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KWAZULU-NATAL PROVINSIE
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MUNICIPAL NOTICES

No. 6**11 March 2010**

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Rates, which Bylaw shall come into operation on the date of publication of this notice.

uMLALAZI MUNICIPALITY RATES BY-LAWS

Whereas Section 6 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) requires a municipality to adopt by-laws to give effect to the implementation of its rates policy.

Now therefore the Municipal Council of uMlalazi Municipality approves and adopts the following rates by-laws.

1. Definitions

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

“act” means the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004).

“municipality” means the municipal council for the municipal area of uMlalazi.

2. Rating of property

In terms of section 2(3) of the Act the power of the municipality to levy rates on property is subject to-

- 2.1 Section 229 and other applicable provisions of the Constitution
- 2.2 The provisions of the Act
- 2.3 The municipality's rates policy; and
- 2.4 This by-laws

3. General principles

- 3.1 Rates are levied as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll
- 3.2 Criteria are provided for the determination of categories of property and owners and for the purpose of levying different rates on categories of property and owners.
- 3.3 Different rates may be levied for different categories of rateable property.
- 3.4 Relief measures in respect of payment for rates will not be granted to any category of property or owners on an individual basis, other than by way of an exemption, rebate or reduction.
- 3.5 All ratepayers with similar properties will be treated the same.
- 3.6 The ability of a person to pay rates will be taken into account.
- 3.7 Provision will be made for the promotion of local social development and sustainable local government.
- 3.8 Rates will be based on the value of all rateable property and the amount required by the municipality to balance the operating budget.

4. Classification of services and expenditure

- 4.1 The municipal manager or his/her nominee subject to the guidelines provided by the National Treasury and Executive Committee and principles contained in the rates policy will classify services, categorise expenditure and create cost centres to prevent that property rates subsidise trading and economic services
- 4.2 Trading and economic services will be ringfenced and financed from service charges while community and subsidised services will be financed from profits on trading and economic services, regulatory fees and rates and rates related income.

5. Categories of properties and owners

- 5.1 In terms of Section 3(3) of the Act the municipality must determine the criteria for the determination of categories of property and owners for granting exemptions, reductions and rebates and criteria if it levies different rates for different categories of property.
- 5.2 In terms of sections 8(1) and 15(1) read in conjunction with section 19 of the Act the municipality may exempt a category of owner of property from rates or grant a rebate or reduction in the rates.
- 5.3 The criteria for categories of property and owners and the different categories of property and owners are reflected in the municipality's rates policy and adjusted annually, if required, during the budget process.

6. Properties used for multiple purposes

Rates on properties used for multiple purposes will be levied on properties used for-

- 6.1 a purpose corresponding with the permitted use of the property, if the permitted use of the property is regulated;
- 6.2 a purpose corresponding with the dominant use of the property;
- or
- 6.3 by apportioning the market value of a property to the different purposes for which the property is used; and
- 6.4 applying the relevant cent amount in the rand to the corresponding apportioned market value.

7. Differential rating

7.1 Criteria for differential rating on different categories of properties in terms of section 8(1) of the Act will be according to-

- 7.1.1 The use of the property.
- 7.1.2 Permitted use of the property; or
- 7.1.3 Geographical area in which the property is situated.

7.2 Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category

and/or

by way of reductions and rebates

8. Criteria for exemptions, reductions and rebates

Criteria for determining categories of owners of property for the purpose of granting exemptions, rebates and reductions in terms of section 15(2) of the Act will be according to-

- 8.1 indigent status of the owner of a property
- 8.1.1 sources of income of the owner of a property
- 8.2 owners of property situated within an area affected by-
 - 8.2.1 a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - 8.2.2 any other serious adverse social or economic conditions;
- 8.3 owners of residential properties with a market value below a determined threshold; or
- 8.4 owners of agricultural properties who are *bona fide* farmers

9. Exemptions

9.1 Over and above the exemptions provided for in sections 16 and 17 of the Act specific categories of property as indicated in the table below are exempted from the payment of rates within the meaning of section 15(1)(a) of the Act and 9(2) to 9(7) of this by-law.

Description of category of property	Criteria
Municipal properties	9(2)
Public service infra-structure	9(4)
Cemetaries and crematoriums	9(3)
Public Benefit organizations	9(5)

- 9.2 Municipal properties are exempted from paying rates as it will result in an overstatement of revenue.
- 9.3 Cemeteries and crematoriums registered in the names of private persons and operated not for gain.
- 9.4 Public service infrastructure is exempted from paying rates as they provide essential services to the community
- 9.5 Public benefit organisations as provided for in the Rates Policy may apply for the exemption of property rates subject to producing a tax exemption certificate issued by the South African Revenue Services (SARS) as contemplated in Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (No 58 of 1962):
- 9.6 Exemptions will be subject to the following conditions:
 - 9.6.1 all applications must be addressed in writing to the municipality;
 - 9.6.2 a SARS tax exemption certificate must be attached to all applications;
 - 9.6.3 the municipal manager or his/her nominee must approve all applications;
 - 9.6.4 applications must reach the municipality before the end of July of each year.

- 9.6.5 the municipality retains the right to refuse exemptions if the details supplied in the application form were incomplete, incorrect or false.

10. REBATES

10.1 Categories of properties

- 10.1.1 The municipality may grant rebates within the meaning of section 15(1) (b) of the Act on the rates to the owners of the following categories of properties and subject to the criteria and conditions contained in 10.1.2 to 10.5 of this by-laws:

Description of category of property	Criteria
(1) Industrial	10.1.2
(2) Business/commercial	10.1.2
(3) Agricultural	10.5
(4) state-owned properties	10.4

- 10.1.2 The municipality may grant rebates to rateable enterprises that promote local, social and economic development in its area of jurisdiction, based on its Local, Social and Economic Development Policy.

10.2. The following criteria will apply:

- 10.2.1 job creation in the municipal area;
 10.2.2 social upliftment of the local community; and
 10.2.3 creation of infrastructure for the benefit of the community.

10.3 Rebates will be granted on application subject to:

- 10.3.1 a business plan issued by the directors of the company indicating how the local, social and economic development objectives of the municipality are going to be met;
 10.3.2 a continuation plan issued by the directors and certified by auditors of the company stating that the objectives have been met in the first year after establishment and how the company plan to continue to meet the objectives;
 10.3.3 an assessment by the municipal manager or his/her nominee indicating that the company qualifies; and
 10.3.4 a municipal resolution.

10.4 State properties Receive a rebate of 20%.

10.5 Agricultural property rebate

- 10.5.1 Agricultural properties may be granted a rebate subject to certain information received in an affidavit by 31 July each year.
 10.5.2 Qualifying requirements are that the owner should be taxed by SARS as a farmer and the last tax assessment must be provided as proof,
 or
 10.5.3 where the owner is not taxed as farmer, proof is required that income from farming activities exceeds 40% of the household income.
 10.5.4 Rebates will be considered annually by Council at the compilation of the annual budget.

10.6 Categories of owners

- 10.6.1 The following categories of owners of rateable properties may be granted a rebate on rates within the municipality within the meaning of section 15(1) (b) of the Act:

Description of Category of Owners	Criteria
Retired and disabled persons	10.6.2

10.6.2 Criteria for granting rebates to category of owners

- 10.6.2.1 Retired and Disabled Persons Rate Rebate To qualify for the rebate a property owner must:
 10.6.2.2 occupy the property as his/her normal residence;
 10.6.2.3 be at least 60 years of age or in receipt of a disability pension from the Department of Welfare and Population Development;
 10.6.2.4 be in receipt of a total monthly income from all sources as determined from time to time.

- 10.6.2.5 not be the owner of more than one property; and
- 10.6.2.6 provided that where the owner is unable to occupy the property due to no fault of his/her own, the spouse or minor children may satisfy the occupancy requirement.
- 10.6.3 Property owners must apply on a prescribed application form for a rebate as determined by the municipality.
Applications must be accompanied by-
- 10.6.3.1 a certified copy of the identity document or any other proof of the owners age which is acceptable to the municipality;
- 10.6.3.2 sufficient proof of income of the owner and his/her spouse;
- 10.6.3.3 an affidavit from the owner;
- 10.6.3.4 if the owner is a disabled person proof of a disability pension payable by the state must be supplied; and
- 10.6.3.5 if the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.
- 10.6.4 These applications must reach the municipality before the end of July of each year.
- 10.6.5 The municipality retains the right to refuse rebates if the details supplied in the application form are incomplete, incorrect or false.

11. Reductions

Categories of property and owners

- 11.1 A reduction in the municipal valuation as contemplated in section 15(1)(b) of the Act will be granted where the value of a property is affected by-
- 11.1.1 a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
- 11.1.2 any other serious adverse social or economic conditions
- 11.2 The reduction will be in relation to the certificate issued for this purpose by the municipal valuer
- 11.3 All categories of owners can apply for a reduction in the rates payable as described above
- 11.4 Owners of the following categories of rateable property situated within the municipality may be granted a reduction within the meaning of section 15(1) (b) of the Act on the rates payable in respect of their properties and subject to the conditions contained in 11(1)(e) of this by-laws:

	Description of category of property	Criteria
1	(a) Residential	11.1.5
2	(b) Industrial	11.1.5
3	(c) Business	11.1.5
4	(d) Agricultural	11.1.5
5	(e) state-owned properties	11.1.5
6	(f) Municipal properties	11.1.5
7	(g) Public service infra-structure	11.1.5
8	(h) Informal settlements	11.1.5
9	(i) Properties -	
	9 (i) Acquired through the Provision of Land Assistance Act, 1993, or the Restitution of Land Rights Act, 1994, or	11.1.5
	9 (ii) which is subject to the Communal Property Associations Act, 1996	11.1.5
10	(j) Protected areas	11.1.5
11	(k) National monuments	11.1.5
12	(l) Public benefit organizations (Part 1 of the Ninth Schedule to the Income Tax Act)	11.1.5
13	(m) Multiple purposes	11.1.5
14	(n) Private towns serviced by the developers	11.1.5
15	(o) private towns serviced and maintained by the developers	11.1.5

11.1.5 Criteria for granting reductions

- 11.1.5.1 A reduction in the municipal valuation as contemplated in section 15(1)(b) of the Act will be granted where the value of a property is affected by fire damage, demolition or floods.
- 11.1.5.2 The reduction will be in relation to the certificate issued for this purpose by the municipal valuer.

12. Rates increases

- 12.1 The municipality will consider increasing rates annually during the budget process in terms of the guidelines issued by National Treasury from time to time.
- 12.2 Rate increases will be used to finance the increase in operating costs of community and subsidised services.
- 12.3 Relating to community and subsidised services the following annual adjustments will be made:
 - 12.3.1 All salary and wage increases as agreed at the South African Local Government Bargaining Council
 - 12.3.2 An inflation adjustment for general expenditure, repairs and maintenance and contributions to statutory funds, and
 - 12.3.3 Additional depreciation costs or interest and redemption on loans associated with the assets created during the previous financial year.
- 12.4 Extraordinary expenditure related to community services not foreseen during the previous budget period and approved by the council during a budget review process will be financed by an increase in property rates.
- 12.5 Affordability of rates to ratepayers.
- 12.6 All increases in property rates will be communicated to the local community in terms of the municipality's policy on community participation.

13. Notification of rates

- 13.1 The municipality will give notice of all rates approved at the annual budget meeting at least 30 days prior to the date that the rates become effective. Accounts delivered after the 30 days notice will be based on the new rates.
- 13.2 A notice stating the purport of the municipality's resolution and the date on which the new rates become operational will be displayed by the municipality at places installed for that purpose.

14. Payment of rates

- 14.1 Ratepayers may choose between paying rates annually in one instalment on or before 30 September or in twelve equal instalments on or before the last working day of the month following on the month in which it becomes payable.
- 14.2 If the owner of property that is subject to rates, notify the municipal manager or his/her nominee not later than 31 May in any financial year, or such later date in such financial year as may be determined by the municipal manager or his/her nominee that he/she wishes to pay all rates in respect of such property in instalments, such owner shall be entitled to pay all rates in the subsequent financial year and each subsequent financial year in twelve instalments until such notice is withdrawn by him/her in a similar manner.
- 14.3 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the credit control, debt collection and indigent policy of the municipality.
- 14.4 If a property owner who is responsible for the payment of property rates in terms of this policy, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control, Debt Collection and indigent policy of the Municipality.
- 14.5 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act.
- 14.6 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- 14.7 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

15. **Short title**
This by-law is the rates by-law of the uMlalazi Municipality.

No. 7

11 March 2010

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Keeping of Animals, which Bylaw shall come into operation on the date of publication of this notice.

UMLALAZI MUNICIPALITY
KEEPING OF ANIMALS BY-LAWS

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CHAPTER 1 : DEFINITIONS**Definitions**

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

"aviary" means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;
"battery system" means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;
"cattery" means premises in or upon which –
boarding facilities for cats are provided; or

2. cats are bred for commercial purposes;

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

"keeper" means –

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

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

"kennels" means premises in or upon which –

boarding facilities for dogs are provided;

dogs are bred for commercial purposes;

3. dogs are kept for the purposes of being trained or hired out with or without handlers; or

4. dogs are kept for commercial security purposes;

"livestock" means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

"pet" means a tame animal kept in a household for companionship or amusement;

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

"pet shop" means any premises where the business of keeping and selling pets is carried out;

"poultry" means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

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

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

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

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

"stable" means any building or structure used to accommodate livestock other than poultry; and

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

CHAPTER 2 : GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS**2. Application of by-laws**

- 2.1 These by-laws, with the exception of section 28, do not apply to -
- 2.1.1 any agricultural show where animals are kept on a temporary basis; or
any laboratory where animals are lawfully kept for research purposes and
- 2.2 These bylaws are applicable in the urban areas of Eshowe, Mtunzini and Gingindlovu and any other areas as determined by the Executive Committee of the uMlalazi Council from time to time.

CHAPTER 3 : KEEPING OF CATTLE, HORSES, MULES AND DONKEYS**3. Requirements for premises**

- 3.1 No person may keep any cattle, horse, mule or donkey in a stable or other enclosure that does not comply with the following requirements:
- 3.1.1 every wall and partition of the enclosure must be constructed of brick, stone, concrete or other durable material;
- 3.1.2 the internal wall surfaces of the enclosure must be constructed of smooth brick or other durable surface brought to a smooth finish;
- 3.1.3 the height of the walls to the wall plates of the enclosure must -
- 3.1.3.1 if the roof is a pitched roof be 2,4 metres;
- 3.1.3.2 if the roof is a flat roof be 2,7 metres;
- 3.1.3.3 if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;
- 3.1.3.4 in the case of a stable which has an opening along the entire length of one of its long sides be not less than 2 metres;
- 3.1.4 the enclosure must have a floor area of at least 9m² for each head of cattle, horse, mule or donkey accommodated in it;
- 3.1.5 lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3m² for each animal to be accommodated in it except in the case of an enclosure open along the entire length of one of its long sides;
- 3.1.6 the lowest point of every opening, window or louvers must be at least 1,8 metres above floor level;
- 3.1.7 the floor of the enclosure must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel;
- 3.1.8 no enclosure may be situated within -
- 3.1.8.1 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or
- 3.1.8.2 50 metres of any water resource or water supply intended or used for human consumption;
- 3.1.9 there must be a water supply adequate for drinking and cleaning purposes next to every enclosure.

4. Duties of keepers of cattle, horses, mules and donkeys

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

- 4.1 maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;

- 4.2 provide portable manure storage receptacles of an impervious material and with close fitting lids;
- 4.3 keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the enclosure;
- 4.4 if there is so much manure and bedding that storage receptacles are impractical, provide a manure heap complying with the following requirements:
 - 4.4.1 the heap must be enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish; and
 - 4.4.2 the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150 mm in diameter and is kept filled with water;
- 4.5 remove all the manure from the enclosure at least once every 24 hours and place it in the manure storage receptacles or heap until it is removed from the premises;
- 4.6 remove the contents of the manure storage receptacles or heap from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance;
- 4.7 remove all bedding from the enclosure at least once a week and store it in the manure receptacles or heap until it is removed from the premises; and store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.

CHAPTER 4 : KEEPING OF GOATS AND SHEEP

5. Requirements for premises

- 5.1 No person may keep sheep or goats in an enclosure that does not comply with the following requirements-
 - 5.1.1 a minimum overall floor area must be 30m²;
 - 5.1.2 at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it;
 - 5.1.3 every wall must be constructed of brick, stone, concrete or other durable material;
 - 5.1.4 every wall must be at least 2 metres in height and have a smooth internal finish;
 - 5.1.5 the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel;
 - 5.1.6 at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6m²; and
 - 5.1.7 lighting and ventilation openings totalling at least 0,15m² per goat or sheep must be provided.
- 5.2 No person may keep sheep or goats in an enclosure within –
 - 5.2.1 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or
 - 5.2.2 50 metres of any water resource or water supply intended or used for human consumption.
- 5.3 Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure used to accommodate sheep or goats.

6. Duties of keeper of goats and sheep

- 6.1 Any person who keeps goats or sheep must -
 - 6.1.1 maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;
 - 6.1.2 provide portable manure storage receptacles of an impervious material and with close fitting lids;
 - 6.1.3 keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
 - 6.1.4 remove all manure from the enclosure, building or shed at least once every seven days and place it in the manure storage receptacles;
 - 6.1.5 remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and

- 6.1.6 store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

CHAPTER 5 : KEEPING OF POULTRY

7. Application

The provisions of sections 10.4 to 7 inclusive and 11.5, do not apply to the persons keeping ten or less poultry.

8. Permit requirements for poultry

No person may keep more than 10 poultry birds on an erf in a proclaimed township or 100 poultry birds on premises zoned for agriculture except in terms of a permit issued by the Council.

9. Requirements for premises

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

9.1 In relation to a poultry house –

- 9.1.1 every wall must be constructed of brick, stone, concrete or other impervious material brought to a smooth internal surface;
- 9.1.2 the floor must be constructed of concrete or other impervious material brought to a smooth finish;
- 9.1.3 the upper floor of a two or more storey structure must be constructed of an impervious and easily cleanable material;
- 9.1.4 the minimum floor area must be –
 - 9.1.4.1 0,20 m² for each grown fowl, duck, muscovy duck or guinea fowl;
 - 9.1.4.2 0,5 m² for each grown goose, turkey, peacock; and
 - 9.1.4.3 0, 14 m² for each grown pigeon;

9.1.5 the minimum aggregate floor area must be 4m²;

9.2 in relation to a poultry run, the run must be enclosed with wire mesh or other durable material;

9.3 in relation to buildings or structure housing a battery system -

- 9.3.1 every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
- 9.3.2 if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building;
- 9.3.3 the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by the environmental health officer, the floor surface must be graded and drained by means of a channel;
- 9.3.4 if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;
- 9.3.5 the cages of the battery system must be made of an impervious material; and
- 9.3.6 if required by an environmental health officer, a tray of an impervious material must be fitted under every cage for the collection of manure;

9.4 a water supply adequate for drinking and cleaning must be provided in or next to every poultry hutch or building or structure housing a battery system;

9.5 no poultry house, poultry run, or building or structure housing a battery system may be constructed within 3 metres of -

- 9.5.1 any dwelling, other building or structure used for human habitation;
- 9.5.2 any place where foodstuffs are stored or prepared for human consumption; or
- 9.5.3 the nearest boundary of any land;

9.6 feed must be stored in an adequate rodent-proof storeroom;

- 9.7 adequate washing facilities must be provided for the cleaning of the cages;
- 9.8 if required by an environmental health officer due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:
- 9.8.1 a roofed platform constructed of concrete or other impervious material;
 - 9.8.2 the platform's outside edges must have a minimum curb of 100 mm high;
 - 9.8.3 the platform must be graded and drained; and
 - 9.8.4 the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

10. Duties of keeper of poultry

Any person who keeps poultry must -

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

CHAPTER 6 : KEEPING OF RABBITS

11. Application

The provisions of sections 14.2 to 14.4 inclusive and 15.4 to 15.6 inclusive, do not apply to persons keeping ten or less rabbits.

12. Permit requirements for rabbits

No person may keep more than 5 adult rabbits on an erf in a proclaimed township or 20 adult rabbits on premises zoned for agriculture except in terms of a permit.

13. Requirements for the premises

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

- 13.1 in relation to a rabbit hutch -
 - 13.1.1 every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - 13.1.2 the floor surface must be -
 - 13.1.2.1 constructed of concrete or other impervious material brought to a smooth finish;
 - 13.1.2.2 situated at least 150 mm above ground level; and
 - 13.1.2.3 graded to a channel, if required by an environmental health officer;
 - 13.1.3 adequate ventilation must be provided;

- 13.2 any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;
- 13.3 in relation to a building or structure housing a battery system - any wall must –
- 13.3.1 be a minimum of least 2,4 metres high;
 - 13.3.2 be constructed of concrete, stone, brick or other durable material;
 - 13.3.3 must have a smooth internal surface;
 - 13.3.4 if walls are provided, the building must be ventilated and lighted by means of natural openings or windows of an area equal to not less than 15% of the floor area of the building;
 - 13.3.5 the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an environmental health officer, the floor surface must be graded to a channel drained in terms of section 27;
 - 13.3.6 if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its outside edges; and
 - 13.3.7 every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
- 13.4 a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system;
- 13.5 no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of –
- 13.5.1 any dwelling, building or other structure used for human habitation;
 - 13.5.2 any place where foodstuffs are stored or prepared for human consumption; or
 - 13.5.3 nearest boundary of any land;
- 13.6 an adequate rodent-proof storeroom must be provided for the storage of feed; and
- 13.7 adequate washing facilities must be provided for the cleaning of the cages.

14. Duties of keeper of rabbits

Any person who keeps rabbits must -

- 14.1 keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;
- 14.2 maintain the premises and any equipment, apparatus, container or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;
- 14.3 maintain the premises free from offensive odours and every rabbit hutch, rabbit run building or structure housing a battery system and all cages clean and free from pests;
- 14.4 provide portable manure storage receptacles of an impervious material with close-fitting lids; and every receptacle shall be kept on a platform;
- 14.5 remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;
- 14.6 keep the manure and waste in manure storage receptacles until it is removed from the premises; and
- 14.7 remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create a public health nuisance.

CHAPTER 7 : KEEPING OF BIRDS OTHER THAN POULTRY

15. Requirements for the premises

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

- 15.1 the aviary must be constructed of durable rodent-proof materials;
- 15.2 adequate access must be provided for cleaning purposes;
- 15.3 if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;

- 15.4 the aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall; and
- 15.5 a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

16. Duties of keeper of an aviary

Any person who keep birds in an aviary must -

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

CHAPTER 8 : DOG KENNELS AND CATTERIES

17. Requirements for the premises

No person may use premises as kennels or a cattery unless the premises comply with the following requirements:

- 17.1 every dog or cat must be kept in an enclosure that complies with the following requirements:
 - 17.1.1 the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;
 - 17.1.2 the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Council's sewer by means of a pipe 100 mm in diameter; and
 - 17.1.3 a curb 150 mm high must be provided along the edge of the channel, referred to in subsection 17.1.2, to prevent any storm water runoff entering the channel;
- 17.2 subject to subsection 17.4, every enclosure referred to in subsection 17.1.1, must be situated in a roofed shelter that complies with the following requirements:
 - 17.2.1 every wall must be made of brick, stone, concrete or other impervious material;
 - 17.2.2 the internal surface of every wall must have a smooth internal surface;
 - 17.2.3 the floor must be made of concrete or other impervious material brought to a smooth finish; and
- 17.3 every shelter must have adequate access for cleaning and eliminating pests;
- 17.4 a dog kennel that complies with the following requirements may be provided instead of the shelter contemplated in subsection 17.2:
 - 17.4.1 the kennel must be constructed of moulded asbestos or other similar material;
 - 17.4.2 the kennel must be movable;
 - 17.4.3 the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and
 - 17.4.4 a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;
- 17.5 a concrete apron extending at least one metre wide around the edges of the enclosure must be provided;
- 17.6 the apron must be graded and drained in a way that drains storm water away from the enclosure;
- 17.7 a potable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;
- 17.8 any cages in which cats are kept must be constructed of durable impervious material and in a manner that they may be easily cleaned;
- 17.9 any shelter, enclosure or kennel may not be situated within five metres of any –
 - 17.9.1 dwelling or other building or structure used for human habitation;
 - 17.9.2 place where food is stored and prepared for human consumption; or
 - 17.9.3 the boundary of the premises.

18. Food preparation area

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

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

19. Duties of a keeper kennels or catteries

Any person operating a kennel or cattery must –

- 19.1 maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- 19.2 provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;
- 19.3 remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in subsection 19.2;
- 19.4 remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance;
- 19.5 store all loose food in receptacles, with close fitting lids, in the food store;
- 19.6 provide adequate refrigeration facilities to store perishable foods on the premises;
- 19.7 provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
- 19.8 keep any sick dog or cat isolated from any other animals; and
- 19.9 maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.

CHAPTER 9 : PET SHOPS AND PET PARLOURS**20. Requirements for premises**

No person may operate a pet shop or pet parLOUR in or on any premises that does not comply with the following requirements:

- 20.1 all walls, including any partition, must –
 - 20.1.1 be constructed of brick, concrete or other impervious material;
 - 20.1.2 have a smooth and easily cleanable internal surface; and
 - 20.1.3 be painted with a washable paint or other adequate finish;
- 20.2 all floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish;
- 20.3 all ceilings must be dust proof and easily cleanable;
- 20.4 at least one wash hand basin, with a supply of running hot and cold potable water, must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15;
- 20.5 the wash hand basins, referred to in subsection (4), must be drained;
- 20.6 adequate storage facilities must be provided;
- 20.7 facilities for the washing of cages, trays and other equipment must be provided in the form of either –
 - 20.7.1 a curbed and roofed over platform with a minimum surface area of 1,5 m², raised at least 100 mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or

- 20.7.2 a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;
- 20.8 the platform, sink or trough referred to in subsection 20.7 must be drained;
- 20.9 any wall surface within 0,5 metres of the platform, sink or trough referred to in subsection 20.7, must be permanently covered with waterproof material to a minimum height of 1,4 metres above the floor;
- 20.10 a clearly designated changeroom must be provided if more than six persons are employed on the premises and every change room must –
- 20.10.1 have a floor area providing at least 0,5 m² for each employee;
- 20.10.2 have a minimum overall floor area of 6m² and width of two metres; and
- 20.10.3 be equipped with an adequate metal locker for each employee;
- 20.11 where no changeroom is required in terms of subsection (10), each employee must be provided with an adequate metal locker;
- 20.12 for the purposes of washing, clipping or grooming of pets –
- 20.12.1 a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;
- 20.12.2 a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
- 20.12.3 at least 50 % of the floor area of the rooms referred to in subsections 20.12.1 and 20.12.2 must be unobstructed; and
- 20.12.4 the floors of the rooms referred to in subsections 20.12.1 and 20.12.2 must be graded to a drainage channel;
- 20.13 all buildings, including storage areas, must be rodent-proof; and
- 20.14 the premises may not have direct internal access with any room or place-
- 20.14.1 used for human habitation;
- 20.14.2 where clothing is stored or sold; or
- 20.14.3 where food is prepared, stored or sold for human consumption.

21. Duties of pet shop or pet parlour keeper

Any keeper of a pet shop or pet parlour must –

- 21.1 provide cages for housing the pets complying with the following requirements:
- 21.1.1 the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;
- 21.1.2 the exterior cavity of any tubular or hollow material used to construct a cage must be sealed;
- 21.1.3 the cages must be able to be moved easily;
- 21.1.4 where rabbits are kept in a cage, the metal floor-tray referred to in subsection 21.1.1, must be drained to a removable receptacle;
- 21.1.5 the cages must be fitted with a drinking vessel filled with water;
- 21.1.6 the distance from any cage to the nearest wall must be a minimum of 150 mm;
- 21.1.7 the cages must be kept a minimum of 450 mm above floor level; and
- 21.1.8 the space below every cage must be unobstructed;
- 21.2 provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the store room;
- 21.3 provide adequate refrigeration facilities to store all perishable pet food on the premises;
- 21.4 ensure that in any room in which the pets are kept –
- 21.4.1 150 % of the floor space is unobstructed; and
- 21.4.2 the cages are placed a minimum of 800 mm from one another;

- 21.5 maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop, in a clean and sanitary condition, free from pests and in good repair;
- 21.6 provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;
- 21.7 provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;
- 21.8 provide an adequate supply of potable water for drinking and cleaning purposes;
- 21.9 provide adequate ventilation to ensure the comfort and survival of the pets; and
- 21.10 ensure that the number of pets contained in each cage does not impede their free movement.

CHAPTER 10 : KEEPING OF WILD ANIMALS

22. Requirements for the premises

No person may keep wild animals on premises that do not comply with the following requirements:

- 22.1 all wild animals must be kept in enclosures constructed and equipped as follows –
 - 22.1.1 the enclosure must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
 - 22.1.2 the enclosure may not be situated within 50 metres of –
 - 22.1.2.1 any boundary of the premises;
 - 22.1.2.2 any dwelling, building or structure used for human habitation;
 - 22.1.2.3 any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
 - 22.1.2.4 any water resource intended for domestic consumption;
 - 22.1.3 an adequate supply of potable water for drinking and cleaning purposes must be provided; and
 - 22.1.4 the enclosure must be graded and drained in a way that does not pollute any water resource or create a public health nuisance;
- 22.2 a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and adequately drained must be provided for the preparation of food;
- 22.3 adequate facilities must be provided for washing any cages, trays, crates, refuse receptacles and food containers in the form of either–
 - 22.3.1 a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
 - 22.3.2 a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;
- 22.4 both facilities referred to in subsection 22.3 must be provided with a supply of running potable water and must be drained; and
- 22.5 all areas and rooms in which fodder and food are stored must be rodent-proof.

23. Duties of keeper of wild animals

Any person that keeps wild animals must –

- 23.1 maintain the premises in a clean and sanitary condition at all times;
- 23.2 clean all manure and food scraps from any enclosure at adequate intervals; and
- 23.3 prevent the soil beneath or around any enclosure from becoming saturated with urine.

CHAPTER 11 : KEEPING OF PIGS**24. Requirements for premises**

No person may keep pigs in or on premises that do not comply with the following requirements:

- 24.1 every wall must –
 - 24.1.1 be constructed of brick, stone, concrete or other durable material;
 - 24.1.2 have a minimum height of 1,5 metres; and
 - 24.1.3 have a smooth, impervious internal surface;
- 24.2 the floor area must provide at least 3m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m²;
- 24.3 the roof over any portion of a pigsty must have a minimum height of 1,5 metres;
- 24.4 except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must –
 - 24.4.1 be situated opposite one another in the external walls; and
 - 24.4.2 provide a minimum of 0,15 m² for each pig;
- 24.5 the floor must be –
 - 24.5.1 at least 150 mm above the surrounding ground level;
 - 24.5.2 constructed of concrete or other durable and impervious material brought to a smooth finish; and
 - 24.5.3 graded for the run-off of liquids into an open channel outside the pigsty;
- 24.6 the open channel referred to in subsection 24.5.3 must –
 - 24.6.1 be constructed of concrete or other durable and impervious material;
 - 24.6.2 be a minimum of 100 mm in diameter; and
 - 24.6.3 be adequately drained;
- 24.7 the pigsty must be strong enough to prevent the pigs breaking out;
- 24.8 the pigsty may not be situated within 100 metres of –
 - 24.8.1 the boundary of the premises;
 - 24.8.2 any dwelling, building or structure used for human habitation;
 - 24.8.3 any dwelling, building or structure in which food is prepared, stored or sold for human consumption;
 - 24.8.4 any water resource intended for domestic consumption;
- 24.9 a roofed over concrete platform must be provided for –
 - 24.9.1 the storage of all swill in containers; and
 - 24.9.2 the preparation of pig feed;
- 24.10 the platform referred to in subsection 24.9 must comply with the provisions of subsection 24.5 and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- 24.11 a potable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.

25. Duties of keeper of pigs

Every person keeping pigs must -

- 25.1 ensure that every pig is kept within a pigsty;
- 25.2 maintain the premises and any equipment, apparatus, container or receptacle in a clean and sanitary condition and in good repair;
- 25.3 provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;

- 25.4 keep all manure storage receptacle on a platform that complies with section 24.9;
- 25.5 remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- 25.6 remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;
- 25.7 provide a rodent-proof store-room in which all feed, other than swill, must be stored; and
- 25.8 provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

CHAPTER 12 : MISCELLANEOUS PROVISIONS

26. Drainage

Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this by-law, must be drained in accordance with provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

27. Dangerous animals

- 27.1 No person may without a permit issued by an environmental health officer, keep any wild animal of a species that is dangerous to humans, including without limitation, large carnivores, venomous snakes, spiders or scorpions.
- 27.2 The permit referred to in subsection 27.1 may be issued subject to such conditions as may be deemed necessary by the environmental health officer including without limiting the generality of the foregoing the type of enclosure required to ensure that the animal does not escape from the premises or pose a danger to the residents of, or visitors to, the premises.

28. Requirements for keeping of bees

- 28.1 No person may keep bees on any premises unless –
 - 28.1.1 the person is in possession of a valid permit, which may be issued subject to such conditions as the environmental health officer may deem fit; and
 - 28.1.2 the bee hive is situated –
 - 28.1.2.1 a minimum of five metres from any boundary of the premises; and
 - 28.1.2.2 a minimum of ten metres from any public place or building used for human habitation;
 - 28.1.3 the bees are kept in an approved bee hive; and
 - 28.1.4 the bee hive is –
 - 28.1.4.1 kept in an area inaccessible to children and animals;
 - 28.1.4.2 kept in the shade at all times; and
 - 28.1.4.3 supplied with a source of drinking water within five metres of the hive.
- 28.2 No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive;

29. Keeping of and slaughtering animals for religious and ceremonial purposes

- 29.1 Any person who keeps an animal prior to slaughtering it for religious or ceremonial purposes, or slaughters an animal for such purposes, must comply with the provisions of these by-laws.
- 29.2 A person intending to slaughter an animal for religious or ceremonial purposes in any place other than in a recognised abattoir must:
 - 29.2.1 notify the Council in writing, fourteen days prior to the event;
 - 29.2.2 notify all neighbours in writing, seven days prior to the event;
 - 29.2.3 screen the slaughtering process from the public;

- 29.2.4 use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
- 29.2.5 handle the meat in a hygienic manner at all times; and
- 29.2.6 dispose of any portions of the animal that are not used or consumed, in the manner prescribed by the environmental health officer.

CHAPTER 13 : APPEALS

30. Appeals

- 30.1 A person whose rights are affected by a decision taken by any authorised official under these by-laws, may appeal against the decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- 30.2 The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection 30.4.
- 30.3 The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- 30.4 When the appeal is against a decision taken by –
 - 30.4.1 a staff member other than the municipal manager, the municipal manager is the appeal authority; or
 - 30.4.2 the municipal manager, the executive mayor is the appeal authority.
- 30.5 An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

CHAPTER 14 : GENERAL

31. Offences

- 31.1 Any person who -
 - 31.1.1 contravenes or fails to comply with any provisions of these by-laws;
 - 31.1.2 fails to comply with any lawful instruction given in terms of these by-laws; or
 - 31.1.3 obstructs or hinders any authorised official in the execution of his or her duties under these by-laws – shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

33. Short title and commencement

These by-laws shall be called the Keeping of Animals By-laws, and shall come into operation on the date of publication in the Provincial Gazette.

No. 8**11 March 2010**

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Parking, which Bylaw shall come into operation on the date of publication of this notice.

uMLALAZI MUNICIPALITY BYLAWS
PARKING BYLAWS

CHAPTER 1

1. Definitions

CHAPTER 2 : TICKET CONTROLLED PARKING AREAS

2. Parking fees
3. Conditions of parking in ticket-controlling parking grounds

CHAPTER 3 : PARKING METER PARKING AREAS

4. Parking Fees
5. Place of parking
6. Conditions of parking
7. Proof of time

CHAPTER 4 : PAY & DISPLAY PARKING GROUNDS

8. Parking Fees
9. Parking
10. Proof of date and time of departure

CHAPTER 5 : VEHICLES

11. Abandoned vehicles
12. Vehicles excessive size
13. Parking after parking period
14. Defective vehicles
15. Parking of vehicles in parking area
16. Cleaning and repairing of vehicles
17. Tampering with vehicles and obstruction
18. Parking after parking period

CHAPTER 6 : MISCELLANEOUS

19. Refusal of Admission
21. Forging or defacing ticket
22. Medical practitioners exempt
23. Parking directives
24. Offences and penalties
25. Monthly tickets
26. Closure of parking areas
27. Parking according to instructions
28. Prohibitions relating to parking meters
29. Prohibitions relating to pay and display machines

CHAPTER 7 : GENERAL PROVISIONS

30. Repeal of existing Bylaws
31. Short title and commencement

CHAPTER 1 : DEFINITIONS

Definitions

1. In these by-laws, any word or expression which has been defined in the National Road Traffic Act, 1996 (act no. 93 of 1996), has that meaning and, unless the context otherwise indicates—

"association" means persons who are self employed and have organised themselves into a car guard association;

"authorised official" means any inspector of licenses, a traffic officer, peace officer in terms of section 334 of the criminal procedure act, 1977 (act no. 51 of 1977), or a police officer in terms of the police act, 1958 (act no. 7 of 1958), and includes any other person whom the provincial minister of local government may from time to time by regulation declare to be an authorised officer;

"Council" means the Council of the uMlalazi municipality;

"nuisance" means any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good order, peace of the area or part thereof or the rights of reasonable comfort, convenience, peace or quiet of any neighborhood within the area and includes any act, exhibition or publication contrary to public decency or morals;

"peace officer" shall mean a peace officer as contemplated in section 334 of the criminal procedure act, 1977 (act no. 51 of 1977);

"public road" means a public road as described under section 1 of the road traffic act, 1996 (act no. 93 of 1996).

"park" means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonable necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

"parking bay" means a demarcated area within which a vehicle is to be parked in terms of these by-laws, demarcated as such upon the surface of a parking area or a floor thereof;

"parking area" means any area of land or any building set aside by the Council as a parking area or garage for the parking of vehicles by members of the public or parking area along a road, whether or not a prescribed fee has been determined for the use thereof;

"parking meter parking area" means a parking area or any part thereof where parking is controlled by means of parking meters;

"parking meter" means a device for registering and visibly recording the passage of time in accordance with the insertion of a coin or other method of payment prescribed and includes any post or fixture to which it is attached;

"parking period" means that period of time, including a period reflected on a parking meter, on any one day during which vehicles are permitted to park in a parking area or parking bay or as indicated by a road traffic sign;

"pay and display machine" means a machine installed at a pay and display parking area for the sale of tickets;

"pay and display parking area" means a parking area, or any part thereof, where a notice is erected by the Council at the entrance thereof indicating that the parking area concerned or part thereof is a pay and display parking area;

"pound" means an area of land or place set aside by the Council for the custody of vehicles removed from a parking area in terms of these by-laws;

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

"prescribed fee" means a fee determined by the Council by resolution in terms of any other applicable legislation; and

"ticket controlled parking area" means a parking area or any part thereof where parking is controlled by means of tickets.

CHAPTER 2 : TICKET- CONTROLLED PARKING AREAS

2. Parking fees

Any person making use of a parking area or parking bay in a ticket controlled parking area must pay the prescribed fee.

3. Conditions of parking in ticket-controlled parking areas

- 3.1 No person may park a vehicle or cause or permit a vehicle to be parked or allow it to be or to remain in a ticket controlled parking area, wherein parking is controlled by the issue of tickets—
 - 3.1.1 except in a parking bay and in compliance with any directions which may be given by an authorised official or where no such bay has been marked, except in a place indicated by the authorised official;
 - 3.1.2 after an authorised official has indicated to the person that the parking area is full; or
 - 3.1.3 after the expiry of the parking period.
- 3.2 No person may remove or cause or permit the removal of any vehicle from a parking area unless—
 - 3.2.1 that person has produced to the authorised official a ticket authorising him or her to park in the parking area and which was issued to that person upon entering or leaving the parking area; and
 - 3.2.2 that person has upon entering or leaving the parking area paid the prescribed fee to the authorised official.
- 3.3 If a person fails to produce a ticket authorising him or her to park in a parking area, that person is deemed to have parked the vehicle from 08:00 on the day in question until the time that person wants to remove the vehicle and he or she must pay the prescribed fee for that period.
- 3.4 No person may, after failing to produce a ticket, remove or cause or permit the removal of any vehicle parked in the parking area until that person has produced other proof, to the satisfaction of an authorised official, of his or her right to remove such vehicle.
- 3.5 An authorised official may require a person referred to in subsection 3.4 to furnish prescribed security.
- 3.6 If a vehicle has not been removed from a parking area by the end of the parking period for which the prescribed fee has been paid, a further prescribed fee is payable for the next parking period.

CHAPTER 3 : PARKING METER PARKING AREAS

4. Parking fees

Any person making use of a parking area or parking bay in a parking area must pay the prescribed fee.

5. Place of parking

No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a parking meter parking area otherwise than in a parking bay.

6. Conditions of parking

- 6.1 No person may park a vehicle or cause any vehicle to be parked in a parking bay unless a coin or other prescribed object is forthwith inserted—
 - 6.1.1 into the meter allocated to that parking bay; or
 - 6.1.2 if a meter controls more than one parking bay, in the meter controlling the parking bay concerned as indicated by any marking or sign on the surface or floor of the parking bay or the surface or floor adjacent thereto; and that meter is put into operation in accordance with the instructions appearing thereon so that the meter registers and visibly indicates the parking period appropriate to the inserted coin or other prescribed object.
- 6.2 Notwithstanding the provisions of subsection 6.1:-

- 6.2.1 a person may, subject to the provisions of subsection 6.5, park a vehicle in a vacant parking bay without inserting a coin or other prescribed object, for any period indicated on the parking meter as unexpired; and
- 6.2.2 if a person has ascertained that the parking meter for any parking bay is not operating properly, he or she is, entitled to park a vehicle in that parking bay without inserting a coin or other prescribed object, provided that such a person does not park the vehicle in that parking bay for a period exceeding the maximum ordinarily allowed by that parking meter.
- 6.3 The insertion of a coin or other prescribed object into a parking meter entitles the person inserting it, to park a vehicle in the appropriate parking bay for the period corresponding with the payment so made.
- 6.4 The period during which a vehicle may be parked in a parking bay and the coin or other prescribed object to be inserted in respect of that period into the parking meter allocated to that parking bay, must be in accordance with the prescribed fee and the period and the coin or other prescribed object to be inserted in respect thereof, must at all times be clearly indicated on the parking meter.
- 6.5 no person may either with or without the insertion of an additional coin or other prescribed object into a parking meter, leave a vehicle in a parking bay after the expiry of the period indicated on the parking meter or return the vehicle to that bay within fifteen minutes after such expiry, or obstruct the use of that bay by any other person.

7. Proof of time

The expiry of the parking period, as indicated by a parking meter, is for the purpose of these by-laws and in any proceedings arising from the enforcement of these by-laws, deemed to be correct and may constitute evidence, on the face of it, of the expiry of the parking period.

CHAPTER 4 : PAY-AND-DISPLAY PARKING METERS

8. Parking fees

Any person making use of a parking area or parking bay in a pay and display parking area must pay the prescribed fee.

9. Parking

- 9.1 No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a pay-and-display parking area unless immediately upon entering the parking area—
 - 9.1.1 he person purchases a ticket issued by means of a pay and display machine in that parking area in accordance with the instructions displayed on, or within a distance of not more than one comma five meters of such machine; and
 - 9.1.2 the person displays such ticket by affixing it to the inside of the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the ticket by the pay and display machine is readily legible from the outside of the vehicle.
- 9.2 The period during which a vehicle may be parked in a pay and display parking area and the coin or other prescribed object to be inserted in respect of that period into the pay and display machine, must be indicated on such machine.
- 9.3 Tickets issued by the pay and display machine must reflect:
 - 9.3.1 the date or day of issue of the ticket;
 - 9.3.2 the amount paid for the ticket;
 - 9.3.3 the departure time; and
 - 9.3.4 the machine code number.
- 9.4 No person may allow a vehicle to remain in a pay and display parking area after the expiry of the departure time indicated on the ticket.

10. Proof of date and time of departure

The commencement of the parking period as recorded by a pay and display machine and as observed by an authorised official, is for the purposes of these by-laws and in any proceedings arising from the enforcement of

these by-laws, deemed to be correct and may constitute evidence on the face of it of the commencement of the parking period.

CHAPTER 6 : VEHICLES

11. Abandoned vehicles

- 11.1 Any vehicle which has been left in the same place in a parking ground for a continuous period of more than fourteen days may, unless otherwise authorised by the Council, be removed by or at the instance of an authorised officer.
- 11.2 The Council must take all reasonable steps to trace the owner of a vehicle removed in terms of subsection 11.1 and if, after the lapse of ninety days from the date of its removal the owner or person entitled to its possession cannot be found, the vehicle may, subject to the provisions of subsection 11.3, be sold by the Council by public auction.
- 11.3 The Council must, fourteen days prior to the date of an auction sale contemplated in subsection 11.2, publish a notice thereof in at least two newspapers circulating within the municipal area of the Council: provided that a vehicle may not be sold at the auction if:-
 - 11.3.1 at any time before the vehicle is sold, the owner or any person authorised by the owner or otherwise lawfully entitled thereto, claims the vehicle; and
 - 11.3.2 every prescribed fee payable in respect thereof in terms of these by-laws and all costs referred to in subsection 11.4 are paid to the Council.
- 11.4 The proceeds of a sale concluded in terms of this section must be applied first in payment of every fee referred to in subsection 11.3 and to defray the following:
 - 11.4.1 the costs incurred in endeavouring to trace the owner in terms of subsection 11.2;
 - 11.4.2 the costs of removing the vehicle and effecting the sale of the vehicle;
 - 11.4.3 the pro-rata costs of publication in terms of subsection 11.3, taking into account the number of vehicles to be sold at the auction; and
 - 11.4.4 the costs of keeping the vehicle in the pound which must be calculated at the prescribed rate.
- 11.5 Any balance of the proceeds referred to in subsection 11.4, must be paid to the owner of the vehicle or any person lawfully entitled to receive it upon that person establishing his or her right thereto to the satisfaction of the Council and if no claim is established within one year of the date of the sale, the balance will be forfeited to the Council.

12. Vehicles of excessive size

- 12.1 Unless a road traffic sign displayed at the entrance to a parking area indicates otherwise, no vehicle which together with any load, exceeds five meters in length, may be parked in a parking area.
- 12.2 No person shall park a vehicle with a gross vehicle mass exceeding three thousand five hundred kilograms, or any trailer with a gross vehicle mass exceeding one thousand kilograms, on a public road or road reserve within the area of jurisdiction of the uMlalazi municipality or property of the uMlalazi municipality, for a period of more than two hours, unless:-
 - 12.2.1 a temporary parking permit has been issued to such a vehicle or trailer by the municipality; or
 - 12.2.2 such vehicle or trailer is parked in a parking bay specifically provided for the parking of such vehicles or trailers.
- 12.3 No person shall park a caravan on a public road or road reserve within the area of jurisdiction of the uMlalazi municipality, for a period of more than twenty-four hours.
- 12.4 The municipality shall on application, issue a temporary parking permit to vehicles and trailers, which must park for specific periods on public roads or road reserves, because of agricultural activities.
- 12.5 Any person who contravenes any provisions of this by-law shall be guilty of an offence and liable on conviction to a penalty not exceeding R1,000.00 (one thousand rand).

13. Parking after parking period

No person may park a vehicle or cause or permit it to be parked in any parking area before the beginning or after the expiry of the parking period prescribed for the parking area unless that person is the holder of a ticket issued in terms of these by-laws authorising him or her to do so.

14. Defective vehicles

No person may park or cause or permit any vehicle to be parked or to be or remain in any parking area which is mechanically defective or for any reason incapable of movement unless a vehicle has, after having been parked in a parking area, developed a defect which immobilizes it and the person in control of it shows that he or she took reasonable steps to have the vehicle repaired or removed within a reasonable time.

15. Parking of a vehicle in parking area

No person may park or cause or permit any vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (act no. 93 of 1996), to be parked or to be or remain in any parking area.

16. Cleaning and repair of vehicle

No person may in any parking area clean, wash, work on or effect repairs to a vehicle except minor emergency repairs, unless the prior written permission of the Council has been obtained.

17. Tampering with vehicles and obstructions

17.1 No person may in any parking area without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle, enter or climb upon that vehicle or set the machinery thereof in motion or in any way tamper or interfere with its machinery or any other part of it or with its fittings, accessories or contents.

17.2 no person may in any parking area:-

17.2.1 park any vehicle so that any part of it extends across any white line forming a boundary of a parking bay or that it is not entirely within the confines of the bay; or

17.2.2 perform any act or introduce anything which obstructs or is likely to obstruct the movement of persons or vehicles.

18. Parking after parking period

No person may park a vehicle or cause or permit it to be parked in any parking area before the beginning or after the expiry of the parking period prescribed for the parking area unless that person is the holder of a ticket issued in terms of these by-laws authorising him or her to do so.

CHAPTER 6 : MISCELLANEOUS**19. Refusal of admission**

An authorised official may refuse to admit into a parking ground a vehicle which is by reason of its length, width or height likely to cause damage to persons or property or to cause an obstruction or undue inconvenience or which in terms of section 6 or 16 may not be parked in a parking ground.

20. Forging or defacing tickets

No person may with intent to defraud the Council, forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of these by-laws.

21. Medical practitioners exempt

A medical practitioner is exempt from paying the prescribed fees, while the vehicle used by that practitioner is parked in a parking area to enable him or her to perform professional duties at any place other than a consulting room or similar place, subject to a form or token issued by the South African Medical Council for that purpose being displayed on the windscreen of the vehicle concerned in such manner that it is readily legible from outside the vehicle.

22. Parking directives

- 22.1 No driver or person in charge of a vehicle shall park such vehicle or cause it to be parked—
- 22.1.1 in a demarcated parking bay across any painted line marking the confines of the parking bay or in such a position that the said vehicle is not entirely within the area demarcated;
 - 22.1.2 in a demarcated parking bay which is already occupied or partly occupied by another vehicle;
 - 22.1.3 in an area demarcated for commercial loading purposes, unless it is lawful to do so for the purpose of commercial loading.
- 22.2 The person or driver in charge of a vehicle shall park such vehicle in a demarcated parking bay—
- 22.2.1 if the demarcated parking place is parallel to the curb or sidewalk of the public road, in such a way that it shall be headed in the general direction of the movement of traffic on the side of the road on which the vehicle is parked and so that the left hand wheels of the vehicle are substantially parallel to and within four hundred and fifty millimeters of the left hand curb: provided that where in a one-way street such demarcated parking place is in existence on the right hand side of the road the same shall apply to the right hand wheels and the right hand curb respectively; and
 - 22.2.2 if the demarcated parking place is at an angle to the curb or sidewalk of a public road, in such a manner that it is headed substantially in the general direction of the movement of traffic on the side of the road on which such vehicle is parked.
- 22.3 Where by reason of the length of any vehicle, such vehicle cannot be parked wholly within a demarcated parking place, it shall be lawful to park such vehicle by encroaching upon a demarcated parking place adjoining the first mentioned parking place, if such be the case, and any person so parking shall be liable for payment of parking fees in respect of both the said places.

23. Offences and penalties

Any person who:-

- 23.1 contravenes or fails to comply with any provision of these by-laws;
- 23.2 fails to comply with any notice issued in terms of these by-laws; or
- 23.3 fails to comply with any lawful instruction given in terms of these by-laws; or
- 23.4 who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these by-laws, is guilty of an offence and liable on conviction to a fine not exceeding R1,000.00 (one thousand rand) or to imprisonment for a period not exceeding three months.

24. Monthly tickets

- 24.1 Notwithstanding anything to the contrary contained in these by-laws, the Council may in respect of any parking area controlled by the issue of tickets, issue at a prescribed fee a ticket that entitles the holder to park a vehicle in that area for one calendar month or any lesser period specified therein, at the times specified in the ticket, if a parking bay is available.
- 24.2 The Council may issue to any of its employees a ticket which entitles the holder, when using a vehicle regarding the business of the Council, to park it in a parking area specified in the ticket, if a parking bay is available in the parking area.
- 24.3 A ticket issued in terms of subsection 24.1 or 24.2, may not be transferred to any other person or be used in respect of any vehicle other than the vehicle specified in the ticket, without the prior written permission of the Council.
- 24.4 A ticket issued in terms of subsection 24.1 or 24.2, must be affixed by the holder of the ticket to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the ticket is readily legible from the outside of the vehicle.

25. Closure of parking areas

Notwithstanding anything to the contrary contained in these by-laws, the Council may at any time close any parking area or portion thereof temporarily or permanently and must indicate the fact and the period of such closure by a road traffic sign displayed at the entrance to the parking area closed or at the portion closed, as the case may be.

26. Parking according to instruction

No person may in any parking area park a vehicle otherwise than in compliance with an instruction or direction, if any, given by an authorised official or introduce or remove a vehicle otherwise than through an entrance thereto or exit therefrom demarcated for that purpose.

27. Prohibitions relating to parking meters

No person may:-

- 27.1 insert or attempt to insert into a parking meter a coin or object except:
 - 27.1.1 a coin of South African currency of a denomination as prescribed; or
 - 27.1.2 an object which is prescribed as another method of payment as contemplated in section 8.1;
- 27.2 insert or attempt to insert into a parking meter any false or counterfeit coin or prescribed object or any foreign object;
- 27.3 tamper with, damage, deface or obscure a parking meter;
- 27.4 in any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of a coin or other prescribed object;
- 27.5 jerk, knock, shake or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose; or
- 27.6 obscure a parking meter or any part thereof or remove or attempt to remove it from the post or other fixture to which it is attached.

28. Prohibitions relating to pay and display machines

No person may:-

- 28.1 insert or attempt to insert into a pay and display machine, a coin or other prescribed object which is false or counterfeit or any object other than a coin of South African currency or other prescribed object;
- 28.2 jerk, knock, shake or in any way interfere with, or damage or deface a pay and display machine; or
- 28.3 remove or attempt to remove a pay and display machine or any part thereof from its mounting.

CHAPTER 7 : GENERAL PROVISIONS**29. Short title and commencement**

These by-laws shall be called the parking areas by-laws, and shall come into operation on the date of publication in the provincial gazette.

No. 9

11 March 2010

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Pounds, which Bylaw shall come into operation on the date of publication of this notice.

uMLALAZI MUNICIPALITY
POUND BY-LAWS

ARRANGEMENT OF SECTIONS**Section**

1. Definitions
2. Application
3. Establishment of pound
4. Appointment of poundkeeper
5. Trespassing or straying animals may be impounded
6. Animals too vicious, intractable or wild to be impounded
7. Release of animals before removal to pound
8. Care of trespassing animals
9. Pound to which animals must be taken
10. Information to be supplied to poundkeeper
11. Acceptance at pound of animals to be impounded
12. Pound register
13. Notice to owners of animals
14. Care of impounded animals
15. Isolation of infected animals
16. Treatment of impounded animals
17. Death of or injury to impounded animals
18. Copies of by-laws
19. Fees and costs payable
20. Release of impounded animals
21. Sale of impounded animals
22. Poundkeeper may not purchase impounded animals
23. Animals unsuccessfully offered for sale
24. Proceeds
25. Action for recovery of damages
26. Procedure to be followed in application to Court
27. Indemnity
28. Offences and penalties
29. Schedules 1 and 2 form part of these by-laws
30. Repeal of by-laws
31. Short title

DEFINITIONS

1. In these by-laws, unless inconsistent with the context -

"animal" includes a horse, bovine, donkey, sheep, goat, pig, ostrich, dog, cat or the hybrid of any such animal, and **"animals"** will have a corresponding meaning;

"Court" means a Magistrate's Court as referred to in section 166(d) of the Constitution, 1996, having jurisdiction in the area in which the pound is situated;

"Gazette" means the official *Provincial Gazette* of KwaZulu-Natal;

"municipality" means the Mthonjaneni Municipality established in terms of section 155(6) of the Constitution, 1996, and established by and under sections 11 and 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), read with sections 3, 4 and 5 of the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

"owner" includes an owner who is known, or whose identity, with the exercise of reasonable diligence, can be ascertained, and in relation to any -

- 1.1 animal, includes the agent of the owner or other person having the lawful custody or possession of such animal; or
- 1.2 land, includes the owner, lessee or lawful occupier of such land or his or her agent;

"pound" means a pound established as contemplated in section 3;

"poundkeeper" means the person appointed from time to time as contemplated in section 4 and includes any person acting for or on behalf of the appointed poundkeeper;

"public place" means any place to which the public has access including, without limiting the generality of the foregoing any -

- 1.3 square;
- 1.4 park;
- 1.5 recreation ground;
- 1.6 sports ground;
- 1.7 open space;
- 1.8 beach;
- 1.9 shopping centre on municipal land;
- 1.10 unused or vacant municipal land; or
- 1.11 cemetery;

"public road" means a public road as contemplated in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996); and

"service delivery agreement" means a service delivery agreement as defined in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

2. APPLICATION

These by-laws apply to the area of jurisdiction of the Municipality: Provided that nothing prevents any animal detained in terms of these by-laws from being impounded in a pound or any similar facility established by any other municipality, or other lawful authority..

3. ESTABLISHMENT OF POUND

The Municipality must establish a pound in accordance with the provisions of section 3 of the KwaZulu-Natal Pounds Act, 2006 (Act No. 3 of 2006).

4. APPOINTMENT OF POUNDKEEPER

The Municipality must, in terms of its human resource policy, appoint a suitably skilled and experienced person as a poundkeeper, unless the pound is established and operated in terms of a service level agreement contemplated in section 3(a).

5. TRESPASSING OR STRAYING ANIMALS MAY BE IMPOUNDED

- 5.1 The owner of land upon which any animal is found trespassing may seize such animal : Provided that such animal may not be removed to a pound before notice is given to the owner in writing no less than 48 (forty-eight) hours prior to the removal to the pound.
- 5.2 Any animal found straying untended upon any public road or public place may be seized for impounding by -
 - 5.2.1 a member of the South African Police Service;
 - 5.2.2 a member of the South African National Defence Force;
 - 5.2.3 a member of the KwaZulu-Natal Road Traffic Inspectorate;
 - 5.2.4 a member of the municipal police or protection services; or
 - 5.2.5 the owner of any land through or alongside which such road passes or which abuts on such public place.

- 5.3 A person may not keep an animal, seized for purposes of impounding in terms of in subsections 5.1 and 5.2 for a period longer than 6 (six) hours without supplying such animal with adequate food and water.
- 5.4 Any person who has seized an animal for purposes of impounding must comply with the provisions of the *Code of Good Practice on the Handling and Transportation of Impounded Animals* contained in Schedule 1.

6. ANIMALS TOO VICIOUS, INTRACTABLE OR WILD TO BE IMPOUNDED

If a state veterinarian or official contemplated in section 5.2.1 to 5.2.4 is satisfied that an animal found trespassing on any land, or straying untended upon any public road or public place, is too dangerously vicious, intractable or wild to be impounded, he or she may authorise the humane destruction or other disposal of the animal, after giving written reasons and written notice thereof to the owner of the animal.

7. RELEASE OF ANIMALS BEFORE REMOVAL TO POUND

- 7.1 The owner of an animal, seized in terms of section 5.1 may apply to the owner of land contemplated in section 5.1 for the release of such animal prior to its removal to the pound.
- 7.2 The owner of land referred to in section 5.1 -
- 7.2.1 may release such animal forthwith; or
 - 7.2.2 may refuse the release of the animal, whereupon he or she may apply to Court for authority to impound the animal or to claim any damages he or she may have suffered, in which event the Court may make any order, including an order as to costs that the Court deems just and equitable.
- 7.3 The owner of an animal seized in terms of section 5.2 may apply to the relevant person referred to in section 5.2 for the release of such animal prior to its removal to the pound, in which event that person must release such animal forthwith.

8. CARE OF TRESPASSING ANIMALS

A person may not work, use or ill-treat an animal found trespassing on any land or whilst it is in the process of being removed to a pound.

9. POUND TO WHICH ANIMALS MUST BE TAKEN

An animal seized for the purposes of impounding as contemplated in section 5, must be removed to the nearest accessible pound, by the shortest practical route, and within the shortest practical time : Provided that animals of different species must be separated at all times according to their species.

10. INFORMATION TO BE SUPPLIED TO POUNDKEEPER

- 10.1 A person sending animals to the pound must advise the poundkeeper in writing of -
- 10.1.1 the number and descriptions of the animals;
 - 10.1.2 the land upon which they were found trespassing; and
 - 10.1.3 the distance in kilometres, by the shortest practical route, between the place on such land where they were seized and the pound.

11. ACCEPTANCE AT POUND OF ANIMALS TO BE IMPOUNDED

The poundkeeper may not refuse to accept an animal for impounding.

12. POUND REGISTER

- 12.1 The poundkeeper must-
- 12.1.1 maintain a pound register containing the information contemplated in Schedule 2, which must be available for public inspection at all reasonable times; and
 - 12.1.2 complete the pound register immediately upon the acceptance into the pound of any animal.
- 12.2 If the poundkeeper -
- 12.2.1 neglects or refuses to comply with any of the provisions of subsection 12.1;

- 12.2.2 knowingly makes a false entry in the pound register;
- 12.2.3 fraudulently destroys or erases any previous entry in the pound register; or
- 12.2.4 wilfully delivers a false copy or extract from the pound register to any person, he or she is guilty of an offence.

13. NOTICE TO OWNERS OF ANIMALS

The owner of an animal contemplated in section (5.1), (6), (14.2), (15.3), (17.2), (21.1.2) and (23.1), must be notified by -

- 13.1 addressing a written notice to him or her; or
- 13.2 placing a copy of the notice to the owner on the municipal notice board; and
- 13.3 publishing a copy of the notice on at least two consecutive days in a newspaper of general circulation in the Municipality.

14. CARE OF IMPOUNDED ANIMALS

- 14.1 The poundkeeper -
 - 14.1.1 is responsible for the proper care of all impounded animals;
 - 14.1.2 must ensure that fresh water and sufficient food is available to impounded animals at all times; and
 - 14.1.3 is liable to the owner of an impounded animal for any damage caused by his or her wilful or negligent acts or omissions.
- 14.2 If the poundkeeper is of the opinion that an impounded animal is dangerously vicious, permanently disabled or terminally ill, he or she must apply to the Court, which may authorise the destruction or other disposal of the impounded animal, if the Court is satisfied that the condition of such animal warrants its destruction or disposal.
- 14.3 Where the Court authorises the destruction or disposal of an animal on application by the poundkeeper, the poundkeeper must immediately notify the owner in writing of the order of Court and the destruction or disposal of the animal.

15. ISOLATION OF INFECTED ANIMALS

If the poundkeeper suspects, or is aware, that an impounded animal, or an animal to be impounded, is infected with any disease contemplated in the Animal Diseases Act, 1984 (Act No. 35 of 1984), he or she must -

- 15.1 provide separate accommodation for such animal;
- 15.2 immediately isolate the animal, and report the disease to the nearest state veterinarian; and
- 15.3 immediately notify the owner of the animal of such disease in writing.

16. TREATMENT OF IMPOUNDED ANIMALS

The poundkeeper -

- 16.1 may not work or in any way make use of an impounded animal or permit any such animal to be worked or made use of by any other person; and
- 16.2 must ensure that all impounded male animals are at all times kept apart from female animals.

17. DEATH OF OR INJURY TO IMPOUNDED ANIMALS

If an impounded animal is injured or dies, the poundkeeper must -

- 17.1 record the injury or cause of death in the pound register referred to in section 12; and
- 17.2 notify the owner of the animal in writing of the injury or death.

18. COPIES OF BY-LAWS

The poundkeeper must ensure that legible copies of these by-laws in English, *isiZulu* and Afrikaans are available at the pound for inspection.

19. FEES AND COSTS PAYABLE

The poundkeeper must -

- 19.1 charge the owner of an impounded animal the fees as set by the Municipality from time to time as contemplated in section 75A of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- 19.2 recover from the owner the cost of any dipping, medical treatment, inoculation or other treatment that may be necessary or required in terms of these by-laws or in accordance with any other law.

20. RELEASE OF IMPOUNDED ANIMALS

20.1 The poundkeeper must immediately release an impounded animal, and give the owner a receipt, upon the owner -

20.1.1 providing proof of ownership of such animal; and

20.1.2 paying the fees and costs contemplated in section 19.

20.2 If the owner of an impounded animal is unable to pay the fees or costs contemplated in section 19, the poundkeeper may retain such animal in order to recover such fees or costs as may be due and payable.

21. SALE OF IMPOUNDED ANIMALS

21.1 The poundkeeper must-

21.1.1 within 14 days of the impounding of an animal, apply to the Court for authority to sell the animal; and

21.1.2 in the application contemplated in paragraph 21.1.1, provide the Court with proof that he or she lodged a statement as contemplated in subsection 21.2 with the owner.

21.2 The statement contemplated in subsection 21.1.2 must include -

21.2.1 the fees and costs due in terms of these by-laws; and

21.2.2 the amount of any damages that the owner of the land on which the impounded animal trespassed, may have suffered.

21.3 The Court, whether the amounts set forth in the statement contemplated in subsection 21.1.2 are disputed or not, must-

21.3.1 summarily enquire into the matter;

21.3.2 enquire whether notice was given to the owner of the animal by the poundkeeper; and

21.3.3 make such order as it considers just and equitable, including an order

21.3.3.1 as to costs; and

21.3.3.2 on the process to be followed by the poundkeeper in the sale of the animal.

22. POUNDKEEPER MAY NOT PURCHASE IMPOUNDED ANIMALS

The poundkeeper, or a family member, or a close associate of the poundkeeper, may not purchase an animal offered for sale at a pound sale, either personally or through any other person, directly or indirectly.

23. ANIMALS UNSUCCESSFULLY OFFERED FOR SALE

23.1 In the event that any animal is not sold as contemplated in section 21 -

23.1.1 the poundkeeper must immediately advise the Court and the owner of its estimated value and the fees and costs incurred; and

23.1.2 the Court may make such order as it may deem just and equitable.

24. PROCEEDS

All proceeds from the collection of fees and costs contemplated in section 19 must be paid into the municipal revenue fund : Provided that in the event that any impounded animal is sold at a price in excess of -

24.1 the fees and costs incurred; and

24.2 any damages awarded in terms of section 21.3.3, such excess must be paid to the owner within 30 days of the sale, unless the identity of the owner has not been established, in which event the excess must be paid into the municipal revenue fund.

25. ACTION FOR RECOVERY OF DAMAGES

Nothing in these by-laws prevents the owner of land or any other person from instituting action against the owner of a trespassing animal, in any court with jurisdiction, for the recovery of damages suffered by reason of such trespassing animal.

26. PROCEDURE TO BE FOLLOWED IN APPLICATION TO COURT

An application to Court for -

26.1 the impoundment of an animal in terms of these by-laws, must comply with the procedure contemplated in Rule 55 of the Rules of Court; and

26.2 the sale of an impounded animal in terms of these by-laws, must comply with the procedure contemplated in section 66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court, made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985 (Act No. 107 of 1985), and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

27. OFFENCES AND PENALTIES

A person who -

27.1 unlawfully releases an animal that was lawfully seized for the purpose of being impounded or which has been lawfully impounded;

27.2 unlawfully seizes an animal for the purpose of impounding it;

27.3 unlawfully impounds an animal; or

27.4 contravenes any provision of these by-laws, is guilty of an offence and is liable on conviction to a fine, or to imprisonment for a period not exceeding one year.

28. SCHEDULES 1 AND 2 FORM PART OF THESE BY-LAWS

Schedules 1 and 2 to these by-laws form part of these by-laws for all purposes.

29. REPEAL OF EXISTING BY-LAWS

The Municipality's existing pound by-laws are hereby repealed.

30. SHORT TITLE

These by-laws will be called the Municipality Pound By-laws, 2007.

SCHEDULE 1

Code of Good Practice on the Handling and Transportation of Impounded Animals
(Section 594)

PART I - Paddock requirements

1. Different species of animals must be kept in separate paddocks.
2. Animals may not be penned in overcrowded paddocks, and penning space provided for in each paddock must be sufficient to permit all animals to lie down at the same time and must not be less than 1,5 square metres of floor area for each animal.

3. Fractious animals may not be kept with other animals.
4. Young, weaned juvenile animals, may not be penned with adult animals, except in the case of mother and offspring.
5. Provision must be made in paddocks for -
 - 5.1 facilities such as racks, mangers or other suitable feed containers that are easy to clean, which will allow the feeding of an animal off the floor, and which can be serviced without disturbing the animals;
 - 5.2 water troughs with an adequate supply of suitable fresh water at all times;
 - 5.3 sufficient facilities for the adequate cleaning of paddocks; and
 - 5.4 facilities for the safe handling of animals.
- 6.1 The paddocks must at all times be maintained in a good state of repair.
- 6.2 Sharp points such as wire ends, broken boards, jagged ends or protruding hinges or bolts, which could cause injury to animals, must be removed or otherwise suitably covered.
7. The floor of the entire paddock, including the off-loading banks, races and passages, must be so constructed as to provide adequate non-slip surfaces that can be efficiently and suitably cleaned and kept dry and in a condition fit for the holding of animals.

PART II - Handling of animals

8. Animals must at all times be handled humanely and with patience and tolerance.
9. The following must be kept in mind when handling animals -
 - 9.1 animals respond more readily to being driven when the driver stands behind the animal but within its field of vision; and
 - 9.2 herd animals respond more readily to being driven when in a group rather than singly.
10. Animals may not be dragged by their legs, or carried by their head, ears or tail.
11. Young calves must be carried if they cannot walk with ease, by lifting the calf around the chest and hindquarters, alternatively they must be guided with one hand on the hindquarters and the other near shoulder or neck, and walked in the required direction at an appropriate and comfortable pace.
12. Only sticks with canvas or belting flaps may be used when driving animals and it is preferable to strike the ground behind the animal rather than to hit the animal.
13. Electric prodders, sticks or goads may not be used on young calves.
14. Electric prodders may not be used excessively or indiscriminately or applied to the face, anal or genital areas of animals.

PART III - Movement of animals

15. Animals driven on the hoof must at all times be under proper and competent supervision.
16. Animals on the hoof must be driven in a calm manner at a gait that is relaxed and comfortable, natural to that animal, and not faster than the pace of the slowest animal.
17. Animals may not be driven for periods in excess of 10 hours without being given rest of at least one hour and provided with sufficient suitable fresh water that is available to all the animals.
18. No animal on the hoof may be moved in excess of the following distances -
 - 18.1 during a journey of not more than one day's duration -
 - 18.1.1 20 kilometres for sheep and goats; and
 - 18.1.2 30 kilometres for cattle; and
 - 18.2 during a journey of more than one day's duration -
 - 18.2.1 20 kilometres during the first day and 15 kilometres during each subsequent day for sheep and goats; and
 - 18.2.2 25 kilometres during the first day and 20 kilometres during each subsequent day for cattle.
19. Animals must be watered and fed immediately on reaching their night camp or final destination, with sufficient food of a quality and of a type compatible with the species.
20. Animals may not be moved in the dark.
21. No sick, injured or disable animal may be moved on the hoof.

PART IV - Vehicles used in transporting animals

22. Vehicles and all trailers used in the transport of hoofed animals must be suitable for the transport of such animals and in a roadworthy condition.

23. All vehicles and trailers referred to in item 22 must have -
- 23.1 a suitable non-slip floor which may not impede the cleaning of the floor of the vehicle, with hinged or removable battens or steel grids being permissible;
 - 23.2 adequate ventilation and light whilst in motion as well as when stationary, with no vehicle being totally enclosed;
 - 23.3 adequate protection from exhaust gasses, as exposure fumes could interfere with the animals' respiration or cause distress;
 - 23.4 sidewalls high enough to prevent animals from escaping or falling out of the vehicle : Provided that –
 - 23.4.1 the sides and partitions, when used in a vehicle to separate animals carried therein, must be of a height not lower than the shoulder joint of the largest animal being transported;
 - 23.4.2 in the case of cattle other than calves, the minimum height must be 1 800 millimetres; and
 - 23.4.3 the minimum height must be 750 millimetres in the case of any smaller animals;
 - 23.5 in multi-tier vehicles, heights between decks must be adequate, and in case of sheep and pigs not less than 1 000 millimetres, to enable the largest animals to stand naturally, freely and fully erect and to allow adequate space for the free flow of air above the animals;
 - 23.6 floors that are solid and impervious;
 - 23.7 loading and off-loading openings at the rear of the vehicle that are the full width of the vehicle or, if at the sides, a width not less than 2 400 millimetres; and
 - 23.8 gates, with or without partitions -
 - 23.8.1 of a design and construction strong enough and suitable for the conveyance of the intended consignment; and
 - 23.8.2 that open and close freely and are able to be well-secured.
24. The density of animals packed into any given space must be such as to ensure the safety and comfort of the animals during transport, and the recommended floor space per animal is
- 24.1 1,4 square metres per large animal; and
 - 24.2 0,5 square metres per small animal.

PART V - Watering and feeding of live animals prior to loading

25. Animals must be provided with sufficient and suitable food and fresh water until the commencement of the journey.

Loading and off-loading procedure

26. Loading and off-loading into or out of a vehicle must be accomplished as quietly and calmly as possible, with patience and tolerance and without undue harassment, terrifying of the animals, bruising, injury, suffering or undue stress.
27. No animal may be loaded or off-loaded by lifting by the head, fleece, skin, ears, tails, horns or legs.
28. No animals may be loaded or off-loaded otherwise than -
- 28.1 by means of a ramp with a non-slip surface, sturdy enough to support the weight of the species of animals being handled, with side panels or bars adequate to prevent animals escaping or falling off the ramp and of an incline not steeper than 25 degrees; or
 - 28.2 at a loading bank equal to the height of the floor of the vehicle or, at off-loading, not more than 310 millimetres below the level of the off-loading vehicle and with an incline not exceeding 25 degrees.
29. Where a truck is equipped with an onboard removable loading ramp it must have a non-slip surface and be of a sufficient length when lowered, that the inclination is no steeper than the inclines referred to in item 28, with the distance from the ground to the heel of the ramp not exceeding 120 millimetres.
30. Ramps must be correctly adjusted to the exact height of the vehicle's floor.
31. Journeys must commence as soon as possible after the live animals have been loaded and the animals must be promptly off-loaded upon arrival at the destination.
32. Unless adequate provision has been made for effective separation, different species of animals may not be loaded and transported in the same vehicle.

33. Animals of different ages, sizes and sexes may not be loaded and transported in the same vehicle unless adequate provision has been made for the effective separation of such animals.
34. Adult horned cattle may not be transported with polled cattle and they must also be penned separately.
35. When there is reason to believe that an animal is likely to give birth in the course of a proposed journey, the animal may not be loaded onto a vehicle.
36. In the case of an animal giving birth during transport, the necessary measures must be taken to ensure the protection of the mother and offspring from being trampled or otherwise injured or harassed by other animals.
37. In the event of -
 - 37.1 a breakdown of the transport vehicle;
 - 37.2 an accident or collision in which the transport vehicle is involved; or
 - 37.3 injury to, or death of, any animal in transit, the carrier must immediately report the details to, and request assistance from -
 - 37.3.1 in the case of paragraph (37.1), a breakdown service;
 - 37.3.2 in the case of paragraph (37.2), the South African Police and the traffic authorities; or
 - 37.3.3 in the case of paragraph (37.3), a veterinarian.

PART VI - Restraining of animals during transportation

38. Where the transport of any animal may cause injury to itself or any other animal, it must be restrained in such a manner as to prevent such injury.
39. No animals may be kept in restraint for more than 4 hours in any 24-hour period.
40. No wire or bailing twine may be used for tying the animal's legs or feet.
41. To avoid strangulation or neck-break, a slipknot may not be used where animals are secured to the vehicle by horns or neck, and the rope must be attached to the vehicle at the level of the animal's knees so that in the event of the animal falling, the possibility of serious injury or death is reduced, with the rope being long enough to allow the animal to lie comfortably in a natural position with its head upright.

SCHEDULE 2

Pound register information

(Section 12)

A pound register must, at least, contain the following information -

1. Name of pound
2. Date of receipt of animal
3. Number and description of animals
4. Brands or markings on animal
5. Ear tag number assigned by the poundkeeper
6. Name and address of person who seized the animal
7. Name and address of person who delivered the animal to the pound
8. Name and address of owner of land
9. Name and address of owner of animal
10. Name and address or description of place where animal was found
11. Distance from location where animal was seized to pound
12. Particulars of damage caused by the animal
13. Transport fees payable
14. Details of destruction or disposal of animal
15. Cause of death or injury of impounded animal
16. Description and amount of pound fees
17. Damages awarded by Court
18. Date of release of animal
19. Date of sale of animal
20. Proceeds of sale of animal
21. Name and address of purchaser
22. Excess amount (if any) paid to owner or municipality
23. Receipt number
24. Details of Order of Court with regard to animal not sold in execution.

No. 10

11 March 2010

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Public Transport, which Bylaw shall come into operation on the date of publication of this notice.

uMLALAZI MUNICIPALITY
PUBLIC TRANSPORT BYLAWS

CHAPTER 1 : DEFINITIONS

1. Definitions

CHAPTER 2 : TAXI METER CAB

2. Driver to take shortest route
3. Driver to keep engagement
4. Operation of taxi meter cab

CHAPTER 3 : BUSES

5. Stopping places
6. Entering and alighting from a bus
7. Driver to stop at stopping places

CHAPTER 4 : PERMITS FOR BUSES, TAXI METER CAB & TAXI

8. Permits
9. Period of validity of a rank permit and token
10. Suspension of rank permit
11. Restrictions relating to rank permit and token

CHAPTER 5 : GENERAL

12. Parking of taxi meter cab, taxi, bus
13. Entering and alighting from the taxi meter cab, taxi, bus
14. Stopping places
15. Engagement of passengers
16. Conveyance of filthy or diseased persons
17. Property left in taxi meter cab, taxi, bus
18. Queue marshal
19. Rank managers
20. Offence and penalties

CHAPTER 6 : GENERAL PROVISIONS

21. Short title and commencement
-

CHAPTER 1 : DEFINITIONS**Definitions**

- 1.1 In this by-law, unless the context indicates otherwise, any word or expression defined in the act shall bear the meaning so given to it.

"Authorised official " means any official of the Council who has been authorised by it to administer, implement , and enforce the provisions of these by-law;

"bus rank" means any place designated or any area demarcated for the exclusive parking of busses;

"Bus stop" means any place or area designated or demarcated as a bus stop, by a road traffic sign, for the purposes of loading and off loading passengers;

"Manager Protection Services" means the person appointed as such by Council, or during his or her absence, the officer acting in that capacity and includes any employee of the Council acting under control of the Manager Protection Services;

"Council" means the Council of the uMlalazi municipality;

"Lift club" means any club of which every member shall, for no direct or indirect reward, have a turn to convey or cause to be conveyed by means of a motor car, the members of such a club or the other persons designated by such members, to or from specified places for a specified purpose;

"Medical officer of health" means a person appointed as such under section 22 or 25 of the health act no 63 of 1977;

"Notice" means an adequate notice in words or in sign, erected or posted in a prominent position;

"Parking bay" means any portion of a public demarcated as a parking bay or parking place for the by a road traffic sign or marking;

"Prescribe fee" means a fee determined by the Council by resolution in terms of section 10 g (7) (a) (ii) of the local Council government transition act no. 209 of 1993 or any applicable legislation.;

"Prescribe tariff" means the fares and charges prescribed by in any journey undertaken in a taxi or a bus;

"Public car park" means any land reserved as a park as indicated in the town planning maps of the uMlalazi Council;

"public road" means a public road a defined in the National Road Traffic Act no.93 of 1996 as amended;

"road carrier permit " means a public road permit issued in terms of the road traffic transportation act no 74 of 1977;

Road traffic act " means the National Road Traffic Act no 93 of 1996 (as amended);

"taxi" means a public motor vehicle (other than a public bus) used for the conveyance of passengers or of passengers and goods;

"taxi meter cab" means a motor vehicle licensed to transport passengers in return for payment of a fare;

"Taximeter" means a devise used in taxis that automatically records the distance traveled and the fare payable;

"taxi rank" means any place designated or area demarcated as a taxi rank or for the exclusive parking of taxis by a road traffic sign;

Traffic offer" means the same as the meaning in the road traffic act ;

CHAPTER 2 : TAXI METER CAB

Driver to take shortest route

- 2.1 A driver of any taxi meter cab must, while the taxi meter cab is hired, drive to the passenger's destination along the shortest route, unless another route is agreed on or directed by the passenger;
- 2.2 A taxi meter cab driver must have a current map of the municipal area in his or her possession, which must be made available by the driver to a passenger on request.

Driver to keep engagement

- 3.1 A driver of any taxi meter cab must convey a passenger and his or her personal effects to the destination agreed upon between the passenger and the driver;
- 3.2 Should the driver of a taxi meter cab for any reason whatsoever, be unable to convey the passenger and the passenger's personal effects to the agreed destination, such driver must take all reasonable steps to arrange another taxi meter cab, or let the passenger arrange for the transport to get to his or her destination.

Operation of taxi meter cab

- 4.1 The driver of a meter taxi cab fitted with the taximeter must, as soon as the driver arrives at the point where his or her hiring commences and not sooner, set the taxi meter in motion, and must upon the termination of hiring immediately stop the taximeter from recoding;
- 4.2 On the occurrence of any stoppage not caused by traffic congestion or by the action or request of any passenger, the said driver must for the duration of such stoppage stop the taxi meter from recording.

CHAPTER 3 : BUSES**Stopping places**

5. No driver of a bus, as defined in the national land transition act no. 22 of 2000, may stop the bus for the purpose of picking up or setting down any passenger, except at a stopping place designated by the Council.

Entering and alighting from a bus

6. A prospective passenger of a bus, as defined in the national transport land transition act no. 22 of 2000, may only enter or alight from a bus at a stopping place designated by the Council.

Driver to stop at stopping places

7. The driver of a motor vehicle engaged in a public passenger road transport service, which at the time is not carrying the maximum number of passengers the vehicle is lawfully entitled to carry, must stop at any designated stopping place if a prospective passenger is waiting at such stopping place.

CHAPTER 4 : RANK PERMIT FOR BUSES, TAXI METER TAXIS**Permits**

- 8.1 Bus, taxi, taxi meter shall hold a rank permit which shall be obtained from the offices of Manager Protection Services within its jurisdiction;
- 8.2 Any person wishing to obtain a rank permit shall submit an application to the chief of traffic officer on the prescribe form obtainable from the offices of Manager Protection Services within his or her jurisdiction;
- 8.3 The Manager Protection Services may grant the rank permit if he or she is satisfied-
 - 8.3.1 That the motor vehicle concerned –
 - 8.3.1.1 Complies with the provisions of this Chapter and any law applicable to the testing of motor vehicles prescribe by the road traffic act no 93 of 1996 as amended;
 - 8.3.1.2 That the taxi meter cab has been fitted with the taximeter;
 - 8.3.1.3 That it is permitted to operate as a motor vehicle use for hire;
 - 8.3.1.4 That the taxi rank fee or fees determined by Council from time to time, have been paid; and
 - 8.3.1.5 That the applicant is in possession of a valid certificate from the local road transportation board to operate the said motor vehicle in the area jurisdiction of the Council.
- 8.4 The Council may when granting rank permit, impose conditions, restrictions and requirements in respect of the motor vehicle concerned, its equipage and the use of the taxis and buses rank ;
- 8.5 The Council shall, with every rank permit issue, issue a token specifying-
 - 8.5.1 The year for which such permit has been granted;
 - 8.5.2 The registration mark allocated to the motor vehicle;
 - 8.5.3 The make of such motor vehicle;
 - 8.5.4 The area, taxi or bus rank from which the motor vehicle may ply for hire; and
 - 8.5.5 The number of the taxi, taxi meter cab and bus approved for use by such motor vehicle;
- 8.6 The owner of the taxi, taxi meter cab and bus in respect of which a rank permit has been issued under these by-laws, shall advise the Manager Protection Services-
 - 8.6.1 Of any change of his or her residential and or postal address during the validity of such permit; or

- 8.6.2 When disposing of or otherwise ceasing to be the owner of motor vehicle during the said year, the name and address of the person to whom the motor vehicle is being disposed to or other cause of his or her ceasing to be the owner, within 31 days of the event.

Period of validity of rank permit and token

9. A rank permit and token shall be valid from the date of issue for a period one year.

Suspension of rank permit

- 10.1 The Manager Protection Services may by notice in writing suspend the operation of the current rank permit issue in respect of any motor vehicle if it fails to comply with the requirements or restriction imposed under these by-laws;
- 10.2 The owner shall within 7 (seven) days, upon receipt of such notice, deliver the token to the Manager Protection Services within his or her jurisdiction;
- 10.3 The suspension shall be withdrawn by the Manager Protection Services on condition that the owner has complied with provisions of these by-laws within 7 (seven) days and the Manager Protection Services is satisfied with same.

Restrictions relating to rank permit and token

11. No person shall-
- 11.1 Affix a token to any other motor vehicle other than the motor vehicle the token was issued for;
- 11.2 Operate the motor vehicle -
- 11.2.1 Unless the token of that taxi, taxi meter cab and bus is affixed on the left hand side of the windscreen thereof so that its face is clearly visible from the outside;
- 11.2.2 While any token has ceased to be valid is affixed to such motor vehicle;
- 11.2.3 While the operation of the rank permit in respect of such motor vehicle issued is suspended under section 10 above

CHAPTER 5 : GENERAL

Parking of taxi meter cab, taxi, bus

12. No person may park a taxi meter cab, taxi, bus on any public road for the purpose of providing a transport service, except in an exclusive parking bay, marked by a road traffic sign as prescribe in terms of the National Road Traffic Act no. 93 of 1996 as amended, for that motor vehicle.

Entering and alighting from the taxi meter cab, taxi, bus

13. A prospective passenger of a taxi meter cab, taxi, bus, as defined in the National Land Transport Transition Act No. 22 of 2000, may only enter or alight from a bus, taxi meter cab and taxi, at a stopping place designated by the Council.

Stopping places

- 14.1 No driver of a public motor vehicle, as defined in the National Land Transport Transition Act No. 22 of 2000 may stop it for the purpose of picking up or settling down any passenger, except at a stopping place designated by the Council;
- 14.2 The driver of a public motor vehicle engaged in a public passenger road service, which at the time is not carrying the maximum number of passenger the motor vehicle is lawfully entitled to carry, must stop at any designate place if a prospective passenger is waiting at such stopping place.

Engagement of passengers

- 15.1 No driver of taxi meter cab, taxi, bus, may by using force or threat, or any other offensive manner prevent or seek to prevent any person from hiring any other taxi meter cab, taxi or seek to prevent the driver of such other taxi meter cab, taxi, bus from obtaining or conveying a passenger or a load;

- 15.2 No person may use force, a threat or any clandestine or other method, to prevent or attempt to prevent any person from participating in a lift club;

Conveyance of filthy or diseased persons

- 16.1 A driver of a motor vehicle engaged in a public passenger road transport may refuse to convey or carry-
- 16.1.1 Any person who is obviously in a state of filth or obviously suffering from any contagious disease, or
 - 16.1.2 Any dead animal except animal or poultry intended for human consumption if the animal or poultry is properly wrapped
- 16.2 No person who has another person in his or her care, who to his knowledge has been exposed to, or contaminated with, any contagious disease, may place such person in any taxi meter cab, taxi, bus;
- 16.3 No person who is obviously in a state of filth or obviously suffering from any contagious disease may enter any taxi meter cab, taxi, bus or having entered, remain upon such motor vehicle after being requested by the driver or conductor thereof to leave the motor vehicle;
- 16.4 The owner, driver, conductor or any person in charge of a motor vehicle in a public passenger road transport service must immediately take steps as soon as it comes to his or her knowledge that-
- 16.4.1 Any person suffering from a contagious disease; or
 - 16.4.2 The body of person who has died of such disease; or
 - 16.4.3 Anything which has been exposed to or contaminate with such disease; has been conveyed in or upon such public motor vehicle engaged in a public passenger road transport service to report the matter to the medical officer of health;
- 16.5 The owner, driver, conductor or other person must carry out the instructions issued by the medical officer of health with regard to the disinfection of such motor vehicle engaged in a public passenger road transport services.

Property left in taxi meter cab, taxi, bus

- 17.1 If any property is left in a public motor vehicle engaged in a public road transport service is not claimed within 24 hours after it has been discovered in such public motor vehicle, the driver or conductor of the public motor vehicle must-
- 17.1.1 if he or she belongs to a taxi association, take such property to the nearest office of such association;
 - 17.1.2 if he or she uses a bus depot for the purposes of the business in which he or she is engaged, take such property to such depot; or
 - 17.1.3 if he or she does not belong to a taxi association or use a bus depot for the purpose of the business concerned, take such property to the referent South African Police Services station which have jurisdiction, and obtained a receipt from the person with whom the property is deposited, or the officer on duty at the referent South African Police Services which has jurisdiction, as the case may be;
- 17.2 If the property referred to is not claimed within seven (7) days of its receipt in the office of the offices of the referent taxi association or bus depot, the person with whom it was deposited must take it to the South African Police Services services.

Queue marshal

- 18.1 A queue marshal at any rank must be clearly identifiable and must display his or her name in a conspicuous manner on his or her clothing below left shoulder;
- 18.2 A queue marshal must discharge his or her duties in a courteous and polite manner and show respect to every passenger;
- 18.3 Where a queue marshal is controlling the entry onto taxi meter cab, taxi, bus, he or she must not allow more than the number of passengers permitted by law, to enter such taxi meter cab, taxi, bus.

Rank Managers

- 19.1 The taxi association may appoint rank managers to ensure passengers alight to taxis and there is no shortage of taxis in taxi ranks;
- 19.2 The rank managers may also assist in any manner which ensure a smooth operation of taxis in their areas which shall be stipulated by the taxi association;
- 19.3 A remuneration shall be paid by the taxi association to the rank managers for their assistance at the taxi rank;
- 19.4 The rank managers shall be clearly identifiable and will take upon any grievance from the passengers about a complaint about a certain taxi or queue marshal.

Offences and Penalties

20. Any person who-

- 20.1 Contravenes or fails to comply with any provisions of these by-laws;
- 20.2 Fails to comply with any notice issued in terms of these by-laws;
- 20.3 Fails to comply with any lawful instruction given in terms of these by-laws'
- 20.4 Who obstructs or hinders any authorised official of the Council in the execution of his or her duties under these by-laws, is guilty of an offence and liable to a fine of R1 000.00 and or imprisonment for a period not exceeding one year.

CHAPTER 6 : GENERAL PROVISIONS

Short title and commencement

- 21. These by-laws shall be called the municipal public transport by-laws, and shall come into on the date of publication in the Provincial Gazette.

No. 11

11 March 2010

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Refuse, which Bylaw shall come into operation on the date of publication of this notice.

uMLALAZI MUNICIPALITY BYLAWS
REFUSE BYLAWS

CHAPTER 01 DEFINITIONS

CHAPTER 02 REMOVAL OF REFUSE

- Part 1 : Council services
- Part 2 : Notice to Council
- Part 3 : Provision of containers
- Part 4 : Placing of containers
- Part 5 : Use and care of containers and bin-liners

CHAPTER 03 GARDEN & BULKY REFUSE

- Part 1 : Removal and disposal of garden and bulky refuse
- Part 2 : The Council's special service

CHAPTER 04 BUILDERS REFUSE

- Part 1 : Responsibility for builders refuse
- Part 2 : Disposal of builders refuse

CHAPTER 05 OBJECTIONABLE REFUSE

- Part 1 : Notification of the generation of objectionable refuse
- Part 2 : Sorting of objectionable refuse
- Part 3 : Removal of objectionable refuse

CHAPTER 06 DISPOSAL SITES

- Part 1 : Procedure at disposal sites
- Part 2 : Ownership of refuse

CHAPTER 07 LITTERING, DUMPING & ANCILLARY MATTERS

- Part 1 : Littering
- Part 2 : Dumping
- Part 3 : Abandoned things
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CHAPTER 08 GENERAL PROVISIONS

- Part 1 : Access to premises
- Part 2 : Frequency of removal and nature of refuse
- Part 3 : Accumulation of refuse
- Part 4 : Application for discontinuing of a service

CHAPTER 09 COUNCIL'S RIGHT TO LEVY TARIFF OF CHARGES

CHAPTER 10 OFFENCES

CHAPTER 1 : DEFINITIONS

For the purposes of this by-law unless the context otherwise indicates –

“Bin-liner” means a plastic bag as prescribed by the Council which may be placed inside a container with a conserving capacity not exceeding 0,1 m³;

“Builders refuse” means refuse generated only by demolition, excavation or building activities on premises;

“Bulky refuse” means refuse generated on any premises but which cannot by virtue of its mass, shape, size or quantity readily be removed by means of and without damaging the bin liner, excluding objectionable refuse;

“Business refuse” means refuse generated on any premises but which can be readily be removed by means of and without damaging the bin liner, including garden refuse but excluding builders refuse, bulky refuse, domestic refuse or objectionable refuse;

“Container” means a refuse container as prescribed and approved by the Council and which may be supplied by the Council at a prescribed tariff or at ruling prices or at hiring charges;

“Council” means the uMlalazi municipal Council within the meaning of section 157(2) and (3) of the Constitution of the Republic of South Africa;

“Domestic refuse” means refuse which is normally generated on the premises of private dwelling-houses which are used solely for residential purposes, and which can readily be removed by means of and without damaging the bin-liner, including garden refuse.

“Garden refuse” means refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, plants, flowers and other similar small and light matter that can readily be removed by means of and without damaging the bin-liner;

“Municipality” means uMlalazi municipality.

“objectionable refuse” means refuse which is toxic, dangerous, injurious or harmful or which may pollute the environment or which results from a manufacturing process or the pre-treatment for disposal purposes of any industrial or mining liquid waste, which may not be discharged into a drain or sewer;

“occupier” shall include any person in actual occupation of land or premises without regard to the title under which he occupies and in the cause of various tenants whether on his own account or as agent for any person entitled thereto or interested therein.

“occupier” in respect of premises held on the sectional title register opened in terms of sectional titles act 95 of 1986, means the body corporate, as defined in the act, in relation to such premises;

“public place” shall include any road, street, thoroughfare, bridge, over-head bridge, sub-way, foot pavement, footpath, side walk, cave, square, open space, garden, park or enclosed space vested in a town.

“owner” : shall include any person receiving the rent or profits of any land or premises from any tenant or occupier thereof, or who will receive such rents or profits if such land or premises were let, whether on his own account or as agent for any person entitled thereto or interested therein.

CHAPTER 2 : REMOVAL OF REFUSE

Part I : The Council's services

- 2.1 The Council renders a service for the collection and removal of refuse at the tariff as from time to time determined by the Council. Provided that the rendering of a particular service and the number of removals per week is subject to the approval of Council.
- 2.2 The Owner or the Occupier of a premises on which refuse is generated shall, subject to the provisions of Section 2.1 and 4.1 hereof, avail himself/herself of the Council's service for the collection and removal of such refuse.
- 2.3 The owner of the premises on which the refuse is generated shall be liable to the Council for the payment of the tariff of charges in respect of any services rendered by the Council for the collection and removal of such refuse.

Part II : Notice to Council

- 3.1 The Occupier of the premises, or if there is more than one occupant, the Owner of such premises on which refuse is generated, shall within seven days after the date of commencement of the generation of refuse on the premises, notify the Council:-
 - 3.1.1 that the premises are being occupied,
 - 3.1.2 whether builders, bulky, domestic or objectionable refuse is being generated on the premises,
 - 3.1.3 regarding the estimated volume of refuse being generated,
 - 3.1.4 regarding the proposed method and frequency of removal.
- 3.2 The Owner or Occupier of the premises on which refuse is being generated shall, in a manner as determined by Council, furnish the Council with all particulars required by Council in regard to the composition of the refuse.

Part III : Provisions of containers

- 4.1 The Council shall determine the type and number of containers required on the premises
- 4.2 The Owner of the premises shall be responsible for the supply of the predetermined number and type of containers if required by the Council.
- 4.3 If a container is supplied by the Council such container shall be supplied at ruling prices or hiring tariffs as the Council may determine.
- 4.4 Where a container is supplied by Council such container shall remain the property of Council and the owner of the premises shall be liable to the Council for the loss or damage to such container.

Part IV : Placing of containers

- 5.1 The Owner or Occupier of the premises shall provide sufficient space for the storage of the containers on a place as approved by Council.
- 5.2 The space provided in terms of subsection (5.1) shall be in a position on the premises as will allow the storage of containers without their being visible from a street or public place unless otherwise determined by Council.
- 5.3 All containers with a conserving capacity not exceeding .1 cu m shall be equipped with low density bin-liners at least 950mm x 750mm and 40 micrometres thick. Such bin-liners shall be supplied by the Occupant or Owner.
- 5.4 Bin-liners containing refuse, properly fastened, shall on the day of removal, as determined by Council, only be placed inside the fence or boundary of the premises or such other position as may be determined by Council.
- 5.5 If required by the Council the place of collection shall be located so as to permit easy access to and from such place for the Council's refuse collection vehicles.
- 5.6 A sufficient area shall be provided to keep a special container for the storage of refuse as described in Section 6.1.1.1 hereof, apart from the space necessary for the storage of refuse not kept in special container.
- 5.7 The Council may at its discretion indicate a position from where the refuse may be removed more conveniently.
- 5.8 notwithstanding anything to the contrary, the Council may:-
 - 5.8.1 in the case of buildings having been erected, or buildings of which the building plans have been approved prior to the coming into operation of these bylaws, and
 - 5.8.2 in the event of the Council, in its opinion, being unable to collect and remove refuse from the space provided in terms of subsection (5.1) above, having regard to the avoidance of nuisance or the convenience of collection of refuse, indicate a position within or outside the premises where the container/s shall be placed for the removal of such refuse and such containers shall then be placed in such position at such times and for such periods as the Council may prescribe.

Part V : Use and care of containers & bin-liners

- 6.1 Every Occupier, or in the case of premises occupied by more than one occupant, the Owner of such premises shall ensure that:-
 - 6.1.1 all the domestic or business refuse generated on the premises is placed and kept in bin-liners supplied by the Council, provided that the provision of this subsection shall not prevent any Occupier or Owner, as the case may be:-
 - 6.1.1.1 who has obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other waste material for re-cycling or, in the case of swill, for consumption;
 - 6.1.1.2 for making use of such domestic refuse as may be suitable for the making of compost, provided the refuse remains on the premises without causing a nuisance.
 - 6.1.2 no hot ash, glass fragments or other business or domestic refuse which may cause damage to bin liners or injury to Council's employees while carrying out their duties in terms of these bylaws is placed in bin-liners before having taken the necessary precautions to avoid such damage or injury,
 - 6.1.3 no material, including any liquid which by reason of its mass or other characteristics is likely to render such bin-liners too difficult for the Council's employees to handle or carry is placed in such bin-liners
- 6.2 No container may be used for a purpose other than that for which it is supplied and no fire shall be lit therein.
- 6.3 The bin-liners containing refuse shall be removed by the Council only if such bin-liners have been placed at the prescribed places as provided for in Section 5 hereof, and at such intervals as the Council may deem necessary.
- 6.4 The Council shall not be liable for the loss of, or damage to, a container or bin-liner.
- 6.5 The Occupant of the premises shall be responsible for the cleaning and hygiene of the refuse bin/s on such premises occupied.

CHAPTER 3 : GARDEN & BULKY REFUSE**Part I : Removal & disposal of garden & bulky refuse.**

- 7.1 The Occupier or, in the case of premises occupied by more than one occupant, the Owner of the premises on which garden or bulky refuse is generated, shall ensure that such refuse is disposed of within a reasonable time after the generation thereof, provided that garden refuse may be retained on the premises for the making of compost and will not cause a nuisance.
- 7.2 Subject to Section 2.2 hereof any person may remove and dispose of garden or bulky refuse.
- 7.3 Garden or bulky refuse shall once it has been removed from the premises on which has been generated be deposited on a site designated by Council as a disposal site for such refuse.

Part II : The Council's special service

- 8.1 At the request of the Owner or Occupier of the premises, and after payment of the prescribed tariff charge has been made, or the necessary permit obtained, the Council may, subject to the provisions of Section 2.1 hereof remove garden or bulky refuse from the premises.
- 8.2 The Council may determine the type and quantity of the containers which shall be used for the storage and removal of such refuse.

CHAPTER 4 : BUILDERS REFUSE**Part I : Responsibility for builders refuse**

- 9.1 The Owner of a premises in which builders refuse is generated shall ensure that such refuse be disposed of in terms of Section 210 hereof within a reasonable time after the generation thereof.
- 9.2 Subject to the provisions of subsection (2) hereof, any person may operate a builders refuse removal service. Should the Council provide such a service it shall be done at the prescribed tariff charge and the provisions of Section 8 hereof shall apply *mutatis mutandis*.

Part II : Disposal of builders refuse.

- 10.1 Subject to the provisions of subsection 10.2 hereof all builders refuse shall be deposited at the Council's refuse sites
- 10.2 For the purposes of reclaimed land builders refuse may with the written consent of Council be deposited at a place other than the Council's prescribed disposal site.
- 10.3 Any consent given in terms of subsection 10.2 shall be subject to such conditions as the Council may deem necessary, provided that in giving or refusing its consent, or in laying down conditions, the Council shall have regard to the following:-
- 10.3.1 the safety of the public,
 - 10.3.2 the environment of the disposal site,
 - 10.3.3 the suitability of the area including the drainage thereof,
 - 10.3.4 the expected manner and times of depositing of refuse at the site,
 - 10.3.5 the leveling of the site,
 - 10.3.6 the control of dust,
 - 10.3.7 the control of rodents,
 - 10.3.8 any other relevant factors.

CHAPTER 5 : OBJECTIONABLE REFUSE**Part I : Notification of generation of objectionable refuse.**

- 11.1 The Owner or Occupier of premises on which objectionable refuse is generated shall inform the Council of the composition thereof, the quantity generated, how it is stored and how and when it will be removed.
- 11.2 If so required by Council the notification referred to in subsection 11.1 above shall be substantiated by an analysis certified by a qualified industrial chemist or a person nominated by Council.
- 11.3 The Council. Or any person authorised by Council may enter a premises at any reasonable time to ascertain whether objectionable refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.

- 11.4 The Owner or Occupier of a premises on which objectionable refuse is generated shall notify the Council of any changes in the composition and quantity of the objectionable refuse occurring thereafter.

Part II : Sorting of objectionable refuse.

- 12.1 The person referred to in Section 11.1 hereof shall ensure that the objectionable refuse generated on the premises shall be kept and stored in terms of subsection 11.2 below until it is removed from the premises in terms of Section 13 hereof.
- 12.2 Objectionable refuse shall be kept or stored on premises shall be kept or stored in such a manner that it does not cause a nuisance or pollute the environment.
- 12.3 If objectionable refuse is not kept or stored in terms of subsection 12.2 above on the premises from which it is generated the Council may order the Owner or Occupier, or both, of the premises to remove such objectionable refuse within a reasonable time, and if thereafter the refuse is not removed within such time the Council may by itself or through a contractor remove said refuse at the expense of the Owner or Occupier.

Part III : Removal of Objectionable refuse.

- 13.1 No person shall remove or dispose of objectionable refuse from the premises on which it is generated without or otherwise than in terms of the written consent of Council.
- 13.2 The Council may give its consent in terms of subsection 13.1 above subject to such conditions as it may deem fit, provided that in laying down such conditions the Council shall have regard to:-
- 13.2.1 the composition of the objectionable refuse,
 - 13.2.2 the suitability of the vehicle and container to be used,
 - 13.2.3 the place where the refuse shall be deposited,
 - 13.2.4 proof to the Council of such depositing.
- 13.3 Unless it is satisfied that the person applying is competent and has the equipment to remove the objectionable refuse and to comply with the conditions laid down by Council, the Council shall not give its consent in terms of subsection 13.1 above.
- 13.4 The person referred to in Section 11.1 hereof shall inform the Council at, such intervals as Council may determine, having regard to the information to be given to the Council in terms of said Section of the removal of objectionable refuse, the identity of the remover, the date of the removal, the quantity and composition of the objectionable refuse removed.

CHAPTER 6 : DISPOSAL SITES

Part I : Procedure at disposal sites.

- 14.1 Any person who, for the purpose of disposing of refuse enters a refuse disposal site controlled by the Council shall:-
- 14.1.1 enter the disposal site at an authorised access point only,
 - 14.1.2 give the Council all the particulars required in regard to the composition of the refuse,
 - 14.1.3 follow all instructions given to him/her by the Council with regard to the actual disposal point, the place and manner in which the refuse should be deposited,
- 14.2 No person shall bring intoxicating liquid onto a disposal site controlled by the Council.
- 14.3 No person shall enter a disposal site controlled by the Council other than for the purpose of depositing refuse in terms of these bylaws and then only at such times as the Council may from time to time determine.

Part II : Ownership of refuse.

- 15.1 All refuse and bin-liners removed by the Council and all refuse on disposal sites controlled by the Council shall be the property of the Council and no person who is not authorised by the Council to do so shall remove or interfere therewith.
- 15.2 Only refuse generated on premises situated within the uMlalazi Municipal area of jurisdiction may be deposited on Council's disposal sites, provided that written permission may be granted by an authorised official of Council in this regard to institutions situated outside the uMlalazi Municipal area of jurisdiction.

CHAPTER 7 : LITTERING, DUMPING & ANCILLARY MATTERS**Part I : Littering**

- 16.1 No person shall:-
- 16.1.1 throw, let fall, deposit or spill any refuse into or onto any public, vacant stand, vacant erf/lot stream or watercourse,
 - 16.1.2 sweep any refuse into a gutter on a public place,
 - 16.1.3 allow any person under his/her control to commit any of the acts referred to in (16.1.1) or (16.1.2) above,
- 16.2 For the purpose of this section a person shall be deemed to have allowed the acts referred to in subsection (16.1) above of persons under his/her control unless the contrary is proved.

Part II : Dumping.

- 17.1 Subject to any provisions to the contrary in these bylaws, no person shall abandon anything, or allow anything under his/her control to be abandoned, at a place to which it has been brought with the intention of abandoning it.
- 17.2 Once it has been proved that such person left a thing or allowed a thing to be left at a place of which he/she is not the owner or occupier, he/she shall be deemed to have contravened the provisions of subsection (17.1) above unless and until he/she has proved the contrary.

Part III : Abandoned things.

18. Anything other than vehicle deemed to have been abandoned in terms of the Parking Bylaws of the uMlalazi Municipality which is, having regard to such factors as to the place where it is found, the period it has been left at such place and the nature and condition thereof reasonably regarded by the Council to having been abandoned, may be removed and disposed of by the Council, as it may deem fit.

Part IV : Liability of the responsible person.

- 19.1 Where anything has been removed and disposed of by Council in terms of Section 18 hereof, the responsible person shall be liable to the Council for the payment of the tariff of charges in respect of such removal and disposal.
- 19.2 For the purposes of subsection 19.1 above the responsible person shall be:-
- 19.2.1 the owner of the thing including any person who is entitled to be in possession thereof by virtue of a hire purchase agreement, or an agreement of lease, at the time of its abandonment, or left in the place from which it was removed, unless he/she can prove that he/she was not concerned in, and did not know of its abandonment, or of it being left in such place, or
 - 19.2.2 any person by whom it was left on the place from which it was removed, or
 - 19.2.3 any person who knowingly permitted that the thing be left in the place from which it was removed.

CHAPTER 8 : GENERAL PROVISIONS**Part I : Access to premises**

- 20.1 Where the Council provides a refuse removal service, the Owner or Occupier of premises shall grant to the Council access to the premises and shall ensure that nothing obstructs, frustrates or hinders the Council in rendering such service.
- 20.2 Where in the opinion of the Council the rendering of a refuse collection service to a premises may cause damage to any property, or injury to any person, the Council, may, as a condition of rendering such service, require the Owner or Occupier of such premises to indemnify the council in writing in respect thereof.

Part II : Frequency of removal and nature of refuse.

21. Notwithstanding any provision to the contrary the Council shall determine the frequency of the removal and nature of the refuse.

Part III : Accumulation of refuse.

22. Where any refuse accumulates on any premises that, in the opinion of the Council it must be removed, the Council may remove such refuse and the Owner or Occupier of such premises shall be liable to Council for the payment of the tariff of charges for such removal and disposal.

Part IV : Application for the discontinuing of a service.

- 23.1 An application for the discontinuing of a service rendered in terms of these bylaws shall be made in writing or in any manner as determined by the Council, the Owner or Occupier, or their authorised agent.
- 23.2 An application for the discontinuing of a service rendered in terms of these bylaws shall be made in writing or in any manner as determined by the Council, the Owner or Occupier of such premises to indemnify Council in writing in respect thereof.
- 23.3 Notwithstanding the provisions of subsection 23.1 above a service for the removal of domestic or business refuse shall not be discontinued unless the Council has received a written notification from the Owner or Occupier of a premises that no such refuse is generated on the premises or unless it is obvious to the Council that no such refuse is generated on the premises.

CHAPTER 9 : COUNCIL'S RIGHT TO LEVY CHARGES

- 24.1 The Council shall have the right at any time to levy charges in respect of a service rendered to any premises in terms of these bylaws, although Council has not received an application to render such service from the Owner or Occupier of such premises.
- 24.2 Any person who fails to pay the tariff charges levied in respect of such service rendered by the Council shall be guilty of an offence.

CHAPTER 10 : OFFENCES AND PENALTIES

- 25.1 Any person who contravenes or fails to comply with any provision of these bylaws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R500.00 (five hundred rand only), or to imprisonment for a period not exceeding 12 months, or to both such fine and imprisonment.

No. 12

11 March 2010

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Roads, which Bylaw shall come into operation on the date of publication of this notice.

uMLALAZI MUNICIPALITY
ROADS BYLAWS

CHAPTER 1 :

Section 1. Definitions

CHAPTER 2 : OBSTRUCTIONS

Section 2. Obstruction of public roads

Section 3. Removal of Obstructions

CHAPTER 3 : ENCROACHMENTS

Section 4. Excavations

Section 5. Hoardings

CHAPTER 4 : DANGEROUS FENCING

Section 6. Barbed wire, dangerous and electrical fencing

CHAPTER 5 : PROTECTION & CLEANLINESS OF PUBLIC ROADS

Section 7. Protection of public road

Section 8. Cleanliness of Public Road

Section 9. Defacing, marking or painting of public road

CHAPTER 6 : RACES, SPORTS EVENTS & GAMES

Section 10. Races and Sports Events

Section 11. Games on Public Roads

CHAPTER 7 : GENERAL

Section 12. Offences

Section 13. Short title and Commencement

CHAPTER 1 :**Definitions**

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

"authorised official" means a person authorised by the Council to perform the functions of an authorised official in terms of these by-laws;

"Council" means the Council of the uMlalazi municipality;

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

"prescribed fee" means a fee determined by the Council by resolution; and

"public road" shall mean a public road as described under section 1 of the road traffic act, 1996 (act no. 93 of 1996).

CHAPTER 2: OBSTRUCTIONS**2. Obstruction of public roads**

No person may cause any obstruction of any public road.

3. Removal of obstructions

- 3.1 If any person causes an obstruction on any public road, an authorized officer, may order such person to refrain from causing or to remove the obstruction.
- 3.2 Where the person causing an obstruction cannot be found, or fails to remove or to cease causing such obstruction, an authorised officer may take such steps as may be necessary to remove the obstruction and the Council may recover the cost of the removal of the obstruction from that person.

CHAPTER 3: ENCROACHMENTS**4. Excavations**

- 4.1 No person may make or cause to be made any hole, trench, pit, tunnel or other excavation on or under any public road or remove any soil, tar, stone or other materials from any public road without the prior written consent of the Council.
- 4.2 Any person who requires the consent referred to in subsection 4.1 must:-
 - 4.2.1 comply with any requirements prescribed by the Council; and
 - 4.2.2 pay the prescribed fee.

5. Hoardings

- 5.1 Any person who erects, removes, alters, repairs or paints any building or structure or carries out any excavation within 2 m of a public road must, before commencing any such work, enclose or cause to be enclosed a space in front of such part of the building or structure.
- 5.2 If the enclosure referred to in subsection 5.1 will project onto any portion of a public road, the person must
 - 5.2.1 obtain prior approval from the Council;
 - 5.2.2 pay the prescribed fee; and
 - 5.2.3 if the person making the application is not the owner of the building or land on which the work is done or is to be done, the owner must countersign the application.
- 5.3 The Council may grant a permit in writing specifying -
 - 5.3.1 the area and position at which the enclosure is permitted; and
 - 5.3.2 the period for which the enclosure is permitted.

CHAPTER 4: DANGEROUS FENCING**6. Barbed wire, dangerous and electrical fencing**

No owner or occupier of land -

- 6.1 Other than an owner or occupier of agricultural land, may along any public road erect or cause or permit to be erected, any barbed-wire fence or any railing, paling, wall or other barrier which, by reason of spikes or other sharp or pointed protrusions or otherwise by reason of the nature of its construction or design, is or may become a danger to any member of the public using such public road; and
- 6.2 Including an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause or permit to be erected along such public road any electrified fence, railing or other electrified barrier unless –
 - 6.2.1 the fence, railing or other barrier is erected on top of a wall built of brick, cement, concrete or similar material, which wall may not be less than two meters high; or
 - 6.2.2 the fence, railing, or other barrier is separated from the public road by another, non-electrified fence.

CHAPTER 5: PROTECTION & CLEANLINESS OF PUBLIC ROADS**7. Protection of public road**

No person may place upon or off-load on a public road any materials or goods which are likely to cause damage to the road.

8. Cleanliness of public roads

8.1 No person may spill, drop or place or permit to be spilled, dropped or placed, on any public road any matter or substance that may interfere with the cleanliness of the public road, or cause or is likely to cause annoyance, danger or accident to persons, animals, vehicles or other traffic using such public road, without removing it or causing it to be removed from such public road immediately.

8.2 If the person mentioned in subsection 3.1 fails to remove the matter or substance, the Council may remove such matter or substance and recover the cost of removal from the person.

9. Defacing, marking or painting public roads

No person may in any way deface, mark or paint any public road or part of the public road without the prior written consent of the Council.

CHAPTER 6: RACES, SPORTS EVENTS AND GAMES**10. Races and sports events**

10.1 An application for consent to hold a race or sports event on any public road must be submitted in writing to the Council on the prescribed form at least 60 days prior to the event.

10.2 The applicant must pay the prescribed fee and deposit to the Council at the time of making application for consent.

11. Games on public roads

No person may –

11.1 Play cricket, football or any other game; or

11.2 By any means discharge any missile upon, over or across any public road.

CHAPTER 7: GENERAL**12. Offences**

Any person who contravenes any provision of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

13. Short title and commencement

These by-laws shall be called the roads by-laws, and shall come into operation on the date of publication in the provincial gazette.

No. 13

11 March 2010

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Stormwater Management, which Bylaw shall come into operation on the date of publication of this notice.

uMLALAZI MUNICIPALITY
STORMWATER MANAGEMENT BYLAWS

CHAPTER 1 : DEFINITIONS

Section 1. Definitions

CHAPTER 2 : PROHIBITED ACTIVITIES

Section 2. Unauthorized Discharge
Section 3. Unauthorized Connection
Section 4. Obstruction Of Flow

CHAPTER 3 : SUSPENSION OF ACCESS & NOTIFICATION

Section 5. Suspension of access
Section 6. Notification of spills

CHAPTER 4 : CONSTRUCTION & MAINTENANCE

Section 7. Construction and maintenance of stormwater drains and connections

CHAPTER 5 : GENERAL PROVISIONS

Section 8. Offences
Section 9. Short Title and commencement

Definitions

1. In this bylaw, unless the context indicates otherwise—

"**Council**" means the Council of the uMlalazi municipality;

"**non-stormwater discharge**" means any discharge into the stormwater system which is not composed entirely of stormwater;

"**occupier**", in relation to any premises, means any person —

- 1.1 occupying the premises;
- 1.2 leasing the premises; or
- 1.3 who is not occupying the premises but is entitled to do so;

"**owner**", in relation to any premises, means —

- 1.4 the person in whose name the title to the premises is registered; or
- 1.5 if the person referred to in (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

"**premises**" means any privately-owned land or land on which buildings or other structures are situated;

"**stormwater**" means any storm water runoff, surface water runoff, sub-soil or spring water;

"**stormwater drain**" means any closed or open drain used or intended to be used for carrying stormwater within any premises to the stormwater system; and

"**stormwater system**" means the system of conduits, the ownership of which is vested in the Council, and which is used or intended to be used for collecting and carrying stormwater, including without limiting the generality of the foregoing, any road with a drainage system and any gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, drainage channel, reservoir or other drainage structure.

CHAPTER 2: Prohibited activities

2. Unauthorised discharge

- 2.1 Subject to subsection (2.2), no person shall, without the prior written consent of the Council, which consent may be conditional or unconditional, directly or indirectly lead or discharge any non-stormwater discharge into the stormwater system without the prior authority of the Council.
- 2.2 Nothing prevents the discharge into the stormwater system of flow from -
- 2.2.1 potable water sources;
 - 2.2.2 natural springs or wetlands;
 - 2.2.3 diverted streams;
 - 2.2.4 rising groundwater;
 - 2.2.5 fire fighting activities;
 - 2.2.6 individual residential car washing;
 - 2.2.7 swimming pools, provided that the water has been allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance; and
 - 2.2.8 street sweeping.

3. Unauthorised connection

No person shall construct, use, allow, maintain or continue any unauthorized drain or conveyance which allows discharge into the stormwater sewer.

4. Obstruction of flow

No person shall obstruct or interfere with the normal flow of stormwater into, through or out of the stormwater sewer without the prior written approval of the Council.

CHAPTER 3 : Suspension of access and notification

5. Suspension of access

- 5.1 The Council may issue a notice suspending access to the stormwater system when such suspension is necessary to stop an actual or threatened discharge of any pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment.
- 5.2 In the event that any owner or occupier fails to comply with a suspension notice, the Council may, at the cost of the owner or occupier of the premises, as the case may be, take all reasonable steps required to prevent or minimize harm to the public health, safety or the environment.

6. Notification of spills

As soon as the owner or occupier of any premises becomes aware of any discharge of any pollutants into the stormwater system, the owner or occupier shall -

- 6.1 take all immediate steps necessary to ensure containment and cleanup of the discharge;
- 6.2 notify the Council as soon as reasonably possible of the discharge.

CHAPTER 4: construction and maintenance**7. Construction and maintenance of stormwater drains and connections**

The owner or occupier, as the case may be, of any premises shall be responsible for the construction and maintenance, at his or her expense of any stormwater drains on the premises and any connection between such drains and the stormwater system.

CHAPTER 5 : general provisions**8. Offences**

Any person who -

- 8.1 contravenes or fails to comply with any provisions of these by-laws;
- 8.2 fails to comply with any notice issued in terms of these by-laws;
- 8.3 fails to comply with any lawful instruction given in terms of these by-laws; or
- 8.4 obstructs or hinders any authorised official in the execution of his or her duties under these by-laws –shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

Short title and commencement

- 9. These by-laws shall be called the stormwater management by-laws, and shall come into operation on the date of publication in the provincial gazette

No. 14

11 March 2010

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Street Trading, which Bylaw shall come into operation on the date of publication of this notice.

uMLALAZI MUNICIPALITY
STREET TRADING BYLAWS

CHAPTER 01 : DEFINITIONS**CHAPTER 02 : PROHIBITIONS****CHAPTER 03 : RESTRICTIONS****CHAPTER 04 : GENERAL DUTIES OF STREET TRADERS**

- 4.1 Cleanliness and public health
- 4.2 Display of goods

CHAPTER 05 : REMOVAL & IMPOUNDMENT

- 5.1 Removal and impoundment
- 5.2 Disposal of impounded goods

CHAPTER 06 : GENERAL OFFENCES & PENALTIES**CHAPTER 07 : REPEAL OF BYLAWS****CHAPTER 09 : SHORT TITLE & COMMENCEMENT**

CHAPTER 1: DEFINITIONS**1. Definitions**

In this by-law, unless the context indicates otherwise-,

"approval" means approval by an authorized official and "approve" has a corresponding meaning;

"authorised official" means an official of the Council to whom it has delegated a duty, function or power under this bylaw, in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such official;

"Council" means the Council of the uMlalazi municipality and in relations to the exercise of a power, the performance of a duty or the carrying out of a function includes any committee or official of the Council to whom such power, duty or function has been delegated;

"demarcated stand" means stand demarcated by Council for the purposes of street trading in terms of section 6(a)(3)(b) of the act;

"goods" means any movable property used in connection with street trading and, without limiting the generality of the foregoing, includes products for sale, display tables, stands, receptacles, vehicles, structures or animals;

"public place" means a public place as defined in Section 1 of the Local Authorities Ordinance no. 25 of 1974;

"public road" means a public road as defined in section 1 of the National Road Traffic Act no. 93 of 1996;

"roadway" means a roadway as defined in section 1 of the National Road Traffic Act no. 93 of 1996 but excludes a public place;

"sidewalk" means a sidewalk as defined in section 1 of the National Road Traffic Act no. 93 of 1996;

"street trader" means a person who sells, barter, exchanges, hires out, displays, exposes, offers or prepares for sale, barter, exchange or hire any goods or who provides or offers any service for reward as a street vendor, hawker or pedlar in a public road or in a public place, but does not include any person who sells newspapers only;

"the act" means the Businesses Act No. 71 of 1991 and includes the regulations made there under; and

"verge" means a verge as defined in section 1 of the National Road Traffic Act No. 93 of 1996.

CHAPTER 2: PROHIBITIONS

2. Prohibition

No street trader shall carry or undertake street trading –

- 2.1 On a verge contiguous to:-
 - 2.1.1 owner in the central business district;
 - 2.1.2 a church or other place of worship, or
 - 2.1.3 a building declared to be a national monument in terms of the National Monuments Act No. 28 of 1969;
- 2.2 on any verge contiguous to a building in which business is being carried on.
- 2.3 on that half of a public road contiguous to a building used for residential purposes.
- 2.4 at any place where the carrying on of such business causes an obstruction to-
 - 2.4.1 the entrance to or exit from a building, or
 - 2.4.2 a fire hydrant;
 - 2.4.3 on a pedestrian side-walk
- 2.5 in any declared area identified as such in terms of section 6a (2) of the act in respect of which the carrying on of the business of street trader has been-
 - 2.5.1 prohibited by the Council, or
 - 2.5.2 restricted by the Council, unless such business is carried on in accordance with such restrictions;
- 2.6 at any place which has been set apart and demarcated as stands or areas by the Council in terms of section 6a (3) (b) of the act for the purposes of the carrying on of the business of street trader, unless such business is carried on in accordance with –
 - 2.6.1 an agreement with the Council, or
 - 2.6.2 the allocation by the Council to the street trader of any area or stand; and
- 2.7 in any public garden or park except with prior written consent of the Council.

CHAPTER 3: RESTRICTIONS

3. Restrictions

No person engaging in street trading shall:-

- 3.1 sleep overnight at the business site;
- 3.2 erect any permanent structure in a public place or public road for the purpose of providing shelter, or
- 3.3 place or store any goods in such a manner or position as to constitute a danger to any person;
- 3.4 carry on such business in such a manner as to-
 - 3.4.1 create a nuisance;
 - 3.4.2 damage or deface any public road or public place or any public or private property; or
 - 3.4.3 create a traffic hazard;
- 3.5 obstruct access to a service or to service works of the Council or of the state or any statutory body;
- 3.6 interfere with the ability of persons using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;
- 3.7 obstruct access to a pedestrian arcade or mall;
- 3.8 carry on such business in a place or area in contravention of any restriction imposed by Council resolution in terms of section 6a(2)(a) of the act;
- 3.9 place or store his or her goods on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;

- 3.10 attach any of his or her goods by any means to the building structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or a public road or public place;
- 3.11 make an open fire on a public road or public place;
- 3.12 interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop displayed window, or obscure such goods from view;
- 3.13 obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic; and
- 3.14 obstruct or inhibit the use of street furniture and any other facility designed for the use of the general public.

CHAPTER 4: GENERAL DUTIES OF STREET TRADERS

4. Cleanliness

Every street trader shall-

- 4.1 Keep the area used by him or her for the purposes of street trading, as well as any goods used by him or her, in a clean and sanitary condition;
- 4.2 At the request of any authorised official of the Council, move or remove his or her goods so as to permit the cleansing of the area where he or she is trading, or for the purpose of effecting Council services;
- 4.3 If his or her activities involve the cooking or other preparation of food, take steps to ensure that no fat, oil or other substance drops or overflows onto the surface of a sidewalk or splashes against a building or other structure; and
- 4.4 Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter.

5. Display of goods

A street trader shall ensure that any structure, container, surface or other object used by him or her for the preparation, display, storage or transportation of goods:-

- 5.1 is maintained in a good state of repair and in a clean and sanitary condition; and
- 5.2 is not so placed or stored so as to constitute a danger to any person

CHAPTER 5: REMOVAL AND IMPOUNDMENT

6. Removal and impoundment

- 6.1 An authorized officer may remove and impound any goods –
 - 6.1.1 which he reasonably suspects are being used or intended to be used or have been used in or connection with the carrying on of the business of a street trader, and
 - 6.1.2 which he finds at a place where the carrying on of such business is prohibited or restricted in terms of these bylaws, whether or not such goods are in the possessions or under the control of any person at the time of such removal and impoundment.
- 6.2 An authorized officer removing and impounding any goods shall -
 - 6.2.1 except in the case of goods which appear to have been abandoned or in respect of which the owner or person having control thereof cannot be found, issue to the owner or person having control of such goods a receipt for the removal and impoundment thereof and stating-
 - 6.2.1.1 the place where the goods shall be kept;
 - 6.2.1.2 the amount payable in respect of expenses incurred by the Council in impounding and removing the goods; and
 - 6.2.1.3 the date on or after which the goods will be sold or destroyed unless claimed; and
 - 6.2.1.4 forthwith place such goods in safe custody.
- 6.3 Neither the Council nor any authorized officer, or employee of the Council shall be liable for any loss or theft of or damage to any goods removed and impounded in terms of these bylaws

7. Disposal of impounded goods

- 7.1 Any goods impounded in terms of these by-laws shall be dealt with as follows -

- 7.1.2 if the goods are claimed, the street trader shall pay the expenses incurred by the Council for impoundment; and
- 7.1.3 if the goods are not claimed within the period specified on the receipt issued in terms of these by-laws, the goods shall be sold to defray expenses incurred by Council in impounding and removing the goods.
- 7.2 In the event that the goods-
 - 7.2.1 are not capable of being sold, they shall be destroyed after the period specified on the receipt issued in terms of these by-laws;
 - 7.2.2 any perishable goods may be sold or destroyed as soon as may be necessary.
- 7.3 if the proceeds contemplated by this section are insufficient to pay expenses incurred by Council, the owner shall be liable for any excess.

CHAPTER 6: GENERAL OFFENCES & PENALTIES

8. General offences and penalties

- 8.1 Any person who-
 - 8.1.1 contravenes any provision of these by-laws; or
 - 8.1.2 ignores, disregards or disobeys any notice, sign or marking displayed or erected for the purposes of these bylaws; or
 - 8.1.3 for the purposes of these bylaws, makes a false statement knowing it to be false or deliberately furnishes false or misleading information to an authorised official, or
- 8.1.4 threatens, resists, interferes with or obstructs an authorised official, officer or employee of the Council in the performance of his/her powers, duties or functions under these bylaws shall be liable on conviction to a fine not exceeding R1 000.00 or imprisonment for a period not exceeding three months.

CHAPTER 7 : GENERAL PROVISIONS

Short title and commencement

- 1. These by-laws shall be called the street trading by-laws, and shall come into operation on the date of publication in the Provincial Gazette.

No. 15

11 March 2010

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Motor Vehicle and Traffic, which Bylaw shall come into operation on the date of publication of this notice.

uMlalazi Municipality
Motor Vehicle and Traffic Bylaws

1. In these bylaws, unless the context indicates otherwise, the following words shall have the meanings assigned to them hereunder:

“**Council**” means the council of the uMlalazi Municipality.

“**Municipality**” means the uMlalazi Municipality.

“**Manager Protection Services**” means the person appointed as such by the uMlalazi Municipality.

“**Protection Officer**” means a traffic officer appointed in terms of Section 3 of the Road Traffic Act No. 93 of 1996.

“**Bus Stop**” means a place approved by the council for a bus to stop to load and off load passengers only.

“**Bus Rank**” means a place approved by council for a bus to park for any period of time.

Ranks for Public Motor Vehicles, Buses and/ or Taxis.

2. The Council shall establish ranks as special parking areas for public motor vehicles authorised to use such ranks by permit issued in terms of these bylaws.
3. Application for a permit to use such special parking area must be made to the Manager Protection Services by the owner of the public motor vehicle or vehicles, in respect of which the permit is sought.

Such permit shall disclose the following:

- 3.1 The full names of the applicant and his/her address;
- 3.2 The make, type and registration mark of the vehicle concerned;
- 3.3 The expiry date of the permit;
- 3.4 The location of the rank; and
- 3.5 The amount received from the applicant for permit.

4. In the event of any such public motor vehicle in respect of which permit has been so obtained becomes unfit for use and which the owner wishes to withdraw from use, he/she should be entitled to substitute another public motor vehicle for the one so withdrawn. No amount received shall be refundable.
5. The Manager of Protection Services shall issue a disc with each permit. The disc in respect of the public motor vehicle shall be kept in the motor vehicle and upon the request from a Protection Officer of the uMlalazi Municipality be produced for inspection.
6. Any member of the Protection Services Department or the South African Police Services shall be entitled to call upon the driver of the Public Motor Vehicle to produce the permit issued in terms of clause 3 of these bylaws.
7. Failure to produce the disc / permit referred to in clause 3 to an official referred to in clause 6 make such driver guilty of an offence.
8. The Council shall be entitled to temporarily or permanently close any rank for public motor vehicle and to establish another rank for buses and taxis in lieu thereof. Such closure shall be deemed to have been effected after the Manager Protection Services has notified the permit holders.
9. No rights possessed by the holder of any permit under these bylaws or under such permit shall operate to debar the Manager Protection Services from temporarily or permanently closing or removing any bus or taxi rank established.
10. In the event of the holder of any permit being found guilty of a breach of these bylaws, or any of the provisions thereof, the council may revoke or cancel such permit.

11. No person shall cause or permit any vehicle, other than a public motor vehicle in respect of which a permit has been issued, in terms of Clause 3 of these bylaws, to park, stop or enter the bus and taxi rank establishment on a special parking area in terms of these bylaws.

12. A visitor's permit at no cost, subject to certain conditions, can be obtained from the Manager Protection Services.

13. Bus stops and bus routes within the uMlalazi Municipality Area: Eshowe, Mtunzini and Gingindlovu.

All buses operating between the towns referred to in and the places referred to herein below, shall be driven and shall stop and shall proceed solely along the under mentioned relative stops and routes viz:

13.1 Eshowe : From the Bus Rank at Spoorinet to King Dinuzulu Suburb.

- 13.1.1 From Spoorinet Rank to Main Street. Along Main Street into Osborn Road to a defined stop at Lot 578. Along Osborn Road to defined bus stop at Binns Common. Turn right into Kangela Street. Proceed along Kangela Street to King Dinuzulu Suburb rank.
- 13.1.2 From King Dinuzulu Suburb rank along Kangela. Turn left in Mangosuthu Buthelezi Drive. Stop at the defined stop in Mangosuthu Buthelezi Drive Lot 514. Along Osborn Road to defined bus stop at Lot 589. Along Osborn Road to defined bus stop in front of the Town Hall. Turn right into Theatre Lane and proceed to Spoorinet Bus Rank.

13.2 From Spoorinet to Nkweleni/ Melmoth

- 13.2.1 From Spoorinet rank turn left into Main Street. Stop at defined bus stop at Lot 578 in Osborn Road. Along Osborn Road to defined bus stop at Binns Common turn right into Kangela Street to R66 by-pass. Turn left into R66 to Nkweleni.
- 13.2.2 From Nkweleni to Robot on R66. Turn right into Kangela Street. Turn left into Mangosuthu Buthelezi Drive. Stop at defined bus stop at Lot 514. Along Osborn Road to defined bus stop in front of the Town Hall. Turn right into Theatre Lane and proceed to Spoorinet Bus Rank.

13.3 From Spoorinet Bus Rank to Ntumeni/Nkandla

- 13.3.1 From Spoorinet rank turn left into Main Street. Along Osborn Road to defined bus stop at Binns Common turn left into Kangela. Stop at defined bus stop at Hospital. Proceed along Kangela Street; stop at defined bus stop at lot 300. Proceed to Ntumeni.

13.4 From Spoorinet Bus Rank to Kwakhoza

- 13.4.1 From Spoorinet rank turn right into Main Street and left into Windham Road. Turn right into Residency road, proceed to Kwakhoza.
- 13.4.2 From Kwakhoza along Residency Road. Turn right into Main Street. Proceed along Main Street to Osborn road and turn left into Theatre lane. Proceed to Spoorinet Bus Rank.

13.5 Mtunzini

- 13.5.1 From the entrance proceed along Hely Hutchinson Street and make a U – turn in front of Lot 35. Proceed to the bus stop in front of Lot 13. Proceed along Hely Hutchinson Street to the end of Mtunzini's boundary.

13.6 Gingindlovu

- 13.6.1 From the entrance, proceed along Main Street to the bus rank at Lot 139. Then proceed along Main Street to the boundary of Gingindlovu.

14. The Manager Protection Services can make concessions for busses that transport learners to and from schools in Sunnydale Suburb, Mpushini Park Suburb and Rutledge Park Suburb. Written permission must be obtained from the Manager Protection Services prior to using routes not stipulated in these bylaws. Drivers of busses failing to obtain written permission will be guilty of an offence.

15. PENALTY

Any person who contravenes or is in breach of the bylaws, or of any provision of the same, shall be guilty of an offence and shall be liable to pay a fine not exceeding R2000.00 (two thousand rands) with the alternative of imprisonment of a term not exceeding 3 (three) months.

No. 16

11 March 2010

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Beaches, which Bylaw shall come into operation on the date of publication of this notice.

uMLALAZI MUNICIPALITY BYLAWS
BEACHES BYLAWS

CHAPTER 1 : DEFINITIONS**CHAPTER 2 : ENVIRONMENT**

2. Vehicles in the coastal area
3. Environmental conservation
4. Powers of Nature Conservation Officers
5. Animals
6. Firearms
7. Camping
8. Control of boats
9. Control of anglers
10. Protection of animals
11. Control of fires
12. Control of piers
13. Public health, nuisances, indecent offensive behavior

CHAPTER 3 : BATHING

14. Prohibition of bathing within certain areas
15. Bathing
16. Life-saving devices

CHAPTER 4 : MISCELLANEOUS

17. Application of regulations
18. Council exempted from liability
19. Damage to property
20. Interference with notice boards, notices, signs or markers
21. Appointment of officials to ensure observation of regulations
22. Offences

CHAPTER 5 : GENERAL PROVISIONS

23. Repeal of existing regulations
24. Short title and commencement

CHAPTER 1 : DEFINITIONS**Definitions**

1. In these regulations any word or an expression to which a meaning has been assigned in the Sea-shore Act, 1935 (Act No. 21 of 1935), has the meaning so assigned and, unless the context otherwise indicates—

"bathing area" means the sea-shore situated within the area in which the Council has jurisdiction, and includes the sea for a distance of two hundred meters seaward;

"beach" means unconsolidated sediment forming the unvegetated edge of the shoreline that extends from the low-water mark inland to higher features of the coast such as dunes, cliffs or vegetated soil, and which is capable of being habitually used by members of the public for bathing purposes;

"coastal area" means the sea-shore and the sea for a distance of two hundred meters seaward and two hundred

meters inland but excluding any privately owned land;

"Council" means the Council of the uMlalazi municipality;

"designated area" means an area designated by the Council or any of its authorised officials for a use as specified in these by-laws.

"dune" means a build-up or an accumulation of sand along the coastal area which could either be bare and mobile or vegetated and stable;

"life-saver" means a person employed or appointed in that capacity by the Council or a member of the surf life saving association of South Africa or an affiliated life-saving club or association of life-savers;

"nature conservation officer" means a person duly authorised by the Council to perform the functions of a nature conservation officer under these regulations, or a nature conservation officer in the employ of the provincial nature conservation authority;

"notice" means an adequate notice in words or in signage, erected or posted in a prominent position;

"responsible person" means an applicant whose application for registration has been approved by the Council;

"vehicle" means any means of conveyance provided with wheels or runners, whether motorised, animal-drawn, self-propelled or otherwise and which is used for the carriage of persons or goods, and includes any motor vehicle, animal-drawn vehicle, wind-driven vehicle, motorcycle or bicycle; and

"vessel" means a watercraft of any type whatsoever, whether motorised, self-propelled or otherwise, and used for the carriage of persons or goods at sea.

CHAPTER 2: ENVIRONMENT

2. Vehicles in the coastal area

- 2.1 A person may not enter the coastal area by vehicle or use a vehicle in any part of the coastal area, other than a designated area.
- 2.2 Subsection 2.1 does not apply to—
- 2.2.1 all vehicles driven by nature conservation officers;
 - 2.2.2 all authorised rescue vehicles;
 - 2.2.3 all authorised emergency vehicles or ordinary vehicles involved in a *bona fide* emergency situation;
 - 2.2.4 a vehicle used by an employee of the municipality in the discharge of his or her duties; or
 - 2.2.5 vehicles driven by persons authorised to implement the provisions of the sea fisheries act, 1988 (act no. 12 of 1988);
 - 2.2.6 all vehicles owned by the South African Police Services service; and
 - 2.2.7 vehicles authorised by the Council.
- 2.3 In the coastal area, a person may not:-
- 2.3.1 drive a vehicle:-
 - 2.3.1.1 in such a manner as to endanger the safety of other traffic or pedestrians;
 - 2.3.1.2 whilst under the influence of alcohol;
 - 2.3.1.3 without a valid driver's licence;
 - 2.3.1.4 recklessly or dangerously; or
 - 2.3.1.5 in a prohibited area;
 - 2.3.1.6 race a vehicle;
 - 2.3.1.7 tow objects or persons behind a vehicle; and
 - 2.3.1.8 make use of any form of sand-ski on the dunes.

3. Environmental conservation

- 3.1 The Council may indicate by means of suitable notices erected at designated access points or other suitable sites those parts of the coastal area where specific activities may be limited, allowed, controlled or prohibited.
- 3.2 A person may not:-
- 3.2.1 break, damage, destroy or remove an egg from a nest; or
 - 3.2.2 disturb or attempt to disturb a bird or the nesting site of a bird.
- 3.3 A person may not injure or disturb or attempt to injure, disturb a wild animal.
- 3.4 A person may not, pick, uproot, fell or damage or attempt to pick, uproot, fell and damage a plant growing in the coastal area.
- 3.5 A person may not-
- 3.5.1 willfully or negligently pollute the sea, coastal area, or surrounding terrain with fuels, oils, offal, bilge water, sewerage, refuse or rubble of any kind whatsoever; or
 - 3.5.2 remove or deposit sand or stone from or on the coastal area.
- 3.6 A person who contravenes subsection 3.5 is guilty of an offence.
- 3.7 A person may not, except in places and where amenities are provided by the Council, kindle a fire in the coastal area without the prior written permission of the Council, which permission shall be subject to the conditions which the Council may deem fit to impose.

4. Powers of nature conservation officers

In addition to the powers and duties referred to elsewhere in these by-laws, a nature conservation officer may, on presentation of his or her official identification, enforce compliance with the National Environmental Management Act, 1998 (Act No. 107 of 1998), or any amendment thereof, and specifically with regard to the regulations on the control of vehicles in the coastal zone promulgated in terms of the said act, in the following manner:

- 4.1 board and examine a vehicle in order to satisfy himself or herself that the vehicle complies with these regulations;
- 4.2 in respect of a vehicle, require its driver or owner to produce the registration certificate of the vehicle;
- 4.3 seize a document produced to him or her, which appears to be invalid or has been unlawfully altered or defaced or which is being put to an unlawful use, and where a document is so seized, the nature conservation officer must issue a receipt for it to the person concerned;
- 4.4 require a person in a vehicle to furnish his or her name and address and other particulars required as to his or her identification and information which it is in his or her power to give, which may lead to the identification of the driver or owner of that vehicle;
- 4.5 require a person to produce an article or another document which that person is required to have in respect of a vehicle in terms of these regulations;
- 4.6 seize an article produced to him or her in terms of paragraph 4.5 which in his or her opinion may afford evidence of a contravention or an evasion of any provision of these regulations;
- 4.7 if a person, being the driver apparently in charge of a vehicle, appears to the nature conservation officer by reason of his or her physical or mental condition, from whatever cause, to be incapable for the time being of driving that vehicle, temporarily forbid that person to continue to drive that vehicle and make such arrangements for the safe disposal of that vehicle as in his or her opinion may be necessary or desirable in the circumstances;
- 4.8 require a person to furnish his or her name and address and any other particulars required as to his or her identification where, in the opinion of the nature conservation officer, that person may reasonably be suspected of having committed an offence under these regulations or of being able to give evidence in regard to the commission or suspected commission of such an offence;
- 4.9 require a person who contravenes these regulations to immediately remove from the coastal area his or her vehicle and its appurtenances and take possession of and suspend the permit and beach registration; and
- 4.10 seize anything which may in his or her opinion afford evidence of the commission of an offence under these regulations, provided that, if no prosecution for an offence is instituted, it shall be returned to the person from whose possession it was taken.

5. Animals

- 5.1 A person may not cause or allow an animal belonging to him or her or in his or her charge to enter upon or remain in any part of the coastal area where the Council has by means of a notice in such designated area restricted or prohibited the presence of such animal.
- 5.2 an animal, which is not under the control or apparently not under the control of a person may, if found in the coastal area referred to in subsection 5.1, be impounded by an employee of the Council and may be removed to the Council pound, or other place of safekeeping and there be dealt with in accordance with the by-laws or regulations relating to the keeping of dogs at that pound or place of safekeeping.

6. Firearms

A person may not discharge a firearm in the coastal area, except—

- 6.1 where such a person is an employee of the Council, a life-saver, law enforcement officer or security guard contracted by Council and the firearm is used to kill or repel sharks, reptiles or other dangerous animals;
- 6.2 for the firing of blank cartridges during competitions organised by life- savers or during approved sports meetings in the coastal area; or
- 6.3 to signal distress.

7. Camping

- 7.1 A person may not stay overnight in any part of the coastal area or erect a tent or structure for the purpose of staying overnight other than in a designated area.
- 7.2 A person may not in any manner remain in an area where this is prohibited by the Council, or where the presence of persons is prohibited by the Council for certain periods as indicated by means of a notice in such designated area.

8. Control of boats

- 8.1 In the coastal area, a person may not, except when a vessel is used in an emergency or for life-saving operations—
- 8.1.1 launch, land, beach, keep, let or hire a boat, surf-ski or craft of whatever kind, except at places set aside for that purpose by the Council by means of a notice erected in such designated area;
- 8.1.2 use or operate a boat, surf-ski or craft of whatever kind in an area where this is prohibited by the Council;
- 8.1.3 use or operate a boat, surf-ski or craft of whatsoever kind, except in areas designated for that purpose by means of a notice by the Council,
- 8.1.4 use or operate a boat, surf-ski or craft of whatever kind in such a manner as to be dangerous or as to cause annoyance to another person or at a speed in excess of the limit imposed by the Council by means of a notice erected in such designated area.

9. Control of anglers

- 9.1 A person may not catch fish or angle in any part of the coastal area where the Council has by notice in such designated area prohibited fishing or angling.
- 9.2 Where fishing and angling is not prohibited, a person may not manipulate his or her fishing equipment in a manner which may endanger or cause annoyance to another person.
- 9.3 A person may not leave bait, fish or fish hooks in the coastal area.

10. Protection of animals

A person may not catch, remove, injure or kill a bird, any form of sea-life or another animal which occurs in the coastal area—

- 10.1 unless that action is authorised by means of a permit; or
- 10.2 unless the health and welfare of the public is endangered by it.

11. Control of fires

A person may not, except in places and where amenities are provided by the Council, kindle a fire in the coastal area without the prior written permission of the Council, which permission shall be subject to the conditions which the Council may deem fit to impose.

12. Control of piers

A person, other than an employee of the Council in the execution of his or her duties, may not enter upon any pier or other structure erected for the protection of the coastal area, except with the prior written permission of the Council.

13. Public health, nuisances, indecent or offensive behavior.

A person may not—

- 13.1 throw, deposit, leave or discharge in the coastal area any offal refuse, wood, material, glass, bottles, metal, fish offal, manure or anything of any kind whatsoever, which may cause injury to another person or may tend either to injure the health or in any way affect the safety, comfort or rights of other users of the coastal area or to detract from the cleanliness or attractiveness of the coastal area by depositing litter, except in receptacles provided for that purpose by the Council;
- 13.2 use obscene, offensive or indecent language;
- 13.3 behave in an offensive, improper or disorderly manner; or
- 13.4 willfully or negligently do anything which may cause discomfort or inconvenience to other users of the coastal area or is likely to disturb the peace, or obstruct or interfere with any officer, official or other employee of the Council in the proper execution of his or her duties.

CHAPTER 3 : BATHING**14. prohibition of bathing within certain areas**

- 14.1 The Council may permanently or temporarily prohibit bathing in any part of the coastal area.
- 14.2 A life saver on duty may prohibit bathing in any part of the coastal area for as long as the conditions of the sea appear in his/her discretion to be unsafe.
- 14.3 A permanent or temporary prohibition under this section shall be indicated by means of a notice erected at both ends of the prohibited area.

15. Bathing

A person may not—

- 15.1 bathe in any part of the coastal area in which bathing has been prohibited in terms of section 4;
- 15.2 remain, bathe or sun-bathe in the coastal area if in the nude or while clad indecently or improperly;
- 15.3 hang on to, sit upon or cause to sink safety ropes provided for the protection of bathers or in any way tamper or interfere with those safety ropes or other appliances provided for the assistance of bathers in distress, or
- 15.4 enter or remain in the coastal area contrary to a reasonable prohibition by an authorised official, or contrary to a notice to that effect.

16. Life-saving devices

- 16.1 No person, other than an employee of the Council, duly authorized thereto, or a member of an association of persons, established or to be established with the object of saving human life or promoting public safety may, except in an emergency, handle, touch or in a way make use of a lifeline, a lifebuoy or another life-saving appliance or device installed or maintained or to be installed or maintained in the coastal area.
- 16.2 A person may not, while such a life-saving appliance or device is in use, perform an act which impairs or impedes or is likely in any manner to impair or impede its efficient operation.

CHAPTER 4 : MISCELLANEOUS**17. Council exempted from liability**

- 17.1 Persons using the coastal area do so at their own risk and the Council is not liable for any injuries sustained by a person using the coastal area for damage caused, for whatever reason, to property brought onto it.
- 17.2 The Council is indemnified against all claims arising as a result of the reasonable exercise of any rights granted in terms of these regulations.
- 17.3 The Council or its employees are not responsible in any way whatsoever for damages, which any person may suffer as a result of the use of the coastal area.

18. Damage to property

A person who interferes with, misuses or damages a building, toilet facility, shelter, changing booth, boardwalk or another amenity provided for the use of the public, or who disregards, or in contravention of directions as to the use to which those amenities may be put, fails to observe the terms of notices affixed to a building, a structure or an amenity by the Council or hinders an authorised person in maintaining that building, structure or amenity in the coastal area is guilty of an offence.

19. Interference with notice boards, notices, signs or markers

- 19.1 A person, other than a life-saver or a person authorised to do so by the Council, may not move a notice board, notice, sign or marker erected, posted or placed in the coastal area by the Council or other than as directed by the Council or by a life-saver in terms of these regulations.
- 19.2 A person may not deface or otherwise interfere with that notice board, notice, sign or marker.

20. Appointment of officials to ensure observance of regulations

- 20.1 The Council may entrust one or more of its employees with the duty of ensuring that these regulations are duly observed and of reporting a contravention of these regulations.
- 20.2 A person may not obstruct or interfere with such an employee of the Council, while he or she is lawfully engaged upon his or her duties.
- 20.3 A person who contravenes subsection 20.2 is guilty of an offence.
- 20.4 Whenever permission in terms of these by-laws is granted by the Council, it may impose any conditions which it may deem fit.

21. Offences

A person who contravenes any of these by-laws is guilty of an offence and be liable on conviction to a fine not exceeding R500.00 or to imprisonment not exceeding 6 months or to both that fine and that imprisonment.

CHAPTER 5 : GENERAL PROVISIONS**22. Short title and commencement**

These by-laws shall be called the beaches by-laws, and shall come into operation on the date of publication in the provincial gazette.

No. 17

11 March 2010

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to the Delegation of Powers, which Bylaw shall come into operation on the date of publication of this notice.

uMLALAZI MUNICIPALITY
BY-LAWS RELATING TO THE DELEGATION OF POWERS

Purpose of By-law

The purpose of this by-law is to promote the development of a system of delegation by a municipality to maximise administrative and operational efficiency and to provide for adequate checks and balances in relation thereto.

1. **Definitions** - In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates -

'accounting officer', in relation to the municipality, means the municipal official referred to in Section 60 of the Local Government : Municipal Finance Management Act, 2003 [Act No. 56 of 2003];

'council' means the municipal council of the municipality and includes any committee or staff member thereof acting in terms of a delegated power;

'Councillor' means a member of the council;

'day' means a calendar day, including a Saturday, Sunday and any public holiday;

'delegating authority', in relation to the delegation of a power or a duty by a municipal council, means the council or, in relation to the sub-delegation of a power or a duty by another political structure, political office bearer, Councillor or staff member, means that political structure, political office bearer, Councillor or staff member;

'delegation' means the delegation of a power, as envisaged by Section 59 of the Local Government : Municipal Systems Act, 2000 [Act No. 32 of 2000] and includes the delegation of a duty and **'delegate'** has a corresponding meaning;

'Municipal Finance Management Act (MFMA)' means the Local Government: Municipal Finance Management Act, 2003 [Act No. 56 of 2003], as amended from time to time;

'manager financial services', in relation to the municipality, means the person designated in terms of Section 80(2)(a) of the Local Government : Municipal Finance Management Act, 2003 [Act No. 56 of 2003];

'Municipal Manager' means a person appointed in terms of Section 82 of the Local Government : Municipal Structures Act, 1998 [Act No. 117 of 1998];

'Municipal Structures Act' means the Local Government : Municipal Structures Act No.117 of 1998, as amended from time to time;

'Municipal Systems Act' means the Local Government : Municipal Systems Act No. 32 of 2000, as amended from time to time;

'political office bearer' in relation to the municipality, means the speaker, executive mayor, mayor, deputy mayor or a member of the Executive Committee referred to in the Municipal Structures Act;

'political structure', in relation to the municipality, means the council or any committee or other collective structure of the municipality that has been elected, designated or appointed in terms of a specific provision of the Municipal Structures Act;

'reserved power' includes a power mentioned in Section 160(2) of the Constitution, the power to set tariffs, the decision to enter into a service delivery agreement in terms of Section 76(b) of the Municipal Systems Act and to approve or amend the municipality's integrated development plan; and

'staff' or **'staff member'** means the employees of the municipality, including the Municipal Manager.

2. Development of system of delegation

The council shall develop a system of delegation that will maximise administrative and operational efficiency.

3. Delegation of powers

- 3.1 The council shall delegate appropriate powers, except reserved powers, to the appropriate political structure, political office bearer, Councillor or staff member so as to give effect to the objects of section 2.
- 3.2 A delegation of power in terms of this section shall include an instruction to any political structure, political office bearer, Councillor or staff member to perform any of the municipality's duties.

4. Withdrawal of delegated powers

A delegation in terms of section 3 may be withdrawn by the council at any time, provided that –

- 4.1 Reasonable notification is given beforehand, unless the urgency of the matter prevents such notification; and
- 4.2 The administrative and operational efficiency of the municipality will not be prejudiced.

5. Requirements for delegation

A delegation of power in terms of section 3 shall –

- 5.1 Not conflict with the Constitution, the Local Government Municipal Structures Act or the Local Government Municipal Systems Act;
- 5.2 Be recorded in writing in a resolution adopted by the council;
- 5.3 Be subject to any limitations, conditions and directions the council may impose;
- 5.4 Not divest the council of the responsibility concerning the exercise of the power or the performance of the duty; and
- 5.5 Be reviewed when a new council is elected or, if it is a district council, elected and appointed.

6. Review of delegated power

- 6.1 In accordance with the procedures contained in its rules and orders or at the request in writing of at least ¼ (one quarter) of the Councillors, the council must review any decision taken by a political structure, political office bearer, Councillor or staff member in consequence of a delegation or instruction referred to in section 3 and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person as a result of such decision.
- 6.2 Where appropriate, the council may require its Executive Committee or mayor to review any decision taken by such a political structure, political office bearer, Councillor or staff member in consequence of a delegation or instruction given in terms of section 3.

7. Certain delegations restricted

- 7.1 Where the municipality is a type that is entitled to have an executive committee or an executive mayor, the following powers may, within a policy framework determined by the council, only be delegated to such Executive Committee or executive mayor, as the case may be –
 - 7.1.1 Decisions to expropriate immovable property or rights in or to immovable property; and
 - 7.1.2 The determination or alteration of the remuneration, benefits or other conditions of service of the Municipal Manager or managers directly responsible to the Municipal Manager.
- 7.2 The accounting officer may not delegate to any political structure or political office bearer any of the powers or duties assigned to the accounting officer in terms of the Local Government Municipal Finance Management Act 56 of 2003.
- 7.3 A member of the Council shall have delegated authority to confirm the residential address of a community member residing in the specific ward for which that Councillor is representing subject to the requirements of institutions requesting same.
- 7.4 A member of the Council shall have the delegated authority to certify and declare by means of 'Commissioning of Oath' that the declarer acknowledges that he/she accepts the contents of the declaration and has no objection to taking the oath and that it is binding on his/her conscience.

8. Referral of matters to delegating authority for decision

A political structure, political office bearer, Councillor or staff member to whom a delegating authority has delegated or sub-delegated a power may, or must, if instructed to do so by the relevant delegating authority, refer a matter to the relevant authority for decision.

9. Delegations in terms of the Local Government Municipal Finance Management Act 56 of 2003 (MFMA)

9.1 The accounting officer shall develop an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the municipality's financial administration.

9.2 No provision contained in this by-law shall be construed as limiting or detracting from the powers and duties of the accounting officer and manager financial services, respectively, with regard to delegations in terms of the Local Government Municipal Finance Management Act 56 of 2003.

10. Appeals

10.1 A person whose rights are affected by a decision taken by a political structure, political office bearer, Councillor or staff member in terms of a power or duty delegated or sub-delegated by a delegating authority to such political structure, political office bearer, Councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons therefore to the Municipal Manager within 21 (twenty one) days of the date the appellant is notified of such decision.

10.2 The Municipal Manager must promptly submit the appeal to the appropriate appeal authority mentioned in Subsection 10(4).

10.3 The appeal authority must consider the appeal and confirm, vary or revoke the decision, but no variation or revocation of a decision may detract from any rights that may have accrued to any person as a result of the decision.

10.4 If the appeal is against a decision taken by -

10.4.1 A staff member other than the Municipal Manager, then the Municipal Manager shall be the appeal authority;

10.4.2 The Municipal Manager, then the Executive Committee shall be the appeal authority, or if the municipality does not have an Executive Committee, then the council shall be the appeal authority; or

10.4.3 A political structure, political office bearer or a Councillor -

10.4.3.1 Then the municipal council shall be the appeal authority where the council comprises less than 15 (fifteen) Councillors; or

10.4.3.2 A committee of Councillors who were not involved in the decision and who are appointed by the municipal council for this purpose shall be the appeal authority where the council comprises more than 14 (fourteen) Councillors.

10.5 An appeal authority must commence with an appeal hearing within 6 (six) weeks of the appellant's submission of written notice of the appeal and must decide the appeal within a period of 14 (fourteen) days calculated from the date of commencement of the appeal hearing.

11. Duty to report to delegating authorities

A political structure, political office bearer, Councillor or staff member, to whom a delegating authority has delegated or sub-delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require on decisions taken in terms of that delegated or sub-delegated power or duty.

12. Withdrawal, amendment or lapsing of delegation or sub-delegation

The withdrawal, amendment or lapsing of a delegation or sub-delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation or sub-delegation.

13. Review of delegations

13.1 Whenever it becomes necessary in terms of section 5.5 of this by-law to review the municipality's delegations, the Municipal Manager must submit to the council -

13.1.1 A report on the existing delegations issued in terms of section 3 of this by-law by the council and other delegating authorities;

13.1.2 Recommendations on any changes to the existing delegations which the Municipal Manager may consider necessary.

13.2 If the municipality has an Executive Committee or executive mayor, then the Municipal Manager must submit the report and any recommendations in terms of sub-section 13.1 to the council through the Executive Committee or executive mayor, as the case may be.

14. Delegation or sub-delegation to staff member

Any delegation or sub-delegation to a staff member of a power conferred on a Municipal Manager must be approved by the council in accordance with the system of delegation referred to in section 2.

15. Register of delegations and sub-delegations

The Municipal Manager shall maintain a register detailing all resolutions adopted by the council concerning delegations made in terms of this by-law. Such details shall include the text of the council resolution, the date when such resolution was adopted and the subject matter of such delegation.

16. Decisions adopted under delegated power

16.1 Any report containing a recommendation which, if adopted shall constitute a council resolution adopted under delegated power, shall contain a reference to the authority for such delegated power.

16.2 The authority for a decision adopted as a result of a delegated power shall be quoted in any applicable minute or be endorsed on any document containing such decision.

17. Regulations

The municipality may make regulations not inconsistent with this by-law, prescribing –

17.1 Any matter that may or must be prescribed in terms of this by-law; and

17.2 Any matter that may facilitate the application of this by-law.

18. Repeal of by-laws

Any by-laws relating to the delegation of powers adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

19. Short title

This by-law is called the By-law Relating to the Delegation of Powers, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

No. 18**11 March 2010**

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Electrical, which Bylaw shall come into operation on the date of publication of this notice.

uMLALAZI MUNICIPALITY BYLAWS
ELECTRICAL BYLAWS

CHAPTER 1 : GENERAL

Section 1. Definitions

CHAPTER 2 : GENERAL CONDITIONS OF SUPPLY

Section 2. Supply agreement
Section 3. Additional supply
Section 4. Way leaves
Section 5. Electricity tariffs and fees
Section 6. Deposits
Section 7. Availability charges
Section 8. Interest on overdue accounts
Section 9. Leakage of electricity
Section 10. Right of disconnection supply
Section 11. Failure of supply
Section 12. Temporary disconnection and re-disconnection
Section 13. Temporary supplies
Section 14. Temporary work
Section 15. Load reduction
Section 16. Medium voltage and low voltage switch gear and equipment
Section 17. Transformer substation accommodation
Section 18. Wiring diagram and specification
Section 19. Stand by supply
Section 20. Consumer's standby supply
Section 21. Installation circular letter

CHAPTER 3 : SPECIFIC CONDITIONS OF SUPPLY

Section 22. Service connection
Section 23. Metering accommodation

CHAPTER 4 : RESPONSIBILITY OF CONSUMERS

Section 24. Consumer to erect and maintain electrical installation
Section 25. Fault in electrical installation
Section 26. Discontinuance of use supply
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CHAPTER 5 : UNAUTHORISED ACTIONS

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CHAPTER 6 : SYSTEM OF SUPPLY

Section 36.	Load requirements
Section 37.	Load limitations
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CHAPTER 7 : MEASUREMENT OF ELECTRICITY

Section 42.	Metering
Section 43.	Accuracy of metering
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CHAPTER 8 : ELECTRICAL CONTRACTORS

Section 46.	Electrical contractors
Section 47.	Right of admittance to inspection, test and/or do maintenance work
Section 48.	Removal or failure to give information
Section 49.	Hindering information

CHAPTER 9 : PENALTIES

Section 50.	Penalties
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CHAPTER 10 : GENERAL

Section 51.	Arbitration
Section 52..	Indemnity
Section 53.	Offences
Section 54	Short title and commencement

CHAPTER 1 : GENERAL**Definitions**

1. In these by-laws, unless inconsistent with the context, any term defined in the Electricity 1987 (Act no. 41 of 1987) or Occupational Health and Safety Act, 1993 (Act no. 85 of 1993) and the regulations made in terms thereof shall have the meaning given to it in that act and –

"Accredited person" means a person registered in terms of these by-laws as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"Applicable standard specification" means-

- 1.1 SABS 1607 electromechanical watt-hour meters;
 - 1.2 SABS 1524 parts 0,1 and 2-electricity dispensing systems;
 - 1.3 SABS IEC 60211 maximum demand indicators, class 1.0;
 - 1.4 SABS IEC60521 alternating current electromechanical watt-hour meter (classes 0.5, 1 and 2);
 - 1.5 SABS 0142 code of practice for the wiring of premises;
 - 1.6 NRS 048 national rationalized specification for the electricity supply-quality of supply; and
 - 1.7 NRS 057 electricity metering;
- "Approved" means approved in writing by the Engineer;

"Certificate of compliance" means a certificate issued in terms of these by-laws in respect of an electrical installation or part of an electrical installation by an accredited person;

"Consumer" means the occupier of any premises to which the Council has agreed to supply or is actually supplying electricity, or, if there is no occupier, any person who has entered into a current agreement with the Council for the supply of electricity to such premises, or, if there is no such person, the owner of the premises;

"Conventional meter" means a meter where an account is issued subsequent to the consumption of electricity;

"Council" means the Council of the uMlalazi Municipality;

"Engineer" means the official in charge of the electricity undertaking of the Council or any other person duly authorised to perform this duty on his or her behalf;

"High voltage" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of 44kV and less than 220 kV [SABS 1019];

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

"Medium voltage" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of 1 kV and less than 44 kV [SABS 1019];

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

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

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

"NRS 047" means national rationalised specification 047: electricity supply-quality of service; or

"occupier" in relation to any premises, means any person –

1.8 Occupying the premises;

1.9 Leasing the premises; or

1.10 Who is not occupying the premises but is entitled to do so;

"owner", in relation to any premises, means –

1.11 The person in whose name the title to the premises is registered; or

1.12 If the person referred to in (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

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

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

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

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

"safety standard" means the code of practice for the wiring of premises (SABS 0142 incorporated);

"Service connection" means all cables and equipment required to connect the supply mains to the electrical

installation of the consumer at the point of supply;

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

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

"Supply mains" means any part of the Council's electricity network;

"tariff" means the Council's tariff of charges for the supply of electricity;

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

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

CHAPTER 2 : GENERAL CONDITIONS OF SUPPLY

2. Supply by agreement

- 2.1 No person shall use or be entitled to use an electricity supply from the Council unless or until such person shall have entered into an agreement in writing with the Council for such supply.
- 2.2 The agreement referred to in subsection 2.1 shall, together with the provisions of this by-law, govern all aspects of electricity supply.
- 2.3 Any person who uses an electricity supply without entering into an agreement referred to in subsection 2.1 shall be guilty of an offence and shall be liable for the cost of electricity used as stated in section 44(2) of this by-law.

3. Application for supply

- 3.1 Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Council, and the estimated load, in kVA, of the installation, shall be stated therein.
- 3.2 An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply and shall be considered at the discretion of the Engineer, who may specify any special conditions to be satisfied in such case.
- 3.3 Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in the NRS 047.

4. Wayleaves

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

5. Electricity tariffs and fees

- 5.1 The consumer shall be liable for all charges for all electricity supplied to his or her premises at the prescribed tariff rates.
- 5.2 The Council shall provide a statement of account indicating-
 - 5.2.1 the meter reading;
 - 5.2.2 the meter reading date
 - 5.2.3 the due date for payment; and

5.2.4 a warning that interest accrues on outstanding amounts and that the supply may be disconnected should the charges in respect of such supply remain unpaid after the due date.

5.3 All accounts shall be deemed to be payable when issued by the Council.

5.4 An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.

6. Deposits

6.1 The Council reserves the right to require a consumer to deposit a sum of money as security for any charges which are due or may become due to the Council.

6.2 The deposit referred to in subsection 6.1 shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law.

6.3 On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Council shall be refunded to the consumer.

7. Availability charges

7.1 Availability charges as determined from time to time by the Council are payable to the Council by the owner of immovable property, with or without improvements, which is not connected to the electricity distribution system of the Council, if access to an electricity connection is available to such property.

7.2 The provisions of subsection 7.1 are not applicable to-

7.2.1 Immovable property which belongs to the Council; and

7.2.2 Immovable property in respect of which the Council has granted written exemption or partial exemption of payment of the availability charges; provided that the Council may at any time withdraw any such exemption.

8. Interest on overdue accounts

8.1 The Council may charge interest on overdue accounts at a rate of interest which is one percent higher than the rate of interest payable by the Council to its bank in respect of an overdraft.

8.2 The date on which the payment of interest on arrear accounts will come into effect shall be the eighth day of the month if this day is a week day or the first week day after the eighth if the eighth falls on a weekend or a public holiday.

9. Leakage of electricity

No rebate shall be allowed on any account for electricity supplied and metered as a result of electricity wasted owing to leakage or any other fault in the electrical installation.

10. Right to disconnect supply

10.1 The Council shall have the right to disconnect electricity supply to any premises if the consumer fails to pay any amount due to the Council in connection with such supply, or, where any of the provisions of this by-law has been contravened, after 48 hour's notice has been given to the consumer of its intention to do so, or, in the case of a grave risk, without notice.

10.2 After disconnection for non-payment of an account or a contravention of any provision of this by-law, the prescribed fees and any amounts due for electricity consumed shall be paid before reconnection is made.

11. Failure of supply

11.1 The Council does not undertake to attend to any failure of supply within a specified time, but shall make all reasonable attempts to attend to any such failure.

11.2 When any failure of supply is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Council shall have the right to charge the consumer the fee as prescribed by the Council for each restoration of the supply in addition to the cost of making good or repairing any damage which may have been done to the service main and

meter by such fault or faulty operation as aforesaid.

12. Temporary disconnection and reconnection

- 12.1 The Engineer shall, at the request of the consumer, temporarily disconnect and reconnect the supply to the consumer's electrical installation upon payment of the fee as prescribed by the Council for each such disconnection and subsequent reconnection.
- 12.2 In the event of the necessity arising for the Engineer to effect a temporary disconnection and reconnection of the supply to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Engineer shall waive payment of the fee hereinbefore referred to.
- 12.3 The Engineer shall give 48 hour's notice of any proposed temporary disconnection, but may only under exceptional circumstances temporarily disconnect the supply to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose.

13. Temporary supplies

It shall be a condition of the giving of any temporary supply, as defined in this by-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Engineer shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and neither the Council nor its employees or contractors shall be liable for any loss or damage occasioned by the consumer by such termination.

14. Temporary work

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

15. Load reduction

- 15.1 At times of peak load, or in an emergency, or when, in the opinion of the Engineer, it is necessary for any reason to reduce the load on the electricity supply system of the Council, the Engineer may without notice interrupt and, for such period as the Engineer may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. Neither the Council nor its employees or contractors shall be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.
- 15.2 The Council may install upon the premises of any consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection 15.1, and the Engineer or any duly authorized official of the Council may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.
- 15.3 Notwithstanding the provisions of sub-section 15.2, the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Engineer may require to facilitate the later installation of the apparatus and equipment referred to in sub-section 15.2.

16. Medium voltage and low voltage switchgear and equipment

- 16.1 In cases where a supply is given at either medium voltage or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved, be paid for by the consumer.
- 16.2 In the case of a medium voltage supply, all such equipment shall be approved by the Engineer and installed by or under the supervision of the Engineer.
- 16.3 No person shall operate medium voltage switchgear at the points of supply without the written authority of the Engineer.
- 16.4 All medium voltage switchgear operations at the points of supply or interconnecting the points of supply shall be approved by the Engineer and all earthing and testing of medium voltage equipment linked to the Council's network shall be conducted by or under the supervision of the Engineer.

- 16.5 In the case of a low voltage supply, the consumer shall provide and install an approved low voltage main switch and/or any other equipment required by the Engineer.

17. Transformer substation accommodation

- 17.1 The Engineer may, on such conditions as may be deemed fit, require the owner to provide and maintain approved accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing:
- 17.1.1 Medium voltage cables and switchgear;
 - 17.1.2 Transformers;
 - 17.1.3 Low voltage cables and switchgear; and
 - 17.1.4 Other equipment necessary for the supply requested by the applicant.
- 17.2 The accommodation shall be situated at a point to which free and unrestricted access can be had at all times for purposes connected with the operation and maintenance of the equipment.
- 17.3 The Council reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Council, such additional accommodation shall be provided by the applicant at the cost of the Council.

18. Wiring diagram and specification

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

19. Standby supply

No consumer shall be entitled to a standby supply from the Council for any premises having a separate source of electricity supply except with the written consent of the Engineer and subject to such terms and conditions as may be laid down by the Engineer.

20. Consumer's emergency standby supply equipment

- 20.1 No emergency standby equipment provided by a consumer in terms of any by-laws shall be connected to any installation without the prior written approval of the Engineer.
- 20.2 Application for approval for the connection of emergency standby equipment, as contemplated in subsection 21.1, shall be made in writing and shall include a full specification of the equipment and a wiring diagram.

21. Installation circular letters

The Engineer may from time to time issue installation circulars to all contractors and/or consulting Engineers and/or architects detailing the requirements of the Council regarding matters not specifically covered in this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity

CHAPTER 3 : SPECIFIC CONDITIONS OF SUPPLY

22. Service connection

- 22.1 The consumer shall bear the cost of the service connection, as determined by the Council.
- 22.2 Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Council, shall vest in the Council.
- 22.3 The Council shall be responsible for the maintenance of the service connection up to the point of supply.

- 22.4 A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the Engineer.
- 22.5 The consumer shall provide, fix and/or maintain on the consumer's premises such ducts, wireways, trenches and fastenings as may be required by the Engineer for the installation of the service connection.
- 22.6 The conductor used for the service connection shall have a cross-sectional area of not less than 10 mm² and shall be of copper or copper equivalent, and all conductors shall have the same cross-sectional area, unless otherwise approved by the Engineer.
- 22.7 Unless otherwise approved, the Council shall only provide one service connection to each registered erf.
- 22.8 Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Council.
- 22.9 Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall remain visible throughout their length.
- 22.10 In the case of blocks of buildings occupied by a number of individual consumers, separate wireways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if bunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5 m) throughout their length.

23. Metering accommodation

- 23.1 The consumer shall provide –
 - 23.1.1 Approved accommodation in an approved position;
 - 23.1.2 The meter board; and
 - 23.1.3 Adequate conductors for the Council's metering equipment, service apparatus and protective devices.
- 23.2 The accommodation and protection referred to in subsection 23.1 shall be provided and maintained, to the satisfaction of the Engineer, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of conventional meters, at a point to which free and unrestricted access can be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment.
- 23.3 Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- 23.4 Where sub-metering equipment is installed, accommodation separate from the Council's metering equipment shall be provided.
- 23.5 The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- 23.6 Where in the opinion of the Engineer the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
- 23.7 The accommodation for the Council's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply and use of electricity shall be installed or stored in such accommodation unless approved.

CHAPTER 4 : RESPONSIBILITIES OF CONSUMERS

24. Consumer to erect and maintain electrical installation

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

25. Fault in electrical installation

- 25.1 If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the Council and shall immediately take steps to remedy the fault.
- 25.2 The Engineer may require the consumer to reimburse the Council for any expense to which it may be

put in connection with a fault in the electrical installation.

26. Discontinuance of use of supply

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

27. Change of occupier

- 27.1 In the case of a change of occupier, the consumer shall give the Council not less than two full working days' notice in writing of the consumer's intention to discontinue using the electricity supply, failing which the consumer shall remain liable for such supply.
- 27.2 If the new consumer desires to continue using the electricity supply, the new consumer shall make application in accordance with the provisions of section 3 of this by-law. If the new occupier fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply shall be disconnected, and the new occupier shall be liable to the Council for the electricity supply from the date of occupation till such time as the supply is so disconnected.

28. Service Apparatus

- 28.1 The consumer shall be liable for all costs to the Council arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an act of god or an act or omission of an employee of the Council or caused by an abnormality in the supply of electricity to the premises.
- 28.2 If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Council and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling and/or replacing them.
- (3) Where there is a common metering position, the owner of the premises shall be liable on the basis set out in subsection 28.1.

Chapter 5 : Unauthorised actions

29. Tampering with service connection or supply mains

- 29.1 No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or service connection or service protective device or supply mains or any other equipment of the Council, housed on the property of the consumer.
- 29.2 Where prima facie evidence of tampering exists, or where metering equipment has been by-passed, the Council shall have the right to disconnect the supply immediately and without prior notice to the consumer.
- 29.3 The consumer shall be liable for all fees and charges levied by the Council for such disconnection.
- 29.4 In cases where the tampering or by-passing has resulted in the metering equipment recording less than the true consumption, the Council shall have the right to recover from the consumer the full cost of estimated consumption.

30. Removal of seals

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

31. Prevention of tampering with service connection or supply mains

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

32. Unauthorised connections

No unauthorized person shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

33. Unauthorised reconnections

- 33.1 No unauthorized person shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Council.
- 33.2 Where the supply that has previously been disconnected is found to have been reconnected, the consumer using the supply shall be liable for all charges for electricity consumed between the date of disconnection and the date the supply was found to be reconnected and any other charges raised in this regard in terms of Council's tariff.

34. Improper use

- 34.1 If the consumer uses electricity for any purpose or deals with the electricity in any manner which the Engineer reasonable believes interferes in an improper or unsafe manner or is could interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Council may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed.
- 34.2 The fee as prescribed by the Council for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown to the satisfaction of the Engineer that the consumer did not use or deal with the electricity in an improper or unsafe manner.

35. Protection of electrical distribution system

- 35.1 No person shall, except with the consent of the Engineer and subject to such conditions as may be imposed-
- 35.1.1 Construct, erect or permit the erection of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the electrical distribution system;
- 35.1.2 Excavate, open up or remove the ground above, next to or under any part of the electrical distribution system;
- 35.1.3 Damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the electrical distribution system;
- 35.1.4 Make any opening in any part of the electrical distribution system or obstruct or divert or cause to be obstructed or diverted any electricity there from;
- 35.1.5 The owner shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Engineer will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. should the owner fail to observe this provision the Council shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose;
- 35.1.6 The cost of any such work carried out by the Council which was necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.
- 35.2 The Engineer may-
- 35.2.1 Demolish, alter or other wise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law;
- 35.2.2 Fill in and make good any ground excavated or removed in contravention with this by-law;
- 35.2.3 Repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law; and
- 35.2.4 Remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

Chapter 6 : Systems of supply**36. Load requirements**

Alternating current supplies shall be given as prescribed by the Electricity Act 1987 (Act No. 41 of 1987), and in the absence of a quality of supply agreement, as set out in NRS 048.

37. Load limitations Natal 1249

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

38. Interference with other consumers

- 38.1 No consumer shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the standards determined by the Engineer.
- 38.2 The assessment of interference with other consumers shall be carried out by means of measurement taken at the point of common coupling.

39. Supplies to motors

The following limitations are given as a guide in order to comply with section 50:

39.1 Limited size for low voltage motors

The rating of an low voltage single-phase motor shall be limited to 2 kW and/or the starting current shall not exceed 70 a. all motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

39.2 Maximum starting and accelerating currents of three-phase alternating current motors-

The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

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

39.3 Consumers supplied at medium voltage:-

In an installation supplied at medium voltage the starting current of a LOW VOLTAGE motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor.

40. Power factor

40.1 If required by the Engineer, the power factor of any load shall be maintained

40.2 Where, for the purpose of complying with subsection 40.1, it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.

41. Protection

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

Chapter 7 : Measurement of electricity

42. Metering

42.1 The Council shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.

42.2 Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Council and read at the end of such period except where the metering equipment is found to be defective, in which case the consumption for the period shall be estimated.

42.3 Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.

42.4 The Engineer reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.

42.5 No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Engineer.

43. Accuracy of metering

- 43.1 A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section (5) hereof, is found to be within the limits of error as laid down in NRS 057 part 2: electricity metering: minimum requirements.
- 43.2 The Council shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Council shall-
- 43.2.1 In the case of a conventional meter, adjust the account rendered;
- 43.2.2 In the case of prepayment meters, (a) render an account where the meter has been under-registering, or (b) issue a free token where the meter has been over-registering, in accordance with the provisions of subsection 43.6.
- 43.3 The consumer shall be entitled to have the metering equipment tested by the Council on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements laid down in NRS 057 part 2, an adjustment in accordance with the provisions of subsections 43.2 and 43.6 shall be made and the aforesaid fee shall be refunded.
- 43.4 In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an independent testing authority accredited by the South African accreditation services and the result of such test shall be final and binding on both parties.
- 43.5 Meters shall be tested in the manner prescribed by NRS 057 part 2: electricity metering: minimum requirements.
- 43.6 When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section 43.2 or 43.3, such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in sub-section 43.5 or upon a calculation by the Engineer from consumption data in his possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- 43.7 When an adjustment is made as contemplated in subsection 43.6, the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- 43.8 Where the actual load of a consumer differs from the initial estimated load provided for under section 7(1) to the extent that the Council deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.
- 43.9.1 Prior to the Council making any upward adjustment to an account in terms of sub-section 43.6, the Engineer shall-
- 43.9.1.1 Notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
- 43.9.1.2 In such notification provide sufficient particulars to enable the consumer to submit representations thereon; and
- 43.9.1.3 Call upon the consumer in such notice to provide him with reasons in writing, if any, within 21 days or such longer period as the Engineer may permit why his account should be adjusted as notified.
- 43.9.2 The Engineer shall consider any reasons provided by the consumer in terms of subsection 9.1 and shall, if satisfied that a case has been made out therefore, adjust the account appropriately.
- 43.9.3 Should the consumer fail to make any representations during the said period or should the Engineer not be satisfied that a case exists for the variation of the account, the Council shall be entitled to adjust the account as notified in terms of subsection 9.1.1.

44. Reading of conventional meters.

- 44.1 Unless otherwise prescribed, conventional meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Council shall not be obliged to effect any adjustments to such charges.
- 44.2 If for any reason the conventional meter cannot be read, the Council may render an estimated account. The energy consumption shall be adjusted in a subsequent account in accordance with the energy consumption actually used.
- 44.3 When a consumer vacates a property and a final reading is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- 44.4 If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the

- prescribed fee.
- 44.5 If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of three years preceding the date on which the error in the accounts was discovered, shall be free of interest up to the date on which the correction is found to be necessary, and shall be based on the actual tariffs applicable during the period.

45. Prepayment metering

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

Chapter 8 : Electrical Contractors

46. In addition to the Requirements of the by-laws the following requirements shall apply:

- 46.1 Where an application for a new or increased supply of electricity has been made to the Council the Engineer may at his discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of the Engineer, be inspected, tested and connected to the supply mains as though it were a complete installation.
- 46.2 The examination, test and inspection that may be carried out at the discretion of the Council in no way relieves the electrical contractor/accredited person or the user or Lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the service authority nor the Council shall be held responsible for any defect or fault in such electrical installation.
- 46.3 The service authority nor the Council shall be held responsible for the work done by the electrical contractor/accredited person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

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

The Engineer or any duly authorised official of the Council may at any reasonable time, or, in an emergency, at any time enter any premises when there are reasonable grounds for supposing that a breach of this by-law has been or is being committed, and may remove any earth, bricks stone, iron or woodwork or other covering on any portion of the premises for purposes of inspection, and the Council shall not be liable for any damage as a result of such removal but shall restore such premises to their former condition should no breach of this by-law be discovered.

48. Refusal or failure to give information

No person shall refuse or fail to give such information as may be reasonably required of him by any duly authorised official of the Council or render any false information to any such official regarding any electrical installation work completed or contemplated.

49. Hindering Officials

No person shall willfully hinder, obstruct, interfere with or refuse admittance to the Engineer or any duly authorised official of the Council in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

Chapter 9 : penalties

- 50.1 Any person who contravenes any of the provisions of sections 4, 6, 12, 13, 20, 25, 26, 27, 29 and 30 of this by-law shall be guilty of an offence and liable upon conviction to the penalties prescribed in the municipal systems act.
- 50.2 Every person committing a breach of the provisions of this by-law shall be liable to recompense the service authority or the Council as the case may be for any loss or damage suffered or sustained by it in consequence of such breach.
- 50.3 The occupier, as defined in section 1.8 of this by-law, shall be guilty of a contravention under section 26 unless he proves the contrary on a balance of probability.

Chapter 10 : General**51. Arbitration**

If at any time any difference or question arises between the Council and the consumer as to the construction, meaning or effect of this by-law or as to the rights, obligations or liabilities of either party thereunder, such difference or question or matter or thing so subject to agreement or adjustment shall be referred to the national electricity regulator for a decision, failing which shall be determined by arbitration in terms of the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), as amended.

52. Indemnity

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

53. Offences

Any person who -

- 53.1 Contravenes or fails to comply with any provisions of these by-laws;
- 53.2 Fails to comply with any notice issued in terms of these by-laws;
- 53.3 Fails to comply with any lawful instruction given in terms of these by-laws;
- 53.4 Obstructs or hinders any authorised official in the execution of his or her duties under these by-laws – shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R15 000 or imprisonment for a period not exceeding 6 months, or both.

54. Short title and commencement

These by-laws shall be called the Electricity Supply By-laws, and shall come into operation on the date of publication in the provincial gazette.

No. 19

11 March 2010

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Encroachment, which Bylaw shall come into operation on the date of publication of this notice.

uMLALAZI MUNICIPALITY BYLAWS
ENCROACHMENT BYLAWS

1. Definitions
2. Council permission required
3. Rules for the construction of encroachments
4. Columns
5. Balconies and bay windows
6. Plinths, pilasters, corbels and cornices
7. Verandas around corners
8. Pavement openings
9. Encroachment erected in front of building
10. Maintenance, removal and tenancy of projections
11. Encroachments
12. Offences and penalties
13. Short title and commencement

CHAPTER 1 : DEFINITIONS

Definitions

- 1 In these by-laws, any word or expression that has been defined in the National Building Regulations and building Standards Act, 1977 (act no. 103 of 1977) has that meaning and, unless the context otherwise indicates –

“**Council**” means the Council of the uMlalazi municipality;

“**Council property**” means any property, including but not limited to public roads –

- 1.1 which is owned by the Council;
- 1.2 over which the Council has control over; or
- 1.3 in respect of which a servitude or other property right has been registered in favour of the Council;

“**encroachment**” means any physical object which intrudes on Council property;

“**prescribed**” means determined by resolution of the Council made from time to time;

“**prescribed fee**” means a fee determined by the Council by resolution from time to time;

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

- 1.4 the verge of any such road, street or thoroughfare;
- 1.5 any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- 1.6 any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.

2. Council permission required

- 2.1 No person may, without prior written permission, make or construct any encroachment into, over or under any Council property.
- 2.2 The Council may -
- 2.2.1 refuse the permission required in terms of subsection 2.1; or
 - 2.2.2 grant such permission either unconditionally or upon the conditions and subject to the payment of the prescribed fee annually or the performance of the works or services determined by the Council in each case.
- 2.3 The prescribed fees mentioned in subsection 2.2 are payable in advance at the beginning of each year which is calculated from date of approval or the period determined by the Council, and the owner is liable for the payment of prescribed fees in terms of these by-laws for each encroachment.
- 2.4 The owner of any existing encroachment must within three months after the date of commencement of these by-laws make application to the Council on the prescribed form for permission for the existence of the encroachment in terms of these by-laws.

3. Rules for the construction of encroachments

- 3.1 The design, arrangement and construction of verandas, balconies, bay windows and other encroachments over Council property, as well as the paving, kerb and gutter thereof, must be to the satisfaction of and to the levels approved by the Council.
- 3.2 If corrugated iron is used for covering a veranda, its exposed surfaces must be painted.
- 3.3 A veranda over a public road must correspond in line, height and detail with existing adjoining verandas.

4. Columns

- 4.1 The Council may determine areas within the municipal boundary where no person is permitted to place veranda columns over any public road or pavement.
- 4.2 No person may place any veranda column -
- 4.2.1 over any pavement where such pavement is less than 2,6 m wide;
 - 4.2.2 more than 3 m from the building line measured to the outside of the column or at less than 3 m centre to centre;
 - 4.2.3 over any pavement at the corner of a public road that is beyond the alignment of the building lines; and
 - 4.2.4 at a distance lesser than 600 mm back from the front edge of any kerb.
- 4.3 no person may place a twin or double veranda column over any public road or pavement.
- 4.4 where verandas are supported on columns-
- 4.4.1 the columns may not have square areas;
 - 4.4.2 no base may project more than 50 mm beyond the bottom diameter of the column; and
 - 4.4.3 the maximum horizontal axial dimensions of such base may not exceed 350 mm.
- 4.5 where the form of a column is classic in character, the shaft must have suitable entasis and cap and base in due proportions.
- 4.6 columns, including cap and base, may not be less than 3 m or more than 3,6 m in height and not more than 4,5 m including plinth.
- 4.7 the minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.
- 4.8 a coping, blocking course or balustrade, if any, may not extend less than 750 mm nor more than 1,05 m above the floor of a balcony.
- 4.9 nothing in these by-laws prohibits -
- 4.9.1 the erection and use of a party column common to two adjoining verandas if the column stands partly on the extended boundary lines of two properties or adjoins the same; or
 - 4.9.2 in the case of adjoining verandas, the placement of any column upon a plinth if this is necessary for alignment and all the other provisions of these by-laws are observed.

5. Balconies and bay windows**5.1 Balconies, bay windows or other similar encroachments may not –**

- 5.1.1 overhang a public road if they are at a height of less than 3 m above the pavement;
- 5.1.2 encroach more than 1,35 m over any public road; or
- 5.1.3 encroach more than 900 mm over any public road.

5.2 The aggregate horizontal length of bay windows at any level over a public road may not exceed one-third of the length of the building frontage to that road.**5.3 Any balcony superimposed upon any veranda must be set back at least 1,2 m from the line of such veranda.****5.4 No part of any balcony that is attached to any veranda, may be carried up to a height greater than two storeys above the pavement level except that, where the top portion of the balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1 m in height is allowed above the level of the floor.****5.5 Any dividing wall across a balcony over a public road may not exceed 1 m in height or 225 mm in thickness.****5.6 A balcony over any public road may not be the sole means of access to any room or apartment.****5.7 No person may place or permit or cause to be placed any article upon any balcony over a public road, except ornamental plants, tables, chairs, canvas blinds and awnings not used for signs or advertisements.****5.8 Where any floor of a building is used solely for the parking of a motor vehicle, bay windows at the level of the floor may not project over any public road for more than 1,35 m for the full length of the building frontage to that road.****6. Plinths, pilasters, corbels and cornices****6.1 No plinths, pilasters or other encroachments beyond building lines carried up from ground level are permitted to encroach on a public road.****6.2 Any pilaster, cornice, corbel or similar architectural feature that is at least 3 m above the ground may not exceed the following level of encroachment over a public road:**

- 6.2.1 A pilaster: 450 mm the total aggregate frontage length of the pilaster may not exceed one-fifth of the building frontage and bay windows in the same storey must be included in the calculation of the maximum aggregate length for bay windows;
- 6.2.2 A fire-resisting ornamental hood or pediment over a door: 600 mm and in any part not less than 2,75 m in height above the footway or pavement;
- 6.2.3 A cornice: 1,05 m where not exceeding 10,5 m above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

7. Verandas around corners

Where verandas are built around corners of public roads they must be properly splayed or rounded to follow the curves of the kerb.

8. Pavement openings**8.1 No pavement opening may –**

- 8.1.1 be the sole means of access to any vault or cellar; and
- 8.1.2 extend more than 1,2 m beyond the building line.

8.2 Where flaps are permitted in pavement openings each flap may not exceed 0,75 square metres in area and must open upwards and while open, must be provided with stout iron guard rails and stanchions.**8.3 Flap openings may be opened and used only for the purpose of lowering and raising goods and must be kept closed except when lowering and raising operations are in progress.****8.4 The front wall or wall parallel to the kerb in every opening must be built with a suitable batter to the satisfaction of the Council.****8.5 No pavement opening may be covered with metal bar gratings or with metal plates or with wood.**

9. Encroachment erected in front of building

- 9.1 Where any encroachment has been erected or constructed in front of any building, the owner must at his, her or its own expense –
- 9.1.1 pave the whole of the footway or pavement under the encroachment or in front of the building in which the pavement opening is fixed; and
 - 9.1.2 lay the road kerbing and guttering and paving in front of the building for the full width of the footway or pavement.

10. Maintenance, removal and tenancy of projections

- 10.1 The owner of any encroachment must maintain the encroachment in good order and repair.
- 10.2 Pavement openings, pavement lights, walls thereof and basement walls must be made and kept water-tight by the owner.
- 10.3 The owner of any encroachment on, under or over any public road or pavement, or sign or other fixture on or over any public road, is regarded a tenant in respect of the encroachment, sign or fixture and, if called upon by the Council to remove any or all of them and restore the public road or pavement to its former conditions, and must do so within a reasonable time.

11. Encroachments

- 11.1 Any person other than the owner wishing to erect or construct an encroachment or any other fixture on, under or over any public road, or any immovable property owned by or vested in the Council, must apply to the building control officer on a form provided by the Council for that purpose.
- 11.2 Where in the opinion of the building control officer drawings are required for the conclusion of an encroachment agreement, the prescribed charge in addition to any other prescribed charge is payable to the Council.
- 11.3 The owner of the building in connection with which any encroachment or fixture exists, or is proposed –
- 11.3.1 must defray any cost incurred in connection with wires or property of the Council;
 - 11.3.2 must allow the Council to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities.

12. Offences and penalties

A person who contravenes any of these by-laws is guilty of an offence and be liable on conviction to a fine not exceeding R500.00 or to imprisonment not exceeding 6 months or to both that fine and that imprisonment.

13. Short title and commencement

These by-laws shall be called the property encroachment by-laws, and shall come into operation on the date of publication in the provincial gazette.

No. 20

11 March 2010

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Health, which Bylaw shall come into operation on the date of publication of this notice.

uMLALAZI MUNICIPALITY
HEALTH BYLAWS

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CHAPTER 2 : PUBLIC HEALTH HAZARDS

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Section 3. Duty to report

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SCHEDULE

Section 1 : definitions

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Section 3 : requirements for premises

Section 4 : duties of a scheduled business person

CHAPTER 1 : DEFINITIONS

1. Definitions

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

"authorised official" means an authorised official authorised by the Council for the purposes of these bylaws to perform and exercise any or all of the functions in terms of these by-laws or the provisions of any other law;

"compliance notice" means a notice issued in terms of section 16 to comply with these by-laws or with a permit issued in terms of these by-laws;

"Council" means the Council of the uMlalazi municipality;

"Environmental Health Officer" means an official appointed, and who is duly registered as an Environmental Health Officer or environmental health practitioner with the health professions Council of South Africa;

"Municipal Manager" means a person appointed as such by the Council in terms of section 82 of the local government: municipal structures act, 1998 (act no. 117 of 1998);

"occupier", in relation to any premises, means any person -

- 1.1 occupying the premises;
- 1.2 leasing the premises; or
- 1.3 who is not occupying the premises but is entitled to do so;

"owner", in relation to any premises, means -

- 1.4 the person in whose name the title to the premises is registered; or
- 1.5 if the person referred to in (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

"permit" means a public health permit granted by the Council in terms of the section 10;

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

"pest" means any animal that may create a public health hazard or public health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitoes and cockroaches;

"premises" means -

- 1.6 any land without any buildings or other structures on it;
- 1.7 any building or other structure and the land on which it is situated; or
- 1.8 any vessel, vehicle or movable structure that is used for a scheduled use;

"prescribed fee" means a fee determined by the Council by resolution;

"prohibition notice" means a notice issued in terms of section 17;

"public health" means the mental and physical health and well-being of people in the Council's area;

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

- 1.9 the circumstances referred to in section 2(3);
- 1.10 unsanitary conditions;
- 1.11 circumstances that make it easier for a communicable disease to spread;
- 1.12 circumstances that make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and
- 1.13 circumstances that allow pests to infest any place where they may affect public health;

"public health nuisance" means the use of any premises or place in a manner that creates conditions that significantly increase the risk of a public health hazard occurring or that compromises any aspect of the public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of section 5; and

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

CHAPTER 2: PUBLIC HEALTH HAZARDS**2. Prohibition on causing a public health hazard**

- 2.1 No person may create a public health hazard.
- 2.2 Every owner or occupier of premises must ensure that a public health hazard does not occur on the premises.
- 2.3 an owner or occupier of premises creates a public health hazard if –
 - 2.3.1 the premises are infested with pests or pests are breeding in significant numbers on the premises;
 - 2.3.2 there are conditions on the premises that are conducive to the spread of a communicable disease;
 - 2.3.3 there are unsanitary conditions in any part of the premises; or
 - 2.3.4 any water supply for domestic consumption on the premises is unsafe for human consumption.
 - 2.3.5 Any person that contravenes or fails to comply with subsections 2.1 or
 - 2.3.6 Commits an offence.

3. Duty to report

- 3.1 The owner or occupier of premises who knows of a public health hazard on the premises must within 24 hours of becoming aware of its existence:-
 - 3.1.1 eliminate the public health hazard; or
 - 3.1.2 if the owner or occupier is unable to comply with subsection 3.1.1, take reasonable steps to reduce the risk to public health and report the existence of the public health hazard to the Council.
- 3.2 An owner or occupier who does not comply with subsection 3.1 commits an offence.

CHAPTER 3: PUBLIC HEALTH NUISANCES**4. Prohibition on causing a public health nuisance**

- 4.1 No person may cause a public health nuisance.
- 4.2 Every owner or occupier of premises must ensure that a public health nuisance does not arise on the premises.

5. General nuisances

- 5.1 An owner or occupier of premises creates a public health nuisance where –
 - 5.1.1 any stream, pool, marsh, ditch, gutter, watercourse, cistern, urinal, drain, sewer, septic tank, long drop, slop tank, ash heap or dung heap is so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to the public health;
 - 5.1.2 any stable, kraal, shed, run or other structure used for the keeping of animals or birds is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;
 - 5.1.3 any accumulation of refuse, offal, manure or other matter is offensive or is injurious or dangerous to health;
 - 5.1.4 any factory, industrial or business premises is so overcrowded, inadequately lit or ventilated as to be injurious or dangerous to the health of those employed therein or thereon; and
 - 5.1.5 any factory, industrial or business premises causes or gives rise to smells or effluvia which are offensive or which are injurious or dangerous to health.

6. Pest control

- 6.1 An owner or occupier of premises creates a public health nuisance where -
 - 6.1.1 waste or other material is left or kept in a manner that attracts rodents or other pests to the premises; or
 - 6.1.2 flies or mosquitoes are attracted to, or breeding, in significant numbers on the premises;

CHAPTER 4: POTENTIALLY HAZARDOUS USES OF PREMISES**7. Duty to list potentially hazardous uses**

- 7.1 The Council may list any use of premises, in a schedule to these by-laws, which has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level and Council must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Council.

8. Scheduled uses

- 8.1 Any person who uses premises in a manner or for a purpose listed in the schedule to these by-laws must –
- 8.1.1 comply with each of the provisions set out in the schedule relating to that use unless that person has been granted an exemption under section 9 from complying with any provision; and
- 8.1.2 obtain a permit under section 10 before commencing the use and must comply with the terms and conditions of the permit.

9. Exemption certificate

- 9.1 Any person who wishes to use premises in a manner or for a purpose listed in the schedule to these by-laws, but who wishes to be exempted from complying with one or more of the requirements of the schedule, may apply to the Council for an exemption certificate.
- 9.2 The Council may grant an exemption certificate, with or without conditions, if an Environmental Health Officer is satisfied that –
- 9.2.1 the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant schedule; and
- 9.2.2 the scheduled use for which the exemption is required is not likely to cause a public health hazard or a public health nuisance.

10. Public health permits

- 10.1 Any person who wishes to use premises in a manner or for a purpose listed in the schedule to these by-laws, must apply in writing to the Council in accordance with section 11 for a public health permit.
- 10.2 The Council may issue a public health permit to the owner or occupier of any premises if Environmental Health Officer is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.
- 10.3 A public health permit:-
- 10.3.1 must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Council; and
- 10.3.2 may exempt the permit holder from complying with one or more of the provisions of the relevant schedule, if the person authorised to issue the permit reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant schedule.

11. Application procedure

- 11.1 Any person that wants to obtain a permit or an exemption certificate must apply to the Council in writing in a form stipulated by the Council, prior to undertaking the relevant scheduled use.
- 11.2 When the Council receives an application for a permit or an exemption certificate it must ensure that the relevant premises are inspected by an Environmental Health Officer as soon as reasonably possible.
- 11.3 Before deciding whether or not to approve an application referred to in subsection 11.1, the Council:-

- 11.3.1 must ensure that any persons in the vicinity of the premises whose health or wellbeing may be affected if the premises are used for a scheduled use, have been consulted and have had an opportunity to make representations; and
- 11.3.2 may request the applicant to provide any further information which the Council considers relevant to enable him or her to make a properly informed decision.

12. General terms applicable to permits and certificates

- 12.1 A permit or an exemption certificate:-
 - 12.1.1 is not transferable from one person to another; and
 - 12.1.2 applies only to the premises specified in the permit or certificate.
- 12.2 Every permit or exemption certificate:-
 - 12.2.1 must specify the address and other relevant details regarding the location of the premises concerned;
 - 12.2.2 must describe the premises concerned;
 - 12.2.3 must describe the activity concerned;
 - 12.2.4 may specify terms and conditions; and
 - 12.2.5 must indicate when it expires.
- 12.3 The Council may charge applicants a prescribed fee for considering and granting the permit or exemption certificate.
- 12.4 The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fee (if any) has been paid.

13. Suspension, cancellation and amendment of permits and of exemption certificates

- 13.1 An Environmental Health Officer may by written notice to the holder of a permit or exemption certificate, suspend, amend or cancel the permit or certificate.
- 13.2 An Environmental Health Officer may suspend or cancel a permit or exemption certificate with immediate effect if:-
 - 13.2.1 the Environmental Health Officer reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; and
 - 13.2.2 the holder of the permit or certificate has failed to comply with a compliance notice that states that the permit or certificate may be suspended or cancelled without further notice if the holder fails to comply with the compliance notice.
- 13.3 An Environmental Health Officer may amend a permit or exemption certificate by endorsing the permit or certificate or by written notice to the holder, if the Environmental Health Officer reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the permit or exemption certificate was issued.

CHAPTER 5: IMPLEMENTATION AND ENFORCEMENT

14. Appointment and identification of Environmental Health Officers

- 14.1 The Council must issue an identity card to each Environmental Health Officer.
- 14.2 The identity card must:-
 - 14.2.1 contain a recent photograph of the Environmental Health Officer Environmental Health Officer;
 - 14.2.2 be signed by the Environmental Health Officer Environmental Health OfficerEnvironmental Health Officer; and
 - 14.2.3 identify the person as an Environmental Health Officer.Environmental Health Offi
- 14.3 Environmental Health The Environmental Health Officer Environmental Health OfficerEnvironmental Health Officer must display his or her identity card so that it is clearly visible or produce it at the request of

any person in relation to whom the Environmental Health Officer is exercising a power under these by-laws.

15. General powers of an Environmental Health Officer

15.1 An Environmental Health Officer may, for the purposes of implementing or administering any power or duty under these by-laws:-

- 15.1.1 exercise any power afforded to such officer in terms of these by-laws or any other applicable legislation;
- 15.1.2 issue a compliance notice in terms of section 16 requiring any person to comply with the provisions of these by-laws;
- 15.1.3 issue a prohibition notice in terms of section 17 prohibiting any person from conducting an activity;
- 15.1.4 undertake measures in terms of section 19 to remove, reduce and/or minimise any public health nuisance;
- 15.1.5 cancel, suspend or amend any permit or exemption certificate in terms of section 13 or
- 15.1.6 enter and inspect premises and for this purpose may-
 - 15.1.6.1 question any person on the premises;
 - 15.1.6.2 take any sample that the Environmental Health Officer considers necessary for examination or analysis;
 - 15.1.6.3 monitor and take readings or make measurements; and
 - 15.1.6.4 take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises.

15.2 An Environmental Health Officer who removes anything from any premises being inspected must:-

- 15.2.1 issue a receipt for it to the owner, occupier or person apparently in control of the premises; and
- 15.2.2 return it as soon as practicable after achieving the purpose for which it was removed.

16. Compliance notices

16.1 If an Environmental Health Officer, after inspecting premises, reasonably believes that a public health hazard or public health nuisance exists on the premises or that the premises are being used in a manner or for a purpose listed in the schedule to these by-laws without a permit, the Environmental Health Officer may serve a compliance notice on one or more of the following persons:

- 16.1.1 the owner of the premises;
- 16.1.2 the occupier of the premises; or
- 16.1.3 any person apparently in charge of the premises.

16.2 A compliance notice must state:-

- 16.2.1 why the Environmental Health Officer believes that these by-laws is being contravened;
- 16.2.2 the measures that must be taken –
 - 16.2.2.1 to ensure compliance with these by-laws; or
 - 16.2.2.2 to eliminate or minimise any public health nuisance;
 - 16.2.2.3 the time period within which the measures must be taken;
 - 16.2.2.4 the possible consequences of failing to comply with the notice; and
 - 16.2.2.5 how to appeal against the notice.

16.3 If a person fails to comply with a compliance notice that requires a particular action be taken, the Council may:-

- 16.3.1 take the required action specified in the compliance notice; and
- 16.3.2 recover, as a debt, from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action.

17. Prohibition notice

17.1 An Environmental Health OfficerEnvironmental Health Officer may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and requiring measures to be taken to ensure that this occurs, on one or more of the following persons:

17.1.1 the owner of the premises;

17.1.2 the occupier of the premises; or

17.1.3 any person apparently in charge of the premises.

if the Environmental Health Officer reasonably believes that that person has not complied with the terms of a compliance notice.

17.2 The Environmental Health OfficerEnvironmental Health Officer must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless the Environmental Health Officer reasonably believes that the delay in doing so would significantly compromise public health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.

17.2.1 A prohibition notice must state:-

17.2.1.1 the reasons for serving the notice;

17.2.1.2 whether or not the Council will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;

17.2.1.3 the possible consequences of failing to comply with the notice; and

17.2.1.4 how to appeal against the notice.

17.3 The Environmental Health OfficerEnvironmental Health Officer must as soon as possible affix a copy of the notice in a conspicuous position on the premises.

18. Withdrawal of prohibition notice

18.1 An Environmental Health OfficerEnvironmental Health Officer must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.

18.2 After completing the investigation the Environmental Health OfficerEnvironmental Health Officer must inform the person on whom the prohibition notice was served or that person's agent in writing, whether or not the prohibition has been removed or the prohibition order withdrawn.

18.3 The Council may charge the owner or occupier of any premises where an investigation is carried out in terms of subsection 18.1, a prescribed fee for undertaking the investigation.

19. Municipal remedial work

19.1 The Council may enter any premises and do anything on the premises that it reasonably considers necessary –

19.1.1 to ensure compliance with these by-laws or with any compliance notice or prohibition notice;

19.1.2 to reduce, remove or minimise any public health nuisance; or

19.1.3 to reduce, remove or minimise any significant public health hazard.

CHAPTER 6: APPEALS**20. Appeals**

20.1 A person whose rights are affected by a decision taken by any authorised official under these by-laws, may appeal against the decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

20.2 The Municipal Manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection 20.4.

20.3 The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

20.4 When the appeal is against a decision taken by:-

20.4.1 a staff member other than, the Municipal Manager is the appeal authority; or

20.4.2 the Municipal Manager, the Executive Mayor is the appeal authority.

- 20.5 an appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

CHAPTER 7: GENERAL

21. Offences

21. Any person who:-

- 21.1 contravenes or fails to comply with any provisions of these by-laws;
- 21.2 fails to comply with any notice issued in terms of these by-laws;
- 21.3 fails to comply with any lawful instruction given in terms of these by laws; or
- 21.4 obstructs or hinders any authorised official in the execution of his or her duties under these by-laws, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R15 000 or imprisonment for a period not exceeding 6 months or both.

22. Short title and commencement

These by-laws shall be called the Environmental Health by-laws, and shall come into operation on the date of promulgation in the provincial gazette.

No. 21

11 March 2010

The Council of the uMlalazi Municipality, has in terms of Section 156 of the Constitution, 1996 (Act No. 108 of 1996) read in conjunction with Section 11 of the Local Government Municipal Systems Act 2000 (Act No. 32 of 2000) introduced the following Bylaws relating to Finance, which Bylaw shall come into operation on the date of publication of this notice.

uMLALAZI MUNICIPALITY BYLAWS
FINANCIAL BYLAWS

1. Definitions
2. Estimates and Borrowing
3. Accounting System and Costing
4. Income
5. Control of records
6. Control of payments
7. Staff records and payments
8. Internal control
9. Audit
10. Assets
11. Investments
12. Insurance
13. Supply chain
14. Stock and material
15. Information and communication systems
16. Miscellaneous

1. DEFINITIONS

1.1 In these bylaws, unless the context otherwise indicates-

"accounting officer" means the municipal official referred to in section 60 of the local government: municipal finance management act, (act no. 56 of 2003);

"Manager Financial Services" means the employee designated in terms of section 80(2)(a) of the local government: municipal finance management act, (act no. 56 of 2003) or any person duly authorised by the Council to act on his behalf,

"Committee" means any committee established in terms of sections 79 or 80 of the local

"Council" means a municipal Council referred to in section 157 (1) of the constitution, 1996 (act 108 of 1996),

"Department" means any department, section or branch of the Council of which the head reports directly to the Municipal Manager only;

"GAMAP" means generally accepted municipal accounting practice;

"GRAP" means generally recognized accounting practices;

"Head of department" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

1.2 Any other word or expression to which a meaning has been assigned in the Local Government: Municipal Systems Act, 2000, unless inconsistent with the context shall, wherever such word or expression appears in the bylaws, bear the same meaning as that assigned to it in the said legislation.

1.3 Words applying to any individual shall include persons, companies and corporations and the masculine shall include females as well as males and the singular shall include the plural and vice versa.

2. ESTIMATES & BORROWING

2.1 Borrowing

The accounting officer shall be responsible for the raising of loans required for the purpose of financing capital expenditure from external sources in accordance with section 46 of the Municipal Finance Management Act No 56 of 2003

2.2 Preparation of annual budget

2.2.1 Every head of department shall, in respect of the activities of his department, and in consultation with the Manager Financial Services, prepare-

2.2.1.1 A draft annual budget to appropriate money for the requirement of the municipality;

2.2.1.2 A draft annual operating budget for an ensuing financial year; and

2.2.1.3 A draft capital programme for a three year period as determined by the minister of finance in terms of the municipal finance management Act no 56 of 2003

2.2.2 The annual budget must be in the prescribed format and shall be prepared and completed by the accounting officer in consultation with the Mayor and executive committee in terms of section 21 and 58 of the Local Government : Municipal Finance Management Act No. 56 of 2003

2.2.3 The accounting officer shall not later than the 25 January of each year report to the Council in terms of section 72(1) of the municipal finance management act no 56 of 2003 with regard to the difference between the actual and estimated income and expenditure for a financial year based on the figures of at least the first six months of that particular financial year.

2.2.4 The Manager Financial Services shall issue guidelines, after considering any growth factor determined annually by the national treasury for municipalities generally with regard to the preparation and administration of the estimates, and heads of departments shall comply with such guidelines in the preparation of their estimates.

2.2.5 The Mayor in terms of section 21 read together with section 58 of the Local Government : Local Government: Municipal Finance Management Act 56 of 2003 shall upon completion of the draft budget, follow a process of community participation in accordance with Chapter 4 of the municipal systems act, and shall thereafter submit such draft, together with comments received, to Council for approval.

2.2.6 The draft budget submitted to the Council for approval shall not reflect a deficit. if the aggregate operating income is less than the aggregate operating expenditure, the estimates shall contain proposals to cover such deficit.

2.2.7 The Council shall in terms of section 24(2) of the Municipal Finance Management Act No 56 of 2003 prior to the beginning of a particular financial year, approve the estimates and determine the property rates, tariffs and rental to be levied in order to balance the operating estimates:

2.2.8 The approved estimates may only be amended by the Council during a financial year in terms of section 28 and 29 of the local government municipal financial management act 56 of 2003.

2.2.9 The Mayor must as often as may be prescribed, submit reports in the prescribed format on the state of the municipality's budget.

2.3 Capital Expenditure

2.3.1 A report submitted by a head of department in which authority is sought to incur capital expenditure, shall be done in terms of section 19 of the Local Government : Municipal Finance Management Act No. 56 of 2003, and shall include the following:-

2.3.1.1 The total estimates costs with a complete analysis thereof, including any consequential expenditure which will arise as a result of the works or undertaking.

2.3.1.2 The estimated capital amount to be expended annually in respect of the works or undertaking.

2.3.1.3 The estimates annual income to be derived and the estimated annual expenditure of any kind, including expenditure on additional staff to be incurred when the works or undertaking are taken into use.

2.3.1.4 The estimated duration of life of the asset to be created.

2.3.1.5 An indication whether the work shall be done departmentally, or by an external contractor.

2.3.1.6 Any other information required by the Municipal Manager.

2.3.2 No capital expenditure shall be incurred unless –

2.3.2.1 Provision thereof has been made in the approved capital estimates; or

- 2.3.2.2 The Council has approved a report for addition funds for capital projects/items which were originally not budgeted for. If sufficient funds are not available within the approved budgeted quota for any additional amounts required, the Head of Department shall indicate which other project/item of his department can be cancelled to cover the additional expenditure; or if such source is not available, the Manager Financial Services will, after consultation with the head of department, make a recommendation how the shortfall will be financed;
- 2.3.2.3 The Council has expressly approved expenditure as mentioned in (3.2.1) or (3.2.2); and
- 2.3.2.4 All approvals required by law have been obtained and all requirements have been complied with.
- 2.3.3 No under expenditure on any capital project shall be employed to cover additional expenditure on any other approved capital project without the approval of the Council when it considers the adjusted budget in terms of section 28(1) of the municipal finance management act no 56 of 2003
- 2.3.4 If an approved capital estimate vote is exceeded, or is expected to be exceeded, the Head of Department concerned, shall, subject to the provisions of section 3.3, obtain at the first possible opportunity, appropriate authority from the Council for the additional expenditure, and such head of department shall report the reasons-
- 2.3.4.1 For the additional expenditure; and
- 2.3.4.1.1 Why timeous authority, where applicable was not obtained for the additional expenditure.
- 2.3.5 A head of department shall advise the Manager Financial Services as soon as he becomes aware of any amount on his capital estimates which is no longer required by his department, and the financial manager shall close this vote for control purposes.
- 2.3.6 Subject to the approval of the Council, budgeting expenditure allocated to uncompleted projects from a previous financial year may be incurred during a current financial year: provided that, if necessary, corresponding under expenditure must be affected by the Head of Department.

2.4 Operating estimates

2.4.1 Excess Expenditure

If the Mayor has reason to believe that any operating estimate provision is or will be insufficient, he may approve the unforeseeable over expenditure and shall forthwith report the matter to Council in terms of section 29(1) of the Municipal Finance Management act no 56 of 2003 when the full amount provided for a specific purpose in the estimates in respect of the operating account has not been spent for that purpose, the balance shall not, except as mentioned above or with the consent of the Council, be used for any other purpose.

2.4.2 Shortfall in income

Where estimated income is unlikely to realize, the head of the department concerned shall, without delay, give an account for the Manager Financial Services. The Mayor shall then report to the Council if the shortfall is, in his opinion, substantial and indicate how the shortfall will be met.

2.5 Reports

- 2.5.1 No report containing financial implications shall be considered by the Council unless the report, include a financial report from the Manager Financial Services.
- 2.5.2 Where any expenditure is contemplated in a report submitted to the Council, the head of the department shall indicate the applicable provision on the capital or operating estimates and the vote against which the expenditure is to be charged.
- 2.5.3 Before instructions are given to a consultant with regard to any capital project, and before any expenditure is incurred, the head of the department concerned, having first obtained the approval of the Council or executive committee, where applicable, shall also see to it that adequate financial provision is made in the relevant estimates

3. ACCOUNTING SYSTEMS & COSTING

- 3.1 The Manager Financial Services, or a Head of Department, when so requested by the Manager Financial Services, shall maintain proper cost accounting systems in respect of intergovernmental grants, capital and operating accounts and, except in so far as the form of such accounts may be prescribed by law,

- such systems shall be kept in whatever form the Manager Financial Services or external grantor of funds should consider suitable.
- 3.2 The system used by department for the collection of revenue, the keeping of books or any records relating to financial matters, assets, stocks, as well as cost accounting, shall be subject to the approval of the Manager Financial Services and no such system shall be established, altered or deviated from without the Manager Financial Services approval.
- 3.3 The Manager Financial Services shall keep the financial records of the Council up to date, and the accounting systems which he has accepted in compiling such records shall, apart from complying with any prescribed law, adhere to any compulsory guidelines which national treasury may from time to time after consultation with the auditor general determine.
- 3.4 The Manager Financial Services shall continuously review all tariffs in respect whereof expenditure is taken into account elsewhere, in conjunction with a Head of Department.
- 3.5 The Manager Financial Services shall prepare financial statements in respect of each financial year in accordance with GAMAP and/or GRAP, and certify, together with the Municipal Manager, the correctness of such statements.
- 3.6 Except in respect of normal services for which the Council has determined tariffs, no goods of any kind belonging to the Council, or in respect of which it is taxable, shall be supplied to, and no work shall be carried out by it for any other person without the Council's approval and unless the Council is satisfied that supplying of such goods or the executing of such work is to its advantage.
- 3.7 No material shall be supplied to and no work shall be carried out for a private individual, company, firm, organization, state or parastatal body, unless the head of the department concerned has been notified by the Manager Financial Services that the amount of the estimated cost or part of the cost of the work has been paid or otherwise been provided for: provided that the Manager Financial Services may in his/her discretion, in the case of state or parastatal bodies, deviate from this provision. If a payment has been made in advance in compliance with this section, and it nevertheless becomes evident to the Manager Financial Services or the head of the department performing the work or supplying the material, that such payment in advance is likely to or will be exceeded by the cost of the work or material, such head of department shall not continue with the performance of such work or the supply material without the prior consent Municipal Manager, and without thereafter complying with such terms and conditions as the Municipal Manager may determine.
- 3.8 No Department shall carry out work or render services to another department or section unless such work or services are requisitioned on the Council's official department works order and signed by a duly authorized official. The document shall contain a description of the work or services, the estimated cost thereof, the authority for incurring the expenditure, and the vote or item or job number against which of the expenditure should be debited.
- 3.9 Charges levied by one department respect of another department, for services referred to in section 3.8 shall be submitted without delay to the latter department for approval and thereafter be submitted to the Manager Financial Services for recharge purposes. Any objection to such a charge shall to the Manager Financial Services for a final decision.

4. INCOME

- 4.1 The Manager Financial Services shall be responsible for the collection of all monies due to the Council in terms of the Council's credit control and debit collection policy.
- 4.2 All monies received shall be balanced and deposited daily, or such regular intervals as the Manager Financial Services may determine, at the department of the Manager Financial Services or the Councils bankers. The Manager Financial Services must be provided with the necessary proof that the monies have been balanced and deposited on a daily basis.
- 4.3 The Manager Financial Services shall ensure that all monies received by any other department are paid over regularly to this department or otherwise in accordance with the provisions of section 4.1, and he/she shall approve a system for the collection of income, and no such system shall be altered or deviated from without the Manager Financial Services approval.
- 4.4 Heads of Department shall notify the Manager Financial Services immediately of any monies becoming due to the Council, and such notification shall state the reasons why monies are due.
- 4.5 No amounts due to the Council shall be written off as irrecoverable without the approval of the Council.

4.6 Receipts

- 4.6.1 All monies shall be recorded immediately by means of a numbered official receipt or in any other manner approved by the Manager Financial Services.

- 4.6.1.1 Receipt shall be not altered in any way and the use of erasable ink, solvents or a similar device shall not be permitted and any error appearing thereon shall be rectified by the issue of a new acknowledgement of receipt and the cancellation of the erroneous receipt.
- 4.6.2 Every cancelled receipt form or other applicable acknowledgement document and all duplicates thereof shall be replaced in its proper place in the receipt book, or, in the absence of receipt book, filed accordance with instructions issued by the Manager Financial Services.
- 4.6.3 Any surplus cash found shall immediately be declared as such and deposited without delay to the credit of the surplus /shortage vote and all cash shortages shall be dealt with in terms of section 32 of the local government: municipal financial management act no 56 2003 provide that if the Council, considering the circumstances, is satisfied that the official was in no way to blame for the deficiency, he may decide that the mentioned official shall not be obliged to make the deficit good or that the amount of any deficit which he has made good, shall be refunded to him.
- 4.7 The determination and annual review of rentals, tariffs, fees and other charges shall be done and appropriate recommendation shall be made to the Council as agreed between the Manager Financial Services and the applicable head of the department.

5. CONTROL OF RECORDS

- 5.1 Receipt books and all printed material offered for sale, except documents which any department controls and sells with the explicit authorization of the Manager Financial Services, or department so authorized shall keep a register with particulars of the quantities received from the items issued, together with the signature of the recipient.
- 5.2 Every document containing a record of transactions which involves the receipt or payment of money, which is to be written up hand, shall be completed in black ink, and the use of pens with erasable ink is not allowed. where an entry in such document has been audited, it shall not be altered in any way.
- 5.3 Any improvements or alterations to other records shall be made by crossing out the incorrect figures and inserting the correct figures at the top, and the person making the alteration shall affix his signature thereto.
- 5.4 It shall be the responsibility of every head of department to take necessary steps to safeguard all documents of possible significance in legal proceedings and which fall under the control of his department and to store such documents as are necessary in terms of the archives act, 1962 (act no. 6 of 1962), and the Manager Corporate Services may, from time to time, issue directives in this regard.
- 5.5 All title deeds, agreements and similar legal documents, shall upon completion, be placed in the safe custody of the manager corporate services who will issue directives in this regard.
- 5.5.1 The Manager Corporate Services shall maintain a register of all documents mentioned in subsection (5.1) in which the number, nature, period of validity and any other information of information importance regarding each document, is recorded.

6. CONTROL OF PAYMENTS

- 6.1 Every payment from the funds of the Council, other than imprest money, shall be made by the manager financial service by means of the Council's bankers.
- 6.2 The signatures of at least two persons duly authorized in terms of Section 11(1) Local Government : Municipal Financial Management Act No. 56 2003 shall appear on all cheques issued by the Council.
- 6.3 Every head of department shall maintain a register of persons to whom authority has been delegated to sign official documents, and such register shall indicate the nature of the documents to which such signing authority applies, and shall include specimen signatures.
- 6.4 A copy of the register referred to in section 6.3 shall be made available to the Manager Financial Services, who shall be notified immediately of any changes to such register.
- 6.5 Every voucher submitted for payment shall be in the form prescribed by the Manager Financial Services and shall be certified by an authorised official from the Department concerned and shall, when submitted to the Manager Financial Services, be accompanied by supporting documents, where applicable, and have the following information thereon:-
- 6.5.1 The name of the department against which it is to be charged.
- 6.5.2 The vote, item or account number from which it is to be paid.
- 6.5.3 That sufficient estimate provision exists.
- 6.5.4 The authority for the expenditure.
- 6.5.5 That the goods have been received or the services rendered.

- 6.5.6 The statutory authority, where relevant.
 - 6.5.7 That the price charged is reasonable or according to contract.
 - 6.5.8 Such other information as the Manager Financial Services may direct.
 - 6.5.9 The Manager Financial Services or official authorized by him/her to do so shall approve such voucher before settlement of the account.
 - 6.5.10 Progress payments in respect of a contract shall be limited to the value of the work and the material supplied, as certified in terms of the aforesaid subsections, less the amount of previous payments made and the amount of retention money withheld in terms of the contract. in the case where the Council makes use of the services of consulting Engineer, architects etcetera, the certificate for payment must be cosigned by Manager Engineering Services or other responsible head of department as applicable.
 - 6.5.11 The Manager Financial Services shall not in respect of any contract make any payment in excess of the total amount authorized by the Council unless the Council has resolved otherwise after considering a written report by the head of department concerned stating the reasons why the excess expenditure should be incurred.
- 6.6 Notwithstanding the provisions of section 6.5.3 and, payment shall nevertheless be made where the Manager Financial Services in conjunction with the Manager Corporate Services is of the opinion that the Council is under a legal obligation to do so: provided that such payment is so certified and provided further that such payment shall forthwith be reported to the Council for approval.
- 6.7 **PETTY DISBURSEMENTS**
- 6.7.1 Imprest accounts for the making of petty disbursements shall only be established with the approval of the Manager Financial Services, the Council's supply chain management policy shall prescribed the amount of such accounts and the nature and extent of payments to be made thereof.
 - 6.7.2 Every voucher submitted by a department for the refund of petty disbursements shall be accompanied by supporting documents acceptable to the Manager Financial Services for all such payments and a proper record shall be kept in a form approved by the Manager Financial Services.
 - 6.7.3 The Manager Financial Services shall submit a monthly report in respect of the immediate preceding month reflecting the cash and bank balances as at the beginning of the month, the total amounts received and payments made during that month and the cash and bank balances as at the end of the month reconciled with the bank statements.

7. STAFF RECORDS & PAYMENTS

- 7.1 The Manager Financial Service is responsible for the calculation of salaries, wages, allowances and leave and shall keep the necessary records for this purpose.
- 7.2 The Manager Financial Services shall be responsible for the verification of all calculations referred to in section 7.1
- 7.3 The payment of all salaries, wages and allowances shall be made by the Manager Financial Services and the method of such payment shall be at his discretion.
- 7.4 The Manager Financial Services shall be notified of all appointments, promotions, dismissals, resignations, transfers, leave of any description as well as any absence without leave of an employee and all matters affecting the emoluments of the employees of the Council. The submission of such information to the chief financial manager shall be in form and at such form and at such date and time as the chief financial manager may from time to time determine.
- 7.5 A Head of Department shall be required to certify that, in respect of every employee reflecting on the pay sheet for each pay period, such employee was employed by the Council during such period.
- 7.6 In the event of salaries and wages having to be paid in cash due to unforeseen circumstances –
 - 7.6.1 The supervisor or a responsible official designated by the head of department, and who shall be present the paymaster shall certify that the amounts reflected on the pay sheet or pay tickets have been duly paid to the respective persons against their signature or other marks of identification; and
 - 7.6.2 The paymaster or other responsible official designated by the financial manager shall certify that all unclaimed salaries or wages have been paid into designated account, in accordance with any

relevant legislation, within the period specified by the financial manager and appropriate record of such unclaimed monies shall be kept.

8. INTERNAL CONTROL

8.1 The following shall be the responsibility of a Head of Department-

- 8.1.1 To establish maintain internal control systems to ensure that the activities of his/her department are conducted in an efficient and well ordered manner; and that the control systems are as such that, where applicable, it will assist to reach the goals which must be obtained in sections 9.6 and 9.7.
- 8.1.2 To ensure that adequate measures are taken to safeguard computer equipment, programs and all associated records.
- 8.1.3 Generally to maintain and safeguard all assets, materials and records for which the department is responsible.
- 8.1.4 Such financial control systems are subject to the approval of the Financial Manager and for such purpose each head of department must submit such control systems to the Financial Manager. The Financial Manager has the power of attorney to implement such control systems where the head of the department neglects to do so.

9. AUDIT

- 9.1 The Municipal Manager shall be responsible for the auditing (on such a basis as he considers appropriate and subject to any legal prescriptions) of all records, transaction, undertakings or matters in general relating to the finance, stocks and assets of the Council.
- 9.2 The Municipal Manager and any other person authorised by him shall have access to any information which he deems necessary to meet the requirements referred to in section 9.1.
- 9.3 A head of department shall, advise the Municipal Manager of any departmental inquiry which may be applicable to the financial administration, stocks and assets of the Council and shall the request the Manager Financial Services to personally or by an authorized official, be present at such inquiry.
- 9.4 The Manager Financial Services may, at his discretion, and in addition to any steps taken by the head of department, submit a report to the Municipal Manager or a Council, after consultation with the Municipal Manager on any matter pertaining to such inquiry.
- 9.5 A Head of Department and every official thereof shall upon request of the financial manager to the best of his/her knowledge furnish him/her with such information relating to financial matters, stocks and assets as the Manager Financial Services specifies.
- 9.6 In performing the internal audit function, the internal auditor shall consider and, where he deems it necessary, report on, inter alia, the following to the Audit Committee -
 - 9.6.1 Whether, to the best of his knowledge, all income which should accrue to the Council has indeed so accrued and has been properly recorded
 - 9.6.2 Whether proper authority exists for any amount written off as irrecoverable or abated.
 - 9.6.3 Whether effective accounting records are maintained.
 - 9.6.4 Whether expenditure incurred on any item or project, including interdepartmental jobs –
 - 9.6.4.1 Has been correctly allocated between the capital, trust fund and operating accounts;
 - 9.6.4.2 Has been charged to the correct vote;
 - 9.6.4.3 Has been made with proper authority;
 - 9.6.4.4 Complies with the laws ; and
 - 9.6.4.5 If any investigation has been performed in terms of section 9.7 whether the Council received due value for money and whether waste, extravagance or inefficient administration exist.
 - 9.6.5 Internal control, including the soundness, adequacy and application of financial measure controls.
 - 9.6.6 Whether procedures which apply to the finances of the Council and which are prescribed in these regulations, by any other law, or by a directive of the financial manager, are adhered to.
 - 9.6.7 Whether the movable assets of the Council, cash and other interests are adequately safeguarded.
 - 9.6.8 Whether all securities for investments made by the Council are in order, adequately safeguarded and properly reflected in the books of the Council.

- 9.6.9 Whether assets, stocks and material at the various departments are verified at least once in every financial year
 - 9.6.10 Whether cash in hand and all bank balances are verified.
 - 9.6.11 Whether adequate security exists in respect of all computer installations in respect of financial transactions, assets, stocks and material and the determined procedures for the proper management of such of such installations are properly observed.
 - 9.6.12 the suitability and reliability of financial and other management data developed within the Council.
- 9.7 Whenever a performance audit is conducted, the audit performance committee must
- 9.7.1 Assets the measures and procedures implemented to ensure effective and efficient management.
 - 9.7.2 Evaluate the funding of such audit; and
 - 9.7.3 Evaluate the reporting, in the financial statement, of effective and efficient use of the municipality's resources.
 - 9.7.4 Review the quarterly reports submitted to it;
 - 9.7.5 Review the performance management system focusing on economy, efficiency, effectiveness and impact in so far as the key performance indicators and performance targets as set by the municipality are concerned and make recommendations in the regard to Council.
 - 9.7.6 At least four times during a financial year submit an audit report to the Council.
- 9.8 The Audit Committee may –
- 9.8.1 In terms of section 166(1) of the municipal finance management act no 56 of 2003 communicate directly with the Council, Municipal Manager, Manager Financial Services or the internal and external auditors of the municipality.
 - 9.8.2 Access any municipal records containing information that is needed to performance its duties or exercise its powers ;
 - 9.8.3 Request any relevant person to attend any of its meetings, and if necessary, to provide information requested by the committee and investigate any matter it deems necessary for the performance of its duties and exercise of its powers.
- 9.9 No Financial computer program or any charges thereto shall be permitted to become operational until the Manager Financial Services has approved and tested such financial computer program or the relevant changes, provided that this section shall only apply to computer programs which, in the opinion of the Manager Financial Services relates to or affects the financial administration, assets, stocks and materials of Council.
- 9.10 If a person who is in the employ of the Municipality caused the municipality a loss or damage because he
- 9.10.1 Failed to collect money owing to the municipality for the collection of which he was responsible;
 - 9.10.2 Is or was responsible for an irregular payment of money of the municipality or for a payment of such money not supported by a proper voucher.
 - 9.10.3 Due to an omission to carry out his duties is or was responsible for fruitless expenditure of money of the municipality;
 - 9.10.4 Is or was responsible for a deficiency in, or for the destruction of or damage of the municipality, stamps, face value documents and forms having a potential value, securities, equipment, stores or any property of the municipality; or
 - 9.10.5 Due to an omission to carry out his duties, is or was responsible for a claim against the municipality; then the Municipal Manager, or if the Municipal Manager was responsible for such loss or damage, the Council, shall determine the amount of such loss or damage and take disciplinary action where possible and in appropriate cases recover the loss or damage.
- 9.11 Any loss suffered by the municipality and which the Municipal Manager, is responsible, the Council, suspects be due to any fraudulent or corrupt act or an act of bribery committed by any person, shall forthwith be reported by the Municipal Manager or the Council, as the case maybe, to the South African Police Services Service.
- 9.12 Unauthorized expenditure shall be disallowed and shall not form a charge against a fund or account concerned until it has been approved by the responsible authority, in accordance with the normal budgetary procedure applicable to the fund or account concerned, and any unauthorized expenditure or part thereof as determined by the minister, m e c or Council , as the case may be, which has not been authorized, shall be recovered from the Municipal Manager if he/she is unwilling to recover the amount

concerned from the beneficiary or the person responsible for the unauthorized expenditure has been effected –

- 9.12.1 On a written instruction of a Council notwithstanding the fact that he does not have the necessary authority; or
- 9.12.2 As a result of a Council resolution in favour of which a Councillor voted, unless it is recorded that such Councillor voted against such resolution; and after the Municipal Manager has recorded his objection against such instruction or resolution, such expenditure shall be recovered from the Councillor concerned: provided further that all such unauthorized expenditure shall forthwith be reported by the Municipal Manager to the MEC for local government affairs, the MEC responsible for finance and the auditor-general.
- 9.13 The internal auditor shall report to the Municipal Manager quarterly on the audit activities of his/her section
- 9.14 The Audit Committee must in turn, with respect to the internal auditing function –
 - 9.14.1 Provide a forum for direct reporting of the findings of the internal auditor if any;
 - 9.14.2 Evaluate the efficiency and effectiveness of the internal audit function;
 - 9.14.3 Assess matters of significant importance reported by the internal auditor/ Municipal Manager.
- 9.15 The Audit Committee must, in respect of financial reporting –
 - 9.15.1 Assess the effectiveness of policies for and procedures of financial reporting;
 - 9.15.2 Consider the way of fair presentation of the financial statements
- 9.16 The Audit Committee must, with respect to internal control –
 - 9.16.1 Review the effectiveness of the accounting and control system;
 - 9.16.2 Assess any deficiency in the accounting and internal control system;
 - 9.16.3 Assess the measures implemented to address such deficiencies;
 - 9.16.4 Assess and confirm the policies and procedures for identifying areas of risk and the measures to ensure adequate control of and security at such areas.

10. **ASSETS**

- 10.1 Every Head of Department shall ensure the safeguarding and care of the assets including inventory items under his control.
- 10.2 Items according to description as determined by the Manager Financial Services in his/her discretion or which value is less than the amount determined from time to time by the Manager Financial Services, shall not be regarded as asset items but as inventory items. by the adaptation of such values or directions, the Manager Financial Services shall be authorized to write off existing assets in the register referred to in section 10(3) with a value less than the new or the amended regulations and demand from the head of the department concerned to keep record of such written-off items on the inventory lists referred to in section.
- 10.3 The Manager Financial Services shall maintain a record of all capital assets belonging to the Council which record shall contain at least a description of the asset concerned together with the original purchase price or other consideration relevant to the acquisition of the asset, as well as the source from which such acquisition was financed. Heads of departments shall furnish the Manager Financial Services with such further information which he considers necessary to compile and maintain such record.
- 10.4 A Head of Department shall notify the Manager Financial Services without delay of the acquisition, disposal, demolition or any other change in the status of any capital asset under his control and shall furnish the Manager Financial Services with any information he may require from time to time regarding any assets of the Council.
- 10.5 Inventories;
 - 10.5.1 Every department shall keep inventories, in a form to be approved by the Manager Financial Services, of all plant, tools and furniture, details of which the Manager Financial Services has not required to have recorded in the register referred to in section 10.3.
 - 10.5.2 At such a date during every financial year of the Council as the Manager Financial Services may decide, every head of department shall cause a comparison to be made between the inventories

- referred to in subsection 10.5.1 and the assets in the possession of his department and shall report the result of such comparison to the Manager Financial Services in writing.
- 10.5.3 If any asset referred to in the aforesaid inventories is found not to be in the department's possession, the head of the department shall include a statement of all facts relating to the loss in the report in subsection 10.5.2.
- 10.5.4 The head of the department shall submit a written report to the Audit Committee and Council setting out the relevant facts relating to the absence of any asset as identified in accordance with subsection 10.5.3.
- 10.6 The head of Department concerned shall arrange for a complete check of all assets(as referred to in section 10.5.3) shown on such records at least once during each financial year or as demanded by the Manager Financial Services, and shall thereafter submit to the Manager Financial Services a certificate of the existence or otherwise of such assets. the head of department shall report any discrepancies which cannot, in the opinion of the Manager Financial Services, be satisfactorily accounted for, to the Audit Committee and the Council.
- 10.7 Where in the opinion of Council, any asset should be scrapped or declared redundant or obsolete, such asset to the best advantage of the Council, in accordance with directives issued by the Council, provided that where such asset has been financed from a loan that is not fully redeemed, the Manager Financial Services shall determine the method by which the unredeemed portion of the loan shall be paid.
- 10.8 The Manager Financial Services shall reconcile the capital assets and accounting records in respect of each financial year.
- 10.9 the regulations of section 9.10 are *mutatis mutandis* applicable on assets.

11. **INVESTMENTS**

- 11.1 The Manager Financial Services in consultation with the Municipal Manager shall be responsible for the investments of the funds of the Council on such terms and conditions as may be prescribed by law and in accordance with a policy determined to the Council and shall in connection with such investments be empowered to buy or sell any securities and shall report monthly to the Council on all investments bought and/or withdrawn during the a foregoing month.
- 11.2 The way in which surplus funds and other municipal funds must be invested, is controlled in terms of –
- 11.2.1 GAMAP 106;
- 11.2.2 Section 13 of the Local Government : Municipal Finance Management Act, 2003
- 11.2.3 Determination of the Minister of Finance by notice in the government gazette.
- 11.3 Investments will be done in terms of the Councils cash management and investment policy as prescribed by section 13 of the Local Government: Municipal Finance Management Act 56 of 2003
- 11.4 Before money can be invested, the Manager Financial Services, in consultation with the Municipal Manager, must determine whether there will be surplus funds available during the term of the investment.
- 11.5 The long – term investments should be made with an institution of minimum bbb rating (where bbb refers to lower risk institutions)
- 11.6 The short term investments should be made within institution of minimum black economic empowerment rating (bee)
- 11.7 Not more than the amount of available funds as laid down by Council policy should be placed with any one single institution.

12. **INSURANCE**

- 12.1 The Manager Financial Services shall be responsible for the placing of insurance as approved by the Council from time to time. The Manager Financial Services shall also be responsible for the management of the Council's self-insurance fund, if in operation, and shall in managing such fund, cover such risks as the Council may from time to time determine and ensure that adequate premiums are charged by the fund annually.
- 12.2 A self-insurance fund shall be protected by such reinsurance cover as the Council may determine.
- 12.3 The Manager Financial Services may at any time require from the Head of Department, a statement which he shall duly supply, reflecting the assets held by that department, the risks to be insured, and any other information which the Manager Financial Services deems necessary.

- 12.4 A Head of Department, where so required by the Manager Financial Services, shall give prompt notice to the Manager Financial Services of all property acquired, leased or rented, which should be insured against fire, accident or loss of any, and alterations in structure, or occupation of any building or items under insurance.
- 12.5 A Head of Department shall advise the Manager Financial Services of the amounts for which new insurance should be effected, or of any alterations in existing insurance's having regard at all times to the replacement cost of assets.
 - 12.5.1 A head of department shall give notice to the Manager Financial Services immediately after the occurrence of any fire or damage to or loss of the assets of the Council and shall as soon as possible, within the prescribed period and subject to the requirement of the insurances after such incident, complete the appropriate claim forms and furnish an estimate of the cost of making good such damage.
 - 12.5.2 A head of department should advise the Manager Financial Services and the Manager Corporate Services immediately of any injuries to employees of the Council.
 - 12.5.3 A Head of Department shall advise the Manager Financial Services immediately of each case of any injuries or damage to the third parties' property notwithstanding whether the head of the department is of the opinion that the case could give rise to claim against the Council or not.
- 12.6 A Head of Department shall promptly advise the Manager Financial Services of any assets which in his/her opinion should be insured against political riot and insurance should be affected, and the Manager Financial Services shall report such departmental requests to the Council.
- 12.7 Should the Council not operate a self-insurance fund to cover all risks the Manager Financial Services shall, unless the Council otherwise resolves, be responsible for the calling of tenders for the appointment of a suitable insurer, and shall ensure the placement of cover such risks as the Council may from time to time determine, including cover for claims made against the Council by third parties.
- 12.8 The Manager Financial Services shall keep a record of all insurance claims and policies of the Council, and responsible for the payment of all premiums, and ensure that all claims which have been brought to his attention by the Departments and which arise under such policies, as settled.
- 12.9 The Head of the Department who is in charge of a contract of work shall supply the Manager Financial Services with all the information needed in order to enable the Manager Financial Services to take out the necessary contract insurance before execution of the contract activities begins. the head of the department concerned also provides the Manager Financial Services with the particulars of all risks which in his opinion must be ensured.

13. SUPPLY CHAIN MANAGEMENT

Action will take place in terms of the Council's approved supply chain management policy read together with the supply chain management regulations approved by the Department of Finance

14. STOCK & MATERIAL

- 14.1 The Head of Department authorized by the Council, on recommendation of the Manager Financial Services, shall be responsible for the proper management of all stores under his control, for the safe custody of all goods and material contained therein, and shall keep such records of receipts and issues as the Manager Financial Services may deem necessary to account for such stocks and material.
- 14.2 Maximum and minimum stock and reorder levels shall be determined in the manner prescribed by the Manager Financial Services. stocks shall not be held in excess of normal requirement, except where the Manager Financial Services, or where the Manager Financial Services does not manage purchases and supplies, the Manager Financial Services and the head of the department responsible for stocks, agree that special circumstances exist.
- 14.3 stock and material shall only be issued against a requisition signed by an official authorized by the head of department concerned.
- 14.4 A stores requisition shall not be executed unless particulars of the vote to be debited in respect of the goods or material supplied, are indicated thereon
- 14.5 Subject to the provision of section 14.4, no stores requisition in respect of an uniform or other clothing shall be executed unless it states in the case of an issue to a specific person, the name and official designation of the person for whom such uniform or clothing is required and unless the head of department has indicated thereon that it complies with the requirements of the Council regarding the issue.
- 14.6 With the exception of petty cash disbursements made from an imprest account in terms of section 6.7 all goods and material shall be purchased by the head of department and no goods or material so purchased

- shall be issued other than against requisition signed by the head of the department of his assignee who requires the goods or material.
- 14.7
- 14.7.1 Specifications for goods, material and plant to be purchased by tender or by quotation shall be drawn up by the head of the department concerned.
- 14.7.2 The head of department concerned shall recommend the tender or quotation to be accepted and if the tender or quotation so recommended is not the lowest, he shall furnish the Manager Financial Services with full reasons for the recommendation.
- 14.7.3 The Manager Financial Services does not agree with the reasons furnished in terms of subsection 14.7.3 he shall submit a report setting out fully the facts of the dispute.
- 14.8 Except where the Manager Financial Services is of the opinion that special circumstances exist, more material than is normally required, as ascertained by experience, shall not be kept by any department.
- 14.9 No stock items shall without the approval of the head of department be purchased out of imprest monies held by departments.
- 14.10 Every Head of Department shall at least once in every financial year or as required by the Manager Financial Services, carry out a stocktaking covering all stock and material under his control and shall report to the Manager Financial Services, carry out a stocktaking and breakages in stocks revealed by such stocktaking, together with the reasons for such discrepancies and breakages. In addition, the Manager Financial Services shall from time to time, and on such basis as he considers adequate, verify the existence of all stocks, whether under his control or under the control of another department.
- 14.11 Any adjustments to stock records, if does not exceed the amount stipulated in section 16.5, shall be authorized in the manner prescribed by Manager Financial Services or the Council, as the case may be, provided that any adjustments which the Manager Financial Services deems to be substantial, and all cases involving negligence or identifiable theft shall be reported to the Council and, if applicable, dealt with as prescribed by a higher authority and section 4.6.3.
- 14.11.1 All stocks and material available after the completion of the work or on fulfillment of the purpose for which they were issued, or recovered in the course of carrying out work, or on hand for any reason whatsoever, shall immediately, under cover of an advice note which adequately describes same, be returned to the store or such place as the head of department may direct. The advice note shall be in such form as the Manager Financial Services may prescribe and, where applicable, the value placed on returned stocks and material shall be determined by the head of the department.
- 14.11.2 The provisions of subsection 14.11.1 shall also be applicable to any stock, goods, material, assets etc, donated to the Council. The application or alienation of such goods etc is subject to the normal stipulations as set out in these by-laws.
- 14.12 Where, in the opinion of the Council, any stocks and material should be scrapped or declared redundant or obsolete, the Municipal Manager so authorized shall dispose of such stocks and material to the best advantage of the Council, in accordance with directives issued by the Municipal Manager of the Council, as the case may be

15. INFORMATION & COMMUNICATION SYSTEM

- 15.1 The centralised corporate information and communication systems allocated to the Manager Financial Services shall be maintained in such a way as to ensure the integrity and security of the systems and data.
- 15.2 The Manager Financial Services shall take all reasonable measures to ensure adequate backup of programmes and data for recovery purposes.
- 15.3 All Programmes changes shall be recorded for audit purpose and be authorized by The Manager Financial Services or his delegated Representative.
- 15.4 A suitable disaster recovery plan shall be prepared and maintained by The Manager Financial Services to cover all relevant aspects to maintain business continuity in the event of a disaster.
- 15.5 Head of Departments shall ensure that all reasonable steps are taken to prevent hardware and software from being infected by viruses. All workstation shall be supplied with the recommended software to assist in providing the necessary protection.
- 15.6 Information system of any nature which generates financial results used to cost or estimate expenditure for recovery from third parties or which quantify levies, tariffs and other fees and charges must be certified by the Manager Financial Services or his representative.

16. MISCELLANEOUS**16.1 Delegated powers**

Wherever powers are delegated to an official in terms of these by-laws, the conditions where under such powers are delegated should be defined in the official delegated powers of authority of the Council, including a condition that such report to the Council at such official shall report to the Council at such intervals as the Council may determine.

16.2 Committee meetings, Agenda and Minutes

Notices of all meetings of the Council shall be sent to the Manager Financial Services, together with all full agendas and reports.

16.3 Circulars, letters and other written communications from the state and other institutions

The Manager Corporate Services shall, immediately upon receipt of any circular, letter or other written communication, where the contents in any way relate to the financial administration, assets or stock of the Council, forward a copy of such communication to the Manager Financial Services for attention.

16.4 Financial Procedures

The Accounting Officer shall be empowered to prescribe procedures regarding financial matters including stocks and assets under these by- laws.

16.5 Repeal of existing Municipal Financial by-laws

The provisions of any bylaws relating to financial matters by the disestablished municipal entities or predecessors are hereby repealed insofar as they relate to matters provided for in these bylaws
