any reason whatsoever, there is inadequate access to the Council's connecting sewer on any private premises, the council may, at the expense of the owner of the premises, construct a manhole over the council's connecting sewer in a public place and position. The materials and dimensions of the manhole will be defined by the Council. The owner will be responsible for the necessary cost of the alteration to existing services in the public place.

The owner of the private premises mentioned above must, if required by the Council, pay rental to the council for the space occupied by the manhole in the public place. The rental will be determined by the council.

#### Mechanical Food-Waste and Other Disposal Units:

No person may incorporate a mechanical food-waste, other disposal unit or garbage grinder into a drainage installation that has a power capacity in excess of 500W unless a standard water meter has been connected to the supply pipe that provides water to the unit or grinder, provided that:

the council installs and seals the water meter at the cost of the owner; and

the Council has the right of access to the water meter at all times.

The council may require the owner or occupier of any premises on which a food-waste, other disposal unit or a garbage grinder has been installed, or the owner of the unit or grinder to remove, repair or replace the unit or grinder if, in the opinion of the Council, the unit or grinder is functioning inefficiently or is impairing the working of the Council's sewerage system.

The owner or occupier referred to above must, within 14 days of the removal of the unit or grinder, notify the Council.

The charges, as prescribed in the tariff, must be paid in respect of the discharge of a food-waste or other disposal unit, or a garbage grinder referred to above.

### PREVENTION OF WATER POLLUTION

#### Sewage and Other Pollutants Not to Enter Storm Water Drains:

The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed, or generated, must provide all the facilities necessary to prevent any discharge, leakage or escape of the liquid into any street, storm water drain or watercourse, except where, in the case of steam, the council has specifically permitted the discharge.

whether natural or artificial; or

contribute to the pollution of any watercourse,

the Municipality may instruct the owner of the premises to, at his or her own cost, alter the drainage installation or roofing of the open area as the Council to prevent or minimise the discharge or pollution likely to be:

caused by the hosing down or the flushing by rainwater of an open area on any private premises;

caused by the discharge of objectionable matter into a street gutter, storm water drain, river, stream or other watercourse;

#### Storm Water Not to Enter Sewers.

No person may discharge or allow any storm water or substance, other than sewage, to be discharged into a drainage installation.

#### Discharge from Fountains, Boreholes, Wells, Reservoirs and Swimming Pools:

Water from fountains, boreholes, wells, reservoirs or swimming pools situated on private premises may only be discharged into a drainage installation with the prior written consent of the Council and subject to the conditions relating to place, time, rate of discharge and total discharge as the Council imposes.

#### Permission to Discharge Industrial Effluent:

No person may discharge, instruct or allow to be discharged, into any sewer, any industrial effluent, or other liquid, or substance other than soil water or waste water without the prior written permission of the council and, if the permission has been obtained, the discharge must be in strict compliance with all of the conditions set by the Council.

Every person must, before discharging any industrial effluent into a sewer, apply, in writing, to the Council for permission to discharge the industrial effluent. The application must be made on the prescribed form, which is to be completed in duplicate. After the application is made, he or she must furnish the additional information and submit the samples that the council may require.

The Council may, at its discretion, grant permission for the discharge of industrial effluent from any premises into a sewer. The permission will only be granted once the capacity of the sewer, or any mechanical appliance used for the sewage, or any water care works, whether or not it belongs to the Council, provided that the conditions that the Council may choose to impose to impose are complied with, including the payment of any charge prescribed in the tariff has been considered.

Any person who has received permission to discharge industrial effluent into a sewer must notify the Council in writing of the date and the nature of the proposed change before doing or instructing or allowing the discharge to be done

Any person who discharges or instructs or allows any industrial effluent into a sewer without having first obtained permission to do so will be guilty of an offence and is:

liable to the charge, prescribed in the tariff or as the Council may determine for the conveyance and treatment of the effluent that is discharged; and

be responsible for any damage caused as a result of the unauthorised discharge.

If any person discharges any industrial effluent or substance which is prohibited or restricted in terms of this bylaw, or which has been the subject of an order issued in terms of this bylaw, into a drain or sewer, the council may recover from the person the full cost of expenses or charges incurred, or to be incurred by the Council and the full cost of losses suffered, or to be suffered, by the Council as a result of any, or all, of the following:

Injury to people or damage to any sewer, any water care works, any mechanical appliance or any property whatsoever caused by the breakdown, either partial or complete, of a sewer or water care works or mechanical appliance, whether under the control of the Municipality or not; or

a prosecution in terms of the Water Act, 1956 (Act 54 of 1956), or any action against the Council following a partial or complete breakdown of a sewer, water care works or mechanical appliance caused directly or indirectly by the discharge, including any fine or damages which may be imposed or awarded against the Council.

The Council may, at any time:

review, amend, modify or revoke any permission given, or any conditions attached to the permission;

impose new conditions for the acceptance of industrial effluent into a sewer; or

prohibit the discharge of any or all industrial effluent into a sewer, provided that:

the Council gives adequate written notice in advance of its intention to take the measures contemplated above; and

on expiry of the period defined in the notice, the previous permission or conditions are regarded as having lapsed and the new or amended conditions, apply immediately.

#### Control of Industrial Effluent:

The owner or occupier of any premises from which industrial effluent is discharged into a sewer must provide adequate facilities like overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means to prevent the accidental discharge into a sewer of any substance that is prohibited or restricted, or has properties outside the limits imposed by this by-law. This is irrespective of whether the accidental discharge is owing to the negligence of an operator, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or any other similar reason.

If the owner or occupier of any premises on which industrial effluent originated intends treating the industrial effluent before discharging it, he or she must obtain prior written permission from the Council.

The Council may, by written notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him or her to do all or any of the following:

The owner or occupier must pre-treat the industrial effluent, before it is discharged into the sewer, to ensure that the industrial effluent will conform in all respects with the requirements of this bylaw. The owner or occupier must modify the effluent cycle of the industrial process so that, in the opinion of the Council, any water care works receiving industrial effluent, can produce treated effluent from the supply which can meet the standards laid down in the water care works Water Act of 1956.

The owner or occupier must:

restrict the discharge of industrial effluent to certain specified hours and restrict the rate of discharge to a specified maximum; and

install, at his or her own expense, the tanks, appliances and other equipment that is, in the opinion of the Council, necessary or adequate for compliance with the restrictions.

The owner or occupier must install a separate drainage installation for the conveyance of industrial effluent. This installation must discharge the industrial

effluent into the sewer through a separate connection, as directed by the Council. The owner or occupier must refrain from:

discharging any industrial effluent through a drainage installation intended or used for the movement of domestic sewage; or

discharging any domestic sewage through the separate installation for industrial effluent.

The owner or occupier must construct one or more inspection, sampling or metering chambers of the dimensions and materials and in the positions that the Council prescribes in the sewage drainage and at their own expense.

Where industrial effluent is discharged from any premises, the owner or occupier must pay the charge determined in the tariff. Should the council not be able to assess the actual chemical oxygen demand (COD) or permanganate value (PV) and the concentration of metals in the industrial effluent in the manner prescribed by the South African Bureau of Standards (SABS), the Council will use any alternative method of assessment that it feels appropriate. The charge for the assessment will be assessed accordingly and charged to the owner or occupier.

The owner or occupier must provide all the information required by the council to enable it to assess the charges payable in terms of the tariff.

the owner or occupier must provide and maintain, at his or her own expense, a meter or meters to measure the total quantity of water which is drawn from any borehole, spring or other source of water, excluding that of the council, Used on the premises and which is discharged as industrial effluent into the sewer.

#### Metering and Assessment of the Volume and Composition of Industrial Effluent:

The Council may incorporate, in any position it may decide and in any drainage installation conveying industrial effluent to a sewer, meters or gauges or other devices for the purpose of identifying the amount of and composition of the industrial effluent.

It is an offence for any person to bypass, open, break into or otherwise interfere with or do damage to any meter, gauge or other device.

The Council may, at its discretion, enter into an agreement with any person discharging industrial effluent into a sewer, to establish an alternative method of assessing the quantity of industrial effluent discharged.

The Council may install and maintain a meter, gauge or device at the expense of the owner of the premises on which it is installed.

The owner of any premises who has a borehole or well used for a water supply for trade or industrial purposes must:

register the borehole or well with the Council;

give the Council all information on the capacity of the borehole or well; and

if the Council has reason to doubt the reliability of the particulars given it will carry out tests on the discharge capacity of the borehole or well as is necessary. These tests will be at the owner's expense.

#### PROHIBITED DISCHARGES

No person may discharge, instruct or allow the discharge entry into any sewer of any sewage, industrial effluent or other liquid or substance which:

in the opinion of the Council, may be offensive to the public or cause a nuisance to the public;

is in the form of steam or vapor or has a temperature exceeding 44 °C at the point at which it enters the sewer;

has a pH value less than 6,0 or greater than 10,0;

contains any substance whatsoever that is likely to produce or emit explosive, flammable, poisonous or offensive gases or vapors in the sewer;

contains a substance having a flashpoint of less than 93 °C or which emits a poisonous vapor at a temperature below 93 °C;

contains any material whatsoever, including oil, grease, fat or a detergent, which is capable of causing interference with the proper operation of any water care works;

shows any visible signs of tar or associated products or distillates, bitumen's or asphalts;

contains a substance in concentration that is likely to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam after it has gone through the final treatment at any water care works;

No person may discharge all instruct or allow the discharge or entry into a sewer of any of the substances specified in Schedule II unless the concentration is less than the defined concentration unless:

the Council has approved a greater concentration limit for a defined period or on the conditions it specifies when it considers the

effect of dilution in the sewer and the

effect of the substance on the sewer or on any sewage treatment process

the Council is satisfied that the discharge or entry of the substance into the sewer will not:

damage the sewer or any mechanical appliance, water care works or equipment;

prejudice the use of sewage for re-use; or

adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage; and

contains any substance whatsoever which, in the opinion of the Council:

is not amenable to treatment at any water care works, or

which causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or

is able to be treated to change the effluent so that it does not impact the final treated effluent from a water care works from satisfactorily complying in all respects with any requirement imposed in terms of the Water Act of 1956; or

whether listed in Schedule II or not, either alone or in combination with other matter may:

- I. generate or constitute a toxic substance that is detrimental to the health of persons employed at the water care works or persons entering the Council's sewers or manholes;
- II. be harmful to sewers, water care works or land used for the disposal of purified sewage effluent;
- III. adversely affect any of the processes used to purify sewage or where purified sewage effluent is used.



Any person who receives a written order from an official instructing them to stop the discharge into a sewer of any substance referred to above must immediately stop the discharge. Any person who contravenes the required provisions or who fails to comply with an order issued in terms of this by-law is guilty of an offence.

The council may, after sending a further written notice, refuse to permit the discharge of any industrial effluent into the sewer until the industrial effluent complies with the Council's requirements as prescribed in terms of this by-law. This applies to any person who

fails to comply with the terms of an order served on him or her and

the council suspects will discharge an existing or potential discharge that will cause damage to a sewer, mechanical or other appliance or to seriously prejudice the efficient operation of any water care works.

Any person who has been refused permission to discharge industrial effluent into a sewer must immediately stop the discharge. If he or she fails to do so, the Council may prevent him or her from proceeding with the discharge.

## **8. WATER**

### **Connection from Main**

Any communication pipe that is intended for prevention, or be used in the event, of fire must be laid by the Municipality as far as the boundary of the consumer's property.

This communication pipe may only be used for fire extinguishing purposes.

No water may be drawn off from the main, except to an automatic sprinkler and drencher, hydrant connection or any connection necessary for the pressure tank on the top of a building. This tank must be controlled by a suitable ball tap.

**Valves in Communication Pipes:** Every communication pipe must be fitted with a proper stop valve, which:

- must be supplied by the Council at the expense of the consumer to whose premises the communication pipe leads;
- must be installed between the consumer's premises and the main;
- must be of the same diameter as the communication pipe; and
- must be in the position that the Council determines.

### **Additions to Fire Extinguishing System.**

No extra sprinklers may be added or connected to any existing fire extinguishing system after the system has been connected to the main without the written consent of the Council.

### **Extension of Fire Extinguishing System to Other Premises:**

No extension or connection may be made to the fire extinguishing system of one premises to any other premises. If an extension or connection is made, the Municipality may enter any premises and take the necessary steps to disconnect the extension or connection at the cost of the person who made the extension or connection.

### **Inspection and Approval of Fire Extinguishing Services.**

No supply of water may be made or given for a fire extinguishing service until the fire extinguishing system has been inspected and the Council has certified in writing that:

the service is in accordance with this by-law; and

the work in connection with the system has been carried out to the Council's satisfaction.

**Connections to be to the Satisfaction of the Council:**

Any connection to a main for a fire extinguishing service must be installed to the satisfaction of the Council. The Council is entitled to disconnect any fire extinguishing service at any time.

**Installation of Reflux Valves:**

In any private installation where a fire pump connection is installed, a reflux valve must be installed between the boundary of the premises and the fire pump connection to close off the supply from the Council's main when the fire pump connection is being used.

**Sprinkler Systems.**

A sprinkler system may be installed in direct communication with a main, but the Council does not guarantee any specified pressure of water at any time.

When an automatic sprinkler system on any premises has been installed and completed, the owner of the premises must advise the Council, in writing, within 14 days of the date of completion of the installation of the sprinkler system.

**Header Tanks and Duplicate Supply from Main:**

If a header tank is installed above ground level, it must be provided with an overflow pipe which discharges in a position that is easy to observe and which may not be led away by any down-pipe to a drain.

**9. NOTICES**

**Notices:**

Every notice, order or other document issued or served by the Council in terms of this by-law is valid if signed by an official who is authorised.

Any notice, order or other document served on any person in terms of this by-law must be served in the following manner:

The notice, order or other document, or a certified copy, must be delivered personally to the person to whom it is addressed or must be delivered to his or her last-known residence or place of business; or

the notice, order or other document, or a certified copy, must be posted to the person to whom it is addressed at his or her last-known residence or place of business. It will be considered to have been served 5 days after it was posted.

In every notice, order or other document issued or served in terms of this by-law, the premises to which the notice, order or document relates must be specified. The person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

**10. PENALTIES**

Any person contravening or failing to comply with any provision of this by-law will be guilty of an offence and on conviction will be liable to a fine not exceeding R5000.00 or to imprisonment for a period not exceeding 12 months or both.

**11. SCHEDULE I: CONDITIONS WITH WHICH ENCLOSURES MUST COMPLY**

**Height Restrictions.**

No enclosure (except an enclosure on an erf zoned Industrial or Business) may exceed a height of 2,1m, irrespective of the type of material from which the enclosure is made.

In accordance with the above, barbed wire or similar wire or safety spikes may only be erected on an enclosure from a height of 1,75 m.

**Design and Appearance.**

An enclosure referred above must comply with the following conditions if the enclosure is visible from an adjacent street or public open space:

All surfaces of the enclosure, visible from an adjacent street or public open space must:  
be skillfully finished;  
be of good quality material;  
be without any defects; and  
have an exposed or finished side.

All painted surfaces of the enclosure that are visible from an adjacent street or public open space must be white only or another colour approved by the Council.

If the enclosure is made of pre-cast material, it must:

have a brick-pattern finish and be painted white; or  
be of a finish or colour approved by the Council.

If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.

An enclosure must comply with the following conditions if the enclosure is visible from any adjacent erf:

All surfaces of the enclosure that front on an adjacent erf must:  
be skillfully finished;  
be of good quality material;  
be without any defect; and  
be maintenance-free.

If applicable, the struts, posts or columns of the enclosure must show on the side of the enclosure that faces the piece of land being enclosed by the enclosure.

If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.

**12. GENERAL:**

The Council may agree to the exceeding of the maximum height of an enclosure

An enclosure must, if the council requires, be splayed or lowered to a height of 1m within a distance of 4,5 m from any street boundary or boundary of a public open space;

The barbed similar wire or safety spikes of an enclosure in any area (Industrial-zoned erven excluded) may not be visible from any street, public open space or adjacent erf;

The maintenance of an enclosure must be maintained properly to ensure a good appearance. The Council is the sole judge of this and

The height of any enclosure must be measured from natural ground level.

**13. SCHEDULE II: LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES****Limits of Concentration.**

The Municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into a sewer from any premises:



The limits of concentration of certain substances in sewage are as follows,

12.1.1 The limits of pH and electrical conductivity of sewage are as follows:

12.1.1.1 pH within the range of 6,0 to 10,0; and

12.1.1.2 electrical conductivity not greater than 300m/Sm at 20 °C.

12.1.2 The maximum permissible concentrations of pollution in sewage, expressed in milligrams per litre (mg/l), are as follows:

12.1.2.1 General

Pollutant	Concentration
General	
Permanganate value (PV):	1 400 mg/l
Caustic Alkalinity (expressed as CaCO)	2 000 mg/l
Substances in suspension (including fat, oil, grease, waxes etc.):	2 000 mg/l
substances soluble in petroleum ether: 500 mg/l	500 mg/l
sulphides, hydrosulphides and polysulphides (expressed as S):	50 mg/l;
substances from which hydrogen cyanide can be released in a drainage installation, sewer or water care works (expressed as HCN):	20 mg/l;
formaldehyde (expressed as CH <sub>2</sub> O):	50 mg/l;
phenolic compounds:	1,0 mg/l;
non-organic solids in suspension:	100 mg/l;
chemical oxygen demand (COD):	5 000 mg/l;
all sugars and/or starches (expressed as glucose):	1 500 mg/l
available chlorine (expressed as Cl):	100 mg/l;
sulphates and sulphites (expressed as SO <sub>4</sub> ):	1 800 mg/l
fluorine-containing compounds (expressed as F):	5 mg/l;
anionic surface activators:	500 mg/l;
orthophosphates (expressed as P):	10 mg/l.

<b>Metals:</b>	
<b>Group 1:</b> <ul style="list-style-type: none"> <li>o Chromium (expressed as Cr);</li> <li>o copper (expressed as Cu);</li> <li>o nickel (expressed as Ni);</li> <li>o zinc (expressed as Zn);</li> <li>o silver (expressed as Ag);</li> <li>o cobalt (expressed as Co);</li> <li>o cadmium (expressed as Cd) and</li> <li>o manganese (expressed as Mn).</li> </ul>	may not exceed 20 mg/l, nor may the concentration of any individual metal in any sample exceed 5 mg/l:
<b>Group 2:</b> <ul style="list-style-type: none"> <li>o lead (expressed as Pb);</li> <li>o selenium (expressed as Se); and</li> <li>o mercury (expressed as Hg).</li> </ul>	may not exceed 50 mg/l, nor may the concentration of any individual metal in any sample exceed 20 mg/l
<b>Group 3:</b> <ul style="list-style-type: none"> <li>o arsenic (expressed as As); and</li> <li>o boron (expressed as B).</li> </ul>	may not exceed 20 mg/l:
<b>Radioactive Waste or Isotopes</b>	
Radioactive waste or isotopes	defined by the Atomic Energy Corporation or any State department

#### Methods of Testing

The method of testing to determine the concentration of any substance referred to in this schedule must be the test normally used by the Council for this purpose. Any person discharging into a sewer any substance referred to in this schedule must obtain the details of the appropriate test from the Council.

#### 14. SCHEDULE III: TARIFF OF FEES PAYABLE FOR THE ERECTION OF BUILDINGS AND OTHER WORKS

The following fees will be payable to the Council:

<b>1. Erection of Buildings:</b>	
<b>Criterion</b>	<b>Tariff</b>
1.1 Application for approval in terms of section 4 of the Act:	
1.1.1 when the total floor area of a new building or buildings or buildings depicted on a plan does not exceed 20m <sup>2</sup>	R???

Criterion	Tariff
1.1.2 for each additional 10m <sup>2</sup> or part thereof by which the floor area exceeds 20m <sup>2</sup>	R???
1.1.3 for additions to a building when the floor area is increased	as in 1.1 and 1.2 above.
1.1.4 for alterations to a building when the floor area is not increased.	0,3% of estimated cost as shown on application, subject to revision on completion in terms of a valuation by the Council Valuator, subject to a minimum fee of R???
1.1.5 For dwellings in areas identified by Council for low cost housing	25% of fee as calculated in 1.1.1 to 1.1.4 above
1.2 Application for authorization to erect a minor building works in terms of section 13 of the Act.	
1.2.1 In respect of rented dwellings in the Council's housing schemes when the following works are carried out: <ul style="list-style-type: none"> <li>• plastering of walls internally;</li> <li>• fittings pelmets or burglar guards;</li> <li>• adding internal doors to existing openings;</li> <li>• fitting floor tiles or wood blocks, and</li> <li>• fitting glazed wall tiles.</li> </ul>	No charge
1.2.2 In all other cases	R????
1.3. Examination and comments on preliminary sketch plans. This includes examination of and comments on particular features of the preliminary sketch plans in terms of regulation A3(1)(a) of the Regulation	One quarter of fee specified in item 1.1 above, assessed on floor area on floor plan, or R????, whichever is the greater
1.4 The offering of an opinion relating to a material, method or form of construction in terms of regulation A.3.(1)(b) of the Regulations	R????
1.5 Consideration of a request for permission to deviate from, or for exemption from, one, or more provisions of the Regulations in terms of Section 18 of the Act	At the discretion of the City Engineer, considering the amount of work involved.
1.6 Application for consent to depart or deviate from an approval in terms of the Regulations:	
1.6.1 Where the floor area is increased	In accordance with item 1.1 above
1.6.2 Where the floor area is not increased	In accordance with item 1.1 above with a minimum of R???
1.7 Application for town planning authority to develop or use land in terms of clause 24 of the Town Planning Scheme Regulations	One 10th of fees assessed in terms of 1.1 above or R????, whichever is greater

Criterion	Tariff
<p>1.8 If the Regulations and By-laws require that a portion of a street or public place is enclosed, before commencing the work, the treasurer will be paid for a permit for the duration that the street or public place will be enclosed. A portion of the payment will be refunded if the enclosure is removed and the street or public place is returned to its original state in less time than is allocated by the permit.</p>	<p>R??? per square meter, or part thereof, for each week, or part thereof, that the street or public place will be closed.</p>
<p>1.9. Removal of Parking Meters.</p> <p>1.9.1 Whenever the City Engineer considers it necessary to remove a parking meter on a street that is against the building site, due to work being carried out, the parking meter will be removed for a period that the Council Engineer defines.</p> <p>1.9.2 The person responsible for the execution of the work concerned will be liable to pay the following charge to the Council for the removal of a parking meter:</p> <ul style="list-style-type: none"> <li>• per application</li> <li>• per meter in all other metered areas</li> </ul> <p>1.9.3 The person responsible for the execution of the work will not start the work or allow it to start until the City Treasurer has received a deposit to the value as defined previously. If the work is completed or if any parking meters are replaced before the end of the period for which payment has been made, a proportionate refund will be made.</p>	<p>R????</p> <p>R???? for the first week or part thereof, thereafter R??? per week or part thereof;</p>
<p>1.10 Application for permission to commence work before approval has been granted in terms of section 7 of the Act:</p> <p>1.10.1 For any alteration to or reconstruction of any existing drainage system</p> <p>1.10.2 For the disconnection and removal of any sanitary fixture</p> <p>1.10.3 For the inspection and testing of any existing drainage system or part thereof, per hour or part thereof</p>	<p>10% of fee prescribed in sub-item 1.1 above subject to a maximum of R???? (Non Refundable)</p> <p>R????</p> <p>R????</p> <p>R????</p>
<p><b>2. Connection Fees</b></p> <p>When plans are submitted, to the Council, for approval, the applicant will pay the connection fees for the specific premises. The costs will cover the connection to a sewer in accordance with the by-laws</p>	
<p>2.1 Connecting of foul-water sewer to the allocated foul-water sewer:</p> <p>2.1.1 100mm nominal diameter connection</p> <p>2.1.2 150mm nominal diameter connection</p>	<p>R???? plus VAT R???? = R????</p> <p>R??? plus VAT R??? = R???</p>

Criterion	Tariff
2.2 For a second or subsequent foul-water sewer connection to the foul-water sewer:	
2.2.1 100mm nominal diameter connection	Full Cost
2.2.2 150mm nominal diameter connection	Full Cost
2.2.3 To connect foul-water sewers with a diameter greater than 150mm nominal	Full Cost
2.3 Conditions of Payment.	
2.3.1 When an applicant needs connection which will be charged at full cost, the estimated cost will be paid by the applicant before plans are approved. Where the actual cost is greater or less than the estimated cost, any excess will be paid by the applicant and any surplus will be refunded.	
2.3.2 In any municipal housing scheme, the first connection may, at the discretion of the Council, be charged at full cost and the fees payable for any second or subsequent connection will as previously defined in this schedule.	
2.4 Removal of connection	
2.4.1 Removal of each connection together with all necessary re-instatement of roads, footpaths, kerbs and channels.	R???? plus VAT R??? = R???
2.4.2 If it is necessary or requested by the applicant that the work is executed over a weekend, this charge will be increased by 30%	
<ul style="list-style-type: none"> <li>For every water-closet or pan installed in the premises, per quarter</li> </ul>	R???? plus VAT R??? = R???
<ul style="list-style-type: none"> <li>For every urinal, stall or compartment installed in the premises, per quarter. (Where urinal stalls are fixed in ranges or where trough closets are used, each 610mm or part thereof in length of the urinal range or trough closet will be reckoned as one urinal stall or compartment or closet.)</li> </ul>	R???? plus VAT R??? = R???
<b>3. Clearance of Obstructions</b>	
3.1 The cost of clearing drains and connections of obstructions will be as follows. These charges will be payable immediately the service is rendered:	
3.1.1 Per clearance	R???? plus VAT R??? = R???
3.2 In cases where it is necessary to cut the pipes which lead to the reinstatement of any roads, footpaths, kerbs and channels	Full cost

Criterion	Tariff
<b>4. Storage Tanks</b>	
4.1 When storage tanks are emptied by means of vacuum tank wagons not owned or managed by the Council,	The fee for discharging the material into the foul water sewers will be R????, per delivery.
<b>5. Septic Tanks</b>	
5.1 Up to and including a nominal 100mm connection to road surface.	
5.1.1 For one pipeline	R????/m or part thereof
<ul style="list-style-type: none"> <li>For each additional pipeline at the same point of discharge</li> </ul>	R???,00/m or part thereof
<ul style="list-style-type: none"> <li>100mm diameter pipe connection to a storm-water sewer</li> </ul>	R???,00/m or part thereof
<ul style="list-style-type: none"> <li>150mm diameter pipe connection to a storm-water sewer</li> </ul>	R???,00/m or part thereof
<ul style="list-style-type: none"> <li>225mm diameter pipe connection to a storm water sewer</li> </ul>	R????,00/m or part thereof
<ul style="list-style-type: none"> <li>300mm diameter pipe connection to a storm water sewer</li> </ul>	R????,00/m or part thereof
<ul style="list-style-type: none"> <li>375mm diameter pipe connection to a storm water sewer</li> </ul>	R????,00/m or part thereof
<ul style="list-style-type: none"> <li>450mm diameter pipe connection to a storm water sewer</li> </ul>	R????,00/m or part thereof
<ul style="list-style-type: none"> <li>All other connections together with all reinstatement of roads, footpaths, kerbs and channels and any necessary inspection</li> </ul>	Full cost
5.1.2 Applications for the connection of storm-water drains and channels of more than 15m in length, from a private property to the Council's storm-water system, together with all reinstatement necessary roads, footpaths, kerbs and channels. All pipes used will be supplied by the Council	Full cost
<b>6. Applications in Terms of this by-law</b>	
6.1 Applications	
6.1.1 for an access hardening encroachment for residential purposes	R???? plus VAT R??? = R???
6.1.2 for an access hardening encroachment for <u>all</u> other properties	R???? plus VAT R??? = R???
6.1.3 In all other cases	R???? plus VAT R??? = R???
6.2 Fee for permits issued in terms of this by-law	R???? plus VAT R??? = R???

Criterion	Tariff
<p>6.3 Rental to be paid for encroachments for</p> <ul style="list-style-type: none"> <li>• each encroachment for which a permit has been issued,</li> <li>• per year, or part thereof,</li> <li>• during which the encroachment is in existence</li> <li>• the term 'year' will mean a calendar year ending on 31 December</li> </ul> <p>6.4 Rental to be paid in respect of balconies which encroach over a street or public place or beyond a street line for which permission was granted</p>	<p>R?? per m<sup>2</sup> with a minimum of R??,00</p> <p>In accordance with the General Bylaws</p>
<b>7. Miscellaneous Items</b>	
<p>7.1 Search Fees are for the time spent by Council employees when they conduct a search in the building plan records, per property:</p> <p>7.1.1 for the first half-hour or part thereof</p> <p>7.1.2 for every subsequent quarter-hour or part thereof</p>	<p>R???? plus VAT R??? = R???</p> <p>R???? plus VAT R??? = R???</p>
<p>7.2 Application for approval of the installation of fuel-burning appliances in or on any premises in terms of the Smoke Control Regulations:</p> <p>(No fee will be payable for an application to install gas-fired appliances or to install any fuel-burning appliance in a dwelling house, maisonette or block of flats or duplex flats.)</p>	<p>A fee of 0,5% of the estimated cost of the fuel-burning appliances for which approval is sought, subject to a maximum fee of R???? plus VAT R??? = R??? for each application,</p>
<p>7.3 Application for approval of site development works in terms of the General Bylaws</p>	<p>R???? plus VAT R??? = R???</p>

## KUNGWINI LOCAL MUNICIPALITY

### BY-LAWS: CLOSING AND CONTROL OF STREETS

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# **1. KUNGWINI MUNICIPAL COUNCIL BY-LAW ON THE CLOSING AND CONTROL OF STREETS**

The purpose of this by-law is to govern the establishment, closing and control of streets. It will also govern the management and functions of the Council in this regard. This will ensure the interests of the Kungwini community are maintained and effective governance is achieved in a manner that complies with the objectives of the South African Constitution.

## **2. DEFINITIONS**

The following list of definitions is provided to facilitate the accurate interpretation of this by-law. For the purposes of this by-law, unless the context otherwise indicates:

"Council"	means the Council of the Kungwini Local Municipality, or the Municipality
"group"	means any number of people who are of like mind in a matter.
"meeting"	means any gathering of people for a legal purpose
"Municipal Manager"	means the person employed in the position of Municipal Manager, or his appointed representative
"person"	refers, in this by-law, to both male and female, unless the context indicates the contrary
"placard"	means a notice placed in public view on the Council Notice Board and at the point of action to which it refers;

## **3. OBJECTIVES OF THIS BY-LAW**

The objective of this by-law is to enable the Council to establish, divert, close and manage the road infrastructure. This by-law will also be used to regulate the processes related to the declaration, diversion, closure and management of the streets.

## **4. DECLARATION AND CLOSURE OF PUBLIC MUNICIPAL ROADS**

- 4.1 The Council may establish, divert or close any public municipal road.
- 4.2 Where the Council feels that it should establish, divert or close a municipal road then the Council will advise the public of this proposal:
  - 4.2.1 by placing a notice in the Council Gazette not less than thirty (30) days prior to the tabling of the proposal for decision;
  - 4.2.2 by placing a notice of the proposal on the Council Notice Board, advising the public of their right to comment on the proposal;
  - 4.2.3 by placing a placard at the site on which the proposal, if accepted, will be put into action, and
  - 4.2.4 by notifying those people who are affected by the proposal in writing, giving a brief summary of the proposal and the proposed date for tabling the proposal for discussion.
- 4.3 All placards and notices displayed in the matter will state:
  - 4.3.1 the expected date of action;
  - 4.3.2 the place where plans of the proposed work are lying open for inspection;
  - 4.3.3 that the public have the right to comment on the proposal.
- 4.4 If the Council feels that any objection or comment should be investigated, then it may decided to hold a public enquiry in terms of Section 4 of this by-law.

- 4.5 The Closure or diversion of any public municipal road, will not interfere with the rights of the Council in respect of any sewer, drain, water main, electric cable, electric standard or wire or other existing municipal service works in, on, over or under the road. The Council will have the same powers as if the road had not been closed.

#### **5. PUBLIC ENQUIRIES INTO ROAD CHANGES**

- 5.1 If the Council decides to hold a public enquiry into an objection or comment then it will:
- 5.1.1 appoint a suitably qualified person, or panel of persons, to hold the enquiry;
  - 5.1.2 lay down the procedure for the public enquiry which will include at least one hearing open to the public.
- 5.2 The suitably qualified person, or group of persons, will conduct the enquiry according to the rules and procedures laid down by the Council, and will produce a written report for submission to the Council on the enquiry, their findings and with reasons for any administrative action they recommend.
- 5.3 Once the Council has considered the report from the enquiry, the Council will:
- 5.3.1 publish a notice, giving a short summary of the report and particulars of the time and place where the report may be viewed, and
  - 5.3.2 provide sufficient copies of the report to the Council Information Officer.
- 5.4 Once the Council has taken any comment or objection received in respect of the proposal into consideration, it may decide to implement the proposed action.
- 5.5 The Council will immediately publish the action to be taken and take the appropriate administrative steps necessary to bring the action to a conclusion. This publication will be considered as sufficient notice of the proposed action.
- 5.6 Immediately after the final decision has been published, the Council will advise the Surveyor General of its decision and apply for an amendment of the relevant General Plan in terms of the Land Survey Act (Act No. 6 of 1997)

#### **6. TEMPORARY CLOSURE OR DIVERSION OF MUNICIPAL ROADS**

The Council may close or divert any public municipal road, entirely or partially, for as long as it decides is necessary for it to carry out any of its functions or duties, provided that:

- 6.1 It places notices in prominent places on the road concerned giving reasonable notice of the intended closure or diversion and the approximate length of time it will remain closed or diverted;
- 6.2 During the time of closure or diversion, the notice will be conspicuously shown on the road, and
- 6.3 No public municipal road will be completely closed unless there is alternative access for the diversion of traffic.
- 6.4 The municipal road is not required for an emergency or urgent situation.

#### **7. WIDENING OF A MUNICIPAL ROAD**

The Council may widen any road as long as the required declaration and public enquiry have been conducted according to the procedure defined in this by-law.

#### **8. PRIVATE MUNICIPAL ROADS**

Subject to the following conditions, the Council may, by adopting a resolution, declare, close or divert a Private Municipal road:

- 8.1 Immediately after adoption of the resolution, the Council will record its decision by altering the GIS map. Publication of this alteration to the GIS map will be considered sufficient notice of the declaration to divert or close the road.
- 8.2 On completion of the alteration of the GIS map, the Council will advise the Surveyor-General of the action that has been taken and apply for the amendment of the relevant general plan in terms of the Land Survey Act (Act No 6 of 1997).

## **9. CONVERSION OF A PUBLIC MUNICIPAL ROAD INTO A PRIVATE MUNICIPAL ROAD**

- 9.1 The Council may change any existing public municipal road into a private municipal road, provided that:
- 9.1.1 the road does not provide the only means of access to an existing building or site;
  - 9.1.2 a reasonable alternative access to the building or site has been provided by the Council; or
  - 9.1.3 the closure preserves the access to the building or site;
- 9.2 Closure and conversion of a public municipal road into a private municipal road will be implemented according to the conditions and procedures laid down in this by-law.

## **10. CLOSURE OF ACCESS FROM PRIVATE ROADS OR PUBLIC RIGHT OF WAY**

- 10.1 The Council may close access from a private road or right of way to a municipal road, unless there is not a reasonable alternative access route to the municipal road from all buildings and sites served by the private road.
- 10.2 The Council may close access from a private road or right of way to a municipal road. Council will not give less than thirty (30) days notice before adopting any relevant resolution and will:
- 10.2.1 conspicuously display a placard at, or near, the meeting point of the roads advertising the intention to close the junction;
  - 10.2.2 advise, in writing, the people who own or occupy the buildings or sites affected, of the impact of the proposed resolution.
  - 10.2.3 All placards and notices will state:
    - 10.2.3.1 the expected date of closure;
    - 10.2.3.2 the place where plans of the proposed work are open for inspection;
    - 10.2.3.3 the right of the public to object or comment on the proposed action.
  - 10.2.4 If the Council is of the opinion that any objection or comment should be investigated, it will put in place a public enquiry as described in this by-law.

## **11. ALTERATION OF JUNCTIONS**

- 11.1 The Council may alter or deviate any junction between two or more municipal roads, or between a private road, or public right of way and a municipal road. This alteration or deviation may be carried out to the extent that the Council decides is necessary, provided that:
- 11.1.1 the Council will place a placard noting its intention to carry out the alteration or deviation at, or near the junction not less than thirty (30) days before starting the alteration.
  - 11.1.2 Publication as defined above will be considered sufficient notice of the alteration to all concerned people.
- 11.2 On completion of the alteration, the Council will amend the relevant GIS Map, and advise the Surveyor-General of the action taken and apply for the amendment of the General Plan in terms of the Land Survey Act (Act No. 6 of 1977).

## **12. GENERAL PROVISIONS**

- 12.1 No person, or group, will permanently close any road without obtaining permission to do so from the Council
- 12.2 No person, or group, will build or use a new direct access on to an existing municipal road without the permission of the Council.
- 12.3 Where a private road is unformed, not hardened, paved, drained, sewered, kerbed, guttered and/or designed to disperse storm-water, the Council may, by issuing a notice to the owners of the road, direct them to carry out all or any relevant work to bring the road to the required standard.
- 12.4 The Council may, by issuing a written notice, require any person to remove, fill, alter, relocate or establish any dam, canal, trench, wall, sluice, pipe, excavation, structure or other work on their

premises which, in the opinion of the Council, will, or is likely to, lead to damage to a municipal road or structure related to a municipal road.

- 12.5 Where any tree, shrub or plant growing on land, interferes with a municipal road, the Council may;
- 12.5.1 without notice, cut down or trim the plant; or
  - 12.5.2 issue the owner or occupier with a written notice requiring them to cut down, or trim, the offending plant within the time specified in the notice.
- 12.6 No person, or group, may unlawfully prevent or restrict access to a municipal road to the Council or any person with right of access. Should a person, or group, act in this manner:
- 12.6.1 the Council will, by issuing a written notice, require the person or group to restore access, at their expense, within the time specified in the notice; or
  - 12.6.2 if the situation requires urgent action, without prior notice, the Council may restore access and recover the full costs from the person or group of persons concerned.
- 12.7 Stop Work Orders. Where any new road, for which municipal authorisation is required, is not, or has not been built according to the conditions laid down by the Council, the Council may order, by written notice, the owner to stop work and remove, modify or demolish the road.
- 12.8 Road Hardening. Where any road or part thereof, which does not belong to the Council, is not made to the satisfaction of the Council, the Council may, by written notice to the owners of premises next to the road, require that they bring the road to the standard required by the Council within a time period laid down in the notice.
- 12.9 Verge Maintenance. Nothing contained in this by-law will prevent the owner or occupier of premises from planting and maintaining grass and plants on that portion of the verge of a road which joins the premises with the road, so long as the flow of traffic and lawful parking of vehicles is not obstructed and the plants and grass do not create a nuisance.

### **13. TRAFFIC AND PARKING**

- 13.1 Norms and Standards.
- 13.1.1 The Council may lay down specifications for:
    - 13.1.1.1 Parking meters; and/or
    - 13.1.1.2 Pay and Display Machines.
  - 13.1.2 The Council may specify the use of any item if it bears the SABS standardisation mark, or has a certificate issued by the SABS stating that the item meets the standards laid down by the SABS for the item.
  - 13.1.3 The Council will publish any specification in the Council Gazette and display it on the Council notice board. This publication and display is considered sufficient notice.
  - 13.1.4 Any person may inspect any publication issued under this by-law during office hours at the Information Office.
- 13.2 Traffic Zones. The Council may, by written notice, lay down traffic zones, in the following categories:
- 13.2.1 Goods Vehicle Prohibition Zone, set out on the relevant GIS Map.
  - 13.2.2 Heavy Motor Vehicle Parking Prohibition Zone, set out on the relevant GIS Map.
  - 13.2.3 Zone 2 Motor Vehicle Prohibition Zone, set out on the relevant GIS Map.
  - 13.2.4 Jaywalking Prohibition Zone, set out on the relevant GIS Map.
  - 13.2.5 Vehicle Free Roads, set out on the relevant GIS Map.
  - 13.2.6 Private Parking Restriction Zones, set out on the relevant GIS Map.
- 13.3 Declaration and Determination of Traffic Zones

- 13.3.1 The Council may, by posting placards on site and publishing a notice in the Council Gazette, inform the public of its intention to declare, amend the boundaries of, or remove any traffic zone.
- 13.3.2 This notice will be made and positioned not less than thirty (30) days prior to the proposal being adopted by the Council.
- 13.3.3 The notice and placard will display the date on which the determination is being decided, where plans showing the extent of the action are available for inspection and that the public has a right to comment on the proposal.
- 13.3.4 If the Council feel that there is any objection or comment that should be investigated, it may appoint an enquiry in terms of Section 4 of this by-law.
- 13.3.5 Any person may inspect any resolution, or record of decision, or the GIS Maps, referred to in this by-law, during office hours at the address supplied by the Information Officer.

#### **14. HAZARDOUS LIGHTS**

- 14.1 No person, or group, will erect any light, advertisement or other distraction that will, or is likely to:
  - 14.1.1 interfere with any sign or signal for the control of traffic;
  - 14.1.2 obstruct the drivers' view of any sign or signal used to control the flow of traffic, or;
  - 14.1.3 in any way is of danger to traffic.
- 14.2 The Council may, by written notice, demand that the person or group that ignore the requirements above to adjust or remove the offending light, advertisement or other distraction in the time and manner laid down in the notice.

#### **15. OFFENCES AND PENALTIES**

Any person contravening or failing to comply with any provision of this by-law will be guilty of an offence and on conviction will be liable to a fine not exceeding R5000.00 or to imprisonment for a period not exceeding 12 months or both.

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## KUNGWINI LOCAL MUNICIPALITY

### BY-LAWS: WATER SAFETY

#### INDEX

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# **1. KUNGWINI LOCAL MUNICIPALITY BY-LAW ON THE GOVERNING OF WATER SAFETY**

The purpose of this by-law is to govern the safety of water supply, sources and water usage. This will ensure the interests of the Kungwini community are maintained and effective governance is achieved in a manner that complies with the objectives of the South African Constitution.

## **2. DEFINITIONS**

The following list of definitions is provided to facilitate the accurate interpretation of this by-law. For the purposes of this by-law, unless the context otherwise indicates:

"borehole"	means any man made hole or depression in the ground that is, or will be, used as a source of water or storage place for water, including wells, dams and other excavations;
"council"	means the Council of the Kungwini Local Municipality, or the Municipality
"effluent"	means any liquid that makes up sewage whether or not it contains solids;
"environmental cost"	means the total cost of all measures used to restore the environment to the same condition as it was prior to the damaging incident;
"flood level"	means the level to which flood waters rise after a storm that occurs once in 50 years;
"group"	means any number of people greater than one;
"NEMA"	means the National Environmental Management Act, Act 107 of 1998
"WSA"	means the Water Services Act, Act 108 of 1997
"public water"	means any river or other source of water which the public may use or go to;
"water source"	means any place where water naturally emanates from the earth, including springs, artesian wells and aquifers;

## **3. OBJECTIVES OF THIS BY-LAW**

The objective of this by-law is to enable the Council to manage the quality of water supply, usage of water resources and conservation of water sources. This by-law will also be used to regulate the processes related to the authorisation of these uses.

## **4. SAFETY OF WATER SUPPLY**

### **4.1 Water Sources:**

4.1.1 The Council may take water samples from any water source and submit them for analysis to ensure that the water meets the national standards in terms of Section 9 of the WSA.

4.1.2 In the event that the analysis referred to above does not meet the required standards, the Council may then:

- 4.1.2.1 Instruct, in writing, the person or group responsible for managing the water source to manage the water so that the relevant standards are achieved and/or;
- 4.1.2.2 Close and stop usage of water from the source until such time as the necessary management action has been taken and analysis shows the water to be of the right quality standards and/or;
- 4.1.2.3 Carry out the necessary actions to bring the water to the required safety standard and recover the cost incurred from the person, or group, managing the water source.

### **4.1.3 Erection of Structures.**

- 4.1.3.1 No person may erect any permanent structure within 20 metres of a water source, unless specifically approved by the Municipality.



- 4.1.3.2 Erection of any temporary structure may only be done after Council has given written approval.
- 4.1.3.3 Prior to approving an application to erect a structure within 20 metres of a water source, the Council will carry out an on site inspection and consider the effect on the water source and environment, design details and the desirability of the proposed structure.
- 4.1.3.4 The Council may, at any time, withdraw approval of the temporary structure and order its removal, if the Council is of the opinion that the structure is not beneficial to the environment, or the need for the structure no longer exists
- 4.1.3.5 If the Council is of the opinion that any structure is either no longer needed, or that the structure is not beneficial to the environment, the Council may order its removal.
- 4.1.3.6 Any notice issued regarding the above must be implemented within 30 days from the date of receipt by the person managing the water source.

#### 4.2 Public Water:

- 4.2.1 The Council may take water samples from any public water and submit them for analysis to ensure that the water meets the national standards in terms of Section 9 of the WSA.
- 4.2.2 In the event that the analysis referred to above does not meet the required standards, the Council may then:
  - 4.2.2.1 Instruct, in writing, the person or group responsible for managing the public water to manage the water so that the relevant standards are achieved and/or;
  - 4.2.2.2 Stop the public from making use of water from the public water until such time as the necessary management action has been taken and analysis shows the water to be of the right quality standards and/or;
  - 4.2.2.3 Carry out the steps necessary to bring the water to the required safety standard and recover the cost incurred from the person, or group, managing the public water.
- 4.2.3 No person, or group may discharge or cause to be discharged any un-purified effluent or pollutant into public water.

#### 4.3 Boreholes.

- 4.3.1 The Council may take water samples from any borehole and submit them for analysis to ensure that the water meets the national standards in terms of Section 9 of the WSA.
- 4.3.2 In the event that the analysis referred to above does not meet the required standards, the Council may then:
  - 4.3.2.1 Instruct, in writing, the person or group responsible for managing the borehole to manage the water so that the relevant standards are achieved and/or;
  - 4.3.2.2 Close and stop the use of water from the borehole until the necessary management action has been taken and analysis shows the water to be of the right quality standards.
  - 4.3.2.3 Carry out the necessary action to bring the water to the required safety standard and recover the cost incurred from the person, or group, managing the public water.
- 4.3.3 No person, or group, may bore a borehole without the written authority of the Council. Application, in writing, to bore a borehole must include the following information:
  - 4.3.3.1 Name and Address of the person responsible for managing the borehole.
  - 4.3.3.2 Position of the borehole.
  - 4.3.3.3 Name of person, or group, boring the hole.



4.3.3.4 The proposed purpose of drilling the hole.

4.3.4 Once the hole has been bored, the Applicant must submit the following details of the borehole to the Council:

4.3.4.1 Depth of the borehole;

4.3.4.2 Measured capacity of the borehole.

4.3.4.3 The use to which water pumped from the borehole will be put.

4.3.5 Prior to using the water from a borehole, a sample of water will be submitted to the Council for analysis. The cost of this analysis will be the responsibility of the owner of the borehole.

## **5. USE OF WATER FOR RECREATIONAL PURPOSES**

5.1 This section does not apply to swimming pools.

5.2 The use of water for recreational purposes will be managed to ensure that damage to the environment, the water and those living near the water is, and remains, minimal.

5.3 Any boat or craft operating on water for recreational purposes, must be fitted with sufficient safety equipment so that each passenger and crew member has their own safety equipment. The safety equipment will be of an SABS approved standard.

5.4 The Council will keep a register of persons and groups that wish to use water facilities for recreational purposes, by issuing licences and keeping a register of those issued with a licence. The Council may charge a fee for a licence to use water facilities for recreational purposes.

5.5 No person, or group, will add, or cause to be added, any material or effluent that will negatively affect the quality of the water being used for recreational purposes.

5.6 The Council will regularly draw samples of water for analysis to ensure the quality of water stays at a satisfactory level.

5.7 Any person using a boat or other craft on water for recreational purposes will do so while wearing safety equipment. Any person not wearing the safety equipment will be committing an offence.

## **6. OFFENSES AND PENALTIES**

Any person contravening or failing to comply with any provision of this by-law will be guilty of an offence and on conviction will be liable to a fine not exceeding R5000.00 or to imprisonment for a period not exceeding 12 months or both.

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## KUNGWINI LOCAL MUNICIPALITY

### BY-LAWS: WATER RETICULATION AND DRAINAGE

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# **1. KUNGWINI LOCAL MUNICIPALITY BY-LAW ON THE GOVERNING WATER RETICULATION AND DRAININAGE**

The purpose of this by-law is to govern the system of management and supply of water to the community, the management of waste and waste removal and drainage of water, wet and industrial waste from the community. This will ensure the interests of the Kungwini community are maintained and effective governance is achieved in a manner that complies with the objectives of the South African Constitution.

## **2. DEFINITIONS**

The following list of definitions is provided to facilitate the accurate interpretation of this by-law. For the purposes of this by-law, unless the context otherwise indicates:

"accommodation unit"	means any building, or part of any building, that is or will be lived in or used for any reason
"act"	means the Water Services Act, 1997 (Act No. 108 of 1997) as amended from time to time
"approved"	means approved by the Kungwini Local Municipality
"authorised agent"	means a person allowed, by the Municipality, to carry out any action in terms of this by-law
"borehole"	means any man made hole in the ground that is, or will be used, as a source of water or storage place for water, including wells, dams and other man made holes
"Building regulations"	means the National Building Regulations in terms of the National Building Regulations and Building Standards Act, Act 103 of 1997
"communal water services work"	means a point of the water connection through which water is supplied to more than one consumer
"connection pipe"	means a pipe that is owned and installed by the Municipality and is used as the point at which a water user connects his pipe so that water can be supplied to him from the Municipal water supply. It includes a "communication pipe" as referred to in SABS 0252 Part 1
"connecting point"	means the point at which the waste removal system joins the Municipal Sewage system
"consumer"	means any person or group of people who agree to buy water and/or sanitation services from the Municipality either as an individual or as part of a group
"council"	means the Council of the Kungwini Local Municipality, or the Municipality
"drain"	means that portion of the drainage installation that transports sewage within any premises
"drainage system"	means the sewage disposal system that moves sewage from the premises to the connecting point
"effluent"	means any liquid that makes up sewage, whether or not it contains solid waste
"emergency"	means any situation that presents a risk to life, health, the environment or property
"environmental cost"	means the total cost of all measures used to restore the environment to the same condition as it was prior to the damaging incident
"fire hydrant"	means a connection pipe that is only used for fighting fires
"flood level"	means the level to which flood waters rise after a storm that occurs once in 50 years

"grey water"	means waste water from residential use that does not include human waste
"industrial effluent"	means any effluent that does not come from domestic sources
"official"	means a person employed and/or authorised by the Council
"main"	means a pipe that is not a connecting pipe and which is used by the Municipality to get water to the consumer
"measuring device"	means any instrument or method that is used to find out how much water is being used. A measuring device is not limited to a meter
"meter"	means a water meter as defined in the Regulations published in terms of the Trade Metology Act, Act 77 of 1973, or a device that measures the quantity of water flowing through it
"Municipal Manager"	means the person employed in the position of Municipal Manager, or his appointed representative
"pollution"	means any action that leads to changes in the quality of water so that the water is less fit to use or drink, or could become harmful to people, animals or plants
"public water"	means any river or other source of water which the public may use or go to
"sanitation services"	mean services that involve the supply of water to and removal of effluent from consumers

### 3. OBJECTIVES OF THIS BY-LAW

The objective of this by-law is to enable the Council to supply water and remove effluent. This by-law will also be used to regulate the processes related to the development and management of these systems.

### 4. APPLICATION FOR SERVICES

- 4.1 No consumer will be allowed to use the Council water services until they have
  - 4.1.1 completed an application form at the Council explaining the reason for and planned usage of the relevant service and
  - 4.1.2 the Council has agreed to supply the requested services.
- 4.2 This will become an agreement to supply services between the consumer and the Council. The agreement will come into effect from the date on which services are rendered. The consumer will be responsible for all costs that relate to the agreement until the agreement is cancelled in writing and all payments that are due have been paid.
- 4.3 The Council may refuse to supply a water connection. However, when the Council agrees to supply water services to a consumer the Council will make certain that the consumer is aware of and understands the rules and conditions under which water services will be supplied.
- 4.4 Where the Council supplies water to a user, it will be assumed that the necessary forms have been completed and returned to the Council and that the Council has agreed to supply water.
- 4.5 Any application form must have the following minimum information included in it:
  - 4.5.1 A statement, signed by an official, confirming that the consumer has been told of and understands the terms and conditions covering the supply of services;
  - 4.5.2 A statement, signed by the consumer, that they understand and accept the terms and conditions under which the Municipality will supply services;
  - 4.5.3 The consumer's name, identity number and place of delivery of services;
  - 4.5.4 The address to which accounts must be sent;
  - 4.5.5 The name and address of the consumer for whom the consumer works or, when the consumer is self employed, their business address;
  - 4.5.6 The date on which the services must start;

- 4.5.7 If water is to be supplied, how this water will be used
- 4.5.8 A consumer may at any time apply to change their choice of water supply and the Council must accept the change, if it is able to do so. The consumer must pay all costs that result from this change.
- 4.6 If the Council cannot supply water services, the official must inform the consumer of the reason why and, if possible, when supply will be resumed.
- 4.7 When conditions make it impossible to supply services to a consumer according to the standard set of terms and conditions, a special agreement may be drawn up between the Council and consumer that cover the standard and special conditions.

## **5. TARIFFS AND CHARGES**

- 5.1 All tariffs, levies and charges to be paid by consumers in terms of this by-law will be defined by Council in terms of it's:
  - 5.1.1 Annual Budget;
  - 5.1.2 Tariff policy;
  - 5.1.3 By-laws, where they apply.
  - 5.1.4 The Council may, as well as charging tariffs for the supply of water services, charge fixed levies, either monthly, annually, or once off, when the service commences. This levy will be payable by all consumers or owners, whether or not they use or are supplied with water services.

## **6. PAYMENT**

- 6.1 In all cases, except where a consumer is paying for services in advance, a consumer must deposit an amount of money with the Council as a refundable deposit. This payment is made subject to the following conditions:
  - 6.1.1 It must be submitted together with the application form and before services are supplied.
  - 6.1.2 The deposit will not earn interest from the Council and will be forfeited if it is not collected within a period of 12 months of the cancellation of the supply agreement.
- 6.2 The consumer will be responsible for paying for services provided under the following conditions:
  - 6.2.1 Services will be supplied by the Council and the consumer will pay for those services, in terms of the agreement between the consumer and Council.
  - 6.2.2 The Council may issue an account for services supplied based on an estimate of the usage of these services. This is limited to circumstances where usage is measured at least once in 3 months.
- 6.3 The Council will issue monthly accounts to the consumer at their last recorded address. If the Council does not issue an account, it does not absolve the consumer from the liability to pay for services supplied. The consumer must pay any amounts owed to the Council.

## **7. CANCELLATION AND LIMITATION OF WATER SUPPLY SERVICES**

- 7.1 The consumer may, by giving no less than 30 days written notice to the Council, cancel the agreement to receive water services.
- 7.2 The Council may, by giving no less than 30 days written notice to the consumer, cancel the agreement to supply water services if:
  - 7.2.1 The consumer has not used the service for a period of not less than 6 months and has not arranged that the Council continue to supply the service;
  - 7.2.2 The consumer has not met the conditions of this by-law and has made no effort to correct the breach, after having been informed in writing by the Council of the breach.
  - 7.2.3 Another Council supplies the consumer with the same or similar services.
  - 7.2.4 The consumer ceases to reside at the premises to which the water supply service is delivered.

### 7.3 Limitation and/or Cancellation of Supply of Water Services:

7.3.1 The Council may limit, or cancel water services to a consumer for any one, or more, of the following reasons:

- 7.3.1.1 If the consumer does not pay its account on the due date;
- 7.3.1.2 If the consumer breaches any provision of this by-law, provided that the Council has informed the consumer by prior written notice of the breach;
- 7.3.1.3 If the consumer requests the Council to do so, in writing;
- 7.3.1.4 If the agreement between the Council and the consumer has been cancelled;
- 7.3.1.5 If buildings on the premises have been demolished;
- 7.3.1.6 If the consumer has, in any manner, meddled with the system after supply has been reduced;
- 7.3.1.7 In an emergency.

7.3.2 The Council cannot be held responsible for any damages or claims whatsoever that may follow a reduction or cancellation of the supply of services.

## 8. CONNECTION TO WATER SUPPLY SYSTEM

### 8.1 Provision of Connection Pipe.

8.1.1 When an agreement between a consumer and the Council for the provision of water supply services is signed, the Council is responsible for the positioning of a connection pipe so that water supply services can be supplied. The consumer will be liable for the costs associated with the provision of the connection pipe.

8.1.2 Where it is necessary to change or extend the water supply system to meet the supply needs of a consumer, the Council may agree to the change or extension and may impose conditions it deems necessary.

### 8.2 Positioning of Connection Pipe

8.2.1 A connection pipe installed by the Council will:

- 8.2.1.1 Be positioned at a position that is acceptable to both parties to the agreement and of a size the Council will decide.
- 8.2.1.2 Terminate at the boundary of the property or at the water meter, if it is on the property or at the mains tap if it is on the property.

8.2.2 When a consumer applies for water supply services, the Council will ensure that the consumer is aware of:

- 8.2.2.1 Problems involved in the positioning of the connection pipe;
- 8.2.2.2 Costs that apply to positioning the pipe in different places;
- 8.2.2.3 Additional costs the consumer will have to pay so that water supply services can be supplied.

8.2.3 If any consumer has special connection requirements, the Council may meet these requirements if the consumer agrees to pay the extra costs of changing the water supply system to meet these needs.

8.2.4 A consumer applying for water supply services must agree to pay the connection charge.

### 8.3 Interconnection between Properties or Installations:

Connecting users on different properties or different units on a single property will not be permitted, unless written authority has been granted by the Council.

### 8.4 Disconnection of Water Supply:



The Council may disconnect a water installation and remove the connection pipe, if the supply agreement has been cancelled and no alternative agreement entered into, or any housing and or residential units on the premises have been demolished.

## **9. COMMUNAL WATER SERVICES WORKS**

### **9.1 Provision of Water Supply Services to Several Consumers:**

The Council may provide water supply services for a community or number of consumers, provided that consultation has taken place with the community or the number of consumers addressing the type of service, cost and location of the supply.

### **9.2 Temporary Sources of Supply:**

The Council may make use of alternative supply sources, such as fire hydrants, to supply temporary water supply services in the case of need, subject to the following conditions of supply:

9.2.1 Hydrants to be used must be specified and managed to limit wastage and improper use.

9.2.2 The Council must measure water usage by installation of a measuring device, which will remain the property of the Council.

9.2.3 Consumers wishing to make use of a temporary supply must apply as defined in this by-law.

## **10. STANDARDS AND GENERAL CONDITIONS OF SUPPLY**

### **10.1 Quality, Quantity and Pressure:**

Water supply services provided by the Council will meet the minimum standards defined in the Act.

### **10.2 General Conditions of Supply:**

10.2.1 The Council may lay down the maximum height above ground and pressure at which water will be delivered. Any variation from these levels will be the responsibility of the consumer.

10.2.2 In case of an emergency, the Council may interrupt the water supply without notice.

10.2.3 If, in the opinion of the Council, the supply of water to one consumer negatively impacts another consumer, then the Council may alter the supply so that both consumers receive reasonable supply, provided that the Council informs both consumers of the action taken.

## **11. MEASUREMENT OF WATER SUPPLY SERVICES**

### **11.1 Measuring the Quantity of Water Supplied.**

11.1.1 The Council will measure water supplied to the consumer at regular intervals.

11.1.2 Measuring devices will be installed and maintained by the Council. They are and will remain the property of the Council. Measuring devices may be installed anywhere on the service pipeline which will then form part of the supply system.

11.1.3 If a measuring device is positioned on the property of a consumer, the consumer is responsible for:

11.1.3.1 protection of the device from interference and harm;

11.1.3.2 Ensuring that the device can be accessed at all times;

11.1.3.3 Ensuring that no unauthorised connection is made between the connection pipe and the device;

11.1.3.4 Make arrangements for the disposal of water that may build up while working on the device;

11.1.4 No unauthorised consumer will:

11.1.4.1 Interfere with a measuring device in any manner;

11.1.4.2 Break any seals that may be placed over any part of the water supply system.

11.1.5 In measuring the quantity of water passing through a measuring device, the quantity of water will be decided by subtracting the most up to date reading from the next most up to



date reading. The difference between these two figures will be the amount of water supplied.

- 11.1.6 If it is found that water has been taken other than through the measuring device, the Council will assess water usage and charge according to this assessment. This estimate will be made as an average of consumption levels for the 3 measuring periods prior to the discovery of the abuse. This amount will then be charged to the consumer who will be liable for payment thereof.
- 11.1.7 It will not be necessary for the Council to measure water usage every month. If no reading is taken, the Council is entitled to estimate water usage and charge accordingly.
- 11.1.8 The Council must, on receipt of a letter of notice received at least 7 working days before, measure the quantity of water used by a consumer at a time or on a day other than that on which it would normally be measured.
- 11.1.9 If the Council decides it is not cost effective to install a measuring device, then it may charge a basic charge for water supply to each consumer, regardless of the volume each consumer has consumed.
- 11.1.10 Should a consumer believe that the meter installed is not operating properly the consumer can advise the Council and request credit of any over-recording.
- 11.1.11 If the Council wishes to install a measuring device for any reason, it may do so provided the consumer has first been advised of this action.
- 11.1.12 A consumer will not be able to claim for a discount following loss or wastage of water.

## 12. INSTALLATION WORK

### 12.1 Approval of Installation Work.

- 12.1.1 All water supply installation work will only be allowed after receipt of written Council approval. This approval is not needed when:
  - 12.1.1.1 The work is carried out by a registered plumber;
  - 12.1.1.2 The work is carried out in buildings that do not need a fire installation in terms of SABS Code 0400;
  - 12.1.1.3 For repair work on the installation.
- 12.1.2 Application for approval must be made on the prescribed form which must be submitted together with:
  - 12.1.2.1 The laid down charge, if there is one;
  - 12.1.2.2 Drawings of the installation, drawn in compliance with Clause 4.1.1 of SABS Code 0252 Part 1;
  - 12.1.2.3 A statement certifying that the installation has been designed in terms of SABS Code 0252 Part 1, or has been designed on a reasonable basis.
- 12.1.3 Authority, once granted, will expire 24 months from the date of the certificate of authorisation.
- 12.1.4 A complete set of drawings of installation work must be held on site until installation work has been completed and inspected.
- 12.1.5 Installation work not completed according to this by-law may result in the Council issuing a notice for the building owner to comply with the by-law within a specified period, remove all work which does not comply and cease all work until these steps are completed.

### 12.2 Provision and Maintenance of Water Installations.

- 12.2.1 An owner must position their water installation on their own land, unless written approval is given to do otherwise. Maintenance and repair is the responsibility of the owner and for their own cost. Prior to maintenance being done to installation not on the owner's property, written permission to carry out maintenance must be obtained.

### 12.3 Schedule of Approved Pipes and Fittings.

- 12.3.1 The Council will compile a Schedule of Approved Pipes and Fittings, which will be displayed at their offices during working hours.
- 12.3.2 Only pipes and fittings approved by the Council will be acceptable in water installations in the Council area. Unauthorised pipes or fittings will be removed and replaced at the expense of the building owner.
- 12.3.3 Items may be offered to the Council for inclusion in the Schedule, provided they bear an SABS standardisation mark, or a provisional SABS standardisation mark. To this the Council may add any conditions it considers necessary.
- 12.3.4 Items may be removed from the Schedule if they no longer meet the conditions that led to their inclusion, or it is no longer suitable for use under the original conditions.
- 12.3.5 All items, or pipes will be marked, or have packaging that shows the pressure range in kPa over which the item is designed to operate.
- 12.3.6 All items, or pipes will be marked, or have packaging that shows the flow rate in litres per minute (l/min) for at least the following operating pressures:
  - 12.3.6.1 20 kPa
  - 12.3.6.2 100 kPa
  - 12.3.6.3 400 kPa

### 13. WATER RESTRICTIONS AND WASTEFUL USAGE

- 13.1 The Council may, through the publication of a public notice, act to prevent the excessive use of water in times of water shortage, flood or drought, by any means including:
  - 13.1.1 Regulating the manner in which water is used;
  - 13.1.2 Limiting quantities of water supplied;
  - 13.1.3 Limiting the flow rate of water supply;
  - 13.1.4 Raising additional charges to inhibit consumption.
- 13.2 The Council may limit the restrictions it chooses to place on water use to specified areas, and types of user or activities and may allow deviations and exemptions to the system.
- 13.3 The Council may cancel, limit or otherwise alter the supply of water to buildings, consumers or groups that do not comply with restrictions imposed during these periods.
- 13.4 The conditions detailed above will apply to all consumers provided direct by the Council with water services.
- 13.5 Consumers must:
  - 13.5.1 Protect against wasteful use of water;
  - 13.5.2 Prevent leaks in water installations and equipment;
  - 13.5.3 Repair and replace any part of their installation that is likely to, or is causing a leak;
  - 13.5.4 Not use any equipment that does not use water efficiently.
- 13.6 Any consumer who does not take action necessary to limit wasteful loss of water will be notified in writing by the Council to repair the problem by a specified date, failing which the Council may repair the damage, or have it repaired, at the expense of the consumer.

### 14. GENERAL PROVISIONS REGARDING TESTING OF WATER SUPPLY

- 14.1 The Council may take samples from any water source and analyse them to ensure their compliance with the national standards prescribed in the Act.

14.2 The Council may, on application and payment of the relevant fee, test the water pressure on any water use installation.

#### **15. DRAINAGE INSTALLATIONS**

15.1 Any drainage installations will be constructed so that they meet Building Regulation Standards and any standards prescribed in the Act.

15.2 Drains constructed on private property may not flow into public roads or streets, without the written permission of the Council.

15.3 The Council may, once payment has been received in advance, design and build drainage systems on private property.

15.4 The owner or occupier of any premises must maintain all drainage systems on their premises.

#### **16. GENERAL PROVISIONS**

##### **16.1 Responsibility for Obeying the By-law:**

16.1.1 The owner of a property is responsible for ensuring that this by-law is obeyed in every way.

16.1.2 The consumer is responsible for ensuring the by-law is obeyed when using water supply services.

16.1.3 The Council may, in writing, allow a consumer or property owner to disregard any part of this by-law, if, in its discretion, the Council is of the opinion that the owner or consumer cannot reasonably obey the by-law. The Council may not allow this to happen if it leads to:

16.1.3.1 overuse or waste of water;

16.1.3.2 people avoiding the conditions that apply when there is only a little water available and water use is limited;

16.1.3.3 a risk to health, safety or damage to the environment;

16.1.3.4 consumers not paying their accounts;

16.1.3.5 non-standard piping or fittings being installed;

16.1.3.6 people not obeying the Act.

16.1.4 The Council may withdraw any permission given to disregard provisions of this by-law, by informing the consumer or property owner thereof by a registered letter stating its intentions, not less than 30 days before it withdraws the permission.

##### **16.2 Using Water Services without Permission:**

16.2.1 No consumer may use water supply services without having first signed an agreement with the Council to supply and receive these services.

16.2.2 The Council may, by written notice, order any consumer who is using water supply services, to apply for permission to use these services and to carry out the work necessary to meet the conditions laid down in this by-law and the Act.

16.2.3 When a consumer wishes to change the reason for which they are using water services, they must re-apply and complete a new agreement with the Council.

16.2.4 Only the Council, or an official, is allowed to manage, operate and maintain the water supply system, make, or break connections to the system or supply any other service in terms of this by-law.

##### **16.3 Access the Water Supply System:**

16.3.1 No consumer may stop an official or authorised agent from gaining access to the water supply system.

16.3.2 If a consumer does not allow an official or authorised agent to access the system, the Council may:

16.3.2.1 send a notice to the consumer demanding access;

- 16.3.2.2 if the situation is considered urgent, enter and complete the necessary work.

#### 16.4 Notices and Letters

- 16.4.1 Any notice or letter sent by the Council is authorised if it is signed by an official.
- 16.4.2 A notice or letter will have been delivered if:
- 16.4.2.1 It is handed to the consumer or their representative;
  - 16.4.2.2 It is delivered to their address to a consumer of not less than 16 years of age who either lives or works there;
  - 16.4.2.3 It is delivered to an address that has been nominated for legal reasons;
  - 16.4.2.4 It is delivered to the address nominated in the agreement between the consumer and Council;
  - 16.4.2.5 It is delivered to the registered address of the consumer;
  - 16.4.2.6 It is sent, by pre-paid registered post, to the last known address;
  - 16.4.2.7 If it cannot be served in any other manner, by pinning, or firmly attaching the notice to a door on the premises concerned.
- 16.4.3 Where a letter or notice needs action to be taken in a specified time period, the time will start on the date on which the letter is delivered.

#### 16.5 Serving of Notices

- 16.5.1 The Council may issue a notice or letter to any consumer who does not comply with the provisions of this by-law ordering them to comply and giving them a defined time in which to do so.
- 16.5.2 If any consumer does not comply with a notice or letter issued by the Council, then the Council may, by any and all actions necessary, ensure the consumer complies with the notice. These actions include, but are not limited to:
- 16.5.2.1 Doing the work and charging the consumer for doing it;
  - 16.5.2.2 Reducing or cancelling the supply of water services;
  - 16.5.2.3 Taking legal action against the consumer.
- 16.5.3 Any notice or letter issued must:
- 16.5.3.1 Provide details of the part of this by-law that has been breached;
  - 16.5.3.2 Allow the consumer sufficient time to reply;
  - 16.5.3.3 Lay down the necessary actions to enforce compliance with this by-law, specifying the date by which compliance is required;
  - 16.5.3.4 Explain to the consumer that the Council may complete and charge for the work completed and/or take legal action against the consumer if they do not comply.
  - 16.5.3.5 In the case of an emergency, the Council may complete the necessary work and charge the consumer accordingly.
- 16.5.4 The cost for work completed will include:
- 16.5.4.1 Any planning that must be completed prior to doing the actual work;
  - 16.5.4.2 Any equipment hired or supplied to do the work;
  - 16.5.4.3 Any specialist consultation required to ensure the work is completed appropriately;
  - 16.5.4.4 Any Administrative tasks that are necessary to complete the work;

- 16.5.4.5 Any cost necessary to restore damage done to the environment, or area around the work site, to its original state.

**16.6 Access and Inspection:**

The Council may enter and inspect any site or place after giving reasonable notice of their need to do so, and at any reasonable time unless it is an emergency, in order to carry out work, or meet the requirements of the Act and/or this by-law.

**17 PENALTIES**

Any consumer contravening or failing to comply with any provision of this by-law will be guilty of an offence and on conviction will be liable to a fine not exceeding R5000.00 or to imprisonment for a period not exceeding 12 months or both.

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# KUNGWINI LOCAL MUNICIPALITY

## BY-LAW: STANDARD STREET AND MISCELLANEOUS

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## **1 KUNGWINI LOCAL MUNICIPALITY BY-LAW ON THE GOVERNING OF STREETS FOR MISCELLANEOUS USE**

The purpose of this by-law is to govern the utilisation of streets for miscellaneous uses. This will ensure the interests of the Kungwini community are maintained and effective governance is achieved in a manner that complies with the objectives of the South African Constitution.

## **2 DEFINITIONS**

The following list of definitions is provided to facilitate the accurate interpretation of this by-law. For the purposes of this by-law, unless the context otherwise indicates:

"Act"	means the National Welfare Act, 1965 (Act 79 of 1965);
"collector"	means a person appointed by a convener to collect money for the purpose of a street collection which has been permitted under this by-law;
"convener"	means the person appointed under section 33(1) to act as convener of a particular street collection and will, where more than one person is appointed, include all persons appointed;
"Council"	means the Council of the Kungwini Local Municipality, or the Municipality
"organisation"	means any body of persons, whether corporate or unincorporated;
"street"	includes any street, road or thoroughfare shown on the general plan of a township, agricultural holding or other division of land
"street collection"	means a collection of money in any public place for charitable or other reasons
"street-collection year"	means the period of twelve months from the first day of April in one year to the thirty-first day of March in the following year.

## **3 OBJECTIVE OF THIS BY-LAW**

The objective of this by-law is to enable the Council to effectively manage the miscellaneous use of the streets in the Kungwini Municipality. This by-law are also used to regulate the processes related to the authorisation of these uses.

## **4 USE OF VEHICLE FOR PRIMARY PURPOSE OF ADVERTISING**

No person will operate or park any vehicle or motor vehicle on any street for the primary purpose of advertising without the prior written consent of the municipality.

## **5 ROPES ACROSS STREETS**

No person will place any rope, wire or pole across any street, or hang, or place anything on it without the prior written consent of the municipality.

## **6 DAMAGE TO OR ADVERTISING ON TREES**

- 6.1 No person will climb on, break, damage or in any way mark or paint on any tree in any street. No person will, without the prior written consent of the municipality, lop, top, trim, cut or remove any trees.
- 6.2 No person will display an advertisement on any tree in any street without the prior written consent of the municipality.

## **7 BARBED WIRE AND DANGEROUS FENCING**

- 7.1 No owner or occupier of land may erect, allow or cause a barbed wire or other dangerous fence to be erected along a street or a public place. Dangerous fencing will include any railing, paling, wall or other barrier that has



spikes or other sharp or pointed protrusions that may become a danger to any member of the public that is lawfully using the street or public place.

- 7.2 The municipality may require the owner or occupier of land to remove a fence, railing, paling wall or other barrier that exists in contravention of the conditions defined above. The notice to remove the barrier will be given in writing. A period of not less than three (3) weeks will be given for the removal of the barrier. In the event that the owner or occupier of the land does not comply with the notice, he will be charged a fine for every day that the barrier remains in place after the end of the allocated notice period. The value and extent of the fine will be determined by the Council.
- 7.3 The Council may remove dangerous fence, railing, paling, wall or other barrier immediately after the expiry of the notice period. The municipality may recover the cost of the removal from the owner or occupier of the land.

## **8 PROTECTION OF ROADWAY AND SIDEWALK SURFACE**

No person will off-load on or move any material or goods across a roadway or sidewalk unless adequate precautions to protect the surface of the roadway or sidewalk against damage have been taken.

## **9 CLEANLINESS OF STREETS AND PUBLIC PLACES**

No person will spill, drop, place or permit to be spilled, dropped or placed on any street or in any public place any matter or substance that may interfere with the cleanliness of the street or public place. They may not cause annoyance, danger or accidents to persons, animals, vehicles or other traffic using the street.

## **10 AUCTION SALE OR MORNING MARKET IN STREET**

No person will hold any auction sale or morning market in any street without the prior written consent of the municipality.

## **11 EXPOSURE OF ANY ARTICLE FOR SALE IN STREET OR PUBLIC PLACE**

No person, other than a licensed hawker, peddler, street trader or a person lawfully entitled to trade in any street or public place without taking out a licence, will expose any article whatsoever in, or upon, or over, any street or public place.

## **12 ARTICLE PLACED IN WINDOW FACING STREET**

No person will place any article in any window or other superstructure near any street that could cause injury or damage to any person or property if it were to fall. All articles that are placed in windows must be sufficiently safeguarded from falling into the street.

## **13 PLAYING IN STREETS**

Playing in the streets is forbidden. No person may play any game on any street. No person may use any pushcart in any street other than in the course of and for the purpose of a business.

## **14 EXTINGUISHING LAMPS AND DAMAGING PUBLIC PROPERTY**

No person may wilfully or negligently extinguish the light of any lamp that is the property of the municipality. No person may interfere with such a lamp, or deface, damage, remove, or in any way interfere with any municipal or public property or work in or along any street.

## **15 SHOEING, CLEANING AND REPAIRING FORBIDDEN IN STREETS**

The following activities are forbidden in a street or public place:

- 15.1 Shoeing of any animal except in the case of an accident
- 15.2 Cleaning, dressing, training, breaking or turning loose of any animal
- 15.3 Cleaning and repairing of any part of a vehicle or motor vehicle except in the case of an accident or breakdown
- 15.4 Washing, drying or bleaching any article or thing whatsoever in any street or public place.

## **16 EXCAVATIONS IN STREETS**

No person will make or cause to be made any hole, trench, pit or excavation in any street. No soil, metal or macadam may be removed from the street without the prior written consent of the municipality.

**17 DEFACING, MARKING OR PAINTING STREETS**

No person may in any way deface, mark or paint any street or part thereof without the prior written consent of the municipality

**18 SWEEPING PREMISES IN OR NEAR STREETS**

18.1 The occupier of premises adjoining any street will not cause or permit:

18.1.1 any part of the sidewalk adjacent to the street to be swept unless and until the area has been adequately sprinkled with water.

18.1.2 any dirt or refuse swept up to be thrown, or in any way disposed of, on any street.

18.2 Any contravention of the above by any servant, agent or representative of the occupier will be considered a contravention by the occupier.

**19 FIRING OF A FIRE-ARM, AIR-GUN OR AIR-PISTOL**

19.1 No person will, without lawful cause, fire a firearm, air-gun, or air-pistol within the municipality: This provision will not apply in the case of:

19.1.1 a fire-arm fired during a shooting competition or target practice on a recognised shooting range;

19.1.2 a fire-arm fired for the purpose of a sports meeting or practice; or

19.1.3 a fire-arm, air-gun or air-pistol fired on land that is mainly used for agricultural purposes.

**20 WORD OR GESTURES LIKELY TO CAUSE BREACH OF PEACE**

No person will use any threatening, abusive or insulting words, gestures or behaviour in any street or public place where a breach of the peace is likely to occur.

**21 DANGEROUS ANIMALS, REPTILES OR INSECTS**

21.1 A permit issued by the municipality is required for a person to keep any wild or dangerous animal, reptile or insect that has an inherent inclination to attack human beings. The keeping of these animals is likely to become a nuisance, injurious to the health of, or is fraught with danger to any person.

21.2 Keeping any animal, reptile or insect that is prohibited in terms of Section 20.1 may, if found at large, be destroyed by any police officer or authorised officer of the municipality.

**22 SINGING OR PLAYING MUSICAL OR NOISY INSTRUMENTS FOR PROFIT**

No person will sound or play on any musical or noisy instrument or sing in any street or public place for profit without the prior written consent of the municipality.

**23 DISTURBANCE OF PUBLIC PEACE**

The following behaviour is considered disturbance of public peace:

23.1 Shouting, quarrelling, fighting

23.2 Singing or playing any type of musical or noise-creating instrument,

23.3 Sound equipment, radio, loudspeaker or similar device, or

23.4 Riotous, violent or immoral behaviour.

The above are not allowed on a street; public place or on private premises.

**24 KEEPING ANIMALS AND BIRDS THAT DISTURB PUBLIC PEACE**

No person may keep any animal or bird that disturbs the public peace.

**25 ADVERTISING BY LOUDSPEAKER OR OTHER DEVICE**

25.1 No person will play, or permit the playing of, any sound equipment or use, or permit the use of, any loudspeaker or other audible device for the purpose of advertising on, or adjacent to, or which may be heard in any street or public place without the prior written consent of the municipality .

- 25.2 No person will, after being told to stop by a police officer or authorised officer of the Council, persist in playing or operating such a device.

## 26 PUBLIC GATHERINGS AND PROCESSIONS

- 26.1 No person will hold, convene, address or organise any public gathering or procession in, on any street or public place or premises under the control of or belonging to the Council without the prior written consent from the Council. Such permission may only be withheld for the reasons below.

- 26.2 Written application for permission to hold, convene or organise a public gathering or procession must reach the Municipal Manager not later than 7 days before the gathering or procession is due to commence. Every such application will:

26.2.1 contain the full names and addresses of holders, conveners and organisers of the proposed public gathering or procession;

26.2.2 specify the date, time and place or route of the public gathering or procession and whether or not bands, musical instruments, loudspeakers or similar devices are going to be used.

- 26.3 When granting permission, the municipality may impose such conditions and restrictions that it finds necessary for the prevention of damage to property, obstruction of traffic, disturbances of the peace, or interference with amenities of the public and, generally, for the maintenance of law and order. For such purpose and without prejudice to the general nature of the above, the Council may, at its discretion, prohibit the use of bands, musical instruments, loudspeakers or similar devices and may, in addition, limit the holding of any such gathering or procession to specified places or areas and to particular times or periods.

- 26.4 The Council may refuse such permission if it has reasonable grounds to believe that the public gathering or procession, if held, is likely to result in public disturbances, riots, damage to property, and/or obstruction of traffic or interference with the amenities and conveniences of the public generally.

- 26.5 Any person

26.5.1 who holds, convenes, addresses or organises any public gathering or procession referred to above where the permission of the Council has not been obtained and

26.5.2 any person holding, convening, addressing or organising a public gathering or procession in respect of which such consent has been obtained, who fails to comply with any condition that may be imposed, and

26.5.3 any person who in any manner causes a disturbance or commits an offence while present at any public gathering or procession

will, if required to do so by any authorised officer of the municipality or police officer, leave the public place or premises immediately.

- 26.6 Any person:

26.6.1 who holds, convenes, addresses or organises any public gathering or procession in respect of which the permission of the Council has not been obtained and

26.6.2 any person holding, convening, addressing or organising a public gathering or procession in respect of which such consent has been obtained,

who fails to comply with any condition which may be imposed, will be guilty of an offence.

- 26.7 Any person:

26.7.1 present at any public gathering or procession who fails to leave the public place or premises when required to; or

26.7.2 who has been warned by a police officer or duly authorised officer of the Council that the gathering or procession is illegal; or

26.7.3 that the conditions imposed by the Council in granting permission for the holding of the gathering or procession are being contravened and who fails, on the instruction of a police officer or duly authorised officer of the Council, to leave the public place

will be guilty of an offence.

**27 ADVERTISING BY MEANS OF ADVERTISING VEHICLES, SANDWICH BOARDS OR OTHER DEVICES**

- 27.1 No person will, without the previous written consent of the Council, display or cause or allow to be displayed any advertisement by means of advertising vehicles, sandwich boards, lanterns, flags, screens or other movable advertising devices in or along any street.
- 27.2 No person will display or cause, or allow to be displayed on any public motor vehicle any advertisement that is visible: An advertisement may be displayed on the sides and back of any bus.
- 27.3 The provisions of subsections (1) and (2) allow a public motor vehicle operator to advertise their transport services on the vehicle that is used to fulfil the transport services.

**28 LOITERING IN STREETS**

- 28.1 No person will
- 28.1.1 lie, sit on, stand, congregate, loiter, walk or otherwise act in a manner that may cause obstruction to traffic or
- 28.1.2 jostle or otherwise annoy any person using the street or
- 28.1.3 loiter at, or within twenty (20) metres of the entrance of any place of public worship during the time of divine service, or during the assembly afterwards, or departure, of the congregation so as to obstruct or annoy any persons going to, attending at, or leaving the place of worship.
- 28.1.4 Any person performing any of the aforementioned prohibited acts will, upon request by a police officer or duly authorised officer of the Council, discontinue doing so. Failure to comply is an offence in terms of this by-law.

**29 LOITERING AND TOUTING AT PLACES OF PUBLIC ENTERTAINMENT**

- 29.1 No person will
- 29.1.1 loiter or, except when forming part of a queue, congregate in any street within twenty (20) metres of the entrance to any place of public entertainment so as to obstruct or annoy persons proceeding to, attending at, or departing from such place of entertainment;
- 29.1.2 unless authorised, tout or solicit drivers of motor vehicles parking their motor vehicles at places of entertainment for the purpose of or under pretext of attending to the motor vehicles during the assembly or the departure of the audience.

**30 NO HANDBILL OR ADVERTISEMENT ON VEHICLE WITHOUT PERMISSION**

- 30.1 No person will deposit or leave any circular, dodger, handbill or other advertisement on any vehicle in any street or public place without having obtained permission to do so from the person in charge of the vehicle.
- 30.2 Any person found depositing or leaving any circular, dodger, handbill or other advertisement on a vehicle in a street or public place will be presumed to have done so without permission unless satisfactory evidence of permission can be produced.

**31 TREE PLANTING IN PUBLIC PLACES.**

No person will plant any tree or shrub in any street without the previous written permission of the Council.

**32 STREET COLLECTION**

- 32.1 No person other than a collector or a converter will solicit any gift money in a public place.
- 32.2 No street collection may be organized or held without the consent of the Council, granted on application made in accordance with the provisions of this by-law.
- 32.3 The Council may grant, or refuse, any application at its own discretion. Council will not be obliged to furnish reasons for any decision it may make. It will have regard for the following when granting or refusing an application:

- 32.1.1 The number of applications received by the closing date;
- 32.1.2 the desirability of limiting the number of days on which street collections are permitted with reference to the interests of the public;
- 32.1.3 the extent of public support for the applications as evidenced by the amount of financial support received at previous collections;
- 32.1.4 the financial resources of the applicant;
  - 31.3.1 whether a national organization is constituted to, and primarily serves, local needs;
  - 31.3.2 whether both a national organization, and a local organization affiliated to it, have applied for permission to hold street collections in the same street collection year;
  - 31.3.3 the objects for which the proceeds of any street collection are intended;
  - 31.3.4 the lateness of any application;
  - 31.3.5 any previous failure by an applicant to hold a street collection which had been permitted;
  - 31.3.6 any failure to comply with any one or more of this by-law; and
  - 31.3.7 any other circumstance or consideration which may seem to the Council to be material or relevant to any application.
- 31.4 The Council may accept any application that is lodged after the closing date and any application in respect of which the requirements of section 32 have not been fully complied with.
- 31.5 The Council may, on receipt of an application, call for additional documentary or other evidence of the financial standing of the applicant.
- 31.6 Limitation on Street Collections. When granting permission for a street collection the Council may limit:
  - 31.6.1 the areas within which the collection may be held,
  - 31.6.2 the areas within which it may not be held and
  - 31.6.3 the points at which the collectors may or may not collect.
- 31.7 Application for Consent
  - 31.7.1 Every application for consent as required above must be submitted on or before 30th November.
  - 31.7.2 The application must be approved by the Council.
  - 31.7.3 The application will be signed by the chairman or secretary of the applicant organisation.
  - 31.7.4 If there is more than one applicant, the chairman, secretary or any other authorised officer of each applicant must sign the application.
  - 31.7.5 The application must be completed on the appropriate form which can be obtained from the Council.
  - 31.7.6 Once an organisation, persons or group have received written permission to collect contributions, they may proceed with the collection at the allocated time within the calendar year.
  - 31.7.7 Before making an application for consent, an auditor must be appointed by the organisation.
  - 31.7.8 The following particulars must be included on the application for consent:
    - the name of the organization on whose behalf the application is made;
    - in order of priority, three dates on which the street collection would preferably be held;
    - the street names in which the collection would be conducted;
    - the uses to which the funds collected will be put or allocated;
    - where an application is for the joint benefit of two or more organisations, the manner in which the funds will be distributed to each organisation must be stated;
    - details of any deductions which are to be made before the proceeds of the street collection are distributed to any organisation which is to participate in the street collection; and



- the name, address and professional qualifications of the auditor of each organisation.

31.7.9 Every application submitted for street collections will be accompanied by:

- the audited statement of account and balance sheet for the applicants' last financial year
- other financial details that must be certified as correct by the appointed auditor relating to the work of the organization during its last financial year. These documents must establish the true state of the financial resources of the applicant;
- a copy of the previous annual report, if any, of the organisation;
- two (2) copies of the applicant's constitution, if not previously submitted;
- the applicants written consent to the deduction from the deposit of all amounts owing to the Council; and
- either a certificate of registration or any written permission granted to it or to any person or group of persons, or a certificate by the applicant that the organisation is not a welfare organisation as defined in section 1 of the Act.

31.7.10 Consent will be given in writing by the town clerk and is only valid for the specific street-collection to which it relates.

### 31.8 Conveners and Collectors

31.8.1 Every organisation will appoint, in writing, a convener. This person will be older than twenty one (21) years of age and will be responsible for the following duties:

- 31.8.1.1 to issue to appointed collectors all necessary directions and instructions to ensure compliance with the provisions of this by-law;
- 31.8.1.2 any instructions given by the Council in respect of the street collection;
- 31.8.1.3 to take delivery of the collection boxes supplied by the Council,
- 31.8.1.4 to issue them to the collectors and
- 31.8.1.5 to return the collection boxes as required;
- 31.8.1.6 to manage and take appropriate action regarding the conduct of the street collectors and
- 31.8.1.7 generally to supervise and organise the street collection.

31.8.2 Every collector will be appointed, in a letter of authority which will

- 31.8.2.1 Be addressed to them at their residential or business address,
- 31.8.2.2 specify the approved date of the street collection and
- 31.8.2.3 bear the signature of the convener,

31.8.3 while collecting or carrying out any function of a collector the letter of authority must be kept on the person and produced should an authorised officer of the Council require it.

31.8.4 No person will be appointed a collector who:

- 31.8.4.1 is under the age of sixteen years;
- 31.8.4.2 has within the ten (10) years immediately preceding the date of the street collection been convicted of any offence in connection with street collections; or
- 31.8.4.3 has within the five (5) years immediately preceding the date of the street collection been convicted of any offence involving fraud or dishonesty of any kind.

31.8.5 Any convener who knowingly employs, or engages as a collector, any person referred to above, or knowingly permits, or allows, a person who meets these requirements to be employed or engaged as a collector for the street collection, will be guilty of an offence.

31.8.6 No collector will solicit any gift of money other than from the place on the sidewalk assigned by the convener:

31.8.7 If the same applicant has obtained from the Council its consent to hold a procession of not less than twenty motor vehicles, to carry a float or tableau, the provisions of this section will not apply.

31.8.8 Collectors will be guilty of an offence if they

- 31.8.8.1 furnish the convener who appoints them with a false name or a false address; or
- 31.8.8.2 use any collection box which has not been supplied by the Council for the purposes of a street collection; or
- 31.8.8.3 use any collection box for the purposes of a street collection other than that for which it was supplied; or
- 31.8.8.4 contravene the provisions of this by-law or
- 31.8.8.5 accept any money in any public place in any manner other than permitting the donor to place it in the collection box supplied by the Council; or
- 31.8.8.6 open a collections box, removes the seal, or remove any of the money from the collections box during a street collection; or
- 31.8.8.7 fail or neglect to keep the collection box safe on their person at all times; or
- 31.8.8.8 fail or neglect to comply within seven (7) days to any demand made by the convener addressed to the person at their correct residential or business address and despatched by prepaid registered post requiring them to return the collection box; or
- 31.8.8.9 fail to produce his letter of authority to an authorised person,

#### 31.9 Collection Boxes

31.9.1 No organisation may use any collection box which has not been supplied to it by the Council for the purposes of that street collection.

31.9.2 Before a collection box is supplied by the Council, the applicant will

- 31.9.2.1 pay the Council a deposit of four (4) rand for every twenty (20) boxes or part thereof
- 31.9.2.2 submit the written appointments of the convener and the alternate to the convener. The full name and the business and residential addresses of the convener and the alternate to the convener must be included in this document.
- 31.9.2.3 The deposit made to the Council for collections boxes will be refunded to the applicant once the following deductions have been made:
  - Two (2) rand for every box lost or returned damaged;
  - a penalty for the late return of collections boxes of twenty (20) cents a box for each working day after the defined return date.
- 31.9.2.4 All collections boxes must be returned to the Council before 15:30 on the day of the street collection unless the Council (represented by the town clerk) has extended this time in writing.
- 31.9.2.5 Boxes not returned at or before 15:30 on the day of the street collection must be returned to the Council before 10 a.m. on the next working day.

#### 31.10 Flags and Badges

31.10.1 No display card, armband, flag, badge or other article which has not been approved by the Council may be exhibited or distributed to the public in connection with any street collection.

31.10.2 Applications to approve the design of the above mentioned articles must be made a minimum of fourteen (14) days before the day of the street collection.

#### 31.11 Hours of Street Collections

31.11.1 All street collections will be begun after 1 a.m. and ended by 2:30 p.m.

31.11.2 Council reserves the right to authorise different hours for the street collection.



**31.12 Returns to be Submitted**

31.12.1 Before a street collection may take place, the applicant must submit to the Council, for its written approval, the names and addresses of every person who will in any way be handling, conveying or, for any reason, have access to the money removed from the collection boxes. This list must include an undertaking that there will always be more than three of these persons on duty at any time.

31.12.2 Within seven (7) days of the street collection being held, the convener must submit the form supplied by the Council. This form includes a statement showing

31.12.2.1 each box issued

31.12.2.2 the official number displayed on the box,

31.12.2.3 the name, address and signature of the person to whom it was issued and

31.12.2.4 the amount of money collected in it.

31.12.3 Within seven (7) days of the street collection, the applicant will complete the Council form to declare the gross amount of money collected.

31.12.4 The Council may agree to extend the seven (7) day deadline in writing.

**33 OFFENSES AND PENALTIES**

Any person contravening or failing to comply with any provision of this by-law will be guilty of an offence and on conviction will be liable to a fine not exceeding R5000.00 or to imprisonment for a period not exceeding 12 months or both.

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# KUNGWINI LOCAL MUNICIPALITY

## BY-LAWS: ILLEGAL LITTERING; DUMPING AND ABANDONING OF WASTE

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## **1. KUNGWINI MUNICIPAL COUNCIL BY-LAW ON THE GOVERNING OF LITTERING, DUMPING AND ABANDONING OF SOLID WASTE MATERIALS**

The purpose of this by-law is to govern the littering, dumping and abandoning of solid waste and solid waste materials. This will ensure the interests of the Kungwini community are maintained and effective governance is achieved in a manner that complies with the objectives of the South African Constitution.

### **2. DEFINITIONS**

The following list of definitions is provided to facilitate the accurate interpretation of this by-law. For the purposes of this by-law, unless the context otherwise indicates:

"abandoning"	means leaving or refusing to accept responsibility for rubbish or refuse
"approved"	means approved by the Kungwini Local Municipality
"Council"	means the Council of the Kungwini Local Municipality, or the Municipality
"disposal site"	means an area set aside by the Council, excluding a garden waste site, for the disposal of waste other than hazardous or medical waste
"dumping"	means depositing an accumulation of rubbish in a place other than an allocated waste dump or disposal site
"littering"	means the dropping or scattering of refuse in places other than an allocated waste bin or container
"official"	means a person employed and/or authorised by the Council
"person"	refers, in this by-law, to both male and female, unless the context indicates the contrary
"waste"	means all types of material or objects considered to be abandoned, unwanted or unused

### **3. OBJECTIVE OF THIS BY-LAW**

The objective of this by-law is to enable the Council to manage the littering, dumping and abandoning of waste and waste materials in the most appropriate manner.

### **4. LITTERING**

#### **4.1. No person may:**

- 4.1.1. throw, drop, deposit, spill or in any other way, dispose of any waste or waste material in, or on, any public place or premises unless it is in a container that has been provided for that purpose, or at a municipal disposal site.
- 4.1.2. allow any other person under their control to throw, drop, deposit, spill or in any other way dispose of any waste or waste material in or on any public place or premises unless it is in a container that has been provided for that purpose or at a municipal disposal site.
- 4.1.3. distribute flyers, pamphlets, stickers or handbills at street corners, robots, sidewalks, stop streets or any open or public place in a manner that allows for litter to be created.
- 4.1.4. place, or display a placard or advertisement on any lamp pole, traffic sign pole or fence in a manner that allows for litter to be created.
- 4.2. A person reasonably suspected by an official of having contravened this by-law is guilty of an offence and will be required to pay the penalty as defined in this by-law.
- 4.3. Should a person be found guilty of an offence in terms of this by-law, they will be required to meet the demands of the penalty and dispose of the waste according to the Council requirements.
- 4.4. Should a person not dispose of the waste, the Council may dispose of the waste itself and recover the cost of disposal from the guilty person.

## **5. DUMPING AND ABANDONING**

- 5.1. No person may dispose of any waste, or waste material, at any place other than the approved municipal disposal site.
- 5.2. A person reasonably suspected by an official of having contravened this by-law could be charged and ordered to pay a penalty in terms of this by-law.
- 5.3. Should a person be found guilty of an offence of this by-law, they will be required to meet the demands of the penalty and also dispose of the waste according to the Council requirements.
- 5.4. Should a person not dispose of the waste, the Council may dispose of the waste itself in the appropriate manner according to the situation and recover the cost of the disposal from the guilty person.
- 5.5. The Council is not liable for any damages, costs or claims that arise out of, or that are in any way connected to, the action taken to remove the refuse, waste or waste material.

## **6. LIABILITY OF RESPONSIBLE PERSON**

- 6.1. For this by-law, the responsible person is:
  - 6.1.1. The last owner of the waste or waste material before it was removed by the Municipality and includes any person who,
    - 6.1.1.1. at the time of abandoning of the waste or waste material was legally entitled to be in possession of the waste, or waste material;
    - 6.1.1.2. abandoned the waste or waste material at the locality in question;
    - 6.1.1.3. gave permission for a person to abandon the waste or waste material at the locality in question.
- 6.2. Where waste or waste material has been removed and disposed of by the municipality, the responsible person is liable to pay the municipality the tariff for this service.
- 6.3. Should the identified responsible person be able to prove that they were in no way connected to, or aware of, the illegal dumping or littering, they will no longer be considered responsible.

## **7. PENALTIES**

Any person contravening or failing to comply with any provision of this by-law will be guilty of an offence and on conviction will be liable to a fine not exceeding R5000.00 or to imprisonment for a period not exceeding 12 months or both.

# KUNGWINI LOCAL MUNICIPALITY

## BY-LAWS: INFORMAL SETTLEMENTS

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# **1. KUNGWINI LOCAL MUNICIPALITY BY-LAW ON GOVERNING INFORMAL SETTLEMENTS**

The purpose of this by-law is to govern informal settlements. This will ensure the interests of the Kungwini community are maintained and effective governance is achieved in a manner that complies with the objectives of the South African Constitution.

## **2. DEFINITIONS**

"authorised informal settlement"	means any informal settlement recognised by the Council as an authorised informal settlement and which will be legalised and upgraded as a formal township in terms of the Council's existing housing policies
"consent"	means the express, or implied consent of the owner, or person in charge, to the occupation of land by a resident of a shack, irrespective of whether or not consent was given in writing
"contractual agreement"	means the contractual agreement entered into between the head of a household and the Council where the household is authorised to occupy a shack in an authorised informal settlement
"council"	means the Council of the Kungwini Local Municipality, or the Municipality
"court"	means any division of the High Court or the magistrate's court in whose area of jurisdiction the land is situated
"eviction" or "evict"	means the permanent removal, in accordance with the provisions of a court order, of a person and his or her personal property, from occupation of a shack, or the land on which the shack is constructed. This includes the demolition and removal from the land of any building materials used to construct the shack
"group"	means more than one person, where all people are of common mind
"land"	means any land within the Council's area of jurisdiction, irrespective of whether it belongs to the National Government, Provincial Government, the Council, private individual or group
"informal settlement"	means one or more shack constructed on land, with or without the consent of the owner of the land, or the person in charge of the land
"land invasion"	means the illegal occupation of land, or any settlement, or occupation by people on land without the express, or tacit, consent of the owner, or the person in charge of the land, or without any other right in law to settle on or occupy the land
"official"	means a person employed and/or authorised by the Council
"owner"	means the registered owner of land, irrespective of whether the owner is the National Government, Provincial Government, Council or a private individual, legal entity or group
"person in charge"	means a person who has the legal authority to give permission to another person to enter or reside on that land
"shack"	means any temporary shelter, building, hut, tent, dwelling or similar structure used for residential purposes that does not comply with the provisions of the National Building Regulations and Building Standards Act, Act 103 of 1977 the regulations promulgated under that Act and the Council's Building Control By-laws
"the Act"	means the Environmental Conservation Act, Act 73 of 1989
"unauthorised informal settlement"	means any informal settlement which is not recognised by the Municipality as an authorised informal settlement and which will not be legalised and upgraded as a formal township in terms of the Council's existing housing policies, but will be demolished and removed in terms of this by-law

### 3. APPOINTMENT AND DUTIES OF MANAGER: INFORMAL SETTLEMENTS

3.1 The Municipality must appoint an officer or assign one of its officials as the Manager: Informal Settlements, to manage and control all the informal settlements in the Council area.

#### 3.2 Duties of the Manager: Informal Settlements

The Manager: Informal Settlements will:

conduct regular surveys to determine the location, origin and extent of, and the conditions prevailing in each informal settlement;

monitor and control all informal settlements and take the necessary steps to prevent land invasion within the Council's area of jurisdiction;

undertake and promote liaison and communication with local communities so that they understand and cooperate in the prevention of land invasion in the Council's area of jurisdiction;

keep a register of all the residents who are entitled to reside in each authorised informal settlement. In the register the following details must be entered in respect of each shack in the authorised informal settlement:

- 3.2.4.1 The number allocated to the stand or site on which the shack is constructed;
- 3.2.4.2 the name and identity number of the head of the household who is entitled to occupy the shack;
- 3.2.4.3 the names, identity numbers and relationships to the head of the household of each and every other person occupying the shack as a member of the household;
- 3.2.4.4 the reference number of the file of the Manager: Informal Settlements that contains a copy of the contractual agreement in respect of the shack;
- 3.2.4.5 the number of the shack's rental account, if applicable;
- 3.2.4.6 the number of the shack's municipal services account, if applicable;
- 3.2.4.7 the previous address of the household that is entitled to occupy the shack; and
- 3.2.4.8 the names, addresses and telephone numbers, if any, of at least two family members of the head of the household who do not live at the same address as the household that is entitled to occupy the shack;

ensure that all the residents living in an authorised informal settlement are registered in the Council's Housing Waiting List;

submit written reports when required to by the Council on the control and management of any informal settlement and/or the conditions being experienced in the informal settlement;

inform residents of informal settlements and all other persons visiting informal settlements, ensure that:

- 3.2.7.1 the contents of this by-law are communicated to all the residents of every informal settlement; and
- 3.2.7.2 a copy of this by-law is posted and maintained in a prominent place at the venue where the Residents' Committee usually holds its meetings;

allocate to each site or stand in an authorised informal settlement a unique number as the temporary address of the site or stand. The number must be legibly painted or inscribed in a prominent place on the site or stand;

ensure that only authorised shacks are erected and that only authorised residents take up residence in any informal settlement; and

perform any other necessary duty or function to ensure the proper management and control of an informal settlement.



#### 4. INCIDENTS OF LAND INVASION

4.1 The Manager: Informal Settlements must, within a period of 24 hours after they become aware of an incident of land invasion or the existence of a newly established informal settlement, irrespective of whether or not the informal settlement was established as a consequence of an incident of land invasion:

4.1.1 determine the status of the informal settlement as an authorised or an unauthorised informal settlement in terms of the Municipality's existing housing policies; and

4.1.2 inform the residents of the status of the informal settlement.

#### 5. PROCEDURES RELATING TO THE MANAGEMENT AND CONTROL OF AUTHORISED INFORMAL SETTLEMENTS

As soon as an informal settlement has been declared authorised, the Manager: Informal Settlements, or an appointed official, must notify the residents of the status of the authorised settlement either through visiting or by means of a letter delivered to each shack.

The Manager: Informal Settlements must compile a comprehensive register of all residents who are entitled to reside in the authorised informal settlement and the following details must be entered in respect of each shack:

The number allocated to the stand or site on which the shack is constructed;

the name and identity number of the head of the household who is entitled to occupy the shack;

the names, identity numbers and relationships to the head of the household of each and every other person occupying the shack as a member of the household;

the reference number of the file held by the Manager: Informal Settlements, that contains a copy of the contractual agreement in respect of the shack;

the number of the shack's rental account, if applicable;

the number of the shack's municipal services account, if applicable;

the previous address of the household that is entitled to occupy the shack; and

the names, addresses and telephone numbers, if any, of at least two family members of the head of the household who do not live at the same address as the household that is entitled to occupy the shack.

The Manager: Informal Settlements must ensure that the names, addresses and other relevant details of all the residents living in an authorised informal settlement are registered in the Council's Housing Waiting List.

The Manager: Informal Settlements must allocate a unique number as the temporary address to each site or stand in an authorised informal settlement. He or she must ensure that the number is legibly painted or inscribed in a prominent place on the site or stand.

The Manager: Informal Settlements must ensure that no new unauthorised shacks are constructed in the authorised informal settlement and that no new unauthorised residents take up residence in the authorised informal settlement. The Manager: Informal Settlements will achieve this by implementing appropriate measures to manage, monitor and control the occupancy of residents in the authorised informal settlement in general.

Any unauthorised occupancy in an authorised informal settlement must be dealt with in accordance with the provisions of this bylaw.

The Manager: Informal Settlements must ensure for each authorised informal settlement that:

the Municipality's Finance Department institutes, operates and maintains an appropriate account for services rendered by the Municipality to each registered shack in the authorised informal settlement and for any charges levied for the right of occupation of a particular site or stand in the authorised informal settlement; and

the account is supplied to the head of the household of each registered shack in the authorised informal settlement.

## **6. RESIDENTS' COMMITTEES**

A meeting of residents to elect a residents committee for each authorised informal settlement must be convened annually, on a date and at a venue determined by the Manager: Informal Settlements. The Residents' Committee will have a Chairperson, Deputy Chairperson, Secretary and six ordinary members to represent the views and interests of the residents of the authorised informal settlement in all consultative processes between the Council and the residents of the authorised informal settlement.

A residents' committee and the Manager: Informal Settlements, or his or her designated representative, must meet on a monthly basis. At the meetings, the Municipality will consult the residents' committee on all matters relating to the authorised informal settlement and communicate matters of general concern to the residents on a collective basis. After the meetings, it is the sole responsibility of the Residents' Committee to inform the individual residents of the matters discussed at the meetings.

Special meetings of residents may be convened from time to time by a residents' committee to communicate with and inform the individual residents of matters relating to the authorised informal settlement.

A Residents' Committee must give notice of a meeting of the residents of the authorised informal settlement by placing the notice prominently on the official notice-board at a venue whose location has been determined by the Residents' Committee and communicated to the residents at an official meeting of the residents.

## **7. PROCEDURES RELATING TO THE TERMINATION OF UNAUTHORISED INFORMAL SETTLEMENTS**

As soon as an informal settlement has been declared unauthorised, the Manager: Informal Settlements must personally, or through a designated official, visit the informal settlement and notify the residents of the status of the unauthorised informal settlement by means of a written notice hand-delivered to each shack in the informal settlement.

The notice must:

notify the residents of a shack in the unauthorised informal settlement that their occupation of the shack and the site or stand on which it is situated is illegal; and

request the residents of the shack to vacate the shack and remove any building materials and other personal property from the unauthorised informal settlement within a period of 48 hours after receipt of the written notice.

If the residents cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorised informal settlement, the Manager: Informal Settlements will take the appropriate steps to prevent a recurrence of any incident of land invasion or illegal land occupation on that site, stand or unauthorised informal settlement. The Manager: Informal Settlements will regularly monitor the situation to ensure that no land invasion or illegal land occupation takes place.

If the residents notified of the unauthorised status of their informal settlement fail to cooperate, vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorised informal settlement, the Manager: Informal Settlements will immediately institute the necessary legal procedures to obtain an eviction order:

Within a period of 72 hours after the expiry of the time allocated by the delivered written notice, the Manager: Informal Settlements must lodge an application in the appropriate court to obtain an eviction order according to section 4, 5 or 6 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, Act 19 of 1998. The eviction will be against any person or group, independently or together, occupying or residing in a shack or on a site or stand in the unauthorised informal settlement.

The Manager: Informal Settlements must, within a period of 72 hours after obtaining the eviction order, deploy the Land Invasion Reaction Unit to execute the eviction order and terminate the unauthorised informal settlement by:

7.4.2.1 evicting the residents of the unauthorised informal settlement ;

- 7.4.2.2 demolishing and removing all shacks and removing all building materials and other personal property from the unauthorised informal settlement; and
- 7.4.2.3 disposing of the building materials and other personal property in accordance with the provisions of these bylaws.

Any costs incurred by the Manager: Informal Settlements in executing these bylaws will be paid for by the Council from its approved budget.

## **8. DISPOSAL OF BUILDING MATERIALS AND PERSONAL PROPERTY**

Disposal of Building Materials and Personal Property. In executing the provisions of the eviction of persons living in an unauthorised informal settlement,

any building materials and other personal property belonging to a resident or occupier of a shack in an unauthorised informal settlement must be removed and stored in a safe place as identified by the Manager: Informal Settlements.

if the building materials and other personal property are not claimed by their owner within a period of 3 months after the date of removal and storage, the building materials and personal property will be sold at the best price by the Manager: Informal Settlements, or a person designated by him or her to do so. Any money gained from the sale, after charges and expenses have been deducted, must be deposited into the Council's Revenue Account, provided that:

- 8.1.2.1 the heir of any deceased person is not deprived of his or her right to the balance of the money generated from the sale of property and possessions; and
- 8.1.2.2 any building materials or property, which, in the opinion of the Manager: Informal Settlements is valueless, may be destroyed or otherwise appropriately disposed of.

the Manager: Informal Settlements must compile and maintain a register, which shows:

- 8.1.3.1 particulars of all building materials and other personal property removed and stored;
- 8.1.3.2 the date of removal and storage of building materials or other personal property from the eviction conducted by the Council;
- 8.1.3.3 the name and site or stand number of the owner of the building materials and private property,
- 8.1.3.4 the signature or left thumb print of the person who claims ownership and the person to whom the materials, or property, are delivered for sale;
- 8.1.3.5 full details of the date of the sale and the amount received from the sale of materials or other personal property, and
- 8.1.3.6 if the building materials and private property are considered to be of no value, a certificate certifying that the materials were of no value and destroyed, signed by the Manager: Informal Settlements;

Neither the Council, nor any of its officials, may be held responsible for any loss of or damage to property, or injury to any resident or occupier of a shack in a non-authorised informal settlement or any other person for any reason.

## **9. PAYMENT OR RECEIPT OF MONEY OR FAVOURS IN RESPECT OF THE UNLAWFUL OCCUPATION OF LAND**

No person may, directly or indirectly, receive or ask for payment of any money or other favour. The favour and money are not as a fee, or charge, for arranging, organising or permitting a person to occupy land without the consent of the owner or person in charge of that land.

Any person who accepts payment of money or other favours as described above, is guilty of an offence.

The Court that convicts any person of a contravention of this section of the by-law will order any money or other favour received by that person and which has been seized, to be confiscated. The money or

favours may be returned to the person or persons from whom the money or favour was received. When the person or persons cannot be positively identified, the money or favour must be paid into the Council's Revenue Account.

If any money or other favour has been received in contravention of this by-law, but has not been seized or confiscated, the Court may order the amount to have been received by the person to be paid to the person or persons from whom the money or favour was received. Where this person or persons cannot be positively identified, the money or favour will be paid into the Council's Revenue Account.

#### **10. OFFENCES AND PENALTIES**

Any person contravening or failing to comply with any provision of this by-law will be guilty of an offence and on conviction will be liable to a fine not exceeding R5000.00 or to imprisonment for a period not exceeding 12 months or both.

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# KUNGWINI LOCAL MUNICIPALITY

## BY-LAWS: RENTAL OF MUNICIPAL HALLS AND FACILITIES

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## **1. KUNGWINI LOCAL MUNICIPALITY BY-LAW ON THE RENTAL OF MUNICIPAL HALLS AND FACILITIES**

The purpose of this by-law is to govern the short term leasing of municipal halls and facilities. This will ensure the interests of the Kungwini community are maintained and effective governance is achieved in a manner that complies with the objectives of the South African Constitution.

## **2. DEFINITIONS**

The following list of definitions is provided to facilitate the accurate interpretation of these by-laws. For the purposes of these by-laws, unless the context otherwise indicates:

"council"	means the Council of the Kungwini Local Municipality, or the Municipality
"group"	means any number of people who wish to hold the same function
"hall"	means hall, room, building or premises owned ,or managed, by the Municipality, that can be rented on a short term basis, to a person, or group, for the purpose of holding meetings, functions or offering entertainment
"lessee"	means the person or group that contract to rent the hall or facility
"meeting"	means any gathering of people for a legal purpose
"Municipal Manager"	means the person employed in the position of Municipal Manager, or his appointed representative

## **3. OBJECTIVES OF THIS BY-LAW**

The objective of this by-law is to enable the Council to rent, for a short time, halls to people or groups. These by-laws will also be used to regulate the processes related to the leasing and management of these halls and facilities.

## **4. AUTHORITY TO LEASE MUNICIPAL HALLS AND FACILITIES**

- 4.1 The Municipality is entitled but not obliged to let any of its halls and facilities to residents, consumers and persons.
- 4.2 Any person wishing to lease a municipal hall or facility must complete the prescribed application forms available from the Department of Corporate Services and pay the defined refundable deposit and rental prior to using the halls or facilities.
- 4.3 The Council will determine the applicable leasing tariffs on an annual basis.
- 4.4 The tariffs decided by the Council will be published in the press.

## **5. CANCELLATION OF RESERVATION**

- 5.1 If a lessee cancels the reservation for a hall more than 30 days before the planned function, the Municipal Manager will refund any deposit paid, in full.
- 5.2 When a booking is cancelled less than 30 days but more than 10 days before the planned function, 75% of the deposit will be refunded.
- 5.3 When a booking is cancelled less than 10 days before the booking, no refund of the deposit will be made.

## **6. CONDITIONS OF LEASING**

### **6.1 Limitation of Lessees Rights:**

No furniture, equipment, artwork or any other municipal property may be used for the benefit of the lessee or any other third party. Furniture, equipment and municipal property on the premises that is

owned by the Municipality do not form part of the rental agreement, unless explicitly specified in the leasing agreement.

6.2 Recovery of Damages:

The Council will be entitled to deduct any damages caused to the Municipal halls or facilities by the lessee or any other persons attending. The deduction will be made from the deposit and the balance, if any, refunded to the lessee. Should the damages exceed the value of the deposit, the lessee will be held responsible for payment within 7 days of receipt of the specified account.

6.3 Indemnity of Municipality:

The lessee indemnifies and holds harmless the Municipality or any of its employees for any damages of whatever nature that originate from the leasing of the Municipal halls or facilities, by itself or any persons attending or using the said Municipal halls and facilities.

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