



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SA KWAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
(Irejistiwee njengephephandaba eposihhovisi)

Vol: 17

PIETERMARITZBURG

17 AUGUST 2023
17 AUGUSTUS 2023

No: 2582

PART 1 OF 2

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1994-4551



9 771994 455008



0 2 5 8 2

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS			
345	Maphumulo Municipality: 2022-2027 Council Standing Rules and Orders.....	2582	3
346	Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000): Rules and Orders of uMzinyathi Municipal Council and Committees of the Council By-Law	2582	45
347	Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000): Municipal Notice of Local Authority Notice Mkhambathini Outdoor Advertising Amendment ByLaw	2582	193
PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS			
542	Local Government Municipal Property Rates Act, 2004: Umvoti Municipality: Resolution levying property rates for the Financial Year 1 July 2023 to 30 June 2024	2582	195
543	KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010): Application for relocation of business operations to other premises in terms of section 44 (1) of the Act	2582	197
543	KwaZulu-Natal Dobbelaar en Weddery Wet, 2010 (8/2010): Aansoek om verskuiwing van besighede na ander perseel ingevolge artikel 44 (1) van die Wet	2582	198
544	Local Government: Municipal Property Rates Act, 2004: Erratum on rates randages: Notice on correction of Inkosi Langalibalele Local Municipality Property Rates Randages for the Financial Year 1 July 2023 to 30 June 2024	2582	200

MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 345 OF 2023



2022-2027
COUNCIL STANDING RULES AND
ORDERS

CONTENTS

DETAIL	PAGE
<u>CHAPTER 1 : DEFINITIONS</u>	
1. Definitions	5-7
<u>CHAPTER 2 : APPLICATION AND INTERPRETATION OF RULES AND ORDERS</u>	
2. Application of rules	8
3. Interpretation of these rules and orders	9
<u>CHAPTER 3 : FREQUENCY, ADMISSION OF PUBLIC AND NOTICE OF MEETINGS</u>	
4. Council meetings	10
5. Meeting of council open to public	10-11
6. Notice to attend an ordinary council meeting	11
7. Special meetings	11-12
8. Service of notices and agenda	12
9. Non-receipt of notice	12
<u>CHAPTER 4 : QUORUM</u>	
10. Quorum	13
11. Cancellation and adjournment in absence of quorum	13
<u>CHAPTER 5 : ATTENDANCE</u>	
12. Attendance	14
13. Leave of absence	14-15
14. Non-attendance	16
<u>CHAPTER 6 : ADJOURNMENT</u>	
15. Adjourned meetings	17
16. Continuation meeting	17
<u>CHAPTER 7 : PROCEEDINGS</u>	
17. Speaker and chairpersons of meetings	18
18. Minutes	19
19. Order of business	19
20. Proceedings of Order of Business	20
20.1 Devotion	20
20.2 Notice of meeting	20

20.3	Applications for leave of absence	20
20.4	Declarations of pecuniary or other interests	20
20.5	Announcements/ Disclosures	20
20.6	Deputations	21
20.7	Confirmation of minutes of previous meeting	21
20.8	Matters Arising from the Minutes	22
20.9	Outstanding Matters	22
20.10	Reports	22
20.11	Notices of Motion	23-24
20.12	Questions of which notice has been given	24
20.13	General matters of an urgent nature	25
21.	Supply of information to a Councillor	25
22.	Interpretation	25
23.	In-committee	25-26

CHAPTER 8 : VOTING

24.	Decisions by voting	26
25.	Method of voting	27
26.	Dissenting votes	27

CHAPTER 9 : REVOCATION OF COUNCIL AND COMMITTEE RESOLUTIONS

27.	Revocation of Council Resolutions	28
28.	Revocation of Committee Resolutions	28

CHAPTER 10 : DEBATE

29.	Opportunity to speak	29
30.	Relevance	29
31.	Length of speeches	29
32.	Councillors to speak only once	29
33.	Precedence of the Speaker or chairperson	30
34.	Points of order	30
35.	Explanation	30

CHAPTER 11 : CONDUCT

36.	General conduct	31
37.	Misconduct	31-32

CHAPTER 12 : COMMITTEES

38.	Rules Committee	33
39.	Own rules	33
40.	The Chairperson	33

CHAPTER 13 : PECUNIARY INTEREST

41.	Declaration of pecuniary interest	34
-----	-----------------------------------	----

CHAPTER 14 : BREACH AND SANCTIONS

42.	Breach	35
43.	Sanction	35

CHAPTER 15 : GENERAL PROVISIONS

44.	Suspension of a rule or order	36
45.	Dress code	36-37
46.	Adoption as by-laws	37
47.	Repeal of existing by-laws	37
48.	Short title and commencement	37

ANNEXURE A - SCHEDULE OF FINES

CHAPTER 1 : DEFINITIONS**1. Definitions**

In these rules, any word or expression shall have the meaning assigned thereto in the relevant legislation, unless the context indicates otherwise-

“Authorized Official” means:-

- a) an official of the Municipality who has been authorized by it to administer, implement and enforce the provisions of this by-law;
- b) a traffic officer appointed in terms of section 3A of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- c) a member of the police service, as defined in terms of section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995);
- d) a peace officer, contemplated in terms of section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); or
- e) a law enforcement officer appointed by the Municipality in terms of the relevant legislation;

"By-Law" means legislation passed by the council of a municipality;

"Chairperson" means a Councillor elected in a permanent or acting capacity to control and conduct any meeting of a committee of council;

“Chief Whip” shall mean the person elected as the Chief Whip of the Council;

“Committee” shall mean any committee established in the municipality, including committees established in terms of section 79 and 80 of the Structures Act 117 of 1998;

“Constitution” shall mean the Constitution of the Republic of South Africa Act 108 of 1996;

"Council" means the council of the Maphumulo Local Municipality;

"Code of Conduct" means the Code of Conduct for Councillors contained in Schedule 1 to the Systems Act 32 of 2000;

"Contact Details" means a physical address, postal address, electronic

mail address, telephone number, facsimile number and cellular-phone number;

"Calendar Day" means a twenty-four-hour day as denoted on the calendar;

"Councillor" means a member of a municipal council;

"Day" means any ordinary day other than a Saturday, Sunday or Public Holiday, except where otherwise stated;

"Deputation" means a person or group of persons who wish to appear personally before the council or a committee of the council in order to address the council or committee of the council;

"Director Corporate Services" means the person appointed Director Corporate Services in terms of Section 56 of the Local Government Municipal Systems Act 32 of 2000 and includes any person acting in that capacity;

"Executive Committee" means the council's executive committee established in terms of section 43 of the Structures Act 117 of 1998;

"Explanation" means the clarification of some material part of a Councillor's former speech which may have been misunderstood;

"In Committee" shall mean the part of the meeting of the municipal council where the meeting will be closed and members of the public and press, and such municipal officials as determined by the Speaker, excluding the Municipal Manager, unless he/she has a pecuniary or other interest, will be excluded;

"Integrated Development Plan" means a single, inclusive and strategic plan for the development of the municipality and applicable in terms of Chapter 5 of the Systems Act 32 of 2000;

"Mayor" means a Councillor elected as the Mayor of the municipality in terms of section 48 of the Structures Act 117 of 1998;

"Meeting" means a meeting of the council or any one of its committees;

"Member" shall mean a Councillor serving in the municipal council of the municipality;

"Motion" shall mean a matter submitted by a member in accordance with rule 20.11;

“Municipality” shall mean the Maphumulo Local Municipality;

"Peace Officer" means any person declared as a Peace Officer in terms of the Criminal Procedure Act No. 51 of 1977;

"Point of Order" means the pointing out of any deviation from or anything contrary to, the conduct and or any other irregularity in the proceedings of a meeting;

"Precincts" means the Council Chamber and all places of meeting, the areas to which the public are allowed access and all other venues where the meetings of the council or a committee of the Council are conducted;

"Public" includes the media and means any person residing within the Republic of South Africa;

“Report” shall mean any item appearing on the agenda for consideration by the council or a committee;

“Senior Managers” shall mean the persons appointed by the council as the municipal manager and all managers directly accountable to the municipal manager as approved on the official organisational structure of the municipality

"Service Delivery Agreement" means an agreement between a municipality and an institution or person mentioned in section 76(b) of the Systems Act 32 of 2000 in terms of which a municipal service is provided by that institution or person, either for its own account or on behalf of the municipality;

"Speaker" means the chairperson of the council elected in terms of section 36 of the Structures Act 117 of 1998 and includes any acting Speaker when he or she is elected to perform the functions of the Speaker;

"Structures Act" means the Local Government: Municipal Structures Act 117 of 1998

“Sub-committee” means any other committee, other than the Executive Committee or committees appointed by the council or the executive committee;

"Systems Act" means the Local Government: Municipal Systems Act 32 of 2000;

"Table" means to submit a report or any official document to the council or a committee of council for consideration at a meeting of the council or a committee of council of which notice has been given in terms of these rules and orders;

"Traditional Leader" shall mean a Traditional Leader identified by the MEC to participate in the proceedings of a municipal council in terms of Section 81 of the Structures Act 117 of 1998;

CHAPTER 2 : APPLICATION AND INTERPRETATION OF RULES AND ORDERS**2. Application of rules**

2.1 The rules of order contained herein apply to all meetings and Work shops of the municipal council and any committee of the municipal council as well as any other committee of Councillors established within the municipality, unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.

2.2 The rules are aimed at allowing free, open and constructive debate during meetings. The rules are encouraged and promote freedom of expression in such a manner that orderly debate is ensured within the time constraints of time allocated to meetings.

2.3 The rules endeavour to create the opportunity for Councillors serving in council structures to air their view on any matter of public importance.

2.4 The rules of order are applicable to:

2.4.1 All Councillors;

2.4.2 Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act 117 of 1998;

2.4.3 Any municipal official of the municipality; and

2.4.4 Any member of the public while present in the council chamber and precinct.

3. Interpretation of these rules and orders

- 3.1 Any interpretation of these rules and orders must be made having due regard to the supremacy of the Constitution Act 108 of 1996, national, provincial and municipal legislation, the rule of law and the rules of natural justice.
- 3.2 The ruling of the Speaker or chairperson with regard to the interpretation of these rules and orders at a meeting of the council or committee of the council shall, subject to rules 3(5) and 3(6), be final and binding.
- 3.3 The interpretation and the ruling of the Speaker or chairperson of any of these rules and orders must be recorded in the minutes of the council or committee meeting.
- 3.4 The Municipal Manager must keep a register of the rulings and legal opinions.
- 3.5 Any Councillor may request the Municipal Manager, in writing within five days from a ruling made in terms of rule 3(2), to obtain clarity on the interpretation and ruling. The Municipal Manager must thereafter report to the council or committee of the council.
- 3.6 The council or committee of the council may, after consideration of the report in terms of rule 3.5 confirm, amend or substitute the ruling of the Speaker or chairperson subject to any rights which any third party may have accrued as a result of the ruling and all decisions effecting the rights of others must be in writing and reasons must be recorded of such decisions.

CHAPTER 3 : FREQUENCY, ADMISSION OF PUBLIC AND NOTICE OF MEETINGS**4. Council meetings**

4.1 The council must hold an ordinary meeting of the council not less than once in every three months.

4.2 The Speaker must convene all meetings of the council in accordance with rule 4.1 and subject to rule 6.

5. Meeting of council open to public

5.1 The Municipal Council shall conduct its business in an open manner and every meeting of the council and all committees, including the executive committee shall be open to the public; provided that this section shall not apply when it is reasonable to do so having regard to the nature of the business being transacted in terms of section 20 (1) (a) and (b) of the Systems Act 32 of 2000.

5.2 The Council will deal with matters 'In Committee' when discussing any of the following :

5.2.1 A trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality;

5.2.2 Personal and private information of any Councillor or an employee of the municipality;

5.2.3 The intention of the municipality to purchase or acquire land or buildings;

5.2.4 The price a municipality may offer for the purchase or acquisition of land or buildings;

5.2.5 Any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;

5.2.6 Disciplinary proceedings or proposed disciplinary proceedings against any employee;

5.2.7 Consideration of the minutes of previous 'In Committee' discussions;

5.2.8 Any matter that might not be disclosed in terms of legislation.

- 5.3 A Councillor may, when an item in the agenda is put to order, other than a matter referred to in 5.2 above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with 'In Committee'. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.
- 5.4 The Municipal Manager must give notice to the public, in a manner determined by the council, of the time, date and venue of every ordinary meeting of the council or committee of the council and any special or urgent meeting of the council or committee of the council, except when time constraints make this impossible.
- 6. Notice to attend an ordinary council meeting**
- 6.1 The Speaker must convene meetings of the council, at least quarterly, through a duly signed "Notice of Council Meeting", stating the date, place and time of the meeting and accompanied by or containing the agenda of the proposed meeting.
- 6.2 Notice to attend a meeting in terms of rule 6.1 shall be given at least-
- 6.2.1 Five (5) calendar days prior to an ordinary meeting; and
- 6.2.2 Two (2) calendar days prior to a special meeting.
- 7. Special meetings**
- 7.1 The Speaker for the purpose of urgent council business or at the request of a majority of the Councillors of the municipality, must call a special meeting of the council;
- 7.2 A special meeting must be convened in compliance with rule 6.1 and rule 6.2.2.
- 7.3 A request for the calling of a special meeting, as contemplated in rule 7.1, shall be signed by no less than 50 percent (fifty per centum) plus one of all Councillors of the municipality; and
- 7.4 Shall be accompanied by-
- 7.4.1 A duly signed notice of motion; and
- 7.4.2 A written statement by the Councillor signing the notice of motion

11

giving reasons as to why the intended business of the special meeting is urgent and cannot wait for an ordinary meeting of the council.

- 7.5 If the Speaker fails to convene a meeting in terms of this rule, the Municipal Manager must convene such meeting and conduct an election of an acting Speaker in term of Section 41 of the Structures Act 117 of 1998.

8. Service of notices and agenda

- 8.1 Notice to attend a meeting or any other official communication from the council, shall be delivered to-

8.1.1 A physical address within the area of jurisdiction of the municipality; or

8.1.2 An e-mail address; or

8.1.3 By a short message service (SMS); provided that contact details shall be supplied by each Councillor to the Municipal Manager in writing within two days of a Councillors' election and, thereafter, whenever the Councillor wishes to change either address and at which address the Councillor shall accept service and or receipt of any notice to attend a meeting and any other official communication from the council.

- 8.2 All documentation relevant to any council or committee meeting must be given to all Councillors at least five calendar days prior to an ordinary council or committee meeting and two calendar days prior to a special council or special committee meeting.

- 8.3 All Councillors must inform the Speaker of any change of his/her contact details within three days of such change.

- 8.4 Subject to rule 6, notice to attend a meeting must be displayed on the public notice boards of the municipality, except when time constraints make this impossible.

9. Non-receipt of notice

- 9.1 A Councillor may request an investigation by the Speaker regarding the non-receipt of a notice to attend a council or any of its committees meeting.

- 9.2 Non-receipt of a notice to attend a meeting shall not affect the validity of any meeting or proceedings of council or any of its committees.

CHAPTER 4 : QUORUM**10. Quorum**

10.1 Notwithstanding that there may be vacancies, the quorum of a council or committee must be fifty percent (50 percent) plus one (1) of the total number of Councillors determined in accordance with the municipality's establishment notice, before a vote may be taken on any matter.

10.1.1 Subject to a quorum, the failure of any Councillor to vote shall not invalidate the proceedings of the council or committee meeting.

11. Cancellation and adjournment in absence of quorum

11.1 No meeting shall take place, if no quorum is present fifteen minutes after the time at which a meeting was due to commence, unless it is unanimously agreed by the Councillors present to allow further time not exceeding fifteen minutes for a quorum, where after if no quorum is present, the meeting must be cancelled.

11.2 If during discussion on an item at any meeting of council or any of its committees the attention of the Speaker or chairperson is called to the number of Councillors present, he or she shall-

11.2.1 Count the Councillors present;

11.2.2 If it is found that there is no quorum, the Speaker or chairperson must adjourn the meeting and allow an interval of fifteen minutes for a quorum to become present;

11.2.3 If a quorum becomes present after the adjournment then the meeting must continue;

11.2.4 If no quorum becomes present after the adjournment then the chairperson or Speaker must forthwith adjourn the meeting.

11.3 When a meeting is adjourned as a result of no quorum, the meeting shall be re-convened for such a period as the chairperson deems fit and thereafter adjourn the meeting to another date, time and/or venue.

CHAPTER 5 : ATTENDANCE**12. Attendance**

12.1 All Councillors must punctually attend and remain in attendance at each meeting of the council and a committee of which that Councillor is a member except when:-

12.1.1 Leave of absence is granted in terms of rule 13;

12.1.2 That Councillor is required to withdraw in terms of rule 41;

12.1.3 That Councillor is absent with the permission of the Speaker or chairperson.

12.2 Each Councillor attending any meeting of the council or a committee of the Council shall sign an attendance register provided for that purpose.

12.3 The attendance register shall be filed in the office of the Director Corporate Services.

12.4 Any Councillor who is entitled to leave of absence in terms of rule 13.4 and no longer requires such leave may attend the meeting from which leave of absence was granted and sign the attendance register.

13. Leave of absence

13.1 Leave of absence shall not be granted in such a manner that more than the number required for a quorum will at any one time be absent.

13.2 If a Councillor-

13.2.1 Is unable to attend a meeting of which notice had been given; or

13.2.2 Is unable to remain in attendance at a meeting; or

13.2.3 Will arrive after the stipulated commencement time of a meeting, he or she shall, at least 12 hours prior to the commencement of the meeting or as soon as is reasonably possible and prior to that meeting, lodge with the Municipal Manager a written application for leave of absence on the

- prescribed Leave of Absence form from the whole or any part of the meeting concerned, which application must provide reasonable and bona fide reasons for the application and show good cause for the granting of the application.
- 13.3 The Municipal Manager must as soon as possible inform the Speaker or chairperson of the meeting concerned of any application for leave of absence received.
- 13.4 The Speaker or chairperson of the meeting concerned must as soon as possible consider an application for leave of absence and either grant or reject the application with reasons and immediately inform the Municipal Manager of such decision.
- 13.5 The Municipal Manager must as soon as is reasonably possible, inform a Councillor who has applied for leave of absence of the Speaker or chairperson's decision.
- 13.6 A Councillor shall be deemed absent without leave from the meeting concerned where an application for leave of absence has not been granted and he or she-
- 13.6.1 Failed to attend a meeting; or
- 13.6.2 Failed to remain in attendance at a meeting.
- 13.7 Where a Councillor fails to remain in attendance at a meeting -
- 13.7.1 Without being granted permission to do so; or
- 13.7.2 Without obtaining permission from the Speaker or chairperson to leave prior to the close of the meeting, the time of leaving must be recorded in the minutes of the meeting and that Councillor shall be deemed to have been absent without leave at that meeting;
- 13.8 Where a Councillor arrives late at a meeting, without obtaining permission to do so, the time of arrival and the reasons for the late attendance must be recorded in the minutes of the meeting and the Councillor may attend the meeting and sign the attendance register in terms of rule 12.2.
- 13.9 Leave of absence for two or more consecutive council or committee meetings must be sanctioned / authorised by the council or the relevant committee.

14. Non-attendance

- 14.1 Subject to compliance with the procedure set out in rule 13 and 43, a Councillor who is absent without good cause from a meeting, of which notice has been given, shall be liable to pay a fine in terms of the penalty detailed in the schedule of fines attached as annexure A to the Standing Rules and Orders as determined by the MEC / Minister for Local Government and Traditional Affairs.
- 14.2 Where a Councillor has been absent without obtaining leave from a meeting-
- 14.2.1 The Rules Committee as contemplated in rule 38 or the Speaker or chairperson as the case may be, shall invite the Councillor to provide a formal explanation setting out the reasons for the Councillor's absenteeism from the meeting;
- 14.2.2 The Speaker or chairperson shall consider the explanation and decide whether or not the Councillor was absent with good cause, providing appropriate reasons for the decision;
- 14.2.3 The Councillor may appeal in writing to the Speaker's or chairperson's decision within seven days of receipt of such decision.
- 14.2.4 The council or committee, as the case may be, shall-
- 14.2.4.1 Allow the Councillor an opportunity to make representations, oral or written; and
- 14.2.4.2 Consider the Councillor's appeal, together with any comments from the Speaker or chairperson of the meeting concerned;
- 14.2.4.3 Make a finding as to whether the Councillor was absent with or without good cause.
- 14.3 The Municipal Manager shall keep a record of all incidents in respect of which Councillors have been found to be absent or deemed to be absent without leave and without good cause and shall submit a written report to the Speaker whenever a Councillor is absent from three or more consecutive meetings which that Councillor was required to attend.

CHAPTER 6 : ADJOURNMENT**15. Adjourned meetings**

Notwithstanding rule 11 a council or committee meeting may, by majority vote, be adjourned to another day or hour but no later than fourteen (14) days after the original meeting.

16. Continuation meeting

16.1 When a meeting is adjourned, notice of the continuation meeting shall be served in terms of rule 6.

16.2 No business shall be transacted at a continuation meeting except such as is specified in the notice of the meeting, which was adjourned.

CHAPTER 7 : PROCEEDINGS**17. Speaker and chairpersons of meetings**

17.1 At every meeting of the council, the Speaker, or if he or she is absent, an acting Speaker, shall be the chairperson and shall perform the duties stipulated in terms of section 37 of the Structures Act 117 of 1998 and must ensure that each Councillor when taking office is given a copy of these rules and orders and the Code of Conduct.

17.2 The Speaker of Council and chairperson / chairpersons of committees:-

17.2.1 Must maintain order during meetings;

17.2.2 Must ensure compliance in the council with the Code of Conduct for Councillors;

17.2.3 Must ensure that meetings are conducted in accordance with these standing rules and orders.

17.3 If the Speaker or chairperson of the council or committee of the council is absent and not available to perform the functions of Speaker or chairperson, or during a vacancy, the council or committee under the direction of the Municipal Manager or his/her nominee must elect another Councillor to act as Speaker or chairperson as the case may be with the exception of the Executive Committee where Section 49 (2) and (3) of the Local Government Municipal Structures Act 117 of 1997 will apply.

17.4 No meeting of the council or a committee of the council may commence or continue unless a Speaker or chairperson presides at a meeting.

18. Minutes

18.1 The proceedings of every council meeting must be electronically recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.

18.2 Written minutes of the proceedings of each council and committee meeting must be accurately recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.

18.3 The approved minutes of every meeting of a council or committee other than in-committee meetings must be available to the public.

18.4 Where the Municipal Manager is of the opinion that any resolution or proceeding of a council or committee meeting may be in contravention of any law or by-law, he or she must advise the council or committee

accordingly and full details of such opinion must be recorded in the minutes.

19. Order of business

19.1 The order of business at every meeting of the council or its executive committee or committee of council is as follows:

- 19.1.1 Devotion;
- 19.1.2 Notice of meeting;
- 19.1.3 Applications for leave of absence;
- 19.1.4 Declarations of pecuniary or other interests;
- 19.1.5 Announcements/ Disclosures;
- 19.1.6 Deputations;
- 19.1.7 Confirmation of minutes of previous meeting;
- 19.1.8 Matters Arising from the Minutes;
- 19.1.9 Outstanding Matters;
- 19.1.10 Reports;
- 19.1.11 Notices of motion;
- 19.1.12 Questions of which notice has been given; and
- 19.1.13 General matters of an urgent nature.

19.2 The Speaker or chairperson may, in his/her discretion, at any stage bring forward any business that is on the agenda.

20. Proceedings of Order of Business

20.1 Devotion

The Chairperson will nominate a member present to open the meeting with devotion.

20.2 Notice of meeting

The notice of meeting will comply with Rule 6, 7, 8 and 9 of the Standing Rules and Orders.

20.3 Applications for leave of absence

Applications for leave of absence shall comply with Rule 13 of the Standing Rules and Orders.

20.4 **Declarations of pecuniary or other interests**

Declarations shall be dealt with in accordance with Rule 41.

Section 7(1) of Schedule 01 of the Code of Conduct for Councillors as stipulated in the Local Government Municipal Systems Act 32 of 2000, where Councillors must declare in writing to the Municipal Manager the financial interest held by that Councillor.

20.5 **Announcements/ Disclosures**

The Chairperson of the Council or Committee shall afford a member of the Committee an opportunity to make any relevant announcements or disclosures as the case may be.

20.6 **Deputations**

20.6.1 A deputation wishing to address the council or a committee of council shall submit a memorandum to the Municipal Manager in which is set out the representations it wishes to make.

20.6.2 A request by a deputation to address the council or a committee of the council must be approved by the Speaker or relevant chairperson limited to a maximum of 15 minutes per deputation.

20.6.3 The Municipal Manager shall submit the memorandum to the council or a committee of the council, which may receive the deputation.

20.6.4 Any matter requiring consideration arising from a deputation, shall not be further considered by the council or committee until the deputation has withdrawn provided that questions of clarity may be permitted.

20.6.5 A member of the public, other than a deputation, who wishes to speak at a council or committee meeting, shall obtain the permission of the Speaker or chairperson to do so, prior to the commencement of the meeting.

20.6.6 When speaking at a council or committee meeting, a member of the public and a deputation must comply with any directions or orders given by the Speaker or chairperson.

20.6.7 If a member of the public or a deputation conducts himself/herself in a disorderly and unruly manner at any time, the Speaker or chairperson must direct that that member remove himself or be removed by a Peace Officer from the precincts.

20.6.8 Any member of the public or deputation who fails or refuses to comply

with the Speaker's or chairperson's directions in terms of rule 20.6.6 shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one month or both such fine and such imprisonment.

20.7

Confirmation of minutes of previous meeting

The minutes of every meeting shall be confirmed at the next ordinary meeting of that council or committee and shall be signed by the Speaker or chairperson.

21

20.8

Matters Arising from the Minutes

20.8.1 Discussion shall be allowed upon items in the minutes of the previous meeting only for clarity and progress on implementation of resolution purposes, subject to these items not appearing as separate items on the agenda.

20.8.2 No council or committee resolution shall be amended or rescinded under matters arising other than in terms of Rule 27 and 28 of these standing rules and orders.

20.9

Outstanding Matters

20.9.1 Items discussed under outstanding matters should not have been discussed under Matters Arising and should not refer to an item included on the current agenda for discussion.

20.9.2 Refers to items that have not been resolved and still require investigation and reporting.

20.10

Reports

20.10.1 Any report submitted to the council or a committee of the council must, with the exception of a report accepted by the Speaker or chairperson as a matter of urgency, be provided to Councillors in terms of rule 8.

20.10.2 The Speaker or chairperson must allow debate in accordance with chapter 10 on any report submitted to the council or a committee of the council, at the meeting at which that report is submitted and if the debate is incomplete or does not take place for any reason whatsoever, then the debate in respect of that report shall be held, at the next meeting.

22

.11

Notices of motion

- 20.11.1 No subject shall be brought before council or a committee of council by a Councillor except by way of notice of motion.
- 20.11.2 A notice of motion must-
 - 20.11.2.1 Be in writing; and
 - 20.11.2.2 Be signed by the Councillor submitting it and by another Councillor acting as seconder; and
 - 20.11.2.3 Refer to one matter only.
- 20.11.3 A notice of motion shall be lodged with the Municipal Manager before 12h00 seven calendar days prior to the next ordinary meeting, failing which the notice will be considered at the next ensuing ordinary meeting.
- 20.11.4 The Municipal Manager must-
 - 20.11.4.1 Date and number each notice of motion;
 - 20.11.4.2 Enter each notice of motion lodged in a register, which shall be open to inspection by any Councillor and the public; and must
 - 20.11.4.3 Enter each notice of motion on the agenda in the order received.
- 20.11.5 The Speaker or chairperson shall-
 - 20.11.5.1 Read out the number of every motion and the name of the mover and seconder;
 - 20.11.5.2 Ascertain which motions are unopposed and these shall be passed without debate; and
 - 20.11.5.3 Call the movers of the opposed motions in the order they appear on the agenda.
- 20.11.6 A Councillor submitting a motion shall move such motion and shall have the right of reply.
- 20.11.7 A motion shall lapse if the Councillor and seconder who submitted it is not present at the meeting when such motion is being debated.
- 20.11.8 A Councillor shall be allowed not more than three notices of motion on the same agenda.
- 20.11.9 The Speaker or chairperson must not reject a motion received by him or her in terms of these rules.

20.11.10 The Speaker may disallow a motion which :

- a) May lead to discussions of a matter already dealt with on the agenda
- b) Addresses a matter where the Council has no jurisdiction
- c) Addresses a matter where a decision of judicial or quasi-judicial body is pending
- d) Has not been seconded as required in terms of rule 20.11.2.2
- e) If passed, would be contrary to the law

20.11.11 Notwithstanding the above, before any notice is placed on the agenda it shall be submitted to the Municipal Manager who must obtain the written technical input from the various heads of department of the municipality within a period of 30 days, if it is required, and, who, if he/she be of the opinion that it is *ultra vires* to existing legislation, shall cause the giver of the notice to be so informed. The giver of the notice shall however, have the right to appeal to a sub-committee comprised of the Speaker, Mayor and Chief Whip of the Council, who shall review the matter and decide whether or not such notice of motion be placed on the agenda.

20.12

Questions of which notice has been given

20.12.1 A Councillor may put a question requiring a written reply from any political or municipal office bearer of the municipality concerning any matter related to the effective performance of the municipality's functions and the exercise of its powers, provided that written notice of the question has been lodged with the Speaker or chairperson and the Municipal Manager at least seven (7) days prior to the council or committee meeting and the Municipal Manager must ensure that the Councillor receives a written reply from that political or municipal office bearer, at the next ordinary council or committee meeting.

20.12.2 If after a question has been replied to, a Councillor is of the opinion that the reply is not clear and is ambiguous, he or she may, with the consent of the Speaker or chairperson, request a follow up question.

20.13 General matters of an urgent nature

20.13.1 General items of an urgent nature may be placed on an agenda by the Municipal Manager and any member of the council with the prior consent of the Speaker or chairperson, which consent shall not be unreasonably withheld.

20.13.2 Prior to adoption, Councillors must be afforded reasonable time to peruse and consider any report or official documents submitted to the council.

21. Supply of information to a Councillor

21.1 No Councillor shall approach or communicate with any official of the municipal administration concerning the business of the municipality other than when exercising such rights or liberties as an ordinary member of the public.

21.2 A Councillor may approach and communicate with the Municipal Manager or any head of department or any official of the municipal administration specifically designated by the Municipal Manager or by the head of department concerned for this purpose, in order to obtain such information as he/she may reasonably require for the proper performance of such duties as a Councillor.

22. Interpretation

If a majority of Councillors present so resolve, an interpreter may be used in meetings of the council and committees of the council.

23. In-committee

23.1 Subject to rule 5, the council or a committee of council may, at any time, resolve to proceed in-committee.

23.2 The public shall be excluded from any in-committee meetings.

25

23.3 The Municipal Manager or another official exempted from this rule by

the Speaker or chairperson shall not be excluded from any in-committee meeting.

- 23.4 All proceedings in-committee must be recorded in terms of rule 18.1 and 18.2 and shall be confidential.
- 23.5 Unauthorized disclosure of any confidential matter must be dealt with in terms of the Code of Conduct.

CHAPTER 8 : VOTING

24. Decisions by voting

- 24.1 A quorum must be present in order for a vote to be taken.
- 24.2 All questions concerning the following matters must be determined by a decision taken by the council with a supporting vote of a majority of the number of Councillors determined in accordance with the municipality's establishment notice:-
- 24.2.1 The passing of by-laws;
 - 24.2.2 The approval of budgets;
 - 24.2.3 The imposition of rates and other taxes, levies and duties;
 - 24.2.4 The raising of loans;
 - 24.2.5 The rescission of a council resolution within 6 months of the taking thereof; and
 - 24.2.6 Any other matter prescribed by legislation.
- 24.3 All other questions before the council shall be decided by a majority of the votes cast by the Councillors present.
- 24.4 If on any matter there is an equality of votes, the Speaker or chairperson may exercise a casting vote in addition to a deliberative vote as a Councillor, provided that a Speaker or chairperson shall not exercise a casting vote during the election of any office bearer of council and matters listed in Section 160 (2) of the Constitution Act 106 of 1996.

25.**Method of voting**

- 25.1 Voting shall be by a show of hands unless the law prescribes otherwise, or the council or committee by resolution of a majority of the Councillors present resolves to proceed with a secret written ballot.
- 25.2 During the taking of a vote no Councillor may leave the council chamber or committee room.
- 25.3 The Municipal Manager or his/her nominee, shall count the votes cast and shall record the result of voting, but the Speaker or chairperson shall announce the result.

26.**Dissenting votes**

A Councillor may request that such dissenting vote be recorded as evidence of how he or she voted on the matter or motion.

CHAPTER 9 : REVOCATION OF COUNCIL AND COMMITTEE RESOLUTIONS**27. Revocation of Council Resolutions**

- 27.1 Approval to revoke or alter a resolution of council may not be delegated to any person or committee.
- 27.2 Prior notice of an intention to move a motion for the revocation or alteration of a council resolution must be given.
- 27.3 Any revocation or alteration of a council resolution must be made in terms of rule 27.

28. Revocation of Committee Resolutions

- 28.1 Approval to revoke or alter a resolution of a committee of the council may not be delegated to any person.
- 28.2 Prior notice of an intention to move a motion for the revocation or alteration of a resolution of a committee of the council must be given.
- 28.3 Any revocation or alteration of a resolution of a committee of the council must be approved by a majority of the members of that committee.

CHAPTER 10 : DEBATE**29. Opportunity to speak**

- 29.1 A Councillor may only speak when so directed by the Speaker or chairperson.
- 29.2 A Councillor may indicate a desire to speak by raising his/her hand and await the direction of the Speaker or chairperson, which direction must not be withheld.
- 29.3 A member who speaks shall confine his/her speech strictly to the motion or matter under discussion or to an explanation or a question of order.

30. Relevance

Every Councillor must restrict him or herself strictly to the matter under consideration.

31. Length of speeches

Other than the delivery of the Mayoral report or the presentation of the estimates of income and expenditure, no speech shall exceed five (5) minutes in length without the consent of the Speaker or chairperson.

32. Councillors to speak only once

A Councillor may not speak more than once on any motion or proposal unless permission to do so is granted by the Speaker or chairperson provided that the mover of the motion may speak to the motion, shall have the right of reply and the reply shall be confined to answering previous Speakers and shall not introduce any new matter into the debate.

33. Precedence of the Speaker or chairperson

Whenever the Speaker or chairperson rises during a debate, any Councillor then speaking or offering to speak must seat himself and the Councillor must be silent, so that the Speaker or chairperson may be heard without interruption.

34. Points of order

34.1 Any Councillor may raise a point of order at any time by standing to draw the attention of the Speaker or chairperson.

34.2 The point of order takes precedence over everything else in the meeting and the Speaker or chairperson must grant immediate hearing to the Councillor raising the point of order and rule accordingly.

34.3 The ruling of the Speaker or chairperson on a point of order shall be final and shall not be open to discussion.

34.4 Any member will only be allowed to raise one point of order during a Council meeting. Only one point of order on the same matter will be allowed.

35. Explanation

Any Councillor may speak in explanation, provided that such explanation is confined to some material part of the discussion, which may have been misunderstood.

CHAPTER 11 : CONDUCT**36. General conduct**

36.1 Councillors and officials must during any council or committee meeting-

36.1.1 Conduct the business in the highest decorum and integrity that the occasion deserves;

36.1.2 At all times adhere to the principles contained in the code of conduct and these rules and orders;

36.1.3 At all times adhere to the rule of law and the by-laws of the municipality;

36.1.4 Be dressed appropriately formal for the dignity of the meeting;

36.1.5 Not use offensive or objectionable language; and

36.1.6 Not use a cellular phone during, bring a firearm or any dangerous weapon into, a meeting of council or any of its committees.

37. Misconduct

37.1 The Speaker may order a Councillor or official to withdraw and apologise for any word/s, statement/s, opinion or gesture made by that councillor.

37.2 If a Councillor or Councillors, official or officials behave improperly during a meeting of council or any of its committees, the Speaker shall direct the Councillor or Councillors, official or officials to conduct himself or themselves properly and, if speaking, to stop speaking and resume his/her seat or seats.

37.3 In the event of persistent disregard of the directions of the Speaker, the Speaker shall direct such Councillor or Councillors, official or officials to retire from the meeting and remove himself or themselves from the place of meeting until the item under discussion has been finalized.

- 37.4 In the event that any misconduct by a Councillor or Councillors prejudices the proceedings of the council or committee the Speaker or chairperson must adjourn the meeting to another day or hour but not later than fourteen (14) days after the original meeting and any such misconduct by a Councillor or Councillors must be dealt with in terms of these standing rules and order and the Code of Conduct.
- 37.5 Any Councillor who refuses to leave a meeting of the council or a committee of the council when directed to do so by the Speaker or chairperson of a meeting in terms of any rule in these rules and orders, may be forcibly removed by an authorized official and shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment.
- 37.6 Any official who refuses to leave a meeting of the council or a committee of the council when directed to do so by the Speaker or chairperson of a meeting in terms of any rule in these rules and orders, may be forcibly removed by an authorized official and shall be charged with misconduct in terms of the disciplinary regulations.

CHAPTER 12 : COMMITTEES**38. Rules Committee**

38.1 The municipal council may by resolution of a majority of Councillors establish a special committee to be known as the Rules Committee to investigate and make findings on any alleged breaches of the Code of Conduct, including sanctions for non-attendance at meetings and to make recommendations regarding any other matter concerning the Rules and Orders.

38.2 The Rules Committee shall consist of the Speaker, the Mayor and one representative of each political party represented on the council, such representative to be nominated from time to time by each political party.

39. Own rules

39.1 Every committee of the council shall determine its own procedures subject to any directions from council and these standing rules and orders.

39.2 Chapter 10 of these rules and orders may be relaxed by a chairperson of a committee to accommodate interactive and effective participation, provided that the chairperson may, at his/her discretion, apply the provisions of any rule contained in chapter 10.

40. The chairperson

40.1 The chairperson of a committee shall-

40.1.1 Preside at every meeting of the committee at which he or she is present; and

40.1.2 Be entitled to vote in the first instance and in the case of an equality of votes in addition to his/her deliberative vote, shall give a second or casting vote.

40.2 In his/her absence, the acting or deputy chairperson shall have the same powers and rights of voting as those possessed by the chairperson.

CHAPTER 13 : PECUNIARY INTEREST**41. Declaration of pecuniary interest**

41.1 A Councillor must disclose to the municipal council , or to any committee of which that Councillor is a member, any direct or indirect personal or private business interest that that Councillor, or any spouse, partner or business associate of that Councillor may have in any matter before the council or committee.

41.2 The Councillor making a declaration must withdraw from the proceedings of the council or committee unless the council or committee decides that the Councillor's direct or indirect interest in that matter is trivial or irrelevant.

41.3 A Councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the Councillor is aware at the first meeting of the council at which it is possible for the Councillor to make disclosure

41.4 The disclosure of interests in terms of rule 41(1) and benefit in terms of rule 41(3) does not apply to an interest or benefit which a Councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality

CHAPTER 14 : BREACH AND SANCTIONS**42. Breach**

Any Councillor who fails or refuses to obey any of these rules and orders, or any resolution of Council, may be guilty of a breach of the Code of Conduct.

43. Sanction

Where it is alleged that a Councillor has breached these rules, the council must, in terms of Item 14 of the Code of Conduct for Councillors as stipulated in the Local Government Municipal Systems Act 32 of 2000, investigate the alleged breach and may impose a penalty as per the schedule of fines attached as annexure A to the Standing Rules and Orders.

CHAPTER 15 : GENERAL PROVISIONS**44. Suspension of a rule or order**

44.1 In instances of urgency or where a council considers that adherence to a rule would be unreasonable and would prejudice the operation of a meeting of the council, then the council may with the approval of the majority of the number of Councillors of the municipality and for the duration of that meeting, temporarily relax the provisions of a rule, provided that:

44.1.1 Such relaxation must not be in contravention of any national or provincial legislation or any by-law of the municipality;

44.1.2 No rule may be relaxed when the removal of any political office bearer is before the council.

44.2 The suspension or relaxation of the rule relates to an item on the agenda for the meeting of the council or committee of the council; and

44.3 Rule 20.11 must not be suspended;

44.4 The reasons for the suspension of the rule are recorded in the minutes of the meeting.

45. Dress code

45.1 Councillors and officials must during any council or committee meetings be dressed appropriately for the dignity of the meeting.

45.2 They must be dressed either formally (collar and tie), smart casual or, in a traditional attire.

45.3 The following items shall not be regarded as proper dress code for a meeting of council or any of its committees:

45.3.1 Canvass shoes or tekkies;

45.3.2 Dark sunglasses except on medical grounds;

45.3.3 Hats or caps;

45.3.4 Tracksuits

45.3.5 T-shirts;

45.3.6 Political party attire;

45.3.7 Short pants.

- 45.2 Notwithstanding the provisions of any resolution passed in accordance with 45.1, no Councillor shall be allowed to wear any clothing or accessory containing party political paraphernalia to any meeting.

46. Adoption as by-laws

These rules and orders must be adopted as a by-law of the municipality.

47. Repeal of existing by-laws

The council's existing by-laws in respect of rules and orders are hereby repealed.

48. Short title and commencement

These standing rules and orders shall be called the Maphumulo Local Municipal Standing Rules and Orders, and shall come into operation on date of promulgation in the Provincial Gazette.

ANNEXURE A**SCHEDULE OF FINES**

This Schedule shall serve as a guideline to Council on the determination of sanctions in terms of the Code. The sanctions included in this Schedule shall be read in conjunction with relevant by-laws and adopted policies.

OBLIGATION	ITEM OF THE CODE	PENALTY
<p>A councillor must-</p> <p>a) perform the functions of office in good faith, honestly and a transparent manner; and</p> <p>b) at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.</p>	Item 2 of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 1 month salary, which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; or</p> <p>(e) request the MEC to remove the councillor from office.</p>
<p>A councillor may not vote in favour of or agree to a resolution which is before the council or a committee of the council which conflicts with any legislation applicable to local government.</p>	Item 2A of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor a minimum of 2 month salary, which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; or</p> <p>(e) request the MEC to remove the councillor from office.</p> <p>Where the consequences of the unlawful votes have detrimental financial implications, Council or other authorities may also institute civil recovery proceedings.</p>
<p>A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or that councillors is required in terms of the Code to withdraw from the meeting.</p>	Item 3 of the Code	<p>A councillor who is absent at a meeting of the council or committee of council without obtaining leave of absence is liable for a fine of 2 weeks salary per meeting, which must be deducted from that councillor's allowance. This must also apply where leave of absence is declined and the councillor nonetheless remains absent at such a meeting.</p>

		<p>A councillor who fails to remain in attendance at a Council or committee meeting for a period exceeding an hour without having obtained the consent of the Council or the committee is liable for a fine of 2 weeks salary per meeting, which must be deducted from that councillor's allowance</p> <p>A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3, must be removed from office as a councillor. The Process outlined in Chapter 3 must be followed when removing a councillor in terms of this Item.</p>
<p>A councillor must-</p> <p>a) disclose to the municipal council, or to any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and</p> <p>b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.</p> <p>A councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council at which it is possible for the councillor to make the disclosure.</p>	Item 5 of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <p>(a) fine the councillor 1 month's salary which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; or</p> <p>(e) request the MEC to remove the councillor from office.</p>
<p>A councillor may not use the position or privilege of a councillor, or confidential information of a councillor, for private gain or to improve the position of another person.</p> <p>1) A councillor may not accept with the prior consent of the municipality or council</p> <p>2) A councillor may not-</p> <p>a) be a party to or beneficiary under a contract for the provision of goods or services to the municipality; or the performance of any work otherwise than for the municipality; obtain a financial interest in any business or other consideration appearing on behalf of any other person before the council or committee.</p> <p>b)</p> <p>c)</p>	<p>Item 6 of the Code</p> <p>1) A councillor may not accept with the prior consent of the municipality or council</p> <p>2) A councillor may not-</p> <p>a) be a party to or beneficiary under a contract for the provision of goods or services to the municipality; or the performance of any work otherwise than for the municipality; obtain a financial interest in any business or other consideration appearing on behalf of any other person before the council or committee.</p> <p>b)</p> <p>c)</p>	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may</p> <p>a) (a) fine the councillor 1 month salary which must be deducted from that councillor's allowance;</p> <p>(b) issue a formal warning;</p> <p>(c) reprimand the councillor;</p> <p>(d) request the MEC to suspend the councillor for a certain period; or</p> <p>(e) request the MEC to remove the councillor from office.</p> <p>Council or other authorities may also consider instituting criminal proceedings.</p>

When elected or appointed, a councillor must within 60 days declare in writing to the municipal manager the following financial interests held by that councillor; a) shares and securities in any company;		This shall depend on the severity of the action/s of the councillor. The Council may-
36		
b) membership of any close corporation; c) interest in any trust; d) directorships; e) partnerships; f) other financial interests in any g) interest in property; pension; and h) subsidies, grants and sponsorships by any organisation Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the municipal manager annually Gifts received by a councillor above a prescribed amount must also be declared in accordance with subitem (1).		(a) fine the councillor 3 weeks salary which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; or (e) request the MEC to remove the councillor from office. Council or other authorities may also consider instituting criminal proceedings.
A councillor who is a full-time councillor may not undertake any other paid work, except with the consent of municipal council which consent must not unreasonably be withheld.	Item 8 of the Code	This shall depend on the severity of the action/s of the councillor. The Council may- (a) fine the councillor a minimum of 2 weeks salary which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; or (e) request the MEC to remove the councillor from office.
A councillor may not request, solicit or accept any reward, gift or favour for- a) voting or not voting in a particular matter on any matter before the municipal council or before a committee of which councillor is a member; b) persuading the council or any committee regard to the exercise of any power, function or duty; c) making a representation to the council or committee of the council; or d) disclosing privileged or confidential information	Item 9 of the Code	This shall depend on the severity of the action/s of the councillor. The Council may- (a) fine the councillor a minimum of 4 months' salary which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; or (e) request the MEC to remove the councillor from office.

A councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorised person.	Item 10 of the Code of Conduct for Councillors	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 4 months' salary which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a
<p>A councillor may not, except as provided by law-</p> <ul style="list-style-type: none"> a) interfere in the management or administration of any department of the municipal council unless mandated by the council; b) give or purport to give any instruction to an employee of the council except when authorised to do so; c) obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council; d) encourage or participate in any conduct which would cause or contribute to maladministration in the council. 	Item 11 of the Code of Conduct for Councillors	<p>certain period; or</p> <p>(e) request the MEC to remove the councillor from office.</p> <p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 3 months' salary which must be deducted from that councillor's allowance; issue a formal warning; (b) reprimand the councillor; (c) request the MEC to suspend the councillor for a certain period; or (d) request the MEC to remove the councillor from office.

A councillor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that councillor has no right.	Item 12 of the Code	<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 4 months' salary which must be deducted from that councillor's allowance; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; and (e) request the MEC to remove the councillor from office. <p>Council or other authorities may also consider instituting criminal proceedings.</p>
Assaulting any person on municipal premises or on municipal business.		<p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 4 months' salary; (b) request the MEC to suspend the councillor for a certain period; and (c) request the MEC to remove the councillor from office. <p>Council or other authorities may also consider instituting criminal proceedings.</p>
Stealing any property from municipal premises.		<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 4 months salary; (b) request the MEC to suspend the councillor for a certain period; and (c) request the MEC to remove the councillor from office. <p>Council or other authorities may also consider instituting criminal proceedings.</p>

Malicious injury to municipal property.		<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 4 months' salary; (b) request the MEC to suspend the councillor for a certain period; and (c) request the MEC to remove the councillor from office. <p>Council or other authorities may also consider instituting criminal proceedings.</p>
---	--	--

Being under the influence of alcohol or intoxicating drugs or partaking of alcohol or intoxicating drugs in any meeting of the Council or Committee of the Council.		<p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 1 months' salary; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; and (e) request the MEC to remove the councillor from office. <p>Council or other authorities may also consider instituting criminal proceedings.</p>
Failing to fall silent when the Presiding Officer speaks or rises during a meeting.		<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 2 weeks' salary; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; and (e) request the MEC to remove the councillor from office.
Failing to obey any ruling, order or directive of the Presiding Officer at any meeting of the Council or any Committee		<p>This shall depend on the severity of the action/s of the councillor.</p> <p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 2 weeks' salary; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; and (e) request the MEC to remove the councillor from office.
Failing to leave the Chamber or Committee Room when ordered to do so by the Presiding Officer.		<p>The Council may-</p> <ul style="list-style-type: none"> (a) fine the councillor a minimum of 2 weeks' salary; (b) issue a formal warning; (c) reprimand the councillor; (d) request the MEC to suspend the councillor for a certain period; and (e) request the MEC to remove the councillor from office.

MUNICIPAL NOTICE 346 OF 2023

UMZINYATHI DISTRICT MUNICIPALITY

**STANDING RULES AND ORDERS OF
COUNCIL AND COMMITTEES OF COUNCIL**

AS APPROVED AND AMENDED BY COUNCIL IN TERMS OF
RESOLUTION:

RESOLUTION NUMBER	GAZETTE NUMBER	DATE OF GAZETTE
UDM 110/2022/23		

RULES AND ORDERS OF UMZINYATHI MUNICIPAL COUNCIL AND COMMITTEES OF THE COUNCIL BY-LAW

Be it enacted by the Council of the uMzinyathi District Municipality, in terms of Section 156(2) of the Constitution of the Republic of South Africa, 1996, read with Section 11(3) of the local government: Municipal Systems Act 2000 (Act No. 32 of 2000) as follows:

ARRANGEMENT OF SECTIONS

Section:

CHAPTER 1

1. Definitions

CHAPTER 2

APPLICATION AND INTERPRETATION OF RULES AND ORDERS

2. Application of these Rules and Orders
3. Interpretation of these Rules and Orders

CHAPTER 3

FREQUENCY, ADMISSION OF PUBLIC AND NOTICE OF MEETINGS

4. Council meetings
5. Admission of public
6. Notice to attend an ordinary council meeting
7. Special meetings
8. Service of notices and agenda
9. Non-receipt of notice

CHAPTER 4

QUORUM

10. Quorum
11. Cancellation and adjournment in absence of quorum

CHAPTER 5 ATTENDANCE

- 12. Attendance
- 13. Leave of absence
- 14. Non-attendance

CHAPTER 6 ADJOURNMENT

- 15. Adjourned meeting
- 16. Continuation meeting

CHAPTER 7 PROCEEDINGS

- 17. Speaker and Chairpersons of meetings
- 18. Minutes
- 19. Order of business
- 20. Confirmation of minutes of previous meeting
- 21. Deputations
- 22. Reports
- 23. Motions
- 24. Questions
- 25. Supply of information to councilors
- 26. General matters of an urgent nature
- 27. Interpretation
- 28. In-committee

CHAPTER 8 VOTING

- 29. Decisions by voting

30.Method of voting

31.Dissenting votes and Abstention

CHAPTER 9

REVOCATION OF COUNCIL AND COMMITTEE RESOLUTIONS

32.Revocation of council resolutions

33.Revocation of committee resolutions

CHAPTER 10

DEBATE

34.Opportunity to speak

35.Relevance

36.Length of speeches

37.Councillors to speak only once

38.Precedence of the speaker or chairperson

39.Points of order

40.Explanation

CHAPTER 11

CONDUCT

41.General conduct

42.Misconduct and Disorderly Conduct of a Councillor or persons other than Councilors

CHAPTER 12

COMMITTEES

43.Rules Committee

44.Own rules

45.The chairperson

CHAPTER 13

PECUNIARY INTEREST

46.Declaration of pecuniary interest

CHAPTER 14 BREACH AND SANCTIONS

- 47. Breach
- 48. Sanction

CHAPTER 15 GENERAL PROVISIONS

- 49. Suspension of a rule or order
- 50. Adoption as by-law
- 51. Repeal of existing Rules and Orders
- 52. Short title and commencement

CHAPTER 1 DEFINITIONS

Definitions

1. In these Rules and Orders, unless inconsistent with the context "Authorized Person" means an official of the municipality authorized by the Municipal Manager to perform a specific task in terms of these Rules and Orders.

"**By-Law**" means legislation passed by the council of a municipality.

"**Calendar Day**" means a twenty-four-hour day as denoted on the calendar.

"**Chairperson**" means a councillor elected in a permanent or acting capacity to control and conduct any meeting of a committee of council.

"**Constitution**" means the Constitution of the Republic of South Africa, 1996

"**Council**" means —

A) The UMzinyathi District Municipality, exercising its legislative and executive authority through its municipal council.

B) Its successor-in-title.

C) A structure or person exercising a delegated power or carrying out an instruction, where any power in these Rules and Orders has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Systems Act; and

D) A service provider fulfilling a responsibility under these Rules and Orders.

"Code of Conduct" means the Code of Conduct for Councillors contained in Schedule 1 to the Systems Act.

"Contact Details" means a physical address, postal address, electronic mail address, telephone number, facsimile number, and cellular phone number:

"Councillor" means a member of a municipal council.

"Day" means any ordinary day other than a Saturday, Sunday or Public Holiday, except where otherwise stated.

"Deputation" means a person or group of persons who wish to appear personally, before the council or a committee of the council in order to address the council or committee of the council.

"Executive Committee" means the council's executive committee established in terms of section 43 of the Structures Act.

"In-Committee" means any council or committee meeting at which the public and or officials of the municipality are excluded.

"Integrated Development Plan" means a single, inclusive, and strategic plan for the development of the municipality and applicable in terms of Chapter 5 of the Systems Act.

"Mayor" means a councillor elected as the mayor of the municipality in terms of section 48 of the Structures Act.

"Meeting" means a meeting of the council or any one of its committees.

"Municipality" means the UMzinyathi District municipality established in terms of section 155(6) of the Constitution, 1996, and established by and under sections 11 and 12 of the Structures Act, read with sections 3, 4 and

5 of the KwaZulu-Natal Determination of Types of Municipality Act) 2000 (Act No. 7 of 2000).

"Municipal Asset" means any movable, immovable, corporeal, incorporeal, tangible, and intangible property to which the municipality holds title.

"Municipal Manager" means the person appointed municipal manager in terms of section 54A of the Systems Act and includes any person acting in that capacity.

"Notice of Motion" means the instrument by which councillors may REQUEST to bring items on to the agenda of a council meeting or any other meetings of Council Committees in terms of section 23 of these Rules and Orders.

"Peace Officer" means any person declared as a Peace Officer in terms of the Criminal Procedure Act No. 51 of 1977.

"Point of Order" means the pointing out of any deviation from or anything contrary to, the conduct and or any other irregularity in the proceedings of a meeting.

"Precincts" means the council chamber and all places of meeting, the areas to which the public are allowed access and all other venues where the meetings of the council or a committee of the council are conducted.

"Public" includes the media and means any person residing within the Republic of South Africa.

"Service Delivery Agreement" means an agreement between a municipality and an institution or person mentioned in section 76(b) of the Systems Act in terms of which a municipal service is provided by that institution or person, either for its own account or on behalf of the municipality.

"Speaker" means the chairperson of the council elected in terms of section 36 of the Structures Act and includes any acting speaker when he or she is elected to perform the functions of the speaker.

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

"Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

"Table" means to submit a report or any official document to the council or a committee of council for consideration at a meeting of the council or a committee of council of which notice has been given in terms of these Rules and Orders.

CHAPTER 2

APPLICATION AND INTERPRETATION OF RULES AND ORDERS

Objects of the Rules

2.0 The objects of these Rules and Orders is to prescribe Rules for Council and its Committees for its:

- (a) internal arrangements; and
- (b) business and proceedings.
- (c) for the legal and smooth conduct of all meetings and gatherings of Council.

Application of this by-law these Rules and Orders

2.1 The rules of order contained herein apply to all physical and virtual meetings of the Municipal Council and any Committee of the Municipal Council as well as any other committee of Councillors established within the municipality unless the terms of reference for a specific structure explicitly excludes the application of the rules for such structure.

2.2 These Rules and Orders governs the proceedings of the Council and Committees of the council which bind and must be complied with by:

- A. All Councillors.
- B. Any member of the public while present in the precincts.
- C. Any deputation addressing the council or a committee of the council.
- D. Any municipal official of the municipality; and Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act.
- E. Officials from Government Departments.

Interpretation of these Rules and Orders

3.1 Any interpretation of these Rules and Orders must be made having due regard to the supremacy of the Constitution, national, provincial, and municipal legislation, the rule of law and the rules of natural justice.

3.2 The ruling of the Speaker or Chairperson with regard to the interpretation of these Rules and Orders at a meeting of the council or committee of the council will, subject to sections 3.5 and 3.6, be final and binding.

3.3 The interpretation and the ruling of the Speaker or Chairperson on any of these Rules and Orders must be recorded in the minutes of the Council or Committee meeting.

3.4 The Municipal Manager must keep a register of the rulings and resolutions of Council and legal opinions.

3.5 Any Councillor may request the Municipal Manager, in writing within five (5) days from a ruling made in terms of section 3.2, to obtain clarity on the interpretation and ruling and to report to the Council or Committee of the Council.

3.6 The Council or Committee of the Council may after consideration of the report in terms of section 3(e) confirm, amend, or substitute the ruling of the Speaker or Chairperson, subject to any rights which any third party may have accrued as a result of the ruling and all decisions effecting the rights of others must be in writing and reasons must be recorded of such decisions.

CHAPTER 3

FREQUENCY, ADMISSION OF PUBLIC AND NOTICE OF MEETINGS

Council meetings

4.1 The Council must hold an Ordinary Meeting of the Council not less than **once** in **every three months**.

4.2 The Speaker must convene all meetings of the council in accordance with

Section 4.1 and subject to section 6.

Admission of public

5.1 All meetings of the Council and those of its Committees must be open to the public, and the Council or Committee of the council may not exclude the public from a meeting, other than when the Council or Committee, due to the nature of the business being transacted or when the disclosure of any matter may be prejudicial to the interests of the municipality, deems it

reasonable and justifiable to do so having due regard to the principles of an open and democratic society.

5.2 The Council or a Committee of the Council may not for any reason whatsoever, exclude the public when considering, voting, or noting any of the following

matters —

A) A draft by-law tabled in the council.

B) A budget tabled in the council.

C) The municipality's integrated development plan, or any amendment of the plan, or any amendment of the plan tabled in council.

D) The municipality's performance management system, or any amendment of the system, tabled in council.

E) The decision to enter into a service delivery agreement.

F) Any reports on an award in terms of supply chain management policy.

G) The disposal or acquisition of municipal capital asset.

H) Any other matter prescribed by legislation.

5.3 The Municipal Manager must give notice to the public, in a manner determined by the Council, of the time, date and venue of every ordinary meeting of the Council or Committee of the council and any special or urgent meetings of the Council or Committee of the council, except when time constraints make this impossible.

5.4 Members of the Council together with members of the public attending any Council or Committee meetings must accord the meeting the dignity it deserves by dressing appropriately as per Rule 41 (d) and must not wear any attire which could be ascribed to a political party. The members of the Council must always be formal and smart casual when attending meetings.

Notice to attend an Ordinary Council Meeting

6.1 The Speaker must convene meetings of the council, at least once every three months, through a duly signed "Notice of Council Meeting", stating the date, place, and time of the meeting, and accompanied by or containing the agenda of the proposed meeting.

6.2 Notice to attend a meeting in terms of section 6.1 must be given at least:

- A. Five (5) calendar days prior to an ordinary meeting; and
B. Two (2) calendar days prior to a special meeting.***

Special meetings

7.1 The speaker must call a special meeting of the council –

For the purpose of pertinent or urgent council business; or

At the request of a majority of the councillors of the municipality.

7.2 A special meeting must be held in compliance with section 6(2)(b) and in terms of section 7.1 (b) no later than four days from the date of receipt of a request.

A request for the calling of a special meeting, as contemplated in section 7(1)

A), must: —

Be signed by no less than fifty percent plus one of all councillors of the municipality; and

B) Be accompanied by —

i) A duly signed notice of motion; and

ii) A written statement by the councillor signing the notice of motion giving reasons as to why the intended business of the special meeting is urgent and cannot wait for an ordinary meeting of the council.

C) If the speaker fails to convene a meeting in terms of this section, the municipal manager must convene such meeting and conduct an election of an acting speaker in terms of section 41 of the Structures Act.

Service of notices and agenda

Notice to attend a meeting or any other official communication from the council, must be delivered to –

A. physical address within the area of jurisdiction of the municipality; or
an e-mail address.

B. Facsimile; or by a short message service (**whatsapp**)

Provided that contact details must be supplied by each Councillor to the municipal manager in writing within two days of a Councillor's election and, thereafter, whenever the Councillor wishes to change either address or which address the Councillor will accept service and or receipt of any notice to attend a meeting and any other official communication from the council.

8.2 All documentation relevant to any Council or Committee meeting, except special meetings convened in terms of section 7, must be given to all Councillors at least **five (5) calendar days** prior to an Ordinary Council or Committee meeting and **two (2) calendar days** prior to a Special Council or Special Committee meeting.

8.3 All Councillors must inform the Speaker of any change of his contact details within three days of such change.

8.4 Subject to section 5.3, notice to attend a meeting must be displayed on the public notice boards of the municipality.

Non-receipt of notice

9.1 A Councillor may request an investigation regarding the non-receipt of a notice to attend a meeting.

9.2 non-receipt of a notice to attend a meeting will not affect the validity of any meeting or proceedings of Council or any of its Committees.

CHAPTER 4

QUORUM

QUORUM

1.0.1.1 Notwithstanding that there may be vacancies, the quorum of a Council must be fifty percent plus one of the total number of Councillors determined in accordance with the municipality's establishment notice, before a vote may be taken on any matter.

1.0.1.2 Subject to a quorum, the failure of any Councillor to vote will not invalidate the proceedings of the council meeting.

1.0.2.3 Notwithstanding that there may be vacancies, a majority of the number of Councillors appointed to a Committee of council must be present at a meeting of the Committee before a vote may be taken on any matter.

10.2.4 Subject to a quorum, the failure of any Councilor to vote will not invalidate the proceedings of the Committee meeting.

Cancellation and adjournment in absence of quorum

Cancellation

11.1 No meeting may take place, if no quorum is present **fifteen minutes** after the time at which a meeting was due to commence, unless it is unanimously agreed by the Councillors present to allow further time not exceeding a further fifteen minutes for a quorum, where after if no quorum is present, the meeting must be cancelled.

Adjournment in the event of no Quorum

11.2 If during discussion on an item at any meeting of Council or any of its Committees the attention of the Speaker or Chairperson is called to the number of Councillors present, he or she must —

A) Count the Councillors present.

B) If it is found that there is no quorum, the Speaker or Chairperson must adjourn the meeting and allow an interval of **fifteen minutes** for a quorum to become present.

C) In the event of virtual meeting, the Chairperson to request administration to determine there are no technical glitches preventing councillors from joining the meeting before reaching any decision.

D) If a quorum becomes present after the adjournment, then the meeting must continue.

E) If no quorum becomes present after the adjournment, then the Chairperson or Speaker must forthwith adjourn the meeting.

Continuation Meeting

11.3 When a meeting is adjourned, notice of the Continuation Meeting shall be served in terms of these Rules and Orders.

11.4 When a meeting is adjourned as a result of no quorum, the meeting will be **reconvened within seven (7) days** as a continuation meeting.

CHAPTER 5 ATTENDANCE

Attendance

12.0 All Councillors must attend physically when there is an Ordinary Meeting and Special Meetings can be either physical or virtual.

12.1 All Councillors must punctually attend and remain in attendance at each meeting of the council and a committee of which that Councillor is a member except when –

- a) Leave of absence is granted in terms of Section 13,
- b) That Councillor is required to withdraw in terms of Section 46(b); or
- c) That Councillor is absent with the permission of the Speaker or Chairperson.

12.2 Each Councillor attending any meeting of the Council, or a Committee of the Council must sign an attendance register provided for that purpose or it will be automatically generated for those who have logged on the virtual meetings.

12.3 The attendance register must be filed in the office of the Municipal Manager.

12.4 During virtual meetings, Councillors and other participants should:

(a) Each Councillor must make sure s/he log in early for the meeting for the purpose of network.

(b) Ensure that they are identifiable by capturing their name and surname on the virtual software. The name will then be visible to other participants. In order to avoid or mitigate the cybersecurity risks, the meeting organizer or Chairperson may perform the following:

(i) require meeting participants to enter a password when joining the meeting. The password would have been supplied with the meeting invite;

(ii) Lock meeting or reject any new connections to the meeting when it has already started; and

(iii) Terminate the session of any participants that is not identifiable by name.

(b) Turn off the camera or video function on the device they are using to participate in the meeting. The camera or video must be turned off before the start of the meeting;

(c) Mute the microphone of the device they are using to participate in the meeting when not speaking. The microphone must be muted immediately after joining the meeting;

(d) Use the camera or video or click the hand button to raise a hand to engage in the dialogue; and

(e) Wait to be called upon or recognized by the Chairperson of the meeting speak or unmute the microphone.

12.5 Any Councillor who is entitled to leave of absence in terms of Section 13 and no longer requires such leave, is entitled to attend, participate, and vote in the meeting from which leave of absence was granted and sign the attendance register.

Leave of absence

13.1 Leave of absence must not be granted by the Speaker or Chairperson in such a manner that more than the number required for a quorum will at any one time be absent.

13.2 If a Councillor —

- a) Is unable to attend a meeting of which notice had been given; or
- b) Is unable to remain in attendance at a meeting; or
- c) Will arrive after the stipulated commencement time of a meeting.

He or she will, as soon as is reasonably possible and prior to that meeting, lodge with the Municipal Manager a **written application** for leave of absence from the whole or any part of the meeting concerned, which application must provide reasonable and bona fide reasons for the application and show good cause for the granting of the application.

13.3 The Municipal Manager must as soon as possible inform the Speaker or Chairperson of the meeting concerned of any application for leave of absence received.

13.4 The Speaker or Chairperson of the meeting concerned must as soon as possible consider an application for leave of absence and either grant or reject the application with reasons and immediately inform the municipal manager of his decision.

13.5 The Municipal Manager must as soon as be reasonably possible, inform a Councillor who has applied for leave of absence of the speaker or Chairperson's decision.

13.6 A Councillor will be deemed absent without leave from the meeting concerned where an application for leave of absence has not been granted and he or she:

- a) Failed to attend a meeting; or
- b) Failed to remain in attendance at a meeting.

13.7 Where a Councillor fails to remain in attendance at a meeting —

- a) Without being granted permission to do so; or
- b) Without obtaining permission from the speaker or chairperson to leave prior to the close of the meeting,

The time of leaving must be recorded in the minutes of the meeting and that Councillor will be deemed to have been absent without leave at that meeting.

13.8 Where a Councillor arrives late at a meeting, without obtaining permission to do so, the time of arrival and the reasons for the late attendance must be recorded in the minutes of the meeting and the Councillor may attend the meeting and sign the attendance register in terms of Section 12.2.

13.9 Leave of absence for **two or more consecutive Council or Committee meetings** must be sanctioned by the council or the relevant committee.

Non-attendance

14.1.1 Subject to compliance with the procedure set out in section 13 and the provisions of item 4(2) of Schedule 1 of the Systems Act, a Councillor who is absent without good cause from a meeting, of which notice has been given, will be liable to pay a fine equivalent to one week's remuneration, which fine may be deducted from remuneration due to the Councillor concerned.

14.1.2 A Councillor who is absent from **three or more consecutive meetings** of a municipal council, or from three or more consecutive meetings of a committee, which that Councillor is required to attend in terms of item 3 of Schedule 1 of the Systems Act, must be removed from office as a Councillor in accordance with section 14(2) (e) of the Systems Act.

14.1.3 Proceedings for the imposition of a fine or the removal of a Councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt

14.2 Where a Councillor has been absent without obtaining leave from a meeting:

A) The Rules Committee as contemplated in Section 43 of the Rules and Orders of Council or the speaker or chairperson as the case may be, must invite the Councillor to provide a formal explanation setting out the reasons for the Councillor's absenteeism from the meeting.

B) The Speaker or Chairperson must consider the explanation and decide whether or not the Councillor was absent with good cause, providing appropriate reasons for the decision.

C) The Councillor may appeal in writing to the speaker's or chairperson's decision within seven days of receipt of such decision.

The Council or Committee, as the case may be, must —

(i) Allow the Councillor an opportunity to make representations, oral or written.

(ii) Consider the Councillor's appeal, together with any comments from the Speaker or Chairperson of the meeting concerned; and

(iii) Make a finding as to whether the Councillor was absent with or without good cause.

14.3 The Municipal Manager must keep a record of all incidents in respect of which Councillors have been found to be absent or deemed to be absent without leave and without good cause and must submit a written report to the Speaker whenever a Councillor is absent from three or more consecutive meetings which that Councillor was required to attend.

14.4 Where the Speaker receives a report in terms of section 14.3, the Speaker must submit the report to council and direct that the matter be investigated in accordance with Item 14 of the Code of Conduct for Councillors.

CHAPTER 6

ADJOURNMENT

Adjourned meetings

15. Subject to Section 11.3, a Council or Committee meeting may, by majority vote, be adjourned to another day or hour but no later than 14 days after the original meeting.

Continuation meeting

16.1 When a meeting is adjourned, notice of the continuation meeting must be served in terms of Section 8 of the Rules and Orders of Council.

16.2 No business will be transacted at a continuation meeting except such as is specified in the notice of the meeting, which was adjourned.

CHAPTER 7

PROCEEDINGS

Speaker and Chairpersons of meetings

17.1 At every meeting of the Council, the Speaker, or if he or she is absent, an acting Speaker, will be the Chairperson and will perform the duties stipulated in terms of section 37 of the Structures Act and must ensure that each Councillor when taking office is given a copy of these Rules and Orders and the Code of Conduct for Councillors.

17.2 The Speaker or Chairperson of Council and Committee meetings —

- a) Must maintain order during meetings.
- b) Must ensure compliance in the council with the Code of Conduct for Councillors; and
- c) Must ensure that meetings are conducted in accordance with these Rules and Orders.

17.3 If the Speaker or Chairperson of the Council or Committee of the council is absent or not available to perform the functions of Speaker or Chairperson, or during a vacancy, the council or committee under the direction of the Municipal Manager or his/her nominee must elect another Councillor to act as Speaker or Chairperson as the case may be.

17.4 No meeting of the council or a committee of the council may commence or continue unless a speaker or chairperson presides at a meeting.

Minutes

18.1 The proceedings of every council meeting must be accurately and electronically recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.

18.2 Written minutes of the proceedings of each council and committee meeting must contain an accurate record of the resolutions adopted by council at such meeting.

18.3 The approved minutes of every meeting of a council or committee other than in committee meetings must be available to the public.

18.4 Where the Municipal Manager is of the opinion that any resolution or proceeding of a council or committee meeting may be in contravention of any law or by-law, he or she must advise the council or committee accordingly and full details of such opinion must be recorded in the minutes.

Order of business

19.1 The order of business at every meeting of the council or its executive committee or committee of council, as may be applicable, is as follows:

Council	Executive Committee	Committee
Opening: Moment of reflection	Opening: Moment of reflection	Opening: Moment of reflection
Notice of the meeting	Notice of the meeting	Notice of the meeting
Granted leave of absence	Applications for leave of absence	Applications for leave of absence
Acceptance of the agenda	Acceptance of the agenda	Acceptance of the agenda
	• Declaration of interest	Declaration of interest

<p>Declaration of interest</p> <p>Announcements</p> <p>Deputations</p> <p>Confirmation of minutes from the previous meeting Outstanding matters</p> <p>Submission of reports from Council representatives from District/Local municipality</p> <p>Reports of the Executive Committee / Executive Mayor, under the sections:</p> <p>recommendations to the council, decisions under delegated authority and decisions of the Executive Committee</p> <p>Reports from MPAC</p> <p>Report from the Audit Committee</p> <p>Reports on wards</p>	<ul style="list-style-type: none"> • Announcements • Presentations <p>Confirmation of minutes from previous minutes</p> <p>Outstanding matters</p> <p>Reports from Portfolio Committees Reports from Audit Committees</p> <p>Reports for noting</p> <p>Reports for consideration In-Committee reports</p> <p>Urgent reports allowed-only with the consensus of the chairperson; and</p>	<ul style="list-style-type: none"> • Announcements • Presentations <p>Confirmation of minutes from previous minutes</p> <p>Outstanding matters</p> <p>Reports for noting</p> <p>Reports for consideration In-Committee reports</p> <p>Notice of Motion</p> <p>Urgent reports allowed only with the consensus of the chairperson;</p>
<p>Committees/ consolidated report on ward committees Report on SALGA activities</p>		

Monthly Activities Input by the Traditional Leader Reports for noting Reports for consideration Reports - In-Committee; Notice of Motion Questions of which Notice has been given Urgent reports - allowed only with the consensus of the chairperson; and General matters of an urgent nature		
---	--	--

19.2 The Speaker or Chairperson may, in his discretion, at any stage bring forward any business that is on the agenda paper.

Confirmation of minutes of previous meeting

20.1 *The minutes of Ordinary meetings must be confirmed at the next Ordinary meeting of that Council or Committee and must be signed by the Speaker or Chairperson and the minutes of the Special meetings must be confirmed at the next Special Meeting of that Council or Committee and be signed by the Speaker or Chairperson.*

20.2 No motion or discussion will be allowed upon the minutes of a previous meeting, other than relating to the accuracy of those minutes.

Deputations

21.1 A deputation wishing to address the Council, or a Committee of council must submit a memorandum to the Municipal Manager in which is set out the representations it wishes to make.

21.2 A request by a deputation to address the Council or a Committee of the Council must be approved by the Speaker or relevant Chairperson.

21.3 The Municipal Manager must submit the memorandum to the Council or a Committee of the Council, which may receive the deputation.

21.4 Any matter requiring consideration arising from a deputation, will not be further considered by the Council or Committee until the deputation has withdrawn provided that questions of clarity may be permitted.

21.5 A member of the public, other than a deputation, who wishes to speak at a Council or Committee meeting, must obtain the permission of the Speaker or Chairperson to do so, prior to the commencement of the meeting.

21.6 When speaking at a Council or Committee meeting, a member of the public and a deputation must comply with any directions or orders given by the Speaker or Chairperson.

21.6.1 A Deputation shall not exceed three (3) persons in number and at an interview contemplated in this cause, only one person shall speak on behalf of the Deputation (except when a member puts a question in which case any person forming part of the Deputation, may reply to such question) and only for a period not (exceeding 20 minutes, provided that the Speaker or Chairperson may allow a further period not exceeding 10 minutes.

21.7 If a member of the public or a deputation conducts himself/herself in a disorderly and unruly manner at any time, the Speaker or Chairperson must direct that that member remove himself or be removed by a Peace Officer from the precincts.

21.8 Any member of the public or deputation who fails or refuses to comply with the Speaker's or Chairperson's directions in terms of section 21.7 and Section 21.7 will be guilty of an offence and liable on conviction to a fine or

imprisonment for a period not exceeding one (1) month or both such fine and such imprisonment.

Reports

22.1 Any report submitted to the Council, or a Committee of the Council must, with the exception of a report accepted by the speaker or chairperson as a matter of urgency, be provided to Councilors in terms of section 8 of the Rules and Orders of Council,

22.2 The Speaker or Chairperson must allow debate in accordance with sections 34, 35, 36, 37, 38, 39 and 40 of the Rules and Orders of Council on any report submitted to the council or a committee of the council, at the meeting at which that report is submitted and if the debate is incomplete or does not take place for any reason whatsoever, then the debate in respect of that report must be held at the next meeting.

Motions

23.1 No subject will be brought before council or a committee of council by a Councillor except by way of notice of motion.

23.2 A notice of motion must:-

- a) Be in writing; and
- b) Be signed by the Councilor submitting it and by another Councillor acting as a seconder;
- c) Refer to one matter only.

23.3 A notice of motion must, subject to section 7 of the Rules and Orders of Council, be lodged with the municipal manager before 12h00 seven (7) calendar days prior to the next meeting, failing which the notice will be considered at the next ensuing meeting.

23.4 The Municipal Manager must:-

- a) Date and number each notice of motion.
- b) Enter each notice of motion lodged in a register, which must be open to inspection by any Councillor and the public and must
- c) Enter each notice of motion on the agenda in the order received.

23.5 The Speaker or Chairperson must:-

- a) Read out the number of every motion and the name of the mover and seconder.
- b) Ascertain which motions are unopposed and these will be passed without debate; and
- c) Call the movers of the opposed motions in the order they appear on the agenda.

23.6 A Councillor submitting a motion must move such motion and will have the right of reply.

23.7 A motion will lapse if the Councillor and seconder who submitted it is not present at the meeting when such motion is being debated.

23.8 A Councillor will be allowed not more than three (3) notices of motion on the same agenda.

23.9 The Speaker or Chairperson must not reject a motion received by him or her in terms of these Rules and Orders.

Urgent Motions

23.10 A Councillor may move an application on an urgent basis provided that:

23.11 The Speaker, after consulting with the Whips, must make a ruling on whether the motion should be tabled before Council. The ruling of the Speaker shall be final.

23.12 Notwithstanding the provisions of Rule 23.10, a Councillor may request the Speaker to place an urgent motion which is in the public interest on the agenda at least an hour prior to a Council meeting.

23.13 The Speaker must make a final decision to table the urgent motion referred to in Rule 23.12 after considering the motivation. The ruling of the Speaker shall be final.

Questions

24.1 A Councillor may put a question requiring a written reply from any political or municipal office bearer of the municipality concerning any matter related to the effective performance of the municipality's functions and the exercise of its powers, provided that written notice of the question has been lodged with the speaker or chairperson and the municipal manager at least seven (7) days prior to the Council or Committee meeting and the municipal manager must ensure that the councillor receives a written reply from that political or municipal office bearer, at the Council or Committee meeting.

24.2 If after a question has been replied to, a Councillor is of the opinion that the reply is not clear and is ambiguous, he or she may, with the consent of the speaker or chairperson, request a follow-up question.

Supply of information to a Councillor

25.1 No Councillor may approach or communicate with any officer of the municipal administration concerning the business of the municipality other than when exercising his rights or liberties as an ordinary member of the public.

25.2 A Councillor may approach and communicate with the Municipal Manager or any head of department or any officer of the municipal administration specifically designated by the Municipal Manager or by the head of department concerned for this purpose, in order to obtain such information as he or she may reasonably require for the proper performance of his duties as a Councillor..

General matters of an urgent nature

26.1 General items of an urgent nature may be placed on an agenda by the municipal manager and any member of the council with the prior consent of the Speaker or Chairperson, which consent will not be unreasonably withheld. 26.2 Prior to adoption, Councillors must be afforded reasonable time to peruse and consider any report or official documents submitted to the Council.

Interpretation

27. If a majority of Councillors present so resolve, an interpreter may be used in meetings of the Council and Committees of the Council.

In-Committee

28.1.1 Subject to Section 5 of the Rules and Orders of Council, the Council or a Committee of Council may, at any time, resolve to proceed in-committee.

28.1.2 The public and Council Officials will be excluded from any in-committee meetings, except those officials that would be deemed necessary to remain, shall leave the Council Chamber or virtual platform and shall not return for the duration of the proceedings In-Committee.

28.1.2.1 The Speaker or Chairperson may direct an official to remove or cause to be removed any person who remains in the Council Chamber or virtual platform in contravention of Rule 28.1.2 or take steps to prevent the entry of any person into such Chamber or platform.

28.1.3 The Municipal Manager or another official exempted from this section by the Speaker or Chairperson, will not be excluded from any in-committee meeting.

28.1.4 All proceedings in-committee must be recorded in terms of Section 18.1 and 18.2 and must be confidential.

28.1 5 Unauthorized disclosures of any confidential matter must be dealt with in terms of the Code of Conduct of Councillors and Code of Conduct for municipal staff members.

28.2 The Council will be in Committee when discussing any of the following matters:-

- a) A trade secret or confidential commercial information of any supplier of the municipality or any person rendering a service to the municipality or any person rendering a service to the municipality;
- b) Personal and private information of any Councillor or an employee of the municipality;
- c) The intention of the municipality to purchase or acquire land or buildings;
- d) The price a municipality may offer for the purchase or acquisition of land or buildings;
- e) Any report addressing legal proceedings that the municipality is involved in or contemplating instituting or defending;
- f) Disciplinary proceedings or proposed disciplinary proceedings against any employee;
- g) Any matter that might not be disclosed in terms of legislation.
- h) Consideration of the minutes of previous In Committee discussions.

28.3 A Councillor may, when an item in the agenda is put to order, other than a matter referred to in 28.2 above, and provided it is not a matter that is required in law to be dealt with in open council, propose with motivation, that the matter be further dealt with In Committee. The ruling of the Speaker in this regard will be final and no further discussion will be allowed.

Petitions

28.4 A petition maybe submitted by a member and he or she shall divulge the content or the title thereof when it is submitted.

28.5 A petition as contemplated in Rule 28.4 shall be referred to the Executive Committee for report to the Council.

CHAPTER 8

VOTING

Decisions by voting

29.1 A quorum must be present in order for a vote to be taken.

29.2 All questions concerning the following matters must be determined by a decision taken by the council with a supporting vote of a majority of the number of Councillors determined in accordance with the municipality's establishment notice:-

- a) The passing of by-laws;
- b) The approval budget;
- c) The imposition of rates and other taxes, levies and duties;
- d) The raising of loans;
- e) The rescission of a Council resolution within 6 months of the taking thereof; and any other matter prescribed by legislation.

29.3 All other questions before the Council must be decided by a majority of the votes cast by the Councillors present.

29.4 If on any matter there is an equality of votes, the Speaker or Chairperson may exercise a casting vote in addition to a deliberative vote as a Councillor, provided that a Speaker or Chairperson will not exercise a casting vote during the election of any office bearer of council and when Council considers matters listed in section 162 of the Constitution.

Method of voting

30.1 Voting will be by a show of hands unless the law prescribes otherwise, or the council or committee by resolution of a majority of the Councillors present resolves to proceed with a secret written ballot.

30.2 During the taking of a vote no Councillor may leave the Council Chamber or Committee room.

30.3 The Municipal Manager or his nominee, will count the votes cast and will record the result of voting, but the Speaker or Chairperson will announce the result.

Dissenting votes and Abstention

31.1 A Councillor may request that his dissenting vote be recorded as evidence of how he or she voted on the motion.

31.2 A member may abstain from voting without leaving the chamber.

CHAPTER 9**REVOCATION OF COUNCIL AND COMMITTEE RESOLUTIONS****Revocation of Council Resolutions**

32.1 Approval to revoke or alter a resolution of council may not be delegated to any person or Committee.

32.2 Prior notice of an intention to move a motion for the revocation or alteration of a council resolution must be given.

32.3 Any revocation or alteration of a council resolution must be made within a period of six months as provided for in section 29(2)(e).

Revocation of Committee Resolutions

33.1 Approval to revoke or alter a resolution of a committee of the Council may not be delegated to any person.

33.2 Prior notice of an intention to move a motion for the revocation or alteration of a resolution of a committee of the council must be given.

33.3 Any revocation or alteration of a resolution of a Committee of the Council must be approved by a majority of the number of the members of that Committee.

CHAPTER 10**DEBATE****Opportunity to speak**

34.1 A Councilor may only speak when so directed by the Speaker or Chairperson.

34.2 A Councillor may indicate a desire to speak by raising his hand and awaiting the direction of the speaker or chairperson, which direction must not be withheld.

34.3 Councillors and Officials must direct their address to the Speaker or Chairperson.

Relevance

35. Every Speaker must restrict him or herself strictly to the matter under consideration.

Length of speeches

36. Other than the delivery of the mayoral report or the presentation of the estimates of income and expenditure, no speech will exceed five (5) minutes in length without the consent of the Speaker or Chairperson and Mayor to be allowed to speak not more than 15 minutes.

Councillors to speak only once

37. A Councillor may not speak more than once on any motion or proposal provided that the mover of the motion may speak to the motion, will have the right of reply and the reply will be confined to answering previous speakers and will not introduce any new matter into the debate.

Precedence of the Speaker or Chairperson

38. Whenever the Speaker or Chairperson rises during a debate, any Councillor then speaking or offering to speak must seat himself and the Councillor must be silent, so that the Speaker or Chairperson may be heard without interruption.

Points of order

39.1 Any Councillor may raise a point of order at any time by standing to draw the attention of the Speaker or Chairperson.

39.2 Any member will only be allowed to raise one point of order and one point of personal explanation during the council meeting. Only one point of order on the same matter will be allowed.

39.3 The ruling of the Speaker or Chairperson on a point of order will be final and will not be open to discussion.

Explanation

40. Any Councillor may speak in explanation, provided that such explanation is confined to some material part of the discussion, which may have been misunderstood.

**CHAPTER 11
CONDUCT****General conduct**

41 1 The Speaker or the Chairperson of the meeting in the event of a meeting other than a Council meeting shall:-

- Maintain order during meetings;
- Ensure compliance with the Code of Conduct for Councillors during meetings;
- Ensure that meetings are conducted in accordance with the Council's Rules and Orders;
- Ensure that members conduct themselves in a dignified and orderly manner during meetings are dressed appropriately for the dignity of the meeting and ensure that no political party attire or regalia is acceptable within the Council Chamber;
- Ensure that members of the public attending meetings are seated in areas designated for that purpose;
- Ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or Chairperson of the meeting;
- Ensure that any Councillor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting;
- Ensure that Council conduct its business in the highest decorum and integrity that the occasion deserves;

- Ensure adherence to the code of conduct (j) Ensure adherence to the rule of law and the by-laws of the municipality;
- Ensure that all members do not use offensive or objectionable language; and
- Ensure that members do not use a cellular phone during, bring a firearm or any dangerous weapon into, a meeting of council or any of its committees.

Misconduct and Disorderly Conduct of a Councillor or persons other than Councillors

42.1 The Speaker may order a Councillor to withdraw and apologies for any word statement, opinion or gesture made by that Councillor.

42.2 If a Councillor or Councillors behave improperly during a meeting of council or any of its committees, the speaker must direct the Councillor or Councillors to conduct himself or themselves properly and, if speaking, to stop speaking and resume his seat or seats.

42.3 In the event of persistent disregard of the directions of the speaker, the speaker must direct such Councillor or Councillors to retire from the meeting and remove himself or themselves from the place of meeting until the item under discussion has been finalized.

42.4 In the event that any misconduct by a Councillor or Councillors prejudices the proceedings of the council or committee the Speaker or Chairperson must adjourn the meeting and any such misconduct by a Councillor or Councillors must be dealt with in terms of these Rules and Orders and the Code of Conduct.

42.5 Where a Councillor refuses to retire from a meeting or in the event of more than one councillor having to be ejected from the meeting, and such Councillor/s refuse/s to leave the meeting, the Speaker shall request an authorized official to facilitate the removal of such Councillor/s from the chamber. If this cannot be done orderly, the chairperson of a meeting may adjourn proceedings for a period not exceeding 15 minutes, in order for the relevant Councillors to retire or to be ejected from the venue of the

meeting. If, at the resumption of proceedings, the Councillor/s have not left / been ejected, the meeting may be adjourned for another 10 minutes to address the situation. The Chairperson may rule that after the second adjournment the meeting will re-convene at another venue and any Councillor/s ordered to retire or so evicted or ordered to be evicted will be refused entry to the alternative venue. The authorized official of the council will ensure that such Councillor/s does not enter such an alternative venue.

42.6 Any person, other than a Councillor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the council or any committee at any meeting shall, if the Speaker or chairperson so directs, be removed from the chamber or the venue where the meeting is being held. If the person refuses to leave, the authorized official will be responsible to remove such person from the meeting. The chairperson may exclude such person from further admittance to the council chamber or the meeting venue for such period as it may be deemed fit.

CHAPTER 12

COMMITTEES

Rules Committee

43.1 The municipal council may by resolution of a majority of Councillors establish a special committee to be known as the Rules Committee to investigate and make findings on any alleged breaches of the Code of Conduct of Councilors, including sanctions for non-attendance at meetings and to make recommendations regarding any other matter concerning these Rules and Orders.

43.2 The Rules Committee will consist of the members as per adopted Terms of reference..

Own rules

44.1 These Rules and Orders are applicable to all Committees of the Council. No Committee of the Council may determine its own rules..

The Chairperson

45.1 The Chairperson of a committee must:-

- a) Preside at every meeting of the Committee at which he or she is present; and
- b) Be entitled to vote in the first instance and in the case of an equality of votes in addition to his deliberative vote, will give a second or casting vote.

45.2 In his absence, the acting or deputy chairperson will have the same powers and rights of voting as those possessed by the Chairperson.

CHAPTER 13

PECUNIARY INTEREST

Declaration of pecuniary interest

46.1 A Councillor or official must disclose to the municipal council, or to any committee of which that Councillor is a member or part of the meeting, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that Councillor may have in any matter before the Council or Committee.

46.2 The Councillor or official making a declaration must withdraw from the proceedings of the council or committee unless the Council or Committee decides that the Councillor's or officials direct or indirect interest in that matter is trivial or irrelevant.

46.3 A Councillor or official who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the Councillor is aware at the first meeting of the council at which it is possible for the Councillor to make disclosure.

46.4 The disclosure of interests in terms of section 46.1 and benefit in terms of section 46.3 does not apply to an interest or benefit which a Councillor or official, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.

46.5 When elected or appointed, a Councillor or Official must within 60 days or as soon as possible thereafter declare in writing to the municipal manager the financial interests referred to in item 7 of schedule 1 of the Systems Act.

CHAPTER 14

BREACH AND SANCTIONS

Breach

47. Any Councillor who fails or refuses to obey these Rules and Orders of Council, or any resolution of Council, may be guilty of a breach of the Code of Conduct for Councillors and the Code of Conduct for Municipal Staff Members.

Sanction

48. Where it is alleged that a Councillor or official has breached these Rules and Orders, the council must, in terms of Item 14 of the Code of Conduct and disciplinary procedures, investigate the alleged breach and may impose a sanction in keeping with the Uniform Standing procedure.

CHAPTER 15

GENERAL PROVISIONS

Suspension of a rule or order

49.1 In the instances of urgency or where a council considers that adherence to a section would be unreasonable and would prejudice the operation of a meeting of the council, then the Council may with the approval of the majority of the number of Councillors of the municipality and for the duration of that meeting, temporarily relax the provisions of a section, provided that:-

- a) Such relaxation must not be in contravention of any national or provincial legislation or any by-law of the municipality;
- b) No section may be relaxed when the removal of any political office bearers before the Council;
- c) The suspension or relaxation of the Section relates to an item on the agenda for the meeting of the Council or Committee of the Council; and 23 of the Rules and Orders of Council must not be suspended and
- d) The reasons for the suspension of Section are recorded in the minutes of the meeting.

Adoption as by-law

50. These Rules and Orders must be adopted as a by-law of the UMzinyathi District Municipality.

Repeal of existing Rules and Orders

51. The council's existing Rules and Orders are hereby repealed.

Short title and commencement

52. These Rules and Orders will be called UMzinyathi District Municipal Standing Rules and Orders for Council and its Committees and take effect on the date of the publication thereof in the government Gazette or as otherwise indicated in the notice thereof.

Adopted by Umzinyathi Council on the **02nd May 2023.**

WATER SERVICES BY-LAWS**CHAPTER 1
GENERAL PROVISIONS**

1. Definitions
2. Meaning of certain words the same as in Acts
3. Levels of Service
4. Exceptions to Applications of these Bylaws
5. Responsibility for Compliance with these Bylaws
6. Existing Water Installation
7. Notices and Documents
8. Power to serve, and Compliance with Notices
9. False Statement or Information
10. Trespassing on Water Supply System
11. Interference with water services
12. Obstruction of access to water supply system or sanitation service
13. Pollution of Council's Water Supply
14. Power of entry and inspection
15. Pipes in Streets or Public Places
16. Offences
17. Liabilities and Compensation
18. Relaxation of Waiver
19. Fees for services
20. Deposit
21. Payment for water services
22. Payment in respect of prepayment meters
23. Accounts
24. Termination of agreements
25. Prohibition of access to water services other than through the Municipality
26. Water services intermediaries
27. General responsibility for compliance with these By-laws and other laws
28. Unauthorised use of water services

**CHAPTER 2
WATER SUPPLY SERVICES****Part 1
Application for Service**

29. Application for supply of water
30. Special agreements for supply of water
31. Purpose of supply
32. General conditions of water supply

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

Part 2**Connection of water supply**

- 33. Provision of connection pipe
- 34. Location of connection pipes
- 35. Interconnection between premises
- 36. Provision of single water connection for supply to several consumers on same premises
- 37. Restriction or cutting-off of supply
- 38. Interruption of supply at consumer's request
- 39. Disconnection of water supply
- 40. Water supplied from a fire installation

Part 3**Measuring water supplied**

- 41. Measuring the quantity of water supplied
- 42. Quantity of water supplied to consumer
- 43. Defective meters
- 44. Adjustment of quantity of water supplied through defective meter
- 45. Special meter reading at request of consumer
- 46. Special measurement

Part 4**Payment and accounts**

- 47. Payment for water supplied
- 48. Water accounts
- 49. No reduction of amount payable for water wasted
- 50. Charges other than for water supplied

Part 5**Municipality approval for work and use of pipes and fittings**

- 51. Approval of installation work
- 52. Persons permitted to do installation work
- 53. Provision and maintenance of water installation
- 54. Technical requirements for water installation
- 55. Use of pipes and fittings to be authorised
- 56. Labelling of terminal water fittings and appliances
- 57. Unlawful water installation
- 58. Pipe in street or public place
- 59. Special provision for fire services
- 60. Dual and combined installations
- 61. Connection pipe for fire extinguishing services
- 62. Valves in connection pipe
- 63. Inspection and approval of fire extinguishing installation

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- 64. Connection at the pleasure of the Municipality
- 65. Meter in fire extinguishing pipe
- 66. Sprinkler extinguishing installation
- 67. Header tank or double supply from main
- 68. Sealing of private fire hydrant

Part 6

Water conservation and prevention of pollution

- 69. Waste of water
- 70. Car washing facilities
- 71. Grey water practises
- 72. Equipment specification to facilitate water conservation
- 73. Water demand management
- 74. Water restrictions
- 75. Owner to prevent pollution of water
- 76. Protection of water supply system and installation

Part 7

Water supply services: Miscellaneous

- 77. Use of water from source other than water supply system
- 78. Boreholes
- 79. Sampling of water
- 80. Supply of non-potable water by the Municipality
- 81. Testing of pressure in system
- 82. Warning notices
- 83. Water audit

CHAPTER 3 SANITATION SERVICES

Part 1

Disposal of sewage

- 84. Objectionable discharge to sewage disposal system
- 85. Application for use of sewage disposal system
- 86. Special agreements for disposal of sewage
- 87. Application for infrastructure
- 88. Septic tank, treatment plant and French drain
- 89. Conservancy tank
- 90. Ventilated improved pit latrine
- 91. Services associated with on-site sanitation services
- 92. Provision of a connecting sewer
- 93. Construction of drainage installation
- 94. Use of pipes and fittings in drainage installation to be authorised
- 95. Approval of drainage work
- 96. Interconnection between premises

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

4

- 97. Acceptance of sewage delivered by road haulage
- 98. Measurement of quantity of standard domestic effluent discharged

Part 2

Industrial effluent

- 99. Discharge of industrial effluent
- 100. Relaxation of standards
- 101. Test samples
- 102. Duties of permit holder
- 103. Withdrawal of written permission for disposal of industrial effluent
- 104. Measurement of quantity of industrial effluent discharge
- 105. Damage to sewage disposal system or the environment
- 106. Provision applicable to sea outfall pipeline
- 107. Maintenance of delivery pipeline
- 108. Periodic review
- 109. Change in process of manufacture of materials

Part 3

Sanitation: Miscellaneous

- 110. Damage to sewage disposal system
- 111. Consequential maintenance of sewers
- 112. Work by private persons

CHAPTER 4

ENFORCEMENT OF BY-LAWS AND LEGAL MATTERS

- 113. Authorisation of an authorised official
- 114. Functions of an authorised official
- 115. Additional powers of an authorised official
- 116. Procedure to execute work or conduct an inspection: entry with a written authorisation
- 117. Procedure to execute work or conduct an inspection: entry without a written authorisation
- 118. Using force to enter
- 119. Authorised official may be accompanied
- 120. Duty to produce document
- 121. Compliance notice
- 122. Complaints against persons other than the Municipality
- 123. Official address
- 124. Recovery of costs and fees
- 125. Legal compliance warranty
- 126. False statement or information
- 127. Exceptions to application of these By-laws
- 128. Exemptions
- 129. Offences
- 130. Application of this chapter
- 131. Short title

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

UMZINYATHI DISTRICT MUNICIPALITY

The Council of the uMzinyathi District Municipality has in terms of Section 156 of the Constitution, 1996 (Act 108 of 1996) read in conjunction with Section 11 of the Municipal Systems Act (Act No 32 of 2000), adopted the following Bylaws:

WATER SERVICES BYLAWS

CHAPTER I:

General Provisions

Part 1: Definitions

1. Definitions

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

"accommodation unit"	in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;
"Act"	means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;
"air gap"	means the unobstructed vertical distance through the free atmosphere between the lowest opening from which any pipe, valve or tap supplies water to a tank or fitting or other device, and the overflow level thereof;
"approved"	means approved by an authorised officer;
"authorised agent"	means a person authorised by the Municipal Manager to perform any act, function or duty in terms of, or exercise any power under, these bylaws;

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

	6
"backflow"	means the flow of water in any pipe or fitting in a direction opposite to the normal direction of flow;
"backflow preventer"	means any device or means to prevent backflow;
"back siphonage"	means the backflow resulting from pressures lower than the atmospheric pressure in the water installation;
"basic water supply"	means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act under regulation 3 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;
"basic sanitation"	means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, prescribed in terms of the Act and regulated under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;
"best practicable environmental option"	means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;
"borehole"	means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;
"capacity"	in relation to a storage tank means the volume of the tank between the operating water level of the water contained in such tank and the invert of the outlet from the tank;
"council"	means the council of the municipality or any of the municipality's other political structures, political office bearers,

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- 7
- councillors, or staff members, duly authorised by delegation;
- "combined installation"** in relation to water supply means a water installation used for fire-fighting and domestic, commercial or industrial purposes;
- "commercial unit"** in relation to any premises means any building or section of a building occupied or used, or intended to be used for purposes other than residential occupation;
- "communal sewer"** means a sewer main and connecting sewers and in respect of which a group of users and/or owners has constituted itself as a person willing to assume responsibility for, and has signed an agreement accepting responsibility, for the maintenance and repair of the communal sewer;
- "Building Regulations"** means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
- "Commercial purposes"** in relation to the supply of water means water supplied to premises which are used for the carrying on of a business or trade;
- "communal water services work"** means a consumer connection through which water services are supplied to more than one person;
- "connecting point"** means the point at which the drainage installation joins the connecting sewer;
- "connecting sewer"** means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a wayleave or by agreement;
- "connection pipe"** means a pipe, the ownership of which is vested in the municipality or its authorised agent and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I;
- "consumer"** means –
 (a) any occupier of any premises to which or on which the municipality or

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

8

its authorised agent has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the municipality or its authorised agent for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the municipality or its authorised agent has agreed to provide water services; or

- (b) person that obtains access to water services are provided through a communal water services work;

“Credit Control and Debt Management Policy By-Law”

means the Credit Control and Debt Management Policy By-Laws, adopted by the council and published in the Provincial Gazette;

"domestic purposes"

in relation to the supply of water means the general use of water supplied for personal and residential uses, including health and hygiene, drinking, ablution, culinary, household and garden maintenance;

"drain"

means that portion of the drainage installation that conveys sewage within any premises;

"drainage installation"

means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;

"drainage work"

includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;

- "duly qualified sampler"** means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems and from public waters and who has been certified to do so by an authorised agent;
- "dwelling unit"** means an interconnected suite of rooms designed for residential purposes and occupation by a single household, regardless of how many persons comprise the household as further defined in the Municipality's relevant town planning scheme but excludes an accommodation unit;
- "effluent"** means any liquid whether or not containing matter in solution or suspension;
- "emergency"** means any situation that poses a risk or potential risk to life, health, the environment or property;
- "enforcement notice"** means any notice issued by an authorised official under these By-laws which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 115;
- "environmental cost"** means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;
- "fire hydrant"** means a potable water installation that conveys water for fire fighting purposes only;
- "fixed quantity water delivery system"** means a water installation, which delivers a fixed quantity of water to a consumer in any single day;
- "flood level (1 in 50 year)"** means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

"flood plain (1 in 50 year)"	means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;
"high strength sewage"	means sewage with a strength or quality greater than standard domestic effluent;
"general installation"	means a water installation which conveys water for a combination of domestic, commercial and industrial purposes;
"health nuisance"	means a situation, or state of affairs, that endangers life or health or adversely affects the well-being or mental well-being of a person or community, or creates an environmental risk, "health hazard" has a similar meaning;
"household"	means the family unit of persons, or individuals, in occupation of a building or part of a building, designed for residential occupation by such family unit, or individuals;
"industrial effluent"	means effluent emanating from industrial use of water, includes for purposes of these bylaws, any effluent other than standard domestic effluent or stormwater;
"Industrial purposes"	in relation to the supply of water means water supplied to any premises which constitute a factory as defined under the Occupational Health and Safety Act, (Act 85 of 1993);
"installation work"	means work in respect of the construction of, or carried out on a water installation;
"JASWIC"	means Joint Acceptance Scheme for Water Services Installation Components;
"law"	means any law, including the common law;
"local authority"	means any local government as contemplated under the Constitution or any other local authority as contemplated in the Local Government Transition Act (Act 209 of 1993) and includes any organ of state within the meaning of the Constitution with

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

11

powers similar to that of any regional water services corporation constituted under the Water Services Ordinance, 1963 (Ordinance No 27 of 1963) or any Water Board within the meaning of the Water Act, 1956 (Act 54 of 1956);

"main"	means a pipe, other than a connection pipe, vesting in the municipality or its authorised agent and used by it for the purpose of conveying water to a consumer;
"manhole"	means a chamber of a depth greater than 750mm and of such dimension that allows the entry of a person into such a chamber for the purposes of providing access to a pipe;
"measuring device"	means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;
"meter"	means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;
"Minister"	means the Minister of Water Affairs and Forestry;
"municipality"	means the water services authority as defined in the Act;
"occupier"	means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;
"officer"	means any employee of the Council or any other person who is authorised to perform any act, function or duty in terms of or exercise any power under these bylaws
"operating water level"	means the level of water reached in a storage tank when the valve controlling the

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

12

inlet of water to the tank closes under normal operating conditions;

"owner"

means -

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or
 - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

"owner's water installation"
installed by

means all the pipe work and water fittings

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

	13
	the owner for connecting into the water installation installed by the Municipality;
"permit holder"	means a person who has obtained the written permission of an authorised official to discharge or cause or permit to discharge industrial effluent into the sewage disposal system;
"person"	means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;
"pollution"	means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it – <ul style="list-style-type: none"> (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or (b) harmful or potentially harmful – <ul style="list-style-type: none"> (i) to the welfare, health or safety of human beings; (ii) to any aquatic or non-aquatic organism;
"premises"	means any piece of land, the external surface boundaries of which are delineated on - <ul style="list-style-type: none"> (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986); (c) a register held by a tribal authority;
"prepayment meter"	means a meter that can be programmed to limit the flow of water into a water installation to the amount which has been previously purchased;

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

14

"prescribed tariff or charge" municipality;	means a charge prescribed by the
"public notice"	means a notice in a newspaper in at least two of the official languages in general use within the Province or area in question, and, where possible, the notice shall be published in a newspaper appearing predominantly in the language utilised in the publication of the notice;
"publish"	means; - (a) to publish a notice in the Provincial Gazette, and (b) to provide interested parties with copies of such publication, and © to post the notice so published on the notice boards of the municipality.
"registered contractor"	means a company/person registered by the SAQCC for the Water Supply Industry;
"registered plumber"	means a person registered by the SAQCC for the Water Supply Industry;
"SABS" Standards;	means the South African Bureau of
"SANS"	means South African National Standards;
"public water"	means any river, watercourse, bay, estuary, the sea and any other water to which the public has the right of use or to which the public has the right of access;
"sanitation services"	has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and the disposal of industrial effluent;
"SAQCC for the Water Supply Industry" means the South African Qualification and Certification Committee constituted in terms of Act No. 58 of 1995;	

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

15

“schedule of approved pipes and fittings” means the list of approved pipes and fittings compiled by the Authorisation Committee;

“sea outfalls” means the discharge of effluent directly into the sea;

“service pipe” means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

“storage tank” means a tank forming part of a water installation and used for the storage of water, other than a cistern serving a water-closet pan or a urinal and a tank used for the storage of hot water;

“sewage” means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include stormwater;

“sewage disposal system” means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality or its authorised agent and which may be used by it in connection with the disposal of sewage and shall include the sea outfalls;

“sewer” means any pipe or conduit which is the property of or is vested in the municipality or its authorised agent and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;

“standard domestic effluent” means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality or its

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

16

authorised agent, but shall not include industrial effluent;

"storage tank"

means a tank forming part of a water installation and used for the storage of water, other than a cistern serving a water-closet pan or a urinal and a tank used for the storage of hot water;

"stormwater"

means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

"Tariff Policy By-Law"

means the tariff policy by-laws promulgated by the council in terms of section 75 of the Local Government: Municipal System Act, No 32 of 2000, or pending such promulgation, a decision by the council in terms of section 75A of that Act to levy and recover fees, charges or tariffs.

"terminal water fitting"

means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;

"trade premises"

means premises upon which industrial effluent is produced;

"user"

means-

- (a) any person who occupies premises to whom, and in respect of which premises, the Municipality-
 - i) has agreed to provide sanitation services;
 - ii) is providing sanitation
 - iii) has entered into an agreement with the Municipality for the provision of sanitation services to or on any premises;
- (b) the owner of any premises to which the Municipality is providing sanitation services;

services; or

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

17

(c) where sanitation services are provided through a single connection to a number of accommodation units or users or occupiers, means the person to whom the Municipality agreed to provide such sanitation services; and

d) any end-user who receives sanitation services from the Municipality or other sanitation services institution.

“water” stated;	means potable water unless otherwise
“water conservation”	means the act of saving or using water in an efficient manner;
“waste water”	means used water not contaminated by soil water or industrial effluent and does not include storm water;
"water fitting"	means a component of a water installation, other than a pipe, through which water passes or in which it is stored;
"water installation"	means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the municipality or its authorised agent;
“water services”	means any part thereof, means the abstraction, conveyance, treatment and distribution of portable water, water intended to be converted to potable water or water for commercial and industrial use and include sanitation services;
“water service facility”	means any land on which there is infrastructure, installed or used by the municipality, or a catchment area in connection with the supply water;

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

“water services intermediary”	means any person who is obliged to provide water services to another in terms of a contract where the obligation to provide water services is incidental to the main object of that contract;
"water supply system"	means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the municipality or its authorised agent and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;
“well point”	means a small diameter pipe jetted into unconsolidated sandy or gravelly formations, with a pump situated at ground level to lift and distribute the water;
"wet industry" industrial effluent;	means an industry which discharges
"working day"	means a day other than a Saturday, Sunday or public holiday.
“zone”	means the local area of land of which the premises occupied by the consumer and/or user is a part and which is zoned in terms of a town planning scheme or an integrated development plan for homogeneous usage.

2. Meaning of certain words the same as in Acts

- (2) Any word or expression used in these bylaws to which a meaning has been assigned in –
 - (a) the Act will bear that meaning; and
 - (b) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977), the Building Regulations will in respect of Chapter III bear that meaning, unless the context indicates otherwise.
- (3) Any reference in Chapter I of these bylaws to water services or services must be interpreted as referring to

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

water supply services or sanitation services depending on the services to which is applicable.

3. Levels of Service

- (1) The Municipality may provide the various levels of service set out in sub-section (2) to consumers and users at fees set out in the Tariff of Charges, determined by the Municipality.

- (2) levels of service shall comprise-

(a) (i) Service Level 1, (Rural Water Supply)

To provide at least 90% of the population with water at a volume of 5l/c/d within a 1000m walking distance, and must consist of-

Rudimentary level of service from Boreholes, Springs, Wells and Water Tankers.

(ii) Service Level 2, (Rural Water Supply)

which must satisfy the minimum standard for basic water services as required in terms of the Act and its applicable regulations, and must consist of-

a water supply from communal water points within 200m walking distance

(iii) Service Level 3, (Rural Water Supply)

Water supply from unmetered and unrestricted yard or house connection

(iv) Service Level 4, (Rural Water Supply)

Water supply from a metered connection within 200m from dwelling

and

(b) Service Level 1 (Urban Water Supply),

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

20

which must consist of-

A metered yard or house connection on plot boundary.

(c) (i) Service Level 1, (Rural Sanitation)

a ventilated improved pit latrine located on each site;

(ii) Service Level 2, (Rural Sanitation)

A communal sewer having been installed and a collective agreement has been signed by the group of users accepting responsibility for the maintenance and repair of the communal sewer.

(iii) Service Level 3, (Rural Sanitation)

a conventional water borne drainage installation **(Septic tank)** not connected to the Municipality's sewer.

(d) (i) Service Level 1, (Urban Sanitation)

a pour flush toilet which must not be directly connected to the water installation;

(ii) Service Level 2, (Urban Sanitation)

a conventional water borne drainage installation **(Septic tank)** not connected to the Municipality's sewer.

(iii) Service Level 3, (Urban Sanitation)

A communal sewer having been installed and a collective agreement has been signed by the group of users accepting responsibility for the maintenance

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

and repair of the communal sewer.

(iv) Service Level 4, (Urban Sanitation)

A sanitation toilet system connected to either a municipal sewer or a shallow communal sewer system.

- (e) the average water consumption per unmetered stand through the water connection for the zone or group of consumers in the zone does not exceed 6kl over any 30 day period;
 - (f) the water standpipe is not connected to any other terminal water fittings on the premises;
 - (g) in the case of a communal sewer having been installed a collective agreement has been signed by the group of users accepting responsibility for the maintenance and repair of the communal sewer; and
 - (h) the Municipality may adopt any measures considered necessary to restrict the water flow to Service Level **a (iii)** consumers to 6kl per month per consumer.
 - (ii) a conventional water borne drainage installation (Septic tank) connected to the Municipality's sewer.
- (3) If a consumer receiving Service Level 2 contravenes subparagraph (e) or (f) to subsection **a (iii), c (iii), d (iii) & (iv)**
- (a) the Municipality may install a pre-payment meter or restrictor in the service pipe on the premises; and
 - (b) the fees for water services must be applied in accordance with **section 19**.

4. Exceptions to Applications of these Bylaws

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- (1) If authority was given before the date of commencement of these bylaws for installation work to be done, or if authorised work is in progress on such date, such work shall comply with any laws governing such work which were in force in the area of jurisdiction of the Council prior to such date.
- (2) The authorised delegate may, for a period of 90 days after the commencement of these bylaws, give authority for installation work to be done in accordance with any laws governing such work which were in force in the area of jurisdiction of the Council prior to such date.

5. Responsibility for Compliance with these Bylaws

It is the responsibility of the owner of the premises to comply, with the provisions of these Bylaws in respect of the water installation, and the consumers in respect of the use of the water on the premises.

6. Existing Water Installation

No owner shall be required to comply with these bylaws by altering a water installation or a part thereof which was installed in conformity with every law applicable immediately before the date of commencement of these bylaws: Provided that if, in the opinion of the authorised delegate the installation or a part thereof is so defective or in such a condition or position as to cause, or be likely to cause, waste or undue consumption of water, pollution, pollution of the water supply, or a health or safety hazard, the authorised delegate may by notice in writing require the owner to comply with the provisions of these bylaws within a specified period.

7. Notices and Documents

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

23

- (1) A notice or document issued by the Council in terms of these bylaws shall be deemed to be duly issued if it is signed by an officer.
- (2) If a notice or document is to be served on a person in terms of these bylaws such service shall be effected -
 - (a) by delivering it to him personally or to his duly authorised agent;
 - (b) by delivering it at his residence or place of business or employment to a person apparently not less than 16 years of age and apparently residing or employed there;
 - (c) if he has nominated a *domicilium citandi*, by delivering it to such domicilium;
 - (d) if he has not nominated a *domicilium citandi*, by delivering it to the address given by him in his application for a supply of water, for the reception of an account for water supplied;
 - (e) in the case of a body corporate, by delivering it at the registered office or business premises of such body corporate;
 - (f) by registered or certified post addressed to his last known address;or
 - (g) if service cannot be effected in terms of paragraphs (a) to (f)
 - (f) by affixing it to a principal door of entry to the premises concerned.

8. Power to Serve, and Compliance with Notices

- (1) The authorised delegate may by written notice order a person who by act or commission commits a breach of these bylaws or any condition imposed thereunder to remedy such breach within a period specified in the notice;
- (2) If a person fails to comply with a written notice served on him by the authorised delegate in terms of these bylaws within the specified period the authorised delegate may take such action or do

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

24

such work as in his opinion is necessary to ensure compliance, and recover the cost of such action or work from the person.

9. False Statements or Information

No person shall make a false statement or furnish false information to the Council or an officer, or falsify a document issued in terms of these bylaws.

10. Trespassing on Water Supply System

No person shall, without the prior written permission of the authorised delegate, enter

- (a) upon an area enclosed by a fence or where entry is prohibited by notice boards; or
- (b) a structure used by the Council in connection with its water supply system.

11. Interference with water services

- (1) No person may -
 - (a) operate or maintain any part of the water supply system;
 - (b) operate any sewage disposal system;
 - (c) effect a connection or reconnection to the water supply system or sewage disposal system; or
 - (d) render any other sanitation services; unless authorised to do so by the Municipality in writing.
- (2) No person may interfere with, or wilfully or negligently damage, or permit damage to or interference with any part of the water supply system or sewage disposal system belonging to the Municipality.

12. Obstruction of Access to Water Supply System

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

25

- (1) No person shall prevent or restrict access to the water supply system.
- (2) If a person contravenes subsection (1), the authorised delegate may:
 - (a) by written notice require the person to restore access at his own cost within a specified period; or
 - (b) if he is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from the person.

13. Pollution of Council's Water Supply

- (1) Unless such act is specifically authorised in writing by the authorised delegate, no person shall commit an act which may cause pollution of any nature to water in a reservoir or other place owned, controlled by or vested in the Council either in whole or in part, and used by it in connection with the supply of water.
- (2) No person shall, except at such places as are designated by notice boards or in such receptacles as are provided by the Council deposit or discharge rubbish, night-soil, industrial waste or other matter which may cause pollution of any nature on a portion of a catchment area relating to the Council's water supply which has been designated by notice boards as being an area where such acts are prohibited.
- (3) If a person contravenes subsection (1) or (2) the authorised delegate may -
 - (a) by notice in writing require the person immediately to cease such act, and take specified action within a specified period; or
 - (b) if he is of the opinion that the situation is a matter of urgency, without prior notice take such action as he may deem necessary and recover the cost from the person.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

14. Power of Entry and Inspection

- (1) An officer may for any purpose connected with the implementation or enforcement of these bylaws, at all reasonable times or in an emergency at any time, enter premises, request information and make such inspection, examination and enquiry as he may deem necessary, and for those purposes operate any component of the water installation.
- (2) If the authorised delegate considers it necessary that work be performed to enable an officer properly and effectively to implement a function referred to in subsection (1), he may -
 - (a) by written notice require the owner or occupier of the premises at his own cost to do specified work within a specified period; or
 - (b) if in his opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done, at the cost of the owner.
- (3) If the work referred to in subsection (2) is carried out for the purpose of establishing whether a contravention of these bylaws has been committed and no such contravention is established, the Council shall bear the expense connected therewith together with that of restoring the premises to its former condition, but it shall not otherwise bear such expense.
- (4) If an officer requires the presence of -
 - (a) an owner at an inspection of his water installation;
 - (b) a registered contractor doing installation work at an inspection of such work; or
 - (c) a registered contractor's responsible plumber at an inspection of work being done under his control,

he may give such person written notice of not less than 2 working days to that effect, indicating the date and time when, and the place where, he proposes to carry out the inspection.

15. Pipes in Streets or Public Places**UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**

27

No person shall for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of the Council, except with the prior written permission of the authorised delegate and subject to such conditions as he may impose.

16. Offences

- (1) A person who -
- (a) fails or refuses to give access required by an officer in terms of **section 14**;
 - (b) obstructs or hinders an officer in the exercise of his powers or functions or the performance of his duties under these bylaws;
 - (c) fails or refuses to give an officer such information as he reasonably may require for the purpose of the exercise of his powers or functions or the performance of his duties under these bylaws or who gives such officer false or misleading information knowing it to be false or misleading;
 - (d) contravenes or fails to comply with a provision of these bylaws;
 - (e) fails to comply with a condition or prohibition imposed in terms of these bylaws;
 - (f) fails to comply with the terms of a notice served upon him in terms of these bylaws; or
 - (g) fails to comply with a request made in terms of **section 51(1)**
shall be guilty of an offence and liable, upon conviction to the maximum penalty prescribed for the offence by section 266(7)(a) of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974).
- (2) A person who causes or incites another person to commit an offence referred to in subsection (1), or who being in a position of authority over another

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

28

person permits or allows him to commit an offence, shall himself be guilty of that offence.

17. Liabilities and Compensation

The Council shall not be liable for damages or compensation arising from anything done by it in terms of these bylaws.

18. Relaxation of Waiver

The Council may, in an individual case, relax or waive the requirements of a provision of these bylaws upon such conditions as it deems fit to impose if it is of the opinion that the application or operation of that provision in that case would be so unreasonable as to cause substantial prejudice of a nature or degree which was not intended to flow from the enactment of the provision and if it is of the opinion either that:

- (a) the purpose for which the provision has been enacted has substantially been attained in that case or will be so attained upon compliance with the conditions imposed; or that
- (b) the need to attain that purpose is for any reason absent in that case.

19. Fees for Services

- (1) All fees payable in respect of water services rendered by the Municipality in terms of these By-laws, including but not limited to the payment of connection fees, fixed fees or any additional fees or interest in respect of failure to pay such prescribed fees on the specified date, shall be prescribed by resolution of the Municipality and must be in terms of section 10 of the Act and the regulations made thereunder.
- (2) All fees determined by the Municipality for the use of its sewers, or for discharge into the sewage disposal system or otherwise in connection with such system are payable in accordance with the

Tariff of Charges in Schedule A of these By-laws by the owner of the premises.

- (3) If any piece of land, whether or not there are any improvements thereon, is, or in the opinion of the Municipality, could be connected to a water supply system or a sewer, the owner of that land must pay to the Municipality the fees determined by the Municipality.

20. Deposit

- (1) Every consumer must on application for the provision of water services and before such water services will be provided by the Municipality, deposit with the Municipality a sum of money as determined in the Municipality's Credit Control By-laws.
- (2) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Municipality in respect of water services rendered to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer, if the address of the consumer is known.
- (3) No interest will be paid by the Municipality on the amount of a deposit held by it in terms of this section.

21. Payment for water services

- (1) Water services provided by the Municipality must be paid for by the consumer and/or user at the prescribed fees for the particular category of water services provided.
- (2) A consumer and/or user is responsible for the payment of all water services provided to him or her from the date of commencement of the service to the date of termination thereof.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

30

- (3) The Municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements which may not be more than 180 (one hundred and eighty) days apart, and may render an account to the consumer and/or user for the services so estimated, which estimate must, for the purposes of these By-laws, be regarded as an accurate measurement until the contrary is proved.
- (4) If a consumer and/or user uses water services for a category of use other than that for which it is provided by the Municipality in terms of an agreement and as a consequence is charged at a rate lower than the rate that should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer and/or user the fees payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with the provisions of the Credit Control By-laws.
- (5) If amendments to the prescribed fees for water services provided become operative on a date between measurements for the purposes of rendering an account in respect of such fees -
- (a) the same quantity of water services must be regarded as having been provided in each period of 24 (twenty-four) hours during the interval between the measurements; and
 - (b) any prescribed fee must be calculated on a pro rata basis in accordance with the prescribed fee which applied immediately before such amendments.
- (6) Failure by the Municipality to comply with the period of 180 (one hundred and eighty) days referred to in subsection (3) will not disentitle the Municipality from recovering any monies due to it by a consumer and/or user.
- (7) If a consumer and/or user is dissatisfied with an account rendered for water services supplied to him or her by the Municipality he or she may, prior to the due date stipulated therein, object in

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

31

writing, or be assisted by the Municipality to object in writing, to the account, setting out his or her reasons for such dissatisfaction; provided that the lodging of an objection shall not entitle a consumer and/or user to defer payment except with the written consent of the Municipality.

22. Payment in respect of prepayment meters

When a consumer is supplied with water through a prepayment meter, in addition to the requirements of sections 20 and 21:

- (a) no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced;
- (b) 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; and
- (c) the Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or abuse of a prepayment meter and/or token.

23. Accounts

- (1) Accounts must be rendered and administered in accordance with the requirements and policies of the Municipality and subject to Credit Control By-laws passed by the Municipality.
- (2) If it is established that a meter is defective, the Municipality must, in accordance with **section 44**, adjust the account rendered.

24. Termination of Agreements

- (1) Subject to the provisions of **section (29)** –
 - (a) a consumer and/or user may terminate an agreement for the provision of water services by giving to the Municipality not less than 7

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

32

- (seven) days' notice in writing of his or her intention to do so;
- (b) the Municipality may, by notice in writing of not less than 14 (fourteen) days, advise a consumer and/or user of the termination of his or her agreement for the provision of water services if –
- i. he or she has not used the water services during the preceding 6 (six) months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;
 - ii. he or she has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply following the issue of a compliance notice or has failed to pay prescribed fees due and payable: Provided that the provisions of the Act, these By-laws and any other applicable law must be followed before the agreement is terminated; or
 - iii. an arrangement has been made by such consumer and/or user with another water services institution to provide water services to the consumer and/or user;
- (2) The Municipality may, after having given notice, terminate an agreement for water services if a consumer and/or user has vacated the premises to which such agreement relates.
- (3) (a) If it is determined by a body legally entitled to do so, other than the Municipality, that an existing water service on private premises, or emanating from private premises, is creating environmental damage or water pollution, or water wastage, and the owner of the premises or consumer or user, whichever is applicable, is

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

33

directed to carry out measures as are required under any Act or law to rectify the situation, the Municipality is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the water services.

- or
- (b) Should the owner of the premises consumer or user, whichever is applicable, fail to carry out such measures, the Municipality may, subject to the provisions of **Chapter 7**, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer or user as the case may be.

25. Prohibition of access to water services other than through the Municipality

- (1) No person is permitted to have access to water services from a source other than the Municipality, without its written approval.
- (2) Despite the provision of subsection (1) hereof, a person who, at the commencement of these By-laws, was using water services from another source may continue to do so -
 - (a) for a period of 60 (sixty) days after he or she has been requested to apply for approval;
 - (b) thereafter until the application for approval is granted, if it has not been granted within that period; or
 - (c) for a reasonable period thereafter, within the discretion of the Municipality, if the application for approval is refused.
- (3) In granting approval, the Municipality may require the person seeking approval to supply such services as may be specified in the approval to others on reasonable terms, which must be specified by the Municipality.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

26. Water services intermediaries

- (1) An intermediary for the supply of water and sanitation services must be registered with the Municipality.
- (2) The quality, quantity and sustainability of water services provided by the intermediary must meet the minimum standards prescribed by the Minister and must in all respects comply with the relevant provisions of these By-laws.
- (3) Fees charged by an intermediary must comply with the norms and standards prescribed under the Act and any additional norms and standards required by these By-laws or set by the Municipality.
- (4) In the event of a failure by the intermediary to perform its functions effectively, the Municipality may, subject to the provisions of **section 37** of the Act, direct the intermediary to rectify its failure, and if the direction is not complied with, the Municipality may itself take over such functions.
- (5) When the intermediary is capable of resuming its functions effectively, the Municipality must stop exercising such functions on behalf of the intermediary and may recover from the intermediary all expenses incurred and losses suffered as a result of having acted on behalf of the intermediary.
- (6) The Municipality must monitor the performance of intermediaries to ensure that norms and standards for fees, any conditions set by the Municipality, the provisions of these By-laws and any contractual arrangements between the parties are adhered to.

27. General responsibility for compliance with these By-laws and other laws

- (1) The owner of premises is ultimately responsible for ensuring compliance with these By-laws in respect of all or any matters relating to any installation, and if he or she is not the consumer and/or user who actually uses the water services, the owner is jointly and severally liable with such consumer and/or user in respect of all matters relating to the use of any water services on his or her premises, including any financial obligation.
- (2) The consumer and/or user is primarily responsible for compliance with these By-laws in respect of matters relating to the use of any water services.
- (3) No approval given under these By-laws relieves any owner or consumer or user, whichever may be applicable, from complying with any other law relating to the abstraction and use of water, or the disposal of effluent.

28. Unauthorised use of water services

No person shall take water from the water supply system -

- (1) until an agreement referred to in **section 29 or 30(1)** has been concluded;
- (2) except through a connection pipe as provided in terms of **section 33** or from a fire installation in terms of **section 38**.

CHAPTER 2**WATER SUPPLY SERVICES****Part 1****Application for Service****29. Application for supply of water**

- (1) No person, other than one on Service Level 1, may consume, abstract or be supplied with water, unless such person has applied to the Municipality on the **prescribed form** for such service, and such application has been agreed to.
- (2) An application for the use of water supply services approved by the Municipality constitutes an agreement between the Municipality and the applicant, and takes effect on the date referred to in the application.
- (3) The person referred to in subsection (2) will be liable for all the prescribed fees in respect of water supply services rendered to that person until the agreement has been terminated in accordance with these By-laws, and is the consumer for all purposes during the currency of this agreement.
- (4) The Municipality may, if it deems necessary, require a third party to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed fee.
- (5) The application form must at least contain the following information -
 - (a) acceptance by the consumer of the provisions of these By-laws and acceptance of liability for the cost of all water consumed until the agreement is terminated;
 - (b) name of consumer, and the consumer's identity or registration number, where applicable;

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

37

- (c) address or stand number of premises at which water is to be supplied, or on which a communal water connection operates;
 - (d) address to which accounts must be sent;
 - (e) the purpose for which water is to be used;
 - (f) the agreed date on which the water service shall be provided.
- (6) The applicant must be informed if the Municipality refuses an application for the provision of water supply services, or is unable to render such water supply services on the date requested for provision of services to commence, or is unable to render the water supply services, and the Municipality must furnish the applicant with the reasons therefor and, if applicable, the date when the Municipality will be able to provide such water supply services.

30. Special agreements for supply of water

- (1) The Municipality may enter into a special agreement for the supply of water to an applicant -
 - (a) inside its area of jurisdiction, if the supply necessitates the imposition of conditions not contained in the **prescribed form**; and
 - (b) outside its area of jurisdiction, if such application has been approved by the municipality in which the applicant resides.
- (2) If the Municipality provides a supply of water to an applicant outside its area of jurisdiction in terms of a special agreement, it may permit him or her to sell such water to other persons outside its area of jurisdiction, only if provision has been made therefor in the special agreement, or the written permission of the Municipality to do so has been obtained.

31. Purpose of supply

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

Where the purpose for which water is used changes, the consumer shall enter into a new agreement as prescribed in Sections 29 and 30.

32. General conditions of water supply

- (1) Subject to the provisions of the Act, the supply of water by the Municipality shall not constitute an undertaking by it to maintain at any time or at any point in its water supply system -
 - (a) an uninterrupted supply;
 - (b) a specific pressure or rate of flow in such supply; or
 - (c) a specific standard of quality of the water.
- (2) The Municipality may, subject to the provisions of subsection (1)(b), specify the maximum height in a building, or the maximum height above ground level or mean sea level, to which water will be supplied from the water supply system.
- (3) If an owner and/or consumer require that any of the standards referred to in subsection (1) be maintained on the owner's premises, the owner shall make provision in the water installation for such operation and maintenance.
- (4) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If in the opinion of the Municipality the consumption of water by a consumer adversely affects the supply of water to another consumer/s, it may apply such restrictions as it may deem fit to the supply of water to the first-mentioned consumer in order to ensure a reasonable supply of water to the other consumer/s.
- (6) The Municipality will not be liable for any damage to premises caused by water flowing from fittings left open when the water supply is re-instated, following an interruption in supply for any reason.
- (7) Every steam boiler and any premises with installations which require, for the purposes of the

work undertaken on the premises, a continuous supply of water, must have a storage reservoir fitted and maintained in working order and holding a water supply deemed adequate by the owner/consumer of the premises.

- (8) No consumer may resell water supplied to him by the Municipality, except with the written permission of the Municipality, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Municipality may deem necessary.

Part 2

Connection of water supply

33. Provision of connection pipe

- (1) If an agreement for a supply of water in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall apply on the **prescribed form** and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for a supply of water to premises which are so situated that it is necessary to extend the water supply system in order to supply water to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.

34. Location of connection pipes

- (1) A connection pipe provided and installed by the Municipality must -
- (a) be located in a position and be of a suitable size determined by the Municipality; and
- (b) terminate at the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right, or at the outlet of the water meter if the meter is located on the premises being supplied.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- (2) In reaching agreement with an owner concerning the location of a connection pipe, the Municipality shall ensure that the owner is aware of -
- (a) practical restrictions which may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;
 - (c) whether or not the Municipality requires the owner to fix the location of the connection pipe by providing a portion of the owner's water installation at or outside the boundary of the owner's premises, or such agreed position inside or outside his or her premises where the connection is required, for the Municipality to connect to such installation.

35. Interconnection between premises

An owner of premises shall ensure that no interconnection exists between the water installation on the owner's premises and the water installation on other premises, unless the owner has obtained the prior written consent of the Municipality and complies with any conditions that it may have imposed.

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

- (1) Only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, commercial units or consumers located on such premises.
- (2) Where the owner, or the person having charge or management of any premises on which several accommodation units, commercial units, or consumers are situated, requires the supply of water to such premises for the purpose of separate supply to the different units or consumers, the Municipality may, in its discretion, provide and install either -

- (a) a single measuring device in respect of the premises as a whole or a number of such units or consumers; or
 - (b) a separate measuring device for each such unit or consumer or any number thereof provided such device is on the street boundary.
- (3) Where the Municipality has installed a single measuring device as contemplated in subsection (2)(a), the owner or the person having the charge or management of the premises, as the case may be -
 - (a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different units or consumers -
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) is liable to the Municipality for the prescribed fees for all water supplied to the premises through such single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding the provisions of subsection (1), the Municipality may permit more than one connection pipe to be provided on the water supply system for the supply of water to any premises comprising, duets provided, that such connections are separately metered and provided on the street boundary.
- (5) Where the provision of more than one connection pipe is authorised by the Municipality in terms of subsection (4), the prescribed fees for the provision of a connection pipe are payable in respect of each connection so provided.
- (6) Where the premises are supplied with water by a number of connection pipes, the Municipality may require the owner to reduce the number of connection points and alter the owner's water installation accordingly at the owner's expense.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

37. Restriction or cutting-off of supply

- (1) Without prejudice to any other right it may have, the Municipality may, if a consumer has -

- (a) failed to pay a sum due to it in terms of these Bylaws; or
- (b) committed a breach of these bylaws and has failed to rectify such breach within the period specified in a written notice served on the consumer requiring the consumer to do so;

act against such a consumer in terms of these Bylaws, the Municipality's Credit Control By-laws or other applicable legislation.

- (2) If, in the opinion of the Municipality, action is necessary as a matter of urgency to prevent waste of water, damage to premises or water installations, danger to life or pollution of water, it may -

- (a) without prior notice, cut off the supply of water to any premises; and
- (b) enter upon such premises and do such emergency work, at the owner's expense, as it may deem necessary, and in addition by written notice require the owner to do such further work as it may deem necessary within a specified period.

- (3) Tampering

- (a) Where a water supply has been tampered with or the meter bypassed, the Municipality may apply the provisions of its Credit Management Bylaws and/or disconnect the relevant supply immediately and without any notice whatsoever, and in such a way that no further water supply at those premises is possible. The consumer will be charged the applicable tampering fee.
- (b) Transgressors will be dealt with in the following manner:

(i) First Tampering Offence:

- Supply will be isolated at point of supply.
- Written notification will be given to the consumer informing the consumer of isolation, as well as the fees due in respect of the tampering fee for a first offence, and the calculated amounts.
- The Municipality will only re-instate services after the required amounts mentioned in the notification have been paid.

(ii) Second Tampering Offence:

- instances of a second tampering offence, the Municipality may immediately disconnect the service supply and remove pipes and the meter.
- A written notification will be sent to the consumer informing the consumer of the removal of the services and of any outstanding fees, including tampering fees and calculated amounts due. If the money due has not been paid by a specific date and time to be mentioned in the notice, the matter will be referred for debt collection.
- A written notification will also be sent to the owner of the premises to the effect that the service supply has been removed and that a new supply will only be installed after the following conditions have been met:
 - ♦ A written application for reconnection of the supply, including a motivation, has

44

been received and approved by the Municipality.

- ♦ The fee for a new connection, including the pipe cost, as well as all calculated amounts and all other outstanding required amounts, including property tax, have been paid.
- (c) In addition to the provisions of this section, the Municipality may enforce any other rights or exercise any power conferred upon it by the Act, the Municipality's Water Bylaws and any other applicable legislation.

38. Interruption of supply at consumer's request

(1) The Municipality may, at the written request of a consumer -

(a) cut off the supply of water to the consumer's premises; and

(b) restore the supply;

on the dates requested by the consumer.

(2) The consumer shall, prior to the restoration of the water supply in terms of this section, pay the actual cost plus 10% (ten) percent for the cutting-off of the supply of water, and for its restoration.

39. Disconnection of water supply

The Municipality may disconnect a water installation from the pipe and remove the connection pipe if -

(1) the agreement for supply has been terminated in terms of section 13 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 (ninety) days of such termination; or

(2) the building on the premises concerned has been demolished.

40. Water supplied from a fire installation

- (1) The Municipality may permit a temporary supply of water to be taken from one or more fire installations specified by it.
- (2) A person who desires a temporary supply of water referred to in subsection (1) shall apply in the manner prescribed in **section 29(1)** and subject to such conditions as may be prescribed by the Municipality on the **prescribed form**.
- (3) The Municipality may, for purposes of supplying water from a fire installation, provide a portable water meter to be returned to the Municipality on termination of the temporary supply, which portable meter and all other apparatus and fittings used for the connection of a portable water meter to a fire installation remains the property of the Municipality and will be provided subject to any conditions imposed by the Municipality.

Part 3**Measuring water supplied****41. Measuring the quantity of water supplied**

- (1) All water supplied at service level 3 and, if applicable, also at service level 2, to a consumer by the Municipality, shall pass through a meter or other measuring device for the purpose of measuring the quantity of water consumed.
- (2) A meter referred to in subsection (1) and its associated apparatus shall be provided and installed by the Municipality, shall remain its property, and may be changed by the Municipality whenever it deems necessary.
- (3)
 - (a) The Municipality may install the meter, and its associated apparatus, serving a water installation at any point in the installation;
 - (b) If the Municipality installs a meter in a water installation in terms of paragraph (a), it may install a section of pipe and associated fittings between the end of its connection

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

46

pipe and the meter, and such section shall be deemed to form part of the water installation.

- (4) If the Municipality installs a meter together with its associated apparatus in a water installation in terms of subsection (3), the owner shall -
- (a) provide a place satisfactory to the Municipality in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the meter is installed, between the meter and the connection pipe serving the installation;
 - (e) keep the meter clean, accessible, free from debris and prevent the meter being overgrown by grass or plants; and
 - (f) make provision for the drainage of water which may be discharged, from the pipe in which the meter is installed, in the course of work done by the Municipality on the meter.
- (5) No person other than an authorised official shall -
- (a) disconnect a meter and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the Municipality has placed on a meter; or
 - (c) in any other way interfere with a meter and its associated apparatus.
- (6) If the Municipality considers that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises

CONTINUES ON PAGE 130 OF BOOK 2

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SA KWAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
(Irejistiwee njengephephandaba eposihhovisi)

Vol: 17

PIETERMARITZBURG

17 AUGUST 2023

17 AUGUSTUS 2023

No: 2582

PART 2 OF 2

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1994-4551



9 771994 455008

0 2 5 8 2



concerned the prescribed charge for the installation of the meter.

42. Quantity of water supplied to consumer

- (1) For the purpose of assessing the quantity of water supplied to a consumer during any period and measured through a meter installed by the Municipality over a specific period, it shall be deemed, unless the contrary can be proved, that -
 - (a) the quantity is represented by the difference between readings of the meter taken at the beginning and end of such period;
 - (b) the meter was registering correctly during such period; and
 - (c) the entries in the records of the Municipality were correctly made.
- (2) If water is supplied to, or taken by, a consumer without its passing through a meter, the estimate by the Municipality of the quantity of such water shall be deemed to be correct.
- (3) If a meter is by-passed and a contravention of **section 41(5)** occurs, the Municipality, may for the purposes of rendering an account, make an estimate, in accordance with subsection (4), of the quantity of water supplied to the consumer during the period that water was so taken by the consumer.
- (4) For the purposes of subsection (3), an estimate of the quantity of water supplied to a consumer must be based on -
 - (a) the average monthly consumption of water on the premises registered over three succeeding measuring periods over not more than 180 (one hundred and eighty) days in total, after the date on which the irregularity referred to in subsection (2) was discovered and rectified; and /or
 - (b) the period preceding the date referred to in subsection (2) but not exceeding 36 (thirty six) months.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

43. Defective meters

- (1) If a consumer has reason to believe that a meter, used for measuring water, which was supplied to the consumer by the Municipality, is defective, the consumer may, against payment of the prescribed fee, make application in writing for the meter to be tested.
- (2) The prescribed fee referred to in subsection (1) shall be -
 - (a) retained by the Municipality if the meter is found in terms of subsection (3) or (4) not to be defective; or
 - (b) refunded to the applicant if the meter is found in terms of those subsections to be defective.
- (3) A meter to which the regulations relating to water meters under the Trade Metrology Act, 1973 (Act No 77 of 1973) are applicable shall be deemed to be defective if, when tested in accordance with SANS 1529-1: 2003, is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification.
- (4) A meter of size greater than 100mm diameter to which the specification referred to in subsection (3) is not applicable, shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5 % (five percent) when tested between 20% (twenty percent) and 75% (seventy-five percent) of its designed maximum rate of flow.
- (5) In addition to applying the provisions of subsection (2) if the meter is found to be defective, the Municipality must -
 - (a) repair the meter or install another meter which is in good working order, without charging the consumer, unless the costs

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

49

thereof are recoverable from the consumer where **section 41(5)** has been contravened;

(b) determine the quantity of water supply services for which the consumer will be charged on the basis set out in section 33.

(6) Any meter removed by the Municipality for testing must be retained intact and must be available for a period of 3 (three) months after testing.

44. Adjustment of quantity of water supplied through defective meter

(1) If a meter is found to be defective, the Municipality may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such meter was defective, on the basis of the average daily quantity of water supplied to the consumer over -

(a) a period between 2 (two) successive measurements subsequent to the replacement of the meter or, if this is not possible;

(b) the period in the previous year, corresponding to the period in which the meter was defective or, if this is not possible;

(2) (a) If the quantity of water supplied to a consumer during the period when the consumer's meter was defective cannot be estimated in terms of subsection (1), the Municipality may estimate the quantity; and

(b) the consumer must be informed of the method used by the Municipality to estimate the quantity of water supplied to the

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

50

consumer as contemplated in subsections (1) and (2), and given the opportunity to make representations within 14 (fourteen) days to the Municipality before a final estimate is arrived at.

45. Special meter reading at request of consumer

The Municipality must, on receipt from the consumer of a written notice of not less than 7 (seven) days and subject to payment of the prescribed fee, read a meter at a time or on a day other than that upon which it would normally be read.

46. Special measurement

- (1) If the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of the water installation, it may by written notice advise the owner concerned of its intention to install a meter at such point in the water installation as it may specify.
- (2) The installation of a meter referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality.
- (3) The provisions of **sections 41(4) and 41(5)** shall apply insofar as they may be applicable in respect of a meter installed in terms of subsection (1).

Part 4

Payment and accounts

47. Payment for water supplied

All water supplied by the Municipality must be paid for by the consumer in accordance with **section 21** of these By-laws.

48. Water accounts

The Municipality shall barring circumstances referred to in **section 44**, show on each metered water account rendered to a consumer the actual meter readings in kilolitres,

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

together with the dates of the readings and the total amount due in Rands.

49. No reduction of amount payable for water wasted

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

50. Charges other than for water supplied

- (1) The Municipality may, in addition to fees authorised elsewhere in these By-laws, prescribe and levy any of the following fees:
 - (a) A fee payable by the consumer in respect of each connection pipe or meter provided by the Municipality to serve the premises occupied by the consumer, whether or not water has been supplied to the consumer, the fee being due from the date of the agreement referred to in **sections 29(1) or 29(2)**, whichever is applicable. Such fee shall not be based on any quantity of water consumed.
 - (b) A monthly fee payable by the owner in respect of premises which, in the opinion of the Municipality, can reasonably be connected to the water supply system but is not so connected.
- (2) The consumer and the owner of the premises are jointly and severally liable to pay the fees determined by the Municipality, in respect of any fire extinguishing installation or appliance used or installed upon such premises.

Part 5

Municipality approval for work and use of pipes and fittings

51. Approval of installation work

- (1) If an owner wishes to have installation work done, the owner shall first obtain the Municipality's

52

written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required, or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.

- (2) If any of the installation work is governed by the EIA Regulations, then the owner must ensure compliance and obtain the relevant authorisation in respect thereof.
- (3) Application for the approval referred to in subsection (1) shall be made on the **prescribed form** and shall be accompanied by -
 - (a) the prescribed fees, if applicable; and
 - (b) copies of the drawings as prescribed by the Municipality, giving information in the form required by the relevant clause of SANS 10252-1: 2004; or
 - (c) a certificate from a person approved by the Municipality certifying that the installation has been designed in accordance with SANS 10252-1: 2004 or has been designed on a basis approved by the Municipality.
- (4) The provisions of subsections (1), (2) and (3) shall not apply to a registered plumber who replaces a fixed water heater or its associated protective devices.
- (5) Authority given in terms of subsection (1) shall lapse at the expiry of a period of 24 (twenty-four) months after the first day of the month succeeding the month in which the authority is given.
- (6) A complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed, where permission is required in terms of subsection (1).
- (7) If installation work has been done in contravention of subsections (1), (2) or (3), the Municipality may by written notice require the

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

53

owner of the premises concerned to comply with that regulation within a specified period, and if work is in progress, to cease the work, and may further require the owner to remove all such work which does not comply with these By-laws.

52. Persons permitted to do installation work

- (1) No person who is not registered with the SAQCC for the Water Supply Industry, in the category appropriate for the work to be undertaken, shall be permitted to:
 - (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
 - (b) replace a fixed water heater or its associated protective devices;
 - (c) inspect, disinfect and test a water installation, fire installation or storage tank;
 - (d) service, repair or replace a backflow preventer; or
 - (e) install, maintain or replace a meter provided by an owner in a water installation.
- (2) No person shall require or engage a person who is not a registered plumber to do the work referred to in subsection (1).
- (3) The provisions of subsection (1) shall not apply to a person acting in the scope of that person's employment with a registered plumber or a registered contractor.
- (4) Notwithstanding the provisions of subsection (1), a person who, in terms of any law in force immediately prior to the commencement of these bylaws, was entitled to do the work described in subsection (1), may continue to do such work for a period not exceeding 12 (twelve) months after these bylaws became effective.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- (5) Notwithstanding the provisions of subsection (1), the Municipality may permit a person who is not a registered plumber or a registered contractor to do installation work on that person's own behalf on domestic premises owned and occupied solely by that person and that person's immediate household; provided that such work may be inspected and approved by a person registered with the SAQCC for the Water Supply Industry, in the category appropriate to the work being undertaken, at the direction of Municipality.

53. Provision and maintenance of water installation

- (1) An owner must provide and maintain a water installation at the owner's own cost and must ensure that the installation is situated within the boundary of the owner's premises, except –
 - (a) in the case of a connection to a connection pipe; or
 - (b) where permitted in terms of **section 34(2)(c)**
- (2) Before doing work in connection with the maintenance of a portion of the owner's water installation which is situated outside the boundary of the owner's premises, an owner shall obtain the written consent of the Municipality or the owner of the land on which such portion is situated, as the case may be.

54. Technical requirements for water installation

- (1) Notwithstanding the requirement that a certificate be issued in terms of **section 51(3)(c)**, all water installations shall comply with SANS 10252-1: 2004 and all fixed electric storage water heaters shall comply with SANS 10254: 2004;
- (2) In addition to any requirement of SANS 10252-1: 2004, the consumer must at the consumer's own expense, or the Municipality may in its discretion and at the consumer's expense, and for the consumer's exclusive use, provide and install a stop-cock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

55. Use of pipes and fittings to be authorised

- (1) No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water or drainage installation within the Municipality's area of jurisdiction unless it is included in the schedule of approved pipes and fittings.
- (2) A pipe or water fitting may be included in the Schedule referred to in subsection (1) if -
 - (a) it bears the standardisation mark of the SABS in respect of the relevant SANS specification issued by the SABS; or
 - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with a SANS specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years; or
 - (c) it complies with the JASWIC standards.
- (3) The Municipality may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.
- (4) A type of pipe or water fitting may be removed from the Schedule if it -
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (5) The current Schedule referred to in subsection (1) must be available for inspection at the office of the Municipality at any time during working hours.
- (6) The Municipality may sell copies of the current Schedule at the prescribed fee.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

56. Labelling of terminal water fittings and appliances

All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:

- (1) the range of pressure in kPa over which the water fitting or appliance is designed to operate;
- (2) the flow rates, in litres per minute, related to the design pressure range; provided that this information shall be given for at least the following water pressures:
 - (a) 20 (twenty) kPa
 - (b) 100 (one hundred) kPa
 - (c) 400 (four hundred) kPa

57. Unlawful water installation

Where any installation work has been constructed in contravention of these By-laws, the owner and/or consumer must on receiving a compliance notice by the Municipality carry out such alterations to the installation as prescribed in the notice.

58. Pipe in street or public place

No person may, for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in, or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of the Municipality, and subject to such conditions as may be imposed by it on granting permission.

59. Special provision for fire services

- (1) Any water installation for the provision of water for fire fighting purposes, must comply with the provisions of SANS 10252-1: 2004 and SANS

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

57

10400: 1990 Part T, Fire- fighting systems, or any revision or substitution thereof.

- (2) Notwithstanding the provisions of subsection (1), the special provisions contained in **section 59 to 68** inclusive apply, insofar as they are applicable, to the supply of water for fire fighting purposes.

60 Dual and combined installations

Any new building erected after the adoption of these By-laws must comply with the following requirements in relation to the provision of fire extinguishing services

- (1) If, in the opinion of any authorised official of the Municipality charged with the approval of plans, boosting of the system is required, either in terms of ensuring adequate pressure or supply of water for the purposes which the system is intended to meet, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes;
- (2) Combined installations, in which the same pipes and fittings are used for fire extinguishing and general domestic purposes, are only permitted where no booster pumping connection is provided on the water installation;
- (3) In the circumstances contemplated in paragraph (2), a fire hydrant must be provided by the Municipality, at the consumer's expense, within 90 (ninety) metres of the premises to provide a source of water for the use of the crew of any fire tender sent to extinguish a fire; and
- (4) All pipes and fittings must be capable of handling pressures in excess of 1015 (one thousand and fifteen) kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

61. Connection pipe for fire extinguishing services

- (1) A single connection to the water supply system, to serve a connection pipe for a fire installation,

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

58

excluding a sprinkler system, may be provided by the Municipality.

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

62. Valves in connection pipe

Every connection pipe must be fitted with a proper gate valve, which must be -

- (1) supplied by the Municipality at the expense of the owner;
- (2) installed between the owner's premises and the main; and
- (3) installed in such position as may be specified by the Municipality.

63. Inspection and approval of fire installation

No water may be supplied to any fire installation until -

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

- (3) the fees required by the Municipality for such inspection and testing have been paid.

64. Connection at the pleasure of the Municipality

- (1) The Municipality is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.
- (2) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of **section 61(3) or 61(4)**, the Municipality is entitled either to require the installation to be disconnected from the main, or itself to carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

65. Meter in fire installation

The Municipality must install a water meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises will be liable for the whole of the costs.

66. Sprinkler extinguishing installation

A sprinkler installation may be linked directly with the main, but the Municipality is not bound to guarantee any specified pressure at any time.

67. Header tank or double supply from main

(1) Unless a sprinkler installation is provided with a duplicate or Reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main.

(2) The main pipe leading from such header tank to the sprinkler installation may be linked with the main from which the principal supply of water is drawn, provided that such main pipe must be equipped with a backflow preventer which, if the pressure in the main fails or is reduced for any reason, will shut off the opening to the main.

(3) Where a sprinkler installation is provided with duplicate or reserve supply from a separate main, each supply pipe must be equipped with a backflow preventer situated within the premises.

68. Sealing of private fire hydrant

- (1) (a) Except in the case of a fire installation supplied through a connection pipe fitted with a meter, a private hydrant and hose-reel must be sealed by the Municipality and such seal may not be broken by any person other than the Municipality in the course of servicing and testing, except for the purpose of opening the hydrant in the case of fire.
- (b) Every owner or consumer must give the Municipality at least 48 (forty-eight) hour's notice of the owner or consumer's intention to cause a fire extinguishing installation to be tested.
- (2) The cost of resealing a hydrant and hose-reel referred to in subsection 1(a), must be borne by the consumer except when such seal is broken by the Municipality's employee for testing purposes.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- (3) Any water consumed after the breaking of the seal referred to in subsection (2), other than in the course of testing by the Municipality or of fighting a fire, must be paid for by the consumer at the fees determined by the Municipality.
- (4) The quantity of water consumed as contemplated in subsection (3), must be determined by the Municipality.

Part 6

Water conservation and prevention of pollution

69. Waste of water

- (1) No consumer shall permit -
- (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings;
 - (d) an overflow of water to persist; or
 - (e) an inefficient use of water to persist.
- (2) An owner shall repair or replace any part of the owner's water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), the Municipality shall, by written notice, require the owner to comply with the provisions of subsection (1).
- (4) If an owner fails to comply with the notice referred to in subsection (3), the Municipality shall take such measures as it may deem fit without prior notice and recover the cost of doing so from the owner.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

62

- (5) (a) A consumer shall ensure that any equipment or plant connected to the consumer's water installation uses water in an efficient manner.
- (b) The Municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

70. Car washing facilities

All commercial vehicle washing facilities shall be constructed and operated in such a manner that 50 % (fifty percent) of the water used by such facility is recycled for re-use in the facility.

71. Grey water practices

Any device which entails the recycling or re-use of water shall not make use of water derived from any kitchen, excluding clothes washing machines, or from toilet discharges.

72. Equipment specification to facilitate water conservation

- (1) No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 6 (six) litres.
- (2) Only flushing urinals that are user activated may be installed.
- (3) In any water installation where the dynamic water pressure is more than 200 (two hundred) kPa at a shower control valve, and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of no greater than 10 (ten) litres per minute shall be installed.
- (4) The maximum flow rate from any tap installed

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

on a wash hand basin shall not exceed 6 (six) litres per minute.

73. Water demand management

- (1) No person shall, without prior written authority from the Municipality, water a garden, sports field, park or other grassed or horticultural area between the hours of 11:00 and 15:00, between the months of October and March inclusive, irrespective of the source of the water used.
- (2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable to penalties as prescribed in the National Water Act, or other applicable legislation.

74. Water restrictions

- (1) The Municipality may, subject to other applicable legislation, by notice -
 - (a) prohibit or restrict the consumption of water -
 - (i) for specified purposes or otherwise;
 - (ii) during specified hours of the day or on specified days or otherwise than during specified hours of the day or on specified days; and
 - (iii) in a specified manner or otherwise than in a specified manner;
 - (b) determine and impose -
 - (i) limits on the quantity of water which may be consumed over a specified period;
 - (ii) fees additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subparagraph (i); and
 - (iii) a general surcharge on the prescribed fees in respect of the supply of water; and
 - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

64

- (2) The Municipality may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and classes of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on such grounds as it may deem fit.
- (3) The Municipality may -
 - (a) take, or by written notice require a consumer at the consumer's own expense to take such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
 - (b) cut off or, for such period as it may deem fit, restrict the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), and where the supply has been cut off, it shall only be restored when the prescribed charge for cutting off and reconnecting the supply has been paid.
- (4) The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).

75. Consumer to prevent pollution of water

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

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- (2) If any person contravenes subsection (1), the Municipality may:
- (a) by written notice require the consumer to take remedial steps to prevent pollution of the water in the water supply system or water installation on the consumer's premises within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice undertake the work required by subsection 2(a) and recover the costs from the consumer.

76. Protection of water supply system and installation

- (1) The owner must take any of the measures referred to in subsection
- (2) to prevent the backflow of water from the water installation to the water supply system in the case of-
 - (a) a fire or combined installation on premises; and
 - (b) a general installation serving the following activities-
 - (i) medical treatment of people or animals;
 - (ii) medical, pharmaceutical or chemical research and manufacturing;
 - (iii) agriculture, including dairies and nurseries;
 - (iv) photographic processing;
 - (v) laundering and dry-cleaning;
 - (vi) metal plating;
 - (vii) treatment of skins and hides;
 - (viii) mortuaries;
 - (ix) abattoirs;
 - (x) sewage purification works;

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- (xi) refuse processing plants;
 - (xii) oil processing and storage facilities;
 - (xiii) wineries, distillers, breweries, yeast and cold drink factories;
 - (xiv) sports facilities; or
 - (xv) any other premises on which an activity is carried out which in the opinion of the Municipality is likely to cause a danger to health or affect the potability of water in the event of a substance resulting from such activity entering the water supply system; and
- (c) a general installation on any premises after a compliance notice by the Municipality to do so.
- (2) The measures required in terms of subsection (1) are-
- (a) the discharge of water from the service pipe into a storage tank through an air gap; or
 - (b) the passing of water through a backflow preventer; or
 - (c) any other measures approved by the Municipality which achieve the same purpose.
- (3) The owner of any premises must prevent the back siphonage into the owner's water installation of a substance which is likely to cause a danger to health or affect the potability of water, in the case of-
- (a) a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it, which shall include a hose bibcock, a laboratory tap, and a movable shower unit;
 - (b) a fire hose-reel in a combined installation;
 - (c) an underground irrigation system; or

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- (d) any other fitting which may provide contact between polluted water and the water installation.

Part 7

Water supply services: Miscellaneous

77. Use of water from source other than water supply system

- (1) No person shall use or permit the use of water obtained from a source other than the water supply system, except rain water tanks which are not connected to the water installation, except with the prior consent of the Municipality and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.
- (2) Any person desiring the consent referred to in subsection (1) shall provide the Municipality with satisfactory evidence to the effect that the water referred to in that subsection complies, whether as a result of treatment or otherwise, with the requirements of SANS 241: 2001 Drinking Water, or that the use of such water does not or will not constitute a danger to health.
- (3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the Municipality -
 - (a) a condition imposed in terms of subsection (1) is breached; or
 - (b) the water no longer conforms to the requirements referred to in subsection (2).
- (4) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the Municipality's sewerage system, the Municipality may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.
- (5) The provisions of section 30 shall apply insofar as they may be applicable in respect of the meter referred to in subsection (4).

78. Boreholes

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- (1) The owner of any premises within the area of a land use management system of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, shall notify the Municipality on the **prescribed notification form** of the existence of a borehole on such premises, and provide the Municipality with such information in respect thereof as it may require.
- (2) The sinking of a new borehole or the rehabilitation of an existing borehole with the intention to use it as a borehole is only allowed above the 50m (fifty metre) mean sea level contour line.
- (3) Notwithstanding subsection (2) the sinking of boreholes below the 50m (fifty metre) mean sea level contour line may in the Municipality's discretion be authorised on conditions as deemed necessary by the Municipality for research or monitoring purposes. An application for such intended use shall be submitted to the Municipality on the **prescribed application form** prior to the commencement of any work in connection therewith.

79. Sampling of water

- (1) The Municipality may take samples of water obtained from a source other than the water supply system and cause the samples to be tested for compliance with the requirements of the National Water Act.
- (2) The prescribed charge for the taking and testing of the samples referred to in section (1) shall be paid by the person to whom consent to use the water was granted in terms of the National Water Act.

80. Supply of non-potable water by the Municipality

- (1) The Municipality may on application in terms of **section 29**, agree to supply non-potable water to a consumer

(excluding residential premises) subject to such terms and conditions as the Municipality may impose.

- (2) Any supply of water agreed to in terms of subsection (1) shall not be used for domestic or any other purposes which, in the opinion of the Municipality may give rise to a health hazard.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss to the consumer or others arising directly or indirectly there from, including the consequences of any bona fide fault of the Municipality or the malfunction of a treatment plant.

81. Testing of pressure in system

The Municipality may, on application by an owner and on payment of the prescribed charge, determine and furnish the owner with the value of the pressure in the water supply system relating to an owner's premises over such period as the owner may request.

82. Warning notices

- (1) At premises on which non-potable water is used, the owner shall ensure that every terminal water fitting and every appliance which supplies or uses the water is clearly marked with a weatherproof notice indicating that the water therefrom is water unsuitable for domestic purposes.
- (2) In an area where treated sewage effluent is used, the owner shall erect weatherproof notices in prominent positions warning that such effluent is not suitable for domestic purposes.
- (3) Every warning notice prescribed in terms of subsections (1) and (2) shall be in more than one official language and shall include the symbolic sign for non-potable water, sign PV5 as described in SANS 1186-1: 2003.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

83. Water audit

- (1) Major water consumers (those using more than 3 650 kilolitres per annum), excluding those comprising multiple dwelling units, shall undertake as and when required by the Municipality, a water audit.
- (2) The audit shall detail the following: -
 - (a) amount of water used during the financial year;
 - (b) amount paid for water for the financial year;
 - (c) number of people living on the stand or premises;
 - (d) number of people permanently working on the stand or premises;
 - (e) comparison of the above factors with those reported in each of the previous three years (where available);
 - (f) seasonal variation in demand (monthly consumption figures);
 - (g) details of water pollution monitoring methods;
 - (h) details of current initiatives to manage their demand for water;
 - (i) details of plans to manage their demand for water;
 - (j) comparison of the above factors with those reported in each of the previous 3 (three) years (where available); and
 - (k) estimate of consumption by various components of use.

CHAPTER 3**SANITATION SERVICES****Part 1****Disposal of sewage****UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS**

84. Objectionable discharge to sewage disposal system

- (1) No person shall cause or permit any solid, liquid or gaseous substance other than storm water to enter: -
 - (a) any storm water system or excavated or constructed;
 - (b) any river, stream or natural watercourse or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
 - (c) any street or premises.
- (2) No person shall, other than in compliance with the permissions issued in terms of these By-laws, discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance -
 - (a) which does not comply with the standards and criteria prescribed in these By-laws or other applicable legislation;
 - (b) which contains any substance in such concentration as will produce or is likely to produce in the final treated effluent at any treatment works or sea outfall discharge point or in any public water, any offensive or otherwise undesirable taste, colour or odour or any foam;
 - (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use or treated to produce sludge for disposal;
 - (d) which contains any substance or thing of whatever nature which is not amenable to treatment at treatment works to a satisfactory degree or which causes or is likely to cause a breakdown or inhibition of the processes in use at such works;
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (3) No person shall cause or permit any storm water to enter the sewage disposal system.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- (4) No person shall cause or permit any disposal of water into a ventilated improved pit latrine.
- (5) An authorised official may, by written notice, order the owner or occupier to conduct, at cost, periodic expert inspections of the premises in order to identify precautionary measures, which would ensure compliance with these By-laws, and to report such findings to an authorised official.
- (6) If any person becomes aware of any contravention of these By-laws, such person shall immediately advise the authorised official of the details of such contravention.

85. Application for use of sewage disposal system

- (1) Any person wishing to connect to the sewage disposal system must submit an application to the Municipality on the **prescribed form**, accompanied by such information as set out in **section 85(2)** and any additional information that the Municipality may require from time to time.
- (2) The application form must at least contain the following information -
 - (a) acceptance by the user of the provisions of these By-laws and acceptance of liability for the cost of all sanitation services used until the agreement is terminated;
 - (b) name of user, and the user's identity or registration number, where applicable;
 - (c) address or stand number of the premises at which the sanitation service is to be provided, or on which a communal sewer connection is used;
 - (d) address to which accounts must be sent;
 - (e) the agreed date on which the sanitation service shall be provided.

73

- (3) The approval of an application referred to in subsection (1) shall constitute an agreement between the Municipality and that person.
- (4) After approval of the application the applicant referred to in subsection (1) shall be liable for all the prescribed fees in respect of the use of the sewage disposal system in accordance with these By-laws.
- (5) Where premises have been connected to the sewage disposal system or are reasonably capable of being so connected, the owner shall be liable for compliance with these By-laws.

86. Special agreements for disposal of sewage

- (1) The Municipality may enter into a special agreement for the disposal of sewage with -
 - (a) a person within the Municipality's area of jurisdiction, if the disposal necessitates the imposition of conditions not contained in these By-laws.
 - (b) a person outside the Municipality's area of jurisdiction.
- (2) If the Municipality, in terms of a special agreement in subsection (1), provides a means of disposal of sewage to a person outside the Municipality's area of jurisdiction, it may permit that person to accept sewage for eventual disposal by the Municipality from other persons outside the Municipality's area of jurisdiction, subject to such conditions as the Municipality deems fit.

87. Application for infrastructure

- (1) If an agreement for on-site sanitation and associated services in accordance with **section 86** has been concluded, and no infrastructure in connection therewith exists on the premises, the owner must immediately make application for the installation thereof on the **prescribed form** and –
 - (a) pay the prescribed fees for the installation of the necessary infrastructure; or

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

74

- (b) with the approval of the Municipality install on-site sanitation services in accordance with the specifications of the Municipality.
- (2) In approving an application for the installation of infrastructure, the Municipality may specify the type of on-site sanitation services to be installed.

88. Septic tank, treatment plant and French drain

- (1) No person may without the prior written permission of the Municipality construct, install, maintain or operate any septic tank, French drain, soakage pit or other plant for the treatment, disposal or storage of sewage, if a sewage disposal system and/or connection sewer is available.
- (2) The permission referred to in subsection (1) is subject to the provisions of these By-laws, any other relevant by-laws of the Municipality, or any other law.

89. Conservancy tank

The Municipality may when no sewage disposal system is available, at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of soil water, or such other sewage or effluent as it may decide, and such tank and appliances must be of such capacity, constructed of such material, and located in such position and at such level as it may prescribe.

90. Ventilated improved pit latrine

The Municipality may at its discretion and on such conditions as it may prescribe, taking into regard the nature and permeability of the soil, the depth of the water table and any other factors which may have the potential to cause harm to the environment if approval is granted, the size of and access to the site and the availability of a piped water supply, permit the disposal of human excrement only by means of a ventilated improved pit latrine, constructed in accordance with the specifications and located in a position indicated by the Municipality.

91. Services associated with on-site sanitation services

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

The removal or collection of conservancy tank contents, night soil or the emptying of pits must be undertaken by the Municipality or a service provider nominated and approved by the Municipality in terms of the Act.

92. Provision of a connecting sewer

- (1) If application has been made in accordance with **section 85** for use of the sewage disposal system and no connecting sewer exists in respect of the premises, the owner or his or her agent shall immediately apply to the Municipality for the installation of such a connecting sewer and pay the prescribed charge.
- (2) If an application is made for use of the sewage disposal system to premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, an authorised official may agree to the extension subject to such conditions as he or she may impose.
- (3) An authorised official may at the request of any person agree, subject to such conditions as the authorised official may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible, at the applicant's cost, for any extension of the drainage installation to the connecting point designated by an authorised official and for obtaining such servitudes over other premises as may be necessary. (4) A connecting sewer provided and installed by the Municipality shall -
 - (a) be located in a position determined by an authorised official;
 - (b) terminate at a connection point approximately 1 (one) metre inside the premises from the boundary of the land owned by or vested in the Municipality or over which it has a servitude or other right or when subsection (3) applies, at the connecting point designated in terms of that subsection; and

76

(c) be of a size determined by an authorised official.

93. Construction of drainage installation

Any drainage installation must comply with SANS 10400:1990 Part P, Drainage, and any amendments thereto.

94. Use of pipes and fittings in drainage installation to be authorised

No person may, without the prior written permission of the Municipality install or use a pipe or fitting in a drainage installation within the Municipality's area of jurisdiction, unless it is of a type included in the schedule referred to in **section 55**.

95. Approval of drainage work

- (1) No person may construct, reconstruct, alter, add to or
make any permanent disconnection in or of any drainage installation without first having obtained the permission of the Municipality in writing.
- (2) No drainage work mentioned in subsection (1) for which permission has been given in terms of these By-laws, may be commenced until after the expiration of 2 (two) clear days notice after notice in writing has been served on the Municipality stating the day on and time at which it is intended to commence the work.
- (3) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the Municipality.
- (4) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.

96. Interconnection between premises

Every owner of premises must ensure that no interconnection exists between the drainage installation on the owner's premises and any drainage installation

on other premises, unless the owner has obtained the prior written permission of the Municipality and complies with any conditions that may have been imposed in granting such permission.

97. Acceptance of sewage delivered by road haulage

- (1) An authorised official may, subject to such conditions as the authorised official may specify, accept sewage for disposal delivered to the Municipality's facilities by road haulage.
- (2) No person shall discharge sewage into the Municipality's facilities by road haulage, except with and in accordance with the written permission of an authorised official. An authorised official shall determine the fees for any sewage delivered as contemplated in subsection (1) for disposal to any of the Municipality's facilities in accordance with the prescribed Tariff of Charges.
- (3) When delivery is by road haulage-
 - (a) the time of delivery shall be arranged with an authorised official; and
 - (b) the nature and composition of the sewage shall be established to the satisfaction of an authorised official prior to the discharge thereof, and no person shall deliver sewage which does not comply with the standards determined in terms of these By-laws.
- (4) Provided that 14 (fourteen) days' written notice is given, an authorised official may withdraw any permission to discharge sewage delivered in terms of this section if the person to whom such permission had been given:
 - (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "B" or "C", as applicable, or in the permit; or
 - (b) fails or refuses to comply with any notice lawfully served on the person in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed on the person in terms of any permission granted to the person;

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- (c) fails to pay the assessed charges in respect of any sewage delivered.

98. Measurement of quantity of standard domestic effluent discharged

The quantity of standard domestic effluent must be determined in accordance with the Tariff of Charges (Schedule A).

Part 2 Industrial effluent

99. Discharge of industrial effluent

- (1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in accordance with the provisions of these By-laws and the written permission of an authorised official.
- (2) If, in the opinion of an authorised official, the capacity of a sewage disposal system is sufficient to permit the conveyance, effective treatment and lawful disposal of the industrial effluent the authorised official may, for such period and subject to such conditions as the authorised official may impose, grant written permission in terms of subsection (1).
- (3) A person to whom such permission is granted shall pay to the Municipality the prescribed fees.
- (4) Application for permission to discharge industrial effluent shall be made in accordance with section 75 above.
- (5) The person to whom permission has been granted in terms of this Chapter shall ensure that no industrial effluent is discharged into the sewage disposal system unless it complies with the standards and criteria set out in Schedules "B" and "C" hereto.

100. Relaxation of standards

- (1) An authorised official may relax or vary the standards prescribed in Schedules "B" or "C" provided that the

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

authorised official is satisfied that any such relaxation represents the best practicable environmental option.

- (2) In determining whether relaxing or varying the standards in Schedules "B" or "C" represents the best practicable environmental option an authorised official shall apply a risk-averse and cautious approach and give consideration to:
 - (a) whether the applicant's plant is operated and maintained at optimal levels;
 - (b) whether technology used by the applicant represents the best available to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - (c) whether the applicant is implementing a program of waste minimization which complies with national and local waste minimization standards to the satisfaction of the authorised official;
 - (d) the cost to the Municipality of granting the relaxation or variation; and
 - (e) the environmental impact, or potential impact, if the relaxation or variation is granted.

101. Test samples

- (1) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule "B" and "C" or any other standard prescribed by the Municipality's permit.
- (2) The permit holder of a permit issued in terms of subsection (1) shall provide a sampling point, to the satisfaction of the authorised official, in respect of the industrial premises concerned.

102. Duties of permit holder

- (1) An authorised official may in the permit or at any time, by written notice, require a person to whom permission had been granted in terms of section 101(1) to -
 - (a) subject the industrial effluent to such preliminary treatment as in the opinion of an authorised

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

80

official will ensure that the industrial effluent conforms to the standards prescribed in Schedules "B" and "C" before being discharged into the sewage disposal system;

- (b) install such equalizing tanks, valves, pumps, appliances, meters and other equipment as in the opinion of an authorised official will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by the authorised official;
- (c) install for the conveyance of industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such permit holder from disposing of industrial effluent at any other point and from disposing of waste water and standard domestic effluent by means other than into a sewage disposal system;
- (d) construct on any pipe conveying industrial effluent to any sewer, a manhole and/or stop-valve in such position and of such dimensions and materials as an authorised official shall prescribe;
- (e) provide all such information as may be required or called for by an authorised official to enable the authorised official to assess the charges due to the Municipality in terms of these By-laws in accordance with the formula prescribed by it;
- (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catchpits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these By-laws;
- (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the permit holder at times laid down by an authorised official and copies of the calibration to be forwarded to the authorised official;
- (h) cause industrial effluent to be analysed as often and in such manner as may be prescribed by an authorised official and provide the authorised

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

81

official with results of these tests when completed;

- (i) obtain the written permission of an authorised official for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system;
 - (j) in the event of the permit holder discharging into the sewage disposal system any industrial effluent which does not comply with the permit issued in respect of that process or premises, the permit holder shall, within 12 (twelve) hours of the discharge, notify an authorised official of the incident and the reasons for it.
- (2) The cost of any treatment, plant, works or analysis required in terms of subsection (1), shall be borne by the person to whom permission had been granted.

103. Withdrawal of written permission for disposal of industrial effluent

- (1) Provided that an authorised official shall give 14 (fourteen) days' written notice, the authorised official may withdraw any permission to discharge industrial effluent into the sewage disposal system granted in terms of this Chapter if the person to whom such permission had been granted -
- (a) fails to ensure that the industrial effluent so discharged conforms to the industrial effluent standards prescribed in Schedules "B" and "C" of these By-laws or in the permit;
 - (b) fails or refuses to comply with any notice lawfully served on the person in terms of these By-laws or contravenes any provision of these By-laws or any condition imposed upon the person in terms of any permission granted to the person; or
 - (c) fails to pay the charges due in respect of any industrial effluent discharged.
- (2) The authorised official may, when withdrawing the permission as contemplated in subsection (1), -

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

82

- (a) and in addition to any steps prescribed in these By-laws, on 14 (fourteen) days' written notice served on the person concerned, authorize the closing or sealing of the connecting sewer or drain of the said premises to any sewer at the cost of such a person;
 - (b) refuse to accept any further industrial effluent until the authorised official is satisfied that the person concerned has taken adequate steps to ensure that the industrial effluent to be discharged conforms with the standards prescribed in these By-laws.
- (3) An authorised official may, subsequent to a drain or connecting sewer having been closed or sealed in terms of subsection (2), upon being satisfied that the effluent to be discharged meets with the standards prescribed in these By-laws and against payment of the prescribed fees, open or authorise the reopening of the connection or seal.

104. Measurement of quantity of industrial effluent discharged

- (1) The Municipality may install, in such position as it determines, in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purposes of ascertaining the quantity or composition of the industrial effluent and it may recover the installation and maintenance costs from the owner.
- (2) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any such meter, gauge or other device.
- (3) The Municipality may, after consultation with the person concerned, establish an alternative method of assessing the quantity of the effluent to be discharged.
- (4) Notwithstanding the foregoing provisions of this section, the Municipality may require any person who discharges industrial effluent into its sewers to provide one or more meters in such a position in the water installation as the Municipality may deem necessary to record the water consumption in a specific part of the premises.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

(5) The Municipality may determine a rebate to apply to the prescribed fees if the owner or occupier discharges industrial effluent -

(a) solely during periods specified by the Municipality;
and/or

(b) containing constituents which will have a beneficial effect on the effluent discharged from the sewage treatment plant.

(6) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Municipality may, upon application, reduce the assessed quantity of industrial effluent.

105. Damage to sewage disposal system or the environment

If a person is discharging industrial effluent which will, if allowed to continue, seriously damage the sewage disposal system or the environment, an authorised official may immediately authorise the sealing of the sewer connection through which the industrial effluent is being discharged. No person shall permit the opening of that connection until an authorised official is satisfied that the industrial effluent will comply with the prescribed standards.

106. Provision applicable to sea outfall pipeline

(1) The provisions of this chapter shall apply *mutatis mutandis* to effluent discharged into any sea outfall.

(2) Where effluent is accepted for discharge into a sea outfall, it shall be delivered to the point of acceptance approved by an authorised official by means of a pipeline constructed and maintained by the person to whom permission to discharge had been granted, at such person's expense.

(3) No effluent shall be accepted for discharge into a sea outfall unless it complies with the standards and criteria set out in Schedule "C".

84

- (4) Effluent shall not be accepted for discharge into a sea outfall unless it, whether alone or in combination with other substances, can be demonstrated to the satisfaction of an authorised official, not to:
- (a) be toxic to marine fauna or flora;
 - (b) contain any other constituents in concentrations which can create a nuisance on the beaches or in the sea, or a health hazard or which may have an adverse effect on bathing or other recreational activities;
 - (c) contain any floating material;
 - (d) contain any substance which may be prejudicial or injurious to the Municipality's sea outfall and associated sumps, sewers, plant and equipment or to the public;
 - (e) contain any materials capable of creating a nuisance by frothing; or
 - (f) contain any standard domestic effluent.

107. Maintenance of delivery pipeline

The delivery pipeline from the premises concerned to the point of acceptance shall be maintained by the permit holder in a proper condition and free from leaks.

108. Periodic review

Acceptance of the industrial effluent shall be subject to periodic review; provided that such review may be made at any time if, in the opinion of an authorised official, special circumstances such as pollution of the sea or beaches, the killing of fish or other incidents arise as a result of the acceptance thereof into a sea outfall.

109. Change in process of manufacture of materials

An authorised official shall be notified of any proposed change in the process of manufacture or in the quantity or nature of the materials used which is likely to affect the nature, composition or quantity of the industrial effluent discharged and the authorised official's permission for the continued discharge of such effluent shall be obtained.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

Part 3**Sanitation: Miscellaneous****110. Damage to sewage disposal system**

- (1) A person may not damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) Any person who intends performing work on land owned by or vested in the Municipality or over which it has a servitude or other right and which may cause damage to the sewage disposal system shall, prior to commencement of such work, ascertain from an authorised official if any part of the sewage disposal system is situated on the said land.
- (3) If work is to be performed or is being performed on land referred to in subsection (2), or on land adjacent thereto which in the opinion of an authorised official could damage or endanger the sewage disposal system the authorised official may, by notice in writing, require the person concerned not to commence, or to cease performing, the work until such time as the person has complied with the conditions specified in the notice.

111. Consequential maintenance of sewers

Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of these By-laws or otherwise, the Municipality shall be entitled to remove the obstruction or perform the maintenance or repairs deemed necessary by the authorised official, at the expense of such person.

112. Work by private persons

The Municipality or its agents shall lay all sewers and connecting sewers unless it elects not to do so, in which case the work shall be executed in accordance with the Municipality's specifications applicable to the work, as well as the following provisions:

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

86

- (1) any person performing work in terms of this section shall, prior to commencement of such work, lodge with an authorised official a written indemnity to the satisfaction of the authorised official indemnifying the Municipality against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct or indirect result of the execution of such works;
- (2) where a connection is to be made with any sewer it shall be made at a point indicated by an authorised official;
- (3) whenever the surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be undertaken solely by the Municipality at the expense of the person performing the work. Prior to the disturbance of the surface of such street or road a deposit shall be made by such person with the Municipality which in the opinion of an authorised official is sufficient to cover the estimated cost of such restoration. When the actual cost exceeds or is less than the amount deposited, any excess shall be recoverable from such person and any balance shall be refunded to the person;
- (4) all work shall be performed in accordance with the requirements and to the satisfaction of an authorised official.

CHAPTER 4

ENFORCEMENT OF BY-LAWS AND LEGAL MATTERS

113. Authorisation of an authorised official

A service provider as contemplated in the definition of the Municipality and in section 76 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), may authorise any person in its employ to be an authorised official.

114. Functions of an authorised official

- (1) An authorised official may execute work, conduct an inspection and monitor and enforce compliance with these By-laws.
- (2) Subject to the provision of any other law, an authorised

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

87

official must carry out the functions contemplated in this section and the powers set out in **section 115**, in accordance with the procedure outlined in **sections 116 and 117**.

115. Additional powers of an authorised official

(1) An authorised official, in addition to any power conferred upon the authorised official in terms of these By-laws, may –

- (a) execute work on or inspect premises;
- (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
- (c) question a person whom the authorised official believes may have information relevant to the work or inspection;
- (d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to work or inspection;
- (e) copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;
- (f) take samples of any substance that is relevant to the work or inspection;
- (g) monitor and take readings or make measurements;
- (h) take photos or make audio-visual recordings of anything
- (i) or any person, process, action or condition on or regarding any premises; and
- (j) do what is necessary for the execution of work or

the

conducting of an inspection that the Municipality is required to undertake in terms of these By-laws.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- a (2) An authorised official who removes anything other than substance contemplated in subsection (1)(f) from the premises being worked upon or inspected, must -
- (a) issue a receipt for it to the owner or person in control of the premises; and
- the (b) return it as soon as is practicable after achieving the purpose for which it was removed.

116. Procedure to execute work or conduct an inspection: entry with a written authorisation

- (1) An authorised official may subject to section 101 of the Systems Act, enter any premises if a justice of peace as contemplated in section 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963) has issued a written authorisation to enter and execute work or inspect the premises, and the written authorisation is still valid.
- enter (2) A justice of peace may issue a written authorisation to and execute work or inspect any premises if, from information on oath, there are reasonable grounds to believe that -
- execute (a) in the interest of the public, it is necessary to work or obtain information that cannot be obtained without entering those premises;
- these (b) there is non-compliance with any provision of By-laws in respect of the premises; and
- (c) significant environmental degradation or water pollution has taken, or is likely to take place, or is suspected.
- (3) A justice of peace may issue a written instruction to the owner or person in control of the premises to do work, at the expense of such owner or person, which is necessary to enable an authorised official to –

- sanitation
restricted
- (a) determine whether or not there has been a contravention of these By-laws on such premises;
 - (b) restore access to water supply system or any service where the owner or such person has access; and
 - (c) properly or effectively execute work or inspect premises, as contemplated in subsection (1).
- been
- (4) If, after the work contemplated in subsection (3) has been performed, it is established that no contravention of these By-laws has taken place, the expenses incurred in performing the work and restoring the premises to its former condition, shall be paid by the Municipality.
- be
- (5) A written authorisation in terms of subsection (2) may be issued at any time and must specifically -
- (a) identify the premises that may be worked on or inspected; and
 - (b) authorise the authorised official to enter and execute or inspect the premises and do anything listed in **section 115(1)**.
- (2) is
- (6) A written authorisation issued in terms of subsection valid until one of the following events occur:
- (a) it is carried out;
 - (b) is cancelled by the person who issued it or, in that person's absence, by a person with similar authority;
 - (c) the purpose for which it was issued, has lapsed; and
 - (d) 3 (three) months have passed since the date of issue.
- (2) may
- (7) A written authorisation issued in terms of subsection

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- 90
- the only be carried out between 07:00 and 19:00, unless
 justice of peace who issues it states in writing that it
 may be carried out at a different time reasonable in the
 circumstances.
- (8) Before commencing any work or inspection, an
 authorised official who carries out a written authorisation must
 either -
- the (a) if the owner of or a person apparently in control of
 premises is present -
- such (i) identify him or herself and explain his or her
 authority to that person or furnish proof of
 authority; and
- that (ii) hand a copy of the written authorisation to
 person;
- attach a (b) if the owner or person apparently in control of the
 premises is absent or refuses to accept a copy,
 in a copy of the written authorisation to the premises
 prominent and visible place.

117. Procedure to execute work or conduct an inspection: entry without a written authorisation

- (1) An authorised official who does not have a written
 authorisation may, subject to **section 112** of the
 Systems Act,
 enter and execute work or inspect –
- person (a) any premises with the consent of the owner or

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- apparently in control of the premises; or
- routine (b) any premises, except residential premises, on a basis
- a 12 (i) no more frequently than 6 (six) times during (twelve) month period; or
- laws (ii) more frequently if permitted by these By-laws for the purposes of any work or inspection;
- any (c) any premises, if there are reasonable grounds to suspect that there is an emergency, and/or that delay in commencing any work or inspection may
-
- water (i) disrupt or adversely affect the provision of services;
- water; (ii) result in excessive wastage or pollution of or
- or (iii) have significant detrimental effects on public private health and safety;
- (d) any premises from which there is a discharge or suspected discharge, into any sewer of any storm water, sewage, industrial effluent, or other liquid substance contemplated in **section 84(1), (2) and (3)**;
- or
- or (e) any premises on which a nuisance is caused by, related to, or emanates from a drainage and installation;
- section 12** (f) any premises on which a contravention of exists or is suspected.

92

- any work
caused by
(c), (d),
(1),
section
has
- (2) Unless the emergency and/or delay in commencing or inspection referred to in subsection (1)(c) was an act or omission of the Municipality, the cost of any remedial action taken in connection with subsections (e) and (f) must be paid by the owner of the premises.
- (3) In addition to the entry permitted in terms of subsection an authorised official may enter any premises without a written authorisation in respect of which there is an outstanding compliance notice, issued in terms of **121** for the purposes of determining whether that notice has been complied with.
- him
proof of
- (4) Before commencing work or inspecting any premises in terms of this section, an authorised official must identify or herself and explain his or her authority or furnish such authority to the person apparently in control of the premises or the person who gave permission to enter.
- reasonable time
- (5) Any entry and execution of work or inspection without a written authorisation must be carried out at a in the circumstances.

118. Using force to enter

- authorisation in
entry,
as is
- (1) An authorised official carrying out a written terms of **section 115** may overcome any resistance to execution of work or inspection by using as much force reasonably required, including breaking a lock, door or window of the premises to be entered.
- written
- (2) Before resorting to force, the person carrying out the

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

must authorisation must audibly demand admission and
 reasonably announce his or her purpose, unless he or she
 is the believes that doing so may induce someone to destroy,
 dispose of, or tamper with, an article or document that
 object of the inspection.

(3) The Municipality must compensate anyone who suffers
 damage because of forced entry during the execution
 of any work or any inspection when no one responsible for the
 premises was present.

(4) Force may not be used to affect an entry or execute
 work or conduct an inspection in terms of **section 115** unless
 an emergency arises.

119. Authorised official may be accompanied

During the execution of any work or an inspection, an
 authorised official may be accompanied by a member of the South
 African Police Services or by any other person reasonably required
 to assist in executing the work or conducting the inspection.

120. Duty to produce document

Any person who holds any document relevant to the
 execution of any work or inspection contemplated in this Chapter must
 produce it at the request of an authorised official.

121. Compliance notice

(1) An authorised official who becomes aware that any
 provision of these By-laws has not been complied with,
 may issue a compliance notice to the owner or person
 apparently in control of the relevant premises.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

94

(2) An authorised official who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.

(3) A compliance notice remains in force until an authorised official has issued a compliance certificate in respect of that notice.

(4) A compliance notice must set out -

- (a) the provision that has not been complied with;
- (b) details of the nature and extent of non-compliance;
- (c) any steps that are required to be taken and the period within which those steps must be taken; and
- (d) any penalty that may be imposed in terms of these By-laws in the event of non-compliance with these steps.

122. Complaints against persons other than the Municipality

Anyone may lodge a complaint with an authorised official, either directly or through any other channel established by the Municipality, that another person -

- (1) is likely to cause or has caused a disruption of the provision of water services without just cause; or
- (2) is likely to act or has acted contrary to the provisions of these By-laws; in which event the authorised official, unless that authorised official has reasonable grounds to believe that the complaint is frivolous, must

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

investigate the complaint and, take any necessary action which is competent in terms of these By-laws.

123. Official address

- (1) For the purposes of the service of any notice, order or other document relating to legal proceedings –
- (a) the address of the owner of the premises on which domestic water is consumed or generated is deemed to be the official address of such owner; and
- (b) the address of the consumer and/or user, as referred to in **sections 29(5) and 85(2)** is deemed to be the official address of the consumer and/or user.
- (2) Where any notice or other document is required by these By-laws to be served on any person other than for the purpose of criminal proceedings, it must be served on that person, failing which it may be served on any member of that person's household or an employee as the case may be, of the apparent age of 16 (sixteen) years or older, at the place of residence or business of that person, or if sent by registered post, to the official address contemplated in subsection (1), it will constitute prima facie proof of the service of such notice.

124. Recovery of costs and fees

Any costs which the Municipality is entitled to recover from a consumer and/or user, owner or other person in terms of these By-laws include, where applicable, any prescribed fees, expenses incurred to remedy the pollution of water in terms of **section 76(2)**, the cost of any exploratory investigation, survey, plan, specification, or schedule of quantities compilation, supervision, administration or authorisation charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilised in any of these activities, the provision of

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

96

labour and the costs, including environmental costs, involved in the disturbing and making good of any part of any street, ground or water services work.

125. Legal compliance warranty

Notwithstanding any provisions to the contrary, any consumer

and/or user by making application for water services, warrants that

he or she will -

(1) in his or her activities, application and use of the water services, comply with all relevant laws, regulations and standards governing the environment, health and safety;

(2) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;

(3) in so far as such harm to the environment is authorised by law, or cannot reasonably be avoided or stopped, minimize and rectify such pollution or degradation of the environment; and

(4) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

126. False statement or information

No person may make a false statement or furnish false information

to the Municipality, an authorised official or an employee of the

Municipality or falsify a document issued in terms of these By-laws.

127. Exceptions to application of these By-laws

(1) If authority was given before the date of commencement of these By-laws for installation work to be done, or if authorised work is in progress on such a date, such

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

97

work must comply with any applicable laws which were in force in the area of jurisdiction of the Municipality, immediately prior to such date.

(2) For a period of 90 (ninety) days after the commencement of these By-laws, the Municipality may give authority for installation work to be done in accordance with any law mentioned in subsection (1).

(3) No owner may be required to comply with these By-laws by altering a water installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of these By-laws provided that, if in the opinion of the Municipality, the installation or part thereof is so defective, or in such a condition or position to cause waste or undue consumption of water, pollution of the water supply, or a health, safety or environmental hazard, it may by notice in writing require the owner to comply with the provisions of these By-laws within a specified and reasonable period.

128. Exemptions

(1) The Municipality may by resolution exempt any person from complying with a provision of these By-laws, subject to conditions, if the provision is considered to be unreasonable, provided that an exemption may not be granted which will result in -

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

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

98

(2) The Municipality may at any time withdraw an exemption given in terms of subsection (1), provided that it must give the person concerned reasonable notice in writing of its intention to withdraw an exemption previously granted.

129. Offences

- (1) It is an offence for any person to -
- (a) refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access;
 - (b) obstruct, interfere or hinder an authorised official who is exercising a power or carrying out a duty under these By-laws;
 - (c) fail or refuse to provide an authorised official with a document or information that the person is required to provide under these By-laws;
 - (d) give false or misleading information to an authorised official;
 - (e) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of these By-laws;
 - (f) pretend to be an authorised official;
 - (g) falsely alter an authorisation to an authorised official or written authorisation, compliance notice or compliance certificate issued in terms of this Chapter;
 - (h) enter any premises without a written authorisation in circumstances requiring such authorisation;

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

- in
- (i) act contrary to a written authorisation issued terms of these By-laws;
 - (j) without authority –
 - (i) enter or inspect premises;
 - (ii) carry out any act mentioned in **section 112(1);**
 - (k) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of these By-laws, except –
 - (i) to a person who requires that information in order to perform a function or exercise a power in terms of these By-laws;
 - (ii) if the disclosure is ordered by a court law; or
 - (iii) if the disclosure is in compliance of the provisions of any law.
- of
- (l) contravene or fail to comply with the provisions of these By-laws;
 - (m) fail to comply with any notice issued in terms of these By-laws;
 - (n) fail to comply with any lawful instruction given in terms of these By-laws;
 - (o) obstruct or hinder any authorised official of the Municipality in the execution of his or her duties under these By-laws; or
 - (p) cause any damage to any water installation or the

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

100

sewage disposal system which is the property of the Municipality whether such water installation or the sewage disposal system is located outside the boundaries or inside the boundaries of the premises of which such person is the owner or occupier.

- (2) Any person convicted of an offence contemplated in

subsection (1) is liable on conviction to a fine not exceeding

R 2000, or in default of payment, to imprisonment for a period not exceeding 6 (six) months, and in the case of a continuing offence, to a further fine not exceeding R1000, or in default of payment to imprisonment not exceeding 1 (one) day, for every day during the continuance of such offence after a written notice has been issued by the Municipality requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine not exceeding R 5000 or in default of payment to imprisonment for a period not exceeding 6 (six) months.

130. Application of this Chapter

The provisions of this Chapter apply to all persons or bodies, including the State.

131. Short title

These By-laws are called the Water Services By-laws, 2021.

SCHEDULE A

**TARIFFS OF CHARGES:
DISCHARGE OF SEWAGE, INDUSTRIAL EFFLUENTS, AND
OTHER SUBSTANCES**

The Drainage By-laws (Tariffs) published on 31 October 1974 under Municipal Notice 525 and amended in Municipal Notice 272 on 12 October 1989 are hereby further amended by the substitution of Sections A and B for the following:

A:1 GENERAL

(1) Every premises upon which a building has been erected or if it is undeveloped, or is large enough in the opinion of Council to be utilised, provided it is connected, or in the opinion of the Council could be connected to Council's sewage disposal system, is subject to a levy/tariff.

(2) The following formula shall be applied in order to determine the monthly charges per erf or connection point, in respect of the usage of the sewage disposal system:

(a) Developed Erven:

$$C = \frac{b}{360} \left(\frac{V}{eb_v} + \frac{B}{eb_B} + \frac{S}{eb_s} \right) T$$

(b) Undeveloped Erven:

$$C = \frac{b}{360} \left(\frac{V}{eb_v} + \frac{S}{eb_s} \right) T$$

C	Monthly charges per erf or connection point
b	Calculated, measured or as agreed upon monthly discharge per connection point of the sewage, industrial effluent and other substances
eb _v	Estimated daily capacity of the sewage disposal system
eb _B	Estimated daily discharge in the sewage disposal system determined by the authorised officer from time to time
eb _s	Daily capacity purchased in the sea (outfall)
V	Annual estimated capital cost of the sewage disposal system
B	Annual estimated operating cost of the sewage disposal system
S	Annual estimated cost of the sea (outfall)
T	A surcharge determined by the council

(3) The monthly discharge is calculated, measured or as agreed upon per month and in accordance with the table in paragraph

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

102

B. The discharge figures in the respective tables are for Primary Uses in accordance with the proposed City of uMhlathuze Land Use Scheme in course of preparation.

(4) After approval of a consent use, the erf will be reclassified to the applicable use zone.

(5) Should the registered owner or occupier disagree with the determined discharge, the onus rests with the owner or user of developed erven to deliver proof of the monthly discharge, to the satisfaction of the authorised official.

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

B. DISCHARGE FIGURES**(1) MONTHLY DISCHARGE FIGURES FOR UNDEVELOPED ERVEN**

The discharge shall be a minimum of 18 cubic metres or as determined below provided that the maximum erf size shall be 10 000 square metres.

(a) Residential 1,2,3	18 cubic m
(b) Residential 4,5	22,5 cubic m
(c) Residential 6,7	0,090 cubic m./m ²
(d) Residential 8 & 9	0,090 cubic m./m ²
(e) Residential Estate and Small Holdings	0,090 cubic m./m ²
(f) Hotel & Resort	0,120 cubic m./m ²
(g) Public Garage	112,5 cubic m.
(h) Service Industrial	0,240 cubic m./m ²
(i) Low, medium & high impact industrial	0,075 cubic m./m ²
(j) Institutional	0.045 cubic m./m ²
(k) Worship	0.045 cubic m./m ²
(l) Educational, Health and Welfare:	
Crèche and Pre-Primary	0.045 cubic m./m ²
Primary School	0.045 cubic m./m ²
High School	0.045 cubic m./m ²
(m) Limited Commercial 1 & 2	0,056 cubic m./m ²
Special Commercial 1 & 2	
(n) General Commercial	0,225 cubic m./m ²
(o) Active Open Space, Passive Open Space, Agricultural 1 & 2, Special uses and other	Per Agreement
(p) Municipal & Government 1 & 2	0,056 cubic m./m ²

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

	104
(q) Core mixed use 1 & 2 m./m ²	0,240 cubic
(r) Mixed use medium & low	0,056 cubic m./m ²
(s) Multi use retail and office	0,056 cubic m./m ²
(t) Quarrying and mining Agreement	Per
(u) Airport	Per Agreement
(v) Harbour & Harbour Resort	Per Agreement
(w) Railways, Bus & Taxi Rank Agreement	Per

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

(2) MONTHLY DISCHARGE FIGURES FOR DEVELOPED ERVEN

The discharge shall be a minimum of 18 cubic metres or as determined below:

(a)	Residential 1,2 & 3	18 cubic m. Additional Units @ 18 cubic m.
(b)	Residential 4 & 5	22,5 cubic m. Additional Units @ 18 cubic m.
(c)	Residential 6 & 7	Number of dwellings x 22.5 cubic m.
(d)	Residential 8 & 9	Number of dwellings x 18 cubic m.
(e)	Residential Estate and Small Holdings	Number of dwellings x 22.5 cubic m. or per agreement
(f)	Hotel & Resort	100% of water consumption or per agreement
(g)	Public Garage	100% of water consumption or per agreement
(h)	Service Industrial	100% of water consumption or per agreement
(i)	Low, medium & high impact industrial	100% of water consumption or per agreement
(j)	Institutional	100% of water consumption or per agreement
(k)	Worship	100% of water consumption or per agreement
(l)	Educational, Health and Welfare:	
	Crèche and Pre-Primary	100% of water consumption or per agreement
	Primary School	100% of water consumption or per agreement
	High School	100% of water consumption or per agreement
(m)	Limited Commercial 1 & 2, Special Commercial 1 & 2, Light Commercial	100% of water consumption or per agreement
(n)	General Commercial	100% of water consumption or per agreement
(o)	Active Open Space, Passive Open Space, Agricultural 1 & 2, special uses and other	Per agreement
(p)	Municipal & Government 1 & 2	100% of water consumption or per agreement
(q)	Core mixed use 1 & 2	100% of water consumption or per agreement
(r)	Mixed use medium & low	100% of water consumption or per agreement

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

106

(s)	Multi use retail and office	100% of water consumption or per agreement
(t)	Quarrying and mining	100% of water consumption or per agreement
(u)	Airport	100% of water consumption or per agreement
(v)	Harbour & Harbour Resort	100% of water consumption or per agreement
(w)	Railways, Bus & Taxi Rank	100% of water consumption or per agreement

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

SCHEDULE B**ACCEPTANCE OF EFFLUENT FOR DISCHARGE INTO THE SEWAGE DISPOSAL SYSTEM**

No industrial effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions.

The effluent shall not contain concentrations of substances in excess of those stated below:-

Large Works = A sewage works of greater than 25 MI/d capacity.

Small Works = A sewage works with less than 25 MI/d capacity

Special Limitations

1. No calcium carbide, radioactive waste or isotopes
2. No yeast & yeast wastes, molasses spent or unspent
3. No cyanides or related compounds capable of liberating HCN gas or cyanogen
4. No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour above 20°C

General Quality Limits	Large Works > 25 MI/d	Small Works < 25 MI/d	Units
1. Temperature (°C)	< 44°C	< 44°C	Degrees Celsius
2. pH	6 < pH < 10	6,5 < pH < 10	pH units
3. Oils, greases, waxes of mineral origin	50	50	mg/l
4. Vegetable Oils, greases, waxes	250	250	mg/l
5. Total sugar and starch (as glucose)	1 000	500	mg/l
6. Sulphates in solution (as SO_4^{2-})	250	250	mg/l
7. Sulphides, hydrosulphides and polysulphides (as S^{2-})	1	1	mg/l
8. Chlorides (as Cl^-)	1 000	500	mg/l
9. Fluoride (as F^-)	5	5	mg/l
10. Phenols (as phenol)	10	5	mg/l
11. Cyanides (as CN^-)	20	10	mg/l
12. Settle-able Solids	Charge	Charge	ml/l
13. Suspended Solids	2 000	1 000	mg/l

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

108

14. Total dissolved solids	1 000	500	mg/l
15. Electrical Conductivity	-	400	mS/m
16. Anionic Surfactants	-	500	mg/l
17. C.O.D.	Charge	Charge	mg/l
Heavy Metal Limits			
18. Copper (as Cu)	50	5	mg/l
19. Nickel (Ni)	50	5	mg/l
20. Zinc (Zn)	50	5	mg/l
21. Iron (Fe)	50	5	mg/l
22. Boron (B)	50	5	mg/l
23. Selenium (Se)	50	5	mg/l
General Quality Limits	Large Works > 25 MI/d	Small Works < 25 MI/d	Units
24. Manganese (Mn)	50	5	mg/l
25. Lead (Pb)	20	5	mg/l
26. Cadmium (Cd)	20	5	mg/l
27. Mercury (Hg)	1	1	mg/l
28. Total Chrome (Cr)	20	5	mg/l
29. Arsenic (As)	20	5	mg/l
30. Titanium (Ti)	20	5	mg/l
31. Cobalt (Co)	20	5	mg/l
Total Metals	100	20	mg/l

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

SCHEDULE C**ACCEPTANCE OF TRADE EFFLUENT FOR DISCHARGE INTO SEA
OUTFALLS**

No trade effluent shall be accepted for discharge into the sea outfall unless it complies with the following conditions. The effluent shall not contain concentrations of substances in excess of those stated below:

Sea Outfall Quality Limited		Units
1. Temperature (°C)	44°C	Degrees Celsius
2. pH	5,5 < pH < 9,5	
3. Settle-able Solids	2	mg/l
4. Oils, greases, waxes of mineral origin	50	mg/l
5. Arsenic (expressed as As)	5	mg/l
6. Cadmium (expressed as Cd)	1,5	
7. Total chromium (expressed as Cr)	3	mg/l
8. Copper (expressed as Cu)	3	mg/l
9. Lead (expressed as Pb)	5	mg/l
10. Mercury (expressed as Hg)	0,05	mg/l
11. Cyanides (expressed as CN ⁻)	10	mg/l
12. Nickel (expressed as Ni)	10	mg/l
13. Zinc (expressed as Zn)	20	mg/l
14. Sulphide (expressed as S ⁼)	1	mg/l
15. Sulphates in solution (as SO ₄ ⁼)	250	mg/l

UMZINYATHI DISTRICT MUNICIPALITY WATER SUPPLR BYLAWS

PROVINCIAL NOTICE 347 OF 2023

**MKHAMBATHINI**
Municipality *For the community***NOTICE 1 OF 2****MUNICIPAL NOTICE OF LOCAL AUTHORITY NOTICE
MKHAMBATHINI OUTDOOR ADVERTISING AMENDMENT BYLAW**

Be it enacted by the Council of the Mkhambathini Municipality, in terms of Section 156 of the Republic of South Africa Act No 108 of 1996, read with section 11 of the Local Government Municipal Systems Act No 32 of 2000, as follows:

To amend the Mkhambathini Outdoor Advertising By-law so as to enable the erection of signboards, predominantly along the N3, which exceed the dimensions permissible in the current Municipality's bylaws.

Amendment of sections of the principal By-law, are as follows:

1. To be added to Section 1, under existing heading "Definitions":

"billboard" means any screen, board, hoarding, fence, wall or free-standing structure used or intended to be used for the purpose of displaying any third-party outdoor advertising sign and which does not exceed 81 m² in area; and includes electronic and digital billboards;

2. To change Chapter 3, Section 5(2)(d) to read:

(d) the prescribed application fee will be in line with the adopted municipal tariff structure, applicable at the time of the application.

[NOTE: It is proposed that an application fee is charged per sqm of display area for a billboard. Within other municipalities, this ranges between R30-R40/sqm.]

2. To be added to Chapter 3, as a new Section under new heading "Billboards" (likely as a new section 7):

(1) A billboard may only be permitted in urban areas and/or along national and provincial routes where the municipality deems as suitable and within areas of minimum control, as may be defined from time to time.

(2) A billboard may not -

(a) an overall structure height in excess of 7.5m in landscape format, or 15m in portrait format, above the surface of the road which it is displayed towards.

(b) have an area in excess of 81 m² in the case of ground signs, for any one of the display faces of a multi-directional structure.

(c) encroach over the boundary line of the property on which it is erected, whether such encroachment is aerial or on ground level.



MKHAMBATHINI
Municipality For the community

NOTICE 2 OF 2

(3) A billboard must-

- (a) be spaced at least 120m; 200m or 300m apart on a road or freeway, where the speed limit is less than 60km/h, between 61-80km/h or greater than 81 km/h respectively;*
- (b) be spaced and located at a position which is supported by the relevant roads authority, from a road safety perspective;*
- (c) be displayed between the angles of 90° and 60° to the direction of oncoming traffic.*
- (d) be externally illuminated;*

(4) Any billboard displayed or altered must-

- (a) comply with any other applicable law;*
- (b) not be detrimental to the nature of the environment in which it is located by reason of scale, intensity of illumination or design;*
- (c) not partially or wholly obscure any approved outdoor advertising sign previously erected and legally displayed;*
- (d) not constitute a danger to any person or property;*
- (e) not encroach over the boundary line of the property on which it is erected;*
- (f) not be erected if considered by an organ of state to be a distraction to drivers, cyclists or pedestrians which could contribute to unsafe traffic conditions;*
- (g) not have red, amber or green as its main colours when it is located at signalised traffic intersections;*
- (h) not obscure or interfere with any road traffic light or sign;*
- (i) not constitute a road safety hazard or cause undue disturbance or where permitted to be illuminated if such illumination, in the opinion of Municipality, constitutes a road safety hazard or causes undue disturbance; and*
- (j) not impede traffic flow on public roads during their display and maintenance, unless prior permission from the Municipality has been obtained and the necessary precautions have been taken and arranged.*

(5) The billboard must, where applicable, display the name of the advertising company who is the lessee of immovable property on which the billboard is displayed.

Short title and commencement

This by-law is called the Mkhambathini Outdoor Advertising Amendment By-law, 2023, and shall come into operation on the date of publication in the KwaZulu Natal Provincial Gazette.

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 542 OF 2023



UMVOTI MUNICIPALITY

RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2023 TO 30 JUNE 2024

Notice is hereby given in terms of Section 14(1) of the Local Government Municipal Property Rates Act, of 2004 hereinafter that at its meeting of 27 June 2023, the Council resolved by way of council resolution number UMS 99(1), to levy the rates on properties reflected in the schedule below with effect from 1 July 2023.

Category of Property	Rate Ratio	Cent amount in the Rand rate determined for the relevant property category
Residential	1.00	0.0163
Business and Commercial	1.56	0.0254
Industrial	1.00	0.0163
Agricultural	0.25	0.0041
Specialized non market property	1.00	0.0163
Vacant Land	1.48	0.0242
Public Service Purposes	1.56	0.0254

EXEMPTIONS, REDUCTIONS AND REBATES

Residential Properties: For all residential properties, the municipality will not levy a rate on the first R 15 000 of the property's market value. The R 15 000 is inclusive of the R 15 000 statutory impermissible rate as per section 17(1)(h) of the Municipal Property Rates Act. A further reduction of R 61 000 as per council resolution has been granted

Rebates in respect of a category of owners of property are as follows:

Indigent owners as per the Indigent Policy

Child headed households as per the Indigent Policy

Owners who are dependent on Pension or Social Grants for their livelihood as per Indigent Policy

Agricultural property owners are granted a rebate of 20 % and a further additional rebate of 30%

Exemptions in respect of a category of owners of property are as follows:

Public Service infrastructure a rebate of 100%

Public benefit Organization a rebate of 100%

Municipal Properties a rebate of 100%

National Monuments a rebate of 100%

Communal Properties a rebate of 100%

Communal Property Association a rebate of 100%

Protected Areas a rebate of 100%

Place Public of Worship a rebate of 100%

Full details of the Council resolution and rebates, reductions and exemptions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspections on the municipality's offices, website www.umdumi.gov.za and public libraries within the municipality's jurisdiction.

UMVOTI MUNICIPALITY (KZN 245)
Ms NP NDABA
MUNICIPAL MANAGER
41 KING DINIZULU/ BELL STREET
GREYTOWN
3250
TEL NO; 033 41 39 100


Miss NP Ndaba
Municipal Manager

PROVINCIAL NOTICE 543 OF 2023**NOTICE OF AN APPLICATION RECEIVED**

In terms of Section 34, read with Regulation 14 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010) as amended, notice is hereby given of applications received from the applicant mentioned below:

1. APPLICATION FOR RELOCATION OF BUSINESS OPERATIONS TO OTHER PREMISES IN TERMS OF SECTION 44 (1) OF THE KWAZULU-NATAL GAMING AND BETTING ACT NO. 08 OF 2010, AS AMENDED

In terms of sections 4(1) (b) and 4(3), read with section 4(4) of the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000) as amended, notice is hereby given of an application received in terms of Sections 44 (1) and 120 (1) of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No.8 of 2010), as amended, for the relocation of the below mentioned gaming and betting businesses by the following applicant:

APPLICANT	TYPE OF LICENCE	CURRENT LOCATION OF PREMISES	PROPOSED LOCATION OF PREMISES
Faldozest (Pty) Ltd t/a G-Bets (Umzimkhulu)	1. Bookmaker Licence	10 Rhino Plaza Cnr of National & Franklin Roads Umzimkhulu	49 Main Street Umzimkhulu
	2. A pending application with KZNGBB for a Type A Site Operator Licence will be amended to reflect these proposed premises		

2. Public inspection of an application

The above-mentioned application will, subject to any ruling by the Board to the contrary in accordance with the provisions of section 34 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 08 of 2010) as amended, read with Regulation 14, be open for public inspection at the offices of the Board at the addresses mentioned below for the period from **17 August 2023 to 05 September 2023**.

KwaZulu-Natal Gaming & Betting Board **Or**
1 George MacFarlane Drive
Redlands Estate
Wembley
Pietermaritzburg, 3201

KwaZulu-Natal Gaming & Betting Board
22 Dorothy Nyembe Road
18th Floor Marine Building
Durban, 4000

3. Invitation to Lodge Representations

Interested persons are hereby invited to lodge any representations in respect of any of the applications by **no** later than **16:00** on **05 September 2023**. Representations should be in writing and must contain at least the following information:

- (a) The name of the applicant to whom the representations relate
- (b) The ground(s) on which representations are made.
- (c) The name, address telephone number of the person submitting the representations.
- (d) An indication as to whether or not the person making the representations wishes to make oral representations when the Board hears the application.

Any representations that do not contain all of the information referred to in paragraph 3 above, will be deemed not to have been lodged with the Board and will not be considered by the Board.

Representations should be addressed to:

Or faxed to: (033) 3427853.

The Chief Executive Officer
KwaZulu-Natal Gaming and Betting Board
Private Bag X9102
PIETERMARITZBURG
3200

PROVINSIALE KENNISGEWING 543 VAN 2023

KENNISGEWING VAN AASOEKE ONTVANG

1. AANSOEK OM VERSKUIWING VAN BESIGHEDE NA ANDER PERSEEL INGEVOLGE ARTIKEL 44 (1) VAN DIE KWAZULU-NATAL WET OP DOEL EN WEDDING NR. 08 VAN 2020, SOOS GEWYSIG

Ingevolge artikel 4 (1) (b) en 4 (3), saamgelees met artikel 4 (4) van die Wet op die Bevordering van Administratiewe Geregtigheid, 2000 (Wet No.3 van 2000) kennisgewing word hiermee gegee van die aansoek ontvang ingevolge artikels 44 (1) en 120 (1) van die KwaZulu-Natal Gokkie en Weddery Wet, 2010 (Wet nr 8 van 2010), vir die hervestiging van die onderstaande primêre weddery besigheid, die volledige besonderhede van die aansoeker word uiteengesit in die tabel hieronder:

AANSOEKER	DIE SOORT VAN LISENSIE	HUIDIGE ADRES	VOORGESTELDE ADRES
Faldozest (Pty) Ltd t/a G-Bets (Umzimkhulu)	1. Bookmaker Licence	10 Rhino Plaza Cnr of National & Franklin Road Umzimkhulu	49 Main Street Umzimkhulu
	2. A pending application for a Type A Site Operator Licence will be amended to reflect these proposed premises		

2. Openbare inspeksie van aansoeke

Die aansoeke lê, behoudens enige teenstrydige reëling deur die raad in ooreenstemming met die bepalings van artikel 34 van die KwaZulu-Natal Dobbelaar en Weddery Wet, 2010 (Wet No. 08 van 2010) soos gewysig, gelees met Regulasie 14, vir openbare inspeksie ter insae by die kantoor van die Raad by die ondergemelde adres vir die tydperk van **17 Augustus tot 05 September 2021**.

KwaZulu-Natal Dobbelaar en Weddery Raad **Of**
 1 George MacFarlane Drive
 Redlands Estate
 Wembley
 Pietermaritzburg, 3200

KwaZulu-Natal Dobbelaar en Weddery Raad
 22 Dorothy Nyembe Street
 18th Floor, Marine Building
 Durban
 4300

3. Uitnodiging om vertoë te rig

Belanghebbende persone word hierby uitgenooi om enige vertoë ten opsigte van die aansoeker te rig teen nie later as **16:00** op **05 September 2021**. Vertoë moet skriftelik geskied en moet minstens die volgende inligting bevat:

- (a) Die name van die aansoeker waarop die vertoë betrekking het;
- (b) Die grond(e) waarop die vertoë berus;
- (c) Die naam, adres en telefoonnommer van die persoon wat die vertoë rig en
- (d) 'n Aanduiding of die persoon wat die vertoë rig ook mondelikse vertoë wil rig, aldan nie, wanneer die raad die aansoek aanhoor.

Enige vertoë wat nie al die besonderhede bevat wat in paragraaf 3 vermeld word nie, sal geag word nie by die raad ingedien te wees nie en sal nie deur die raad oorweeg word nie.

Vertoë moet gerig word aan:
 Die Hoof- Uitvoerende Beampte
 KwaZulu-Natal Dobbelaar en Weddery Raad
 Private sak 9102
 Pietermaritzburg
 3200
 Faks nommer 033 3427853

ISAZISO NGOKWESICELO ESAMUKELIWE

1. ISICELO SOKUSHINTSHWA KWENDAWO YOKUSEBENZELA NGOKWE SIGABA 44 (1) NGAPHANSI KOMTHETHO WEZOKUGEMBULA WAKWAZULU-NATALI, (UMTHETHO NO. 08 KA 2010), KUNYE NEZICHIBIYELO ZAWO

Ngokwesigaba 4(1)(b) no 4(3), sifundwa nesigaba 4(4) ngaphansi koMthetho oKhuthaza Ukwaziswa koMphakathi (uMthetho No. 3 ka 2000), nangokwe sigaba 44(1) kanye nesigaba 120(1) ngaphansi koMthetho wezokuGembula waKwaZulu-Natali, (uMthetho No. 08 ka 2010), kunye nezichibiyelo zawo, ngalokhu lapha kunikezwa isaziso ngesicelo sokushintshwa kwendawo yokugembula. Ngenzansi igama lenkampani efake isicelo kanye nekheli layo:

UMFAKISICELO	UHLOBO LWE LAYISENSI	INDAWO YOKUSEBENZELA YAMANJE	INDAWO EKUZOTHUTHELWA KUYONA
Faldozest (Pty) Ltd t/a G-Bets (Umzimkhulu)	1. Bookmaker Licence	10 Rhino Plaza Cnr of National & Franklin Road Umzimkhulu	49 Main Street Umzimkhulu
	2. A pending application with KZNGBB for a Type A Site Operator Licence will be amended to reflect these proposed premises		

2. Ukuhlolwa kwesicelo ngumphakathi

Lesi sicelo esibalulwe ngenhla, kuye ngokuhambisana nanoma yisiphi isinqumo seBhodi esiphikisayo ngokwezinhlinzeko zesigaba 34 soMthetho wezokuGembula waKwaZulu-Natali ka2010 (uMthetho No. 08 ka 2010) kunye nezichibiyelo zawo, ufundwe kanye Nomthethonqubo 14, isicelo sizokwazi ukubonwa ngumphakathi emahhovisi eBhodi kuleli kheli elibhalwe ngezansi esikhathini esisukela kumhlaka **17 kuNcwaba 2023 kuyakumhlaka 05 kuMandulo 2023.**

iBhodi YokuGembula NokuBheja
YaKwa-Zulu Natal
1 George MacFarlane Drive
Redlands Estate
Wembley
ePietermaritzburg
3201

Noma ku

iBhodi YokuGembula NokuBheja
YaKwa-Zulu Natal
Ku 22 Dorothy Nyembe Street
Esitezini 18 Esakhiweni iMarine
eThekwini
4000

3. Isimemo sokwenza izethulo

Abantu abanentshisekelo bayaminywa ukuba benze izethulo kungakadluli **05 kuMandulo 2023** ngaphambi **kwehora lesine ntambama**. Izethulo kufanele zibhalwe futhi zibe nalemininingwane elandelayo:

- Igama lomfakisicelo izethulo eziqondene naye;
- Izizathu izethulo ezenziwa ngaphansi kwazo;
- Igama, ikheli kanye nenombolo yocingo yomuntu oletha izethulo; kanye;
- Nokubalula ukuthi umuntu owenza izethulo ufisa ukwenza izethulo ngomlomo uma iBhodi isilalela isicelo.

Noma iziphi izethulo ezingaluqukethe lonke lolu lwazi olubalulwe endimeni 3 ngenhla zizothathwa ngokuthi azikaze zethulwe kwiBhodi futhi iBhodi angeke izicubungule.

Izethulo kufanele zithunyelwe ku:

The Chief Executive Officer
KwaZulu-Natal Gaming and Betting Board
Private Bag X9102
PIETERMARITZBURG
3200
Isikhahlezi – 033 3427853

PROVINCIAL NOTICE 544 OF 2023



MUNICIPAL NOTICE NO:

ERRATUM ON RATES RANDAGES

**NOTICE ON CORRECTION OF INKOSI LANGALIBALELE LOCAL MUNICIPALITY PROPERTY RATES
RANDAGES FOR THE FINANCIAL YEAR 1 JULY 2023 TO 30 JUNE 2024**

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that at its meeting of 30/05/2023, the Council resolved by way of council resolution number 19.3-C30/05/2023, to levy the rates on property reflected in the schedule below with effect from 1 July 2023.

Category of property	<i>Corrected Cents amount in the Rand rate determined for the relevant property category</i>
Residential property	0.01307
Business and commercial property	0.01941
Industrial property	0.02955
Agricultural property	0.00277
Mining property	0.02632
Public service infrastructure property	0.03784
Public Benefit Organisation	0.00270
Vacant Land	0.02467
Public Service Purpose Properties	0.03784
Place of Worship	0.00000
Municipal Properties	0.00000
Protected Areas	0.00000

MTHEMBU S.B.

MUNICIPAL MANAGER

Victoria Street, Civic Building, Estcourt 3310

Closing times for **ORDINARY WEEKLY** 2023

KWAZULU-NATAL PROVINCIAL GAZETTE

The closing time is **15:00** sharp on the following days:

- **28 December**, Wednesday for the issue of Thursday **05 January 2023**
- **05 January**, Thursday for the issue of Thursday **12 January 2023**
- **12 January**, Thursday for the issue of Thursday **19 January 2023**
- **19 January**, Thursday for the issue of Thursday **26 January 2023**
- **26 January**, Thursday for the issue of Thursday **02 February 2023**
- **02 February**, Thursday for the issue of Thursday **09 February 2023**
- **09 February**, Thursday for the issue of Thursday **16 February 2023**
- **16 February**, Thursday for the issue of Thursday **23 February 2023**
- **23 February**, Thursday for the issue of Thursday **02 March 2023**
- **02 March**, Thursday for the issue of Thursday **09 March 2023**
- **09 March**, Thursday for the issue of Thursday **16 March 2023**
- **15 March**, Wednesday for the issue of Thursday **23 March 2023**
- **23 March**, Thursday for the issue of Thursday **30 March 2023**
- **30 March**, Thursday for the issue of Thursday **06 April 2023**
- **04 April**, Tuesday for the issue of Thursday **13 April 2023**
- **13 April**, Thursday for the issue of Thursday **20 April 2023**
- **20 April**, Thursday for the issue of Thursday **27 April 2023**
- **25 April**, Tuesday for the issue of Thursday **04 May 2023**
- **04 May**, Thursday for the issue of Thursday **11 May 2023**
- **11 May**, Thursday for the issue of Thursday **18 May 2023**
- **18 May**, Thursday for the issue of Thursday **25 May 2023**
- **25 May**, Thursday for the issue of Thursday **01 June 2023**
- **01 June**, Thursday for the issue of Thursday **08 June 2023**
- **08 June**, Thursday for the issue of Thursday **15 June 2023**
- **14 June**, Wednesday for the issue of Thursday **22 June 2023**
- **22 June**, Thursday for the issue of Thursday **29 June 2023**
- **29 June**, Thursday for the issue of Thursday **06 July 2023**
- **06 July**, Thursday for the issue of Thursday **13 July 2023**
- **13 July**, Thursday for the issue of Thursday **20 July 2023**
- **20 July**, Thursday for the issue of Thursday **27 July 2023**
- **27 July**, Thursday for the issue of Thursday **03 August 2023**
- **02 August**, Wednesday for the issue of Thursday **10 August 2023**
- **10 August**, Thursday for the issue of Thursday **17 August 2023**
- **17 August**, Thursday for the issue of Thursday **24 August 2023**
- **24 August**, Thursday for the issue of Thursday **31 August 2023**
- **31 August**, Thursday for the issue of Thursday **07 September 2023**
- **07 September**, Thursday for the issue of Thursday **14 September 2023**
- **14 September**, Thursday for the issue of Thursday **21 September 2023**
- **20 September**, Wednesday for the issue of Thursday **28 September 2023**
- **28 September**, Thursday for the issue of Thursday **05 October 2023**
- **05 October**, Thursday for the issue of Thursday **12 October 2023**
- **12 October**, Thursday for the issue of Thursday **19 October 2023**
- **19 October**, Thursday for the issue of Thursday **26 October 2023**
- **26 October**, Thursday for the issue of Thursday **02 November 2023**
- **02 November**, Thursday for the issue of Thursday **09 November 2023**
- **09 November**, Thursday for the issue of Thursday **16 November 2023**
- **16 November**, Thursday for the issue of Thursday **23 November 2023**
- **23 November**, Thursday for the issue of Thursday **30 December 2023**
- **30 November**, Thursday for the issue of Thursday **07 December 2023**
- **07 December**, Thursday for the issue of Thursday **14 December 2023**
- **14 December**, Thursday for the issue of Thursday **21 December 2023**
- **19 December**, Tuesday for the issue of Thursday **28 December 2023**