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XIFUNDZANKULU XA LIMPOPO
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VUNDU LA LIMPOPO
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**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
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*(Registered as a newspaper) • (As 'n nuusblad geregistreer) • (Yi rhijistariwile tanihi Nyuziphepha)
(E ngwadisits'we bjalo ka Kuranta) • (Yo redzhistariwa sa Nyusiphepha)*

Vol: 29

POLOKWANE,
18 FEBRUARY 2022
18 FEBRUARIE 2022

No: 3239

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ISSN 1682-4563



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GENERAL NOTICES • ALGEMENE KENNISGEWINGS**GENERAL NOTICE 140 OF 2022****NOTICE OF APPLICATION IN TERMS OF THE GREATER LETABA SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018, CHAPTER 5 AND 6**

I, Fred Mathey, being the authorised agent of the owner of the property mentioned hereunder, hereby give notice in terms of Section 53 and related Sections of the Greater Letaba Local Municipality Spatial Planning and Land Use Management By-law, 2018 read with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), that I have applied to the Greater Letaba Local Municipality for the establishment of a township as mentioned below.

Township: Modjadjiskloof Extension 4

Property description: Portion 15 of the farm Vrystaat 437 LT

Erven: Residential 1: 305. Public Open Space: 6.

The application will lay for inspection during normal office hours at the office of the Director Development and Town Planning, **44 Botha Street, Civic Centre, Modjadjiskloof, 0835** for the period of 30 days from **18 February 2021**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or **P.O. Box 36 Modjadjiskloof 0838**, within a period of 30 days from **18 February 2021**. Any person who cannot write, may during office hours, attend the Office of the Municipal Manager, where an official will assist that person to lodge comment.

Details of the agent: **F J Mathey, Umlimi Consulting (Pty) Ltd, P.O. Box 2587, White River 1240. Cell: 0846033606, E-mail: ladutapp@iafrica.com**

Details of the Municipality:

Greater Letaba Local Municipality (Director Development and Town Planning), **P.O. Box 36 Modjadjiskloof 0838**

Tel: 087 086 7600. Cell 066 156 3499

E-mail: Mr. Sbusiso Jerry Shihundla: Jerrys@glm.gov.za

**TSEBISO YA KGOPELO GOYA KA GREATER LETABA SPATIAL PLANNING AND LAND USE
MANAGEMENT BY-LAW, KAROLO YA BOHLABO (5) LE BOTSELA (6)**

Nna, Fred Mathey, kele moemedi wa semolao wa mong wa masaledi a lefelo la Temo Vrystaat 437-LT, ke le fa tsebeso go ya ka karolo ya molao wa Seripa sa 53 le 90 (1) wa Greater Letaba Local Municipality Spatial Planning and Land Use Management By-Law 2018 le Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), gore ke dirile kgopelo go Greater Letaba Municipality go thloma tumo tulo ya batho mo Masaleding a lefelo la Temo Vrystaat 437-LT.

Township: Modjadjiskloof Extension 4

Property descriptions:

Temo 15 ya Vrystaat 437 LT

Erven: Residential 1: 305. Public Open Space: 6.

Motho o aka ratang go bona lefelo leo ke dirileng kgopelo ya lona a ka ya ka nako ya mosomo kantorong ya Director Development and Town Planning, 44 Botha Street, Civic Centre, Modjadjiskloof, 0835 sebaka sa matsatsi a Lesome tharo (30) go tloga ka la **18 February 2021**

O anang le seo aka ratang go se tswetsa goba go ganetsana le kgopelo yaka aka iponagatsa goba a ngwala lengwalo a le isa ka letsogo mo kantorong yeo kesetseng ke e laodisitse ka godimo goba a le romele Kantorong ya Municipal Manager, Greater Letaba Local Municipality. P.O Box 36 Modjadjiskloof, 0835 ka gare ga sebaka sa matsatsi a Lesome tharo (30) go tloga ka **18 February 2021**.

Lefelo leo Mongwaledi wa Semolao a lego go lona: **F J Mathey, Umlimi Consulting (Pty) Ltd, P.O. Box 2587, White River 1240. Cell: 0846033606, E-mail: ladutapp@iafrica.com.**

Ditaba ka botlalo mabapi le ditshepidiso di ka hwetswa Greater Letaba Local Municipality (Director Development and Town Planning), mogaleng 087 086 7600 ka dinako tsa moshomo (Go tloga ka Moshopologo go fihla ka labohlano, 07:30-16:30)

Cell: Mr. Sbusiso Jerry Shihundla: 066 156 3499

E-mail: Mr. Sbusiso Jerry Shihundla: Jerrys@glm.gov.za

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**PROVINCIAL NOTICE 183 OF 2022****POLOKWANE LOCAL MUNICIPALITY****NOTICE OF MAJOR DEVELOPMENT APPLICATION FOR A SHOPPING COMPLEX AND FILLING STATION ON A PORTION OF THE FARM MALIETZIE LOCATION 606LS, CAPRICORN DISTRICT, LIMPOPO PROVINCE (IN GA-SEMENYA VILLAGE)**

I, Sammy Muchavi of New Vision Town Planners and Developers being the applicant hereby give notice in terms of section 95(1)(a) of the Polokwane Municipal Planning By-law, 2017, that I/we have applied to Polokwane Municipality for the Major Development application for a Shopping Complex and Filling Station on a Portion of the Farm Malietzie Location 606 LS situated in Ga-Semenya Village (next to the intersection of the R521 road from Polokwane to Dendron and the Ga-Matamanyane Road) in terms of Section 53 of the Polokwane Municipal Planning By-law, 2017.

Full particulars and plans (if any) may be inspected during normal office hours at the Manager: City Planning and Property Management Offices, 2nd Floor, West Wing, Civic Centre, c/o Landdros Mare Street and Bodenstein Street, Polokwane for a period of 28 days between the 11th of February 2022 to the 11th of March 2022

Any objection(s) and/or comment(s), including the grounds of such objection(s) and/or comment(s) with full contact details of the person or body submitting the objection(s) and/or comment(s), shall be lodged with, or made in writing to our office at the address below or the Manager: City Planning and Property Management, 2nd Floor, West Wing, Civic Centre, c/o Landdros Mare Street and Bodenstein Street, Polokwane or City Planning and Property Management, P.O. Box 111, Polokwane, 0700 between the 11th of February 2022 (date of first placement of this notice) and 11th of March 2022 (closing date of any objections and/or comments).

Address of Agent: New Vision Developers & Developers, Unit 3, Kruger Office Park, No. 100 Marshall Street, Polokwane, 0699 or Info@nvtownplanners.co.za

11-18

PROVINSIALE KENNISGEWING 183 VAN 2022**POLOKWANE PLAASLIKE MUNISIPALITEIT****KENNISGEWING VAN GROOT ONTWIKKELING AANSOEK VIR 'N INKOOPKOMPLEKS EN VULSTASIE OP 'N GEDEELTE VAN DIE PLAAS MALIETZIE LIGGING 606LS, CAPRICORN DISTRIK, LIMPOPO PROVINSIE (IN GA-SEMENYA)**

Ek, Sammy Muchavi van New Vision Stadsbeplanners en Ontwikkelaars, synde die aansoeker, gee hiermee kennis ingevolge artikel 95(1)(a) van die Polokwane Munisipale Beplanningsverordening, 2017, dat ek/ons aansoek gedoen het by Polokwane Munisipaliteit vir die Groot Ontwikkelingsaansoek vir 'n Winkelkompleks en Vulstasie op 'n Gedeelte van die Plaas Malietzie Ligging 606 LS geleë in Ga-Semenya Village (langs die kruising van die R521-pad vanaf Polokwane na Dendron en die Ga-Matamanyane-pad) ingevolge Afdeling 53 van die Polokwane Munisipale Beplanningsverordening, 2017.

Volledige besonderhede en planne (indien enige) kan gedurende gewone kantoorure besigtig word by die Bestuurder: Stadsbeplanning en Eiendomsbestuurskantore, 2de Vloer, Wesvleuel, Burgersentrum, h/v Landdros Marestraat en Bodensteinstraat, Polokwane vir 'n tydperk van 28 dae tussen die 11de Februarie 2022 tot die 11de Maart 2022

Enige beswaar(s) en/of kommentaar(s), insluitend die gronde van sodanige beswaar(s) en/of kommentaar(s) met volledige kontakbesonderhede van die persoon of liggaam wat die beswaar(s) en/of kommentaar(s) indien, ingedien word by, of skriftelik by ons kantoor by die onderstaande adres of die Bestuurder: Stadsbeplanning en Eiendomsbestuur, 2de Vloer, Wesvleuel, Burgersentrum, h/v Landdros Marestraat en Bodensteinstraat, Polokwane of Stad ingedien word. Beplanning en Eiendomsbestuur, PO Box 111, Polokwane, 0700 tussen die 11de Februarie 2022 (datum van eerste plasing van hierdie kennisgewing) en 11de Maart 2022 (sluitingsdatum van enige besware en/of kommentaar).

Adres van Agent: New Vision Developers & Developers, Eenheid 3, Kruger Kantoorpark, Marshallstraat 100, Polokwane, 0699 of Info@nvtownplanners.co.za

11-18

PROVINCIAL NOTICE 186 OF 2022

**POLOKWANE LOCAL MUNICIPALITY
NOTICE OF APPLICATION FOR THE ESTABLISHMENT OF TOWNSHIP IN TERMS OF SECTION
54 OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017
RAMATHLODI PARK EXTENSION 1**

I, Edgar Taute of Hunter Theron Incorporated, being the authorized agent of the applicant, hereby give notice in terms of Section 95(1)(a) of the Polokwane Municipal Planning By-law, 2017, that I have applied to Polokwane Municipality for the establishment of the township in terms of Section 54 of the Polokwane Municipal By-law, 2017 referred to in the Annexure hereto.

Any objection(s) and/or comment(s), including the grounds of such objection(s) and/or comment(s) with full contact details, without which the Municipality cannot correspond with the person or body submitting the objection(s) and/or comment(s), shall be lodged with, or made in writing to: Manager: City Planning and Property Management, P.O. Box 111, Polokwane, 0700 from 11 February 2022 (date of first placement of this notice). Closing date of any objections and/or comments is 11 March 2022.

Full particulars and plans (if any) may be inspected during normal office hours at the Municipal Offices as set out below for a period of 28 days from the date of first publication of the notice in the Provincial Gazette/Polokwane Observer newspapers.

Address of Municipal Offices: Manager: City Planning and Property Management, 2nd Floor, West Wing, Civic Centre, c/o Landdros Mare Street and Bodenstein Street, Polokwane. Closing date for any objections and/or comments: 11 March 2022.

Address of the Applicant:

- Hunter Theron Inc., 53 Conrad Street, Florida North, 1709
- Email address: eddie@huntertheron.co.za
- Postal address: PO Box 489, Florida Hills, 1716
- Contact telephone number: (011) 472 1613

Dates on which notice will be published: 11 February 2022 and 18 February 2022.

ANNEXURE

Name of township : Ramathlodi Park X1

Full name of applicant : Hunter Theron Inc. Town and Regional Planners

Number of erven in the proposed township:

Three Thousand Ninety-Three (3093) Erven	-	Residential 1
Sixty Five (65) Erven	-	Residential 3
Twenty-Two (22) Erven	-	Business 3
Ten (10) Erven	-	Educational
Ten (10) Erven	-	Institution
One (1) Erf	-	Special for waste water treatment
One (1) Erf	-	Agricultural
Twenty-Seven (27) Erven	-	Public Open Space
Public Streets		

The intension of the applicant in this matter is to: The Development will ultimately upon completion consist of residential erven & estates (i.e medium to low density), Low Cost and/or affordable Housing (i.e high density), retail centres, commercial erven, filling station, offices, hotels, sports & recreational facilities, educational facilities & student housing, healthcare facilities, public open space & nature parks, urban civil services, family memorial park, community facilities, nursery as well as agricultural allotments

Description of land on which township is to be established: A Part of the Remainder of Portion 41 of the Farm Kalkfontein 1001 L.S.

Locality of proposed township : The site is situated adjacent and to the south of the R71 from Polokwane en route to Mankweng. The area is known as the Kalkfontein Area and is situated to the south of the previously approved Ramathlodi Park township, approximately 8km along the R71 from Fauna Park, Polokwane.

11-18

PROVINSIALE KENNISGEWING 186 VAN 2022

**POLOKWANE PLAASLIKE MUNISIPALITEIT
KENNISGEWING VAN AANSOEK OM STIGTING VAN DORP IN TERME VAN ARTIKEL 54 VAN
DIE POLOKWANE MUNISIPALE BEPLANNINGS BY-WET, 2017
RAMATHLODI PARK UITBREIDING 1**

Ek, Edgar Taute van Hunter Theron Ingelyf, synde die gemagtigde agent van die aansoeker, gee hiermee ingevolge Artikel 95(1)(a) van die Polokwane Munisipale Beplannings By-Wet, 2017, kennis dat ek by die Polokwane Munisipaliteit aansoek gedoen het vir die stigting van 'n dorp ingevolge Artikel 54 van die Polokwane Munisipale Beplannings By-Wet, 2017, waarna verwys word in die Bylae hierby aangeheg.

Enige beswaar(e) en/of kommentaar(e), insluitend die gronde van sodanige beswaar(e) en/of kommentaar(e) met volledige kontakbesonderhede, waarsonder die Munisipaliteit en/of applikant nie kan korrespondeer met die persoon of liggaam wat die beswaar(e) en/of kommentaar(e) ingedien het nie, moet ingedien by of gerig word aan: Bestuurder: Stads Beplanning en Grondgebruiksbestuur, Posbus 111, Polokwane, 0700 vir 'n tydperk van 28 dae vanaf 11 Februarie 2022 (die datum van eerste plasing van hierdie kennisgewing). Sluitingsdatum van enige besware en/of kommentaar is 11 Maart 2022.

Volledige besonderhede en planne (indien enige) kan geïnspekteer word gedurende normale kantoorure by die Munisipale Kantoor, soos hieronder uiteengesit word vir 'n tydperk van 28 dae vanaf die datum van die eerste publikasie van die kennisgewing in die Provinsiale Koerant/Polokwane Observer-koerante.

Adres van Munisipale Kantoor: Bestuurder: Stads Beplanning en Grondgebruiksbestuur, 2de Vloer, Wes Vleuel, Burgersentrum h/v Landdros Mare en Bodenstrate, Polokwane. Sluitingsdatum vir enige besware of kommentare: 11 Maart 2022.

Adres van die applikant:

- Posadres: Posbus 489, Florida Hills, 1716
- Epos adres: eddie@huntertheron.co.za
- Adres van applikant: Hunter Theron Inc., 53 Conrad Straat, Florida Noord, 1709
- Kontak telefoonnommer: (011) 472 1613

Datums waarop kennisgewing gepubliseer moet word: 11 Februarie 2022 en 18 Februarie 2022

BYLAE

Naam van die dorp: Ramahlodi Park X1

Volle Name van aansoeker: Hunter Theron Ing. Stadsbeplanners, .

Aantal erwe, voorgestelde sonering en ontwikkelings kontroles:

Drie duisend drie en negentig (3093) Erwe	-	Residensieel 1
Vyf en Sestig (65) Erwe	-	Residensieel 3
Twee en twintig (22) Erwe	-	Besigheid 3
Tien (10) Erwe	-	Opvoedkundig
Tien (10) Erwe	-	Instansie
Een (1) Erf	-	Spesiaal vir riool verwerking
Een (1) Erf	-	Landbou
Sewe en twintig (27) Erwe	-	Publieke Oop Ruimte
Publieke Strate		

Aard en algemene doel van die aansoek: Die Ontwikkeling sal uiteindelik by voltooiing bestaan uit residensiële erwe en komplekse (dws medium tot lae digtheid), laekoste en/of beskostigbare behuising (dws hoë digtheid), kleinhandelsentrums, kommersiële erwe, vulstasie, kantore, hotelle, sport- en ontspanningsfasiliteite, opvoedkundige fasiliteite en studentebehuising, gesondheidsorgfasiliteite, openbare oop ruimte en natuurparke, stedelike siviele dienste, gesinsgedenkpark, gemeenskapsfasiliteite, kwekery sowel as lanbougrond.

Grondbeskrywing van grond waarop die dorp gestig gaan word: 'n Gedeelte van die Restant van Gedeelte 41 van die Plaas Kalkfontein 1001 L.S.

Ligging van die voorgestelde dorp: Die eiendom is geleë langs en suid van die R71 vanaf Polokwane op die pad na Mankweng. Die area staan bekend as die Kalkfontein Area en is geleë ten suide van die voorheen goedgekeurde Ramathlodi Park dorp, ongeveer 8km langs die R71 vanaf Fauna Park, Polokwane.

11-18

PROVINCIAL NOTICE 187 OF 2022**A SIMULTANEOUS APPLICATION FOR SUBDIVISION OF LAND AND AMENDMENT OF THE MOLEMOLE LAND USE MANAGEMENT SCHEME (2006) IN TERMS OF SETION 65 AND 62 OF THE MOLEMOLE LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW (2019) OF THE FARM LOCATIE VAN MATOK 510 LS, MOLEMOLE LOCAL MUNICIPALITY, LIMPOPO PROVINCE.**

We, **Anesu Development Specialists (Pty) Ltd**, being the authorized agent for the rightful occupants of the **Locatie Van Matok 510 LS**, hereby give notice in terms of section 65 and 62 of the Molemole Local Municipality Spatial Planning and Land Use Management By-Law (2019) for a simultaneous application for subdivision and rezoning over the above described property, located on the Provincial D1356 road.

The Application contains the following proposals:

- i. Subdivision of the subject property into Portion A (1.2 Ha) and a Remainder (2425,12 Ha),
- ii. Rezoning of the Portion A to 'Public Garage' for the development of a Filling Station and purposes incidental thereto,

Any objection or comments with grounds therefore and contact details shall be lodged within 30 days from the first date of which the notice appeared, with or made in writing to Municipality Registration Section: 303 Church Street, Mogwadi, 0715 or posted to Private Bag X44, Mogwadi, 0715 or an e-mail send to pabalelontsoane88@gmail.com

Full particulars of the application will be open for inspection during normal working hours at the above mentioned office, for a period of 30 days from the 18 February 2022.

AUTHORISED AGENT DETAILS: Anesu Development Specialists (Pty) Ltd; 1473 Ramushu Section, Masemola, 1060; Tel No (w): 067 249 7325; Email Address: anesudevspecialists@gmail.com

18-25

PROVINSIALE KENNISGEWING 187 VAN 2022**A GELYKTIGE AANSOEK OM ONDERVERDELING VAN GROND EN WYSIGING VAN DIE MOLEMOLE GRONDGEBRUIK (2006) INGEVOLGE AFDELING 65 EN 62 VAN DIE MOLEMOLE PLAASLIKE MUNISIPALITEIT RUIMTE VERORDENING OM BEPLANNING EN GRONDGEBRUIK (2019) OOR DIE RESTANT VAN DIE PLAAS LOCATIE VAN MATOK 510 LS, PLAASLIKE MUNISIPALITEIT MOLEMOLE, PROVINSIE LIMPOPO.**

Ons, **Anesu Development Specialists (Pty) Ltd**, is die gemagtigde agent vir die regmatige inwoners van die **Plaas Locatie Van Matok 510 LS**. Gee hiermee kennis ingevolge artikel 65 en 62 van die Molemole Plaaslike Munisipaliteit Ruimtelike Beplanning en Grondgebruik Bestuursverordening (2019) vir 'n gelyktydige aansoek om onderverdeling en hersonering oor die bogenoemde eiendom, geleë op die Provinsiale D1356-pad.

Die aansoek bevat die volgende voorstelle:

- i. Onderverdeling van die eiendom in Gedeelte A (1,2 Ha) en 'n Restant (2425,12 Ha),
- ii. Hersonering van Gedeelte A na 'Openbare Motorhuis' vir die ontwikkeling van 'n vulstasie en doeleindes wat daarmeeverbandhou,

Enige beswaar of kommentaar met redes daarvoor en kontakbesonderhede moet binne 30 dae vanaf die eerste datum waarvan die kennisgewing verskyn, skriftelik by of tot die Munisipale Registrasie Afdeling: 303 Kerk Straat, Mogwadi, 0715 of gepos word aan P Bag X44, Mogwadi, 0715, of 'n e-pos stuur aan pabalelontsoane88@gmail.com

Volledige besonderhede van die aansoek sal gedurende gewone kantoorure by bogenoemde kantoor ter insae wees vir n tydperk van 30 dae vanaf 18 Februarie 2022

GEMAGTIGDE AGENTE DETAILS: Anesu Development Specialists (Pty) Ltd; 1473 Ramushu Section, Masemola, 1060; Tel nr (w): 067 249 7325; E-pos adres: anesudevspecialists@gmail.com

18-25

PROVINCIAL NOTICE 188 OF 2022**NOTICE OF APPLICATION FOR REZONING IN TERMS OF SECTION 61 OF THE MUNICIPAL PLANNING BY-LAW, 2017 READ SIMULTANEOUSLY WITH THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) POLOKWANE AMENDMENT SCHEME 477**

We Nhlatshe Planning Consultants, being the authorised agent of the owner of Erf 706 Southern Gateway Extension 5 Township, hereby give notice in terms of section 61 of the Polokwane Municipal Planning By-Law, 2017 that we have applied to the Polokwane Municipality for the rezoning of Erf 706 Southern Gateway Extension 5 Township, from "Educational" to "Special" for a Laundry shop.

Any objection(s) and/or comment(s), including the grounds for such objection(s) and/or comment(s) with full contact details, without which the municipality cannot correspond with the person or body submitting the objection(s) and/or comment(s), shall be lodged with, or made in writing to: Manager: City Planning and Property Management, Po Box 111, Polokwane, 0700 for a period of 28 days from 18 February 2022.

Particulars of the application will lie for inspection during normal office hours at the office of the Manager: City Planning and Property Management, Second Floor West Wing Civic Centre, Landdros Mare Street Polokwane for a Period of 28 Days from the First Date of Publication of the Notice.

Address of applicant (physical as well as postal address): Nhlatshe Planning Consultants, 25B Excelsior St, P.O. Box 4865, Polokwane, 0699. Tel.: 082 558 7739 / 015 297 8673.

18-25

PROVINSIALE KENNISGEWING 188 VAN 2022**KENNISGEWING VAN AANSOEK OM HERSONERING INGEVOLGE AFDELING 61 VAN DIE VERORDENING VAN MUNISIPALE BEPLANNING, 2017 LEES GELYKTIG MET DIE WET OP RUIMTELIKE BEPLANNING EN GRONDGEBRUIK, 2013 (WET 16 VAN 2013) POLOKWANE WYSIGINGSKEMA 477**

Ons Nhlatshe Planning Consultants, synde die gemagtigde agent van Erf 706 Southern Gateway Extension 5 Township, gee hiermee ingevolge artikel 61 van die Verordening op Munisipale Beplanning, 2017 dat on het aansoek gedoen om Polokwane Munisipaliteit vir die hersonering van Erf 706 Southern Gateway Extension 5 Township, van "Opvoedkundig" tot "Spesiaal" vir 'n Wasgoedwinkel.

Enige beswaar (s) en / of kommentaar (s), insluitend die gronde vir sodanige beswaar (s) en / of kommentaar (s) met volledige kontakbesonderhede, waarsonder die munisipaliteit nie kan korrespondeer met die persoon of liggaam wat die beswaar (s) indien (s) en / of kommentaar (s) ingedien of skriftelik by: Bestuurder: Stadsbeplanning en Eiendomsbestuur, Posbus 111, Polokwane, 0700, vir 'n tydperk van 28 dae vanaf 18 Februarie 2022

Besonderhede van die aansoek le ter insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Stadsbeplanning en eiendomsbestuur, Wesvleuel-burgersentrum op die tweede verdieping, Landdros Marestraat Polokwane vir 'n tydperk van 28 dae vanaf die eerste datum van publikasie van die kennisgewing.

Adres van aansoeker (fisiese sowel as posadres): Nhlatshe Planning Consultants, 25B Excelsior St, Posbus 4865, Polokwane, 0699. Tel.: 082 558 7739/015 297 8673.

18-25

PROVINCIAL NOTICE 189 OF 2022**NOTICE: SIMULTANEOUS APPLICATION FOR AMENDMENT OF THE MAKHADO LAND USE SCHEME 2009 AND SPECIAL CONSENT FOR RELAXATION OF DENSITY BY REZONING ERF 114 LOUIS TRICHARDT FROM "RESIDENTIAL 1" TO "RESIDENTIAL 3" FOR DWELLING UNITS. AMENDMENT SCHEME: 417**

I, Ngobeni Baphidile, of Landevs (Pty) Ltd being the authorised agent of Erf 114 Louis Trichardt located at 124 President Street, hereby give notice in terms of Section 93 of the Makhado Municipality Spatial Planning, Land Development and Land Use Management By-Law 2016, that I have applied for simultaneous application for rezoning of the subject property from "Residential 1" to "Residential 3" with special consent for relaxation of density in order to establish dwelling units lodged in terms of Section 63(1) and Section 75(1) of the Makhado Municipality Spatial Planning, Land Development and Land Use Management By-Law 2016 read together with the Makhado Land Use Scheme, 2009. Particulars of the application will lie for inspection during normal office hours (between 7:00 to 16:00) at the office of the Director Development and Planning: Makhado Local Municipality at 83 Krogh street| Louis Trichardt| 0920| for the period of 30 days from 18 February 2022. Any objections to or representations in respect of this application must be lodged with or made in writing to the office of the Municipal Manager, Private Bag X2596, Makhado, 0920 within a period of 30 days.

Authorised Agent: Landevs (Pty) Ltd, 07 Phumelani Complex, 248 Sullivan Avenue, Centurion, 0157, Cell: 078 621 2138, Email: info@landevs.co.za.

18-25

PROVINSIALE KENNISGEWING 189 VAN 2022**KENNISGEWING: GELYKTYDIGE AANSOEK OM WYSIGING VAN DIE MAKHADO-GRONDGEBRUIKSKEMA 2009 EN SPESIALE TOESTEMMING VIR VERSLAPPING VAN DIGTHEID DEUR ERF 114 LOUIS TRICHARDT VAN "RESIDENSIEEL 1" NA "RESIDENSIELE EENHEDE 3" TE HERSONERING. WYSIGINGSKEMA: 417**

Ek, Ngobeni Baphidile, van Landevs (Edms) Bpk synde die gemagtigde agent van Erf 114 Louis Trichardt geleë te Presidentstraat 124, gee hiermee kennis ingevolge Artikel 93 van die Makhado Munisipaliteit Ruimtelike Beplanning, Grondontwikkeling en Grondgebruikbestuursverordening 2016, dat ek aansoek gedoen het vir gelyktydige aansoek vir hersonering van die onderhawige eiendom van "Residensieel 1" na "Residensieel 3" met spesiale toestemming vir verslapping van digtheid ten einde wooneenhede te vestig wat ingevolge Artikel 63(1) en Artikel 75 ingedien word. (1) van die Makhado Munisipaliteit Ruimtelike Beplanning, Grondontwikkeling en Grondgebruikbestuur Verordening 2016 saamgelees met die Makhado Grondgebruikskema, 2009. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure (tussen 7:00 tot 16:00) by die kantoor van die Direkteur Ontwikkeling en Beplanning: Makhado Plaaslike Munisipaliteit te Kroghstraat 83| Louis Trichardt| 0920| vir die tydperk van 30 dae vanaf 18 Februarie 2022. Enige besware teen of verhoë ten opsigte van hierdie aansoek moet binne 'n tydperk van 30 dae skriftelik by die kantoor van die Munisipale Bestuurder, Privaatsak X2596, Makhado, 0920 gerig word.

Gemagtigde Agent: Landevs (Edms.) Bpk., Phumelani-kompleks 07, Sullivanlaan 248, Centurion, 0157, Sel: 078 621 2138, E-pos: info@landevs.co.za.

18-25

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 275 OF 2022**

APPLICATION FOR REZONING, REMOVAL OF RESTRICTIVE CONDITION, CONSENT AND BUILDING LINE RELAXATION IN TERMS OF SECTION 59, 60, 71 OF THE MODIMOLLE- MOOKGHOPONG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAWS, 2019 READ TOGETHER WITH CLAUSE 23 OF THE MODIMOLLE LAND USE SCHEME, 2004.

NOTICE OF 2022

I, Lourens, Streicher Steyn Booysen of Highwave Consultants, being the authorized agent of the registered owners, hereby give notice in terms of Section 59, 60 & 71 of the Modimolle- Mookghopong Local Municipality Spatial Planning and Land Use Management By-Laws, 2019 read together with Clause 23 of the Modimolle Land Use Scheme, 2004 that I have applied to the Modimolle-Mookghopong Local Municipality for:

REZONING OF LAND

The rezoning of Portion 93 of Erf 2964, Nylstroom (Extension 11) situated at the 147 Church Street, Modimolle from "Special (Corporate Stands/ Residential 1) to "Special (Corporate Stands/ Residential 1/Cellular Mast)" to allow a 25m high water tower type telecommunication base station/ cellular mast and associated infrastructure, subject to certain conditions.

REZONING OF LAND AND BUILDING LINE RELAXATION

The rezoning of Remainder of Erf 2965, Nylstroom situated at 105 Van Backstrom Street, Modimolle from "Residential 1" to "Special (Residential 1 and Cellular Mast)" and the simultaneous relaxation of the north/western common building line adjacent Portion 7 of Erf 287 to allow a 35m high telecommunication base station and associated infrastructure, subject to certain conditions.

REMOVAL OF CONDITIONS, CONSENT USE AND BUILDING LINE RELAXATION

The removal of Conditions 2. II (h), (j) and (k) in Deed of Transfer T55394/1997, consent use and building line relaxation on Erf 295, Vaalwater situated at the APK Church, 295 Sandrifweg Street, Vaalwater to allow a 25m high Telecommunication Base Station and associated infrastructure, subject to certain conditions.

Particulars of the applications will lie for inspection during normal office hours at the office of the Executive Manager, Development Planning Directorate, Municipal Building, Private Bag X1008, Modimolle, 0510, for a period of 31 days from the first publication i.e., 11 February 2022. Any person that cannot write may visit the Municipality where a person with legal understanding will assist that person to transcribe their objections, comments or representations.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager, Modimolle-Mookghopong Municipality within a period of 31 days from the first day of publication, i.e., 11 February 2022.

Address of Agent: 18 Sunbird Crescent, D'Urbanvale, Durbanville, Po Box 2773, Durbanville, 5771 Contacts: 0823165879/lourens@highwave.co.za.
Dates of Publications: 11 & 18 February 2022

11-18

PLAASLIKE OWERHEID KENNISGEWING 275 VAN 2022

AANSOEK VIR DIE HERSONERING, OPHEFFING VAN BEPERKENDE VOORWAARDES, VERGUNNINGSGEBRUIK EN BOULYNAFWYKING IN TERME VAN ARTIKEL 59, 60 EN 71 VAN DIE MODIMOLLE-MOOKGHOPONG PLAASLIKE MUNISIPALITEIT RUIMTELIKE EN GRONDGEBRUIKBEPLANNING BYWET, 2019 SAAMGELEES MET KLOUSULE 23 VAN DIE MODIMOLLE GRONDGEBRUIK SKEMA REGULASIES, 2004.

KENNISGEWING VAN 2022

Ek, Lourens Streicher Steyn Booysen, synde die gemagtigde agent van die geregistreerde eienaars, gee hiermee ingevolge Artikel 59, 60 en 71 van die Modimolle- Mookghopong Plaaslike Munisipaliteit Ruimtelike en Grondgebruikbeplanning Bywet, 2019 saamgelees met klousule 23 van die Modimolle Grondgebruik Skema Regulasies, 2004 kennis dat daar by die Modimolle-Mookghopong Munisipaliteit aansoek gedoen is vir:

HERSONERING

Die hersonering van Gedeelte 93 van Erf 2964, Nylstroom (Uitbreiding 11) geleë by 147 Kerk Straat, Modimolle van "Spesiale gebruiksone (korporatief/residentieel 1)" na "Spesiale gebruiksone (korporatief/residentieel 1/sellulêre mas)" om 'n 25m hoë watertoring tipe telekommunikasie basis stasie en verwante toerusting toe te laat, onderhewig aan sekere voorwaardes.

HERSONERING EN BOULYNAFWYKING

Die hersonering van Restant van Erf 2965, Nylstroom geleë by 105 Van Backstrom Straat, Modimolle en gelyktydige boulynafwyking van die noord/westelike gemeenskaplike boulyn aangrensend Gedeelte 7 van Erf 287 om 'n 35m hoë telekommunikasie basis stasie en verwante toerusting toe te laat, onderhewig aan sekere voorwaardes.

OPHEFFING VAN BEPERKENDE VOORWAARDES, VERGUNNINGSGEBRUIK EN BOULYNAFWYKING

Die opheffing van Voorwaardes 2. (II)(h), (j) en (k) in Akte van Transport T55394/1997, vergunningsgebruik en boulynafwyking vir Erf 295, Vaalwater geleë te no. 295, Sandrifweg straat, Mabatlane (APK Kerk) om 'n 25m hoë telekommunikasie basis stasie en verwante toerusting toe te laat binne die noordelike straat boulyn, onderhewig aan sekere voorwaardes.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van: Die Uitvoerende Bestuurder, Departement Dorpsbeplanning, Grondvloer, Modimolle Munisipale Kantore, Privaatsak X1008, Modimolle, 0510 vir 'n tydperk van 31 dae vanaf die eerste publikasie (11 Februarie 2022). Enige persoon wat nie kan skryf nie, kan die munisipaliteit besoek waar a persoon met regs kennis die persoon se vertoë, menings of voorstellings sal transkribeer.

Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 31 dae vanaf die eerste dag van publikasie (11 Februarie 2022) gerig word aan: Die Munisipale Bestuurder, by bovermelde adres.

Adres van agent: 18 Sunbird Singel, D'Urbanvale, Durbanville, Posbus 2773, Durbanville, 5771
Kontaknommer: 0823165879/lourens@highwave.co.za. Datum van publikasie: 11 & 18 Februarie 2022

11-18

LOCAL AUTHORITY NOTICE 278 OF 2022**POLOKWANE LOCAL MUNICIPALITY - NOTICE OF APPLICATION FOR STREET CLOSURE**

The Polokwane Municipality has received an application in terms of the provisions of Section 67 of the Local Government Ordinance 17 of 1939 and Section 21 (a) of the Local Government Systems Act of 2000, read together with Section 72 of the Polokwane Municipal Planning SPLUMA Bylaws, 2017, and the provisions of SPLUMA (Act 16 of 2013) for the closure of 50m² of Ambleside Avenue to be used for Security Access Control – to legalise the existing access control gate.

Any objection(s) and/or comment(s), including the grounds for such objection(s) and/or comment(s) with full contact details, without which the Municipality cannot correspond with the person or body submitting the objection(s) and/or comment(s), shall be lodged with, or made in writing to: Manager: City Planning and Property Management, PO Box 111, Polokwane, 0700 from 11 February 2022, until 11 March 2022.

Full particulars and plans (if any) may be inspected during normal office hours at the Municipal offices as set out below, for a period of 28 days from the date of first publication of the notice in the Provincial Gazette / 11 February 2022 newspaper.

Address of Municipal offices: Civic Centre, Polokwane, 0699. Closing date for any objections and/or comments: 11 March 2022 Address of applicant (Physical as well as postal address): 5 A Schoeman Street, Polokwane, 0699, Box 15001, Polokwane, 0699; Telephone No: 015 – 2953649. Dates on which notice will be published: 11, 18 February 2022.

11-18

PLAASLIKE OWERHEID KENNISGEWING 278 VAN 2022**PLAASLIKE MUNISIPALITEIT POLOKWANE - KENNISGEWING VAN STRAAT SLUITING**

Die Polokwane Munisipaliteit het 'n aansoek ontvang ingevolge die bepalings van Artikel 67 van die Ordonnansie op Plaaslike Regering 17 van 1939 en Artikel 21 (a) van die Wet op Plaaslike Regeringstelsels van 2000, saamgelees met Artikel 72 van die Polokwane Munisipale Beplanning SPLUMA Verordeninge, 2017, en die bepalings van SPLUMA (Wet 16 van 2013) vir die sluiting van 50m² van Ambleside laan om vir Sekuriteit toegang beheer gebruik te word – om die bestaande toegang beheer hek te wettig.

Enige beswaar (s) en / of kommentaar (s), insluitend die gronde vir sodanige beswaar (s) en / of kommentaar (s) met volledige kontakbesonderhede, waarsonder die Munisipaliteit nie kan korrespondeer met die persoon of liggaam wat die beswaar (s) indien nie) en / of kommentaar (s) ingedien of skriftelik by: Bestuurder: Stadsbeplanning en Eiendomsbestuur, Posbus 111, Polokwane, 0700 vanaf 11 Februarie 2022, tot 11 Maart 2022.

Volledige besonderhede en planne (as daar is) kan gedurende gewone kantoorure by die Munisipale kantore, soos hieronder uiteengesit, besigtig word vir 'n tydperk van 28 dae vanaf die datum van eerste publikasie van die kennisgewing in die Provinsiale Staatskoerant / 11 Februarie 2022 koerant.

Adres van Munisipale kantore: Burgersentrum, Polokwane, 0699. Sluitingsdatum vir besware en / of kommentaar: 11 Maart 2022 Adres van aansoeker (Fisiese sowel as posadres): Schoeman straat 5, Polokwane, 0699, Posbus 15001, Polokwane, 0699; Telefoonnommer: 015 – 2953649. Datums waarop kennisgewing gepubliseer word: 11, 18 Februarie 2022.

11-18

LOCAL AUTHORITY NOTICE 279 OF 2022



**BELA BELA LOCAL MUNICIPALITY
SOLID WASTE BY-LAWS**

To provide for a municipal waste removal system in the municipal area and to provide for incidental matters.

BE IT ENACTED Bela Bela Local Municipality, as follows:

**CHAPTER 1
DEFINITIONS**

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

"Approved" means approved by the Municipality in terms of the provisions of section 160 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

"Authorized service provider" means the Municipality itself, a private waste removal service provider who has been contracted by the Municipality to provide waste removal services on its behalf or a private service provider who has submitted the information required in Schedule 1 of this by-law to the Municipality and who is in possession of a written confirmation by the Municipality that the particulars of such service provider have been registered in the Municipality's register of private service providers who are authorized to provide waste removal services in the area of jurisdiction of the Municipality in terms of a written permit issued by the Municipality.

"Builder's waste" means waste generated by demolition, excavation or building activities on premises;

"Bulk container" means a container having a capacity greater than 2 m³ for the temporary storage of waste in terms of these by-laws;

"Bulky waste" means waste which cannot by virtue of its mass, shape, size or quantity be conveniently stored or handled in a waste container, but does not include builder's waste or special domestic waste;

"Business waste" means waste which is generated on premises, other than domestic waste, builder's waste, bulky waste, industrial waste, special domestic waste, garden waste and special industrial waste, and which can be removed easily without damage to the waste container, bulk container or waste removal vehicle;

"Domestic waste" means waste generated on premises used solely for residential purposes and purposes of public worship or education, including halls or other buildings used for religious or educational purposes, but does not include builder's waste, bulky waste, garden waste or special domestic waste;

"Existing service provider" means any natural or juristic person who, before or on the date of promulgation of these by-laws, provides a waste removal service within the area of jurisdiction of the Municipality, irrespective of whether such service is provided for payment or not and irrespective of whether such service is provided in terms of a permit, licence or consent issued by a disestablished local council or not;

"Garden waste" means waste generated as a result of normal gardening activities, such as grass cuttings, leaves, plants, flowers and other similar small and light matter of organic origin;

"Garden waste site" means a site provided by the Municipality for the disposal and temporary storage of garden waste and other miscellaneous waste at the discretion of the Municipality;

"Hazardous waste" means waste which contains or is contaminated by poison, a corrosive agent, a flammable substance having an open flash-point of less than 100 °C, an explosive, radioactive material, a chemical or any other substance that is classified as a hazardous substance in terms of the Hazardous Substances Act, 1973 (Act 15 of 1973), or in terms of the National Road Traffic Act, 1996 (Act 93 of 1996);

"Industrial waste" means waste generated as a result of manufacturing, maintenance, fabricating and dismantling activities and the activities of railway marshalling yards, but does not include builder's waste, business waste, special industrial waste or domestic waste;

"Law enforcement officer" means a law enforcement officer appointed by the Municipality as a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);

"Medical waste" means any waste potentially contaminated with viable micro-organisms capable of transmitting and reasonably likely to transmit diseases, and includes any waste biomedical material of the following categories:

- (i) **Class A** – Anatomical waste, which includes human anatomical material such as tissue, organs, body parts, products of conception;
- (ii) **Class B** – Infectious non-anatomical waste, which includes any waste known or clinically assessed to be at risk of being contaminated with micro-organisms and capable of



transmitting or suspected of transmitting and reasonably likely to transmit diseases, such as microbiological laboratory waste from surgeries and autopsies performed on patients with communicable diseases, all contaminated waste (for example leftover food, blood, body fluid, teeth, hair and nail clippings) from infectious patients and discarded vaccines;

(iii) **Class C** – Sharps and similar waste, which includes any clinical item capable of causing a cut in or puncture of the skin such as a needle, syringe, blade or clinical glass and any medical equipment such as blood bags, intravenous fluid containers or tubes, colostomy or catheter bags, bandaging, blood collection tubes, medication vials and ampoules and other similar items;

(iv) **Class D** – Pharmaceutical and genotoxic chemical waste, which includes all pharmaceutical products and medical chemicals that are no longer useable in patient treatment and have been returned from patient care areas and that have become outdated or contaminated or have been stored improperly or are no longer required and items contaminated with cytotoxic or radioactive pharmaceuticals, and includes chemical waste from diagnostic or experimental work or any other use that is genotoxic (carcinogenic, mutagenic, teratogenic, or otherwise capable of altering genetic material); and

(v) **Class E** – Radioactive waste, which includes all waste that should be handled and disposed of in accordance with the provisions of the Nuclear Energy Act, 1999 (Act 46 of 1999);

"Municipality" means Bela Bela Local Municipality and includes the Council of the Municipality and committee established by the Council and any employee or official of the Municipality duly authorised to perform any duty, power or function in terms of these by-laws;

"nuisance" has the meaning assigned to it in section 2 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939);

"occupier", in relation to premises, means any person, including the owner, in actual occupation of the premises without regard to the title under which he or she occupies the premises, and, in the case of premises subdivided and let to lodgers or tenants, includes the person receiving the rent payable by the lodgers or tenants, whether for his or her own account or as an agent for a person entitled to the rent or with any interest in the rent;

"owner", in relation to premises, includes any person who receives the rent or profits of the premises from any tenant or occupier of the premises or who would receive the rent or profits if the premises were let, whether for his or her own account or as an agent for any person entitled to the rent or profits or with an interest in the rent or profits, provided that "owner", in respect of premises in a sectional title scheme in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), including the body corporate as defined in that Act in relation to such premises, and "owner", in respect of premises that are the property of the Municipality and are let by the Municipality, means the lessee of the premises;

"person" includes a juristic person in terms of the common law or incorporated in terms of the provisions of the Companies Act, 1973 (Act 61 of 1973);

"premises" means any erf or land, building, room, structure, tent, van, vehicle, stream, lake, dam, pool, lagoon, drain or ditch (open, covered or enclosed), whether built on or not and whether public or private;

"public place" has the meaning assigned to it in section 2 of the Local Government Ordinance, 1939;

"recycling" means the collection, selection or removal of waste for the purpose of reselling or reusing selected materials in a manufacturing or other process;

"recyclable" means any material intended for recycling or a remanufacture process and which was never part of the waste stream at the point of removal, but was managed as a potential resource by the originator of such material and never contaminated with any other material;

"road reserve" means the verge and the roadway of a public road as defined in the National Road Traffic Act, 1996;

"service provider" means private firms who contract directly with occupiers for the removal of waste;

"special domestic waste" means waste which is discarded from premises used for residential purposes and which cannot by virtue of its mass, shape or size be conveniently stored in a waste container;

"special industrial waste" means waste which consists of a liquid or sludge resulting from a manufacturing process or the pre-treatment, for disposal purposes, or any industrial or mining liquid waste and which in terms of the Municipality's Sanitation By-laws may not be discharged



into a drain or sewer;

"swill" means food residues fit for use as animal food in terms of the applicable statutory requirements;

"tariff" means the prescribed charge determined by the Municipality in terms of any applicable legislation for any service rendered by the Municipality in terms of these by-laws;

"waste" means domestic waste, special domestic waste, business waste, garden waste, builder's waste, industrial waste, special industrial waste, medical waste, bulky waste or hazardous waste, and includes any material or object deemed in terms of Chapter 8 to be abandoned, unwanted or unused;

"waste container" means a waste container supplied by the Municipality to premises as provided for in section 2(2) or approved by the Municipality in exceptional cases;

"waste removal service" means the collection and removal of domestic, garden, industrial and business waste as provided for in section 2(2) and may include garden waste;

"waste stream" means all material which was regarded as "waste" by an occupier/owner and disposed into a waste container for removal and disposal by the Municipality.

CHAPTER 2 BUSINESS WASTE AND DOMESTIC WASTE

The Municipality's service

2.(1) The Municipality must provide or ensure a service for the collection and removal of business waste and domestic waste from premises at the applicable tariff.

(2) The collection and removal of business waste and domestic waste from premises within the area of jurisdiction of the Municipality and the provision of waste removal services in respect of such waste, is a municipal service which shall exclusively be provided by an authorized service provider and the occupier of premises shall not use the waste removal services of any other entity whatsoever.

(3) The occupier of premises is obliged to make use of the waste removal service provided by an authorized service provider specifically designated for such purpose by the Municipality.

(4) Subject to the provisions of these by-laws, the occupier of premises must keep the premises free of any waste and, subject to the provisions of section 7(1)(a), the Municipality may require the occupier of the premises to make use of the services of any other authorized service provider for the collection and removal of the waste.

(5) The occupier of premises on which business waste or domestic waste is generated is liable to the Municipality for the applicable tariff in respect of the collection, removal and disposal of business or domestic waste from the premises and remains liable for payment of the tariff until -

(a) the occupier has submitted proof to the satisfaction of the Municipality that he or she is no longer liable for payment of the tariff in terms of these by-laws;

(b) registration of transfer of the premises in the name of a new owner has taken place.

Notice to the Municipality

3. The occupier of premises on which business waste or domestic waste is generated must, within seven days after the commencement or alteration of services or generation of such waste, notify the Municipality in writing -

(a) that the premises are being occupied; and

(b) that business waste or domestic waste is being generated on the premises.

Delivery of waste containers and bulk containers

4.(1) After receipt of any notification in terms of section 3 the Municipality must, subject to the provisions of subsection (2), deliver to the premises the number and type of waste containers that in its opinion are required for the temporary storage of waste.

(2) The occupier's liability to pay the applicable tariff relating to either business or domestic waste is determined according to the dates on which the waste containers are delivered to and removed from the premises, and the Municipality's records serve as prima facie proof of such delivery and removal and of the applicable tariff payable.

(3) The Municipality may, at any time after the delivery of waste containers in terms of subsection (1), remove some of the waste containers or deliver additional waste containers if, in its opinion, a greater or lesser number of waste containers is required on the premises.

(4) The Municipality may deliver bulk containers to premises instead of smaller containers if it considers bulk containers essential for the premises, having regard to the quantity of waste generated on the premises, the suitability of such waste for temporary storage in bulk containers, and the accessibility and adequacy of the space provided for by the occupier of the premises for the waste collection vehicles in terms of section 5.



(5) The provisions of these by-laws in so far as they relate to waste containers delivered to premises for the temporary storage of waste in terms of subsections (1) and (3) apply *mutatis mutandis* in respect of bulk containers delivered to premises in terms of subsection (4).

(6) The Municipality remains the owner of all waste containers or bulk containers provided and/or delivered by it in terms of these by-laws.

Placing of waste containers and bulk containers

5. (1) The occupier of premises must provide an adequate and reserved clearance on the premises or provide any other equipment or facilities on the premises deemed necessary by the Municipality for the storage of the number of waste containers or bulk containers delivered by the Municipality in terms of sections 4 and 8.

(2) The clearance provided for on the premises in terms of subsection (1) must -

(a) be in such a location on the premises as to allow for the storage of waste containers or bulk containers without the containers' being visible from a street or public place; A suitable waste collection area with provision for a water point, a waste water collection point(drain) and concrete floor, roof, ventilation and big enough to accommodate all generated waste, must be provided;

(b) be in such a location as to permit convenient access to and egress from the clearance by the Municipality's waste collection vehicles; and

(c) be sufficient to accommodate all waste, including the materials and any containers used in the sorting and storage of waste contemplated in sections 7(1)(a)(i) and 8(6).

(3) The occupier of premises must place or cause the waste containers or bulk containers to be placed in the clearance provided for in terms of subsection (1) and must at all times keep the containers in the clearance, except when they are removed for emptying.

(4) Notwithstanding the provisions of subsection (3), the Municipality may, having regard to the avoidance of a nuisance and to the convenience of the collection of waste, indicate a location within or outside the premises where the waste containers or bulk containers must be placed for the collection and removal of the waste, and such waste containers or bulk containers must then be placed in that location at such times and for such periods as the Municipality may require, provided that the provisions of this subsection apply to -

(a) premises in respect of which buildings were erected or building plans were approved prior to the promulgation of these by-laws; and

(b) premises in respect of which the Municipality, in its opinion, is unable to collect and remove waste from the clearance provided for in terms of subsection (1).

Emptying of waste containers and bulk containers

6. (1) The occupier of premises must, before 07:00 on the day of the removal of domestic waste, place the waste containers containing waste outside the boundary of the premises or on the nearest street boundary or in some place as jointly determined by the municipality and the occupier of the premises and such containers must be properly closed and may not cause any obstruction to pedestrian or vehicular traffic. The containers shall be emptied by the municipality on the removal day or at such other times and/or intervals as agreed between the municipality and the occupier of the premises.

(2) Builders rubble, steel, timber rests, soil, pebbles, rocks and other material not generated in gardens or households may not be disposed in the containers. Such containers will be left unserved.

(3) The Municipality may refuse to empty any waste container or bulk container used and placed contrary to the provisions of subsection (1), (2) and sections 7 and 8.

Use and care of waste containers and bulk containers

7.(1) The occupier of premises to which waste containers or bulk containers have been delivered by the Municipality in terms of section 4 must ensure that -

(a) all the domestic waste or business waste generated on the premises is placed and kept in the waste containers or bulk containers for removal by the Municipality, provided that the provisions of this subsection do not prevent any occupier who has obtained the Municipality's prior written consent from -

(i) selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other materials for recycling in a manufacturing process or, in the case of swill, for consumption; and

(ii) utilising any domestic waste that may be suitable for making compost, provided that the waste remains on the premises;

(b) Open fire, hot ash or other business waste or domestic waste which may cause damage to the waste containers, bulk containers or waste removal vehicles or which may cause



injury to the Municipality's employees while they carry out their duties in terms of these by-laws, must not be placed in waste containers or bulk containers unless suitable steps have been taken to avoid such damage or injury;

(c) Waste or other waste material, including any liquid, which, by reason of its mass or other characteristics, is likely to render the waste containers or bulk containers unreasonably difficult to handle must not be placed in the waste containers or bulk containers; and

(d) every waste container or bulk container on the premises is kept in a clean and hygienic condition, and, in the event of non-compliance with this provision, the Municipality may, in addition to any fines imposed on the owner or occupier of the premises, remove the waste container or bulk container and have it cleaned at the expense of the owner or occupier of the premises.

(2) Waste containers delivered to premises in terms of section 4 must not be used for any purpose other than the storage of business, domestic or garden waste, and no fire may be lit in such a waste container.

(3) A waste container delivered to premises in terms of section 4 may be emptied by the Municipality at such intervals as the Municipality may deem necessary.

(4) The occupier of premises to which waste containers were delivered in terms of section 4 or to which bulk containers were delivered in terms of section 8 is liable to the Municipality for the loss of the containers and for all damage caused to the containers, except for any loss or damage caused by the employees or equipment of the Municipality.

(5) Waste containers and bulk containers provided by the Municipality must not be removed from the premises by any person without the Municipality's written consent.

(6) The occupier of premises must ensure that the storage area around waste containers and bulk containers is neat and free of waste and obstructions at all times.

(7) The occupier must report any lost or damaged or partly damaged waste containers or bulk containers, which may be replaced at the discretion of the Municipality.

Compaction of waste

8.(1) Should the quantity of business waste generated on premises be such as to require daily removal

and should the major portion of such waste be, in the opinion of the Municipality, compactable, or should the occupier of the premises wish to compact any volume of waste, it must be approved by the Municipality.

(2) The occupier of premises may, after obtaining the written approval of the Municipality, make use of approved bulk compaction containers, provided that the occupier of the premises supplies the containers.

(3) Subject to the provisions of section 2(2) -

(a) any container used in terms of subsection (4) may be collected, emptied and returned to the premises by the Municipality;

(b) the occupier of the premises must prepare the container for collection and must immediately reconnect the container to the compaction equipment after the container's return by the Municipality to the premises; and

(c) the Municipality accepts no responsibility for any damaged caused to containers or compaction equipment or any part thereof if (b) above is not practised and the employee(s) of the Municipality must perform such duties.

(4) The provisions of this section do not prevent any occupier of premises who has obtained the Municipality's prior written consent from selling or disposing of any swill, corrugated cardboard, paper, glass or other materials for recycling in a manufacturing process or, in the case of swill, for consumption.

CHAPTER 3 INDUSTRIAL WASTE

The Municipality's service

9. The provisions of Chapter 2 in so far as they relate to the collection, removal and storage of business and domestic waste apply *mutatis mutandis* to industrial waste.

Storage and disposal of industrial waste

10.(1) The occupier of premises on which industrial waste is generated must, until such time as the waste is removed from the premises, ensure that the waste is stored in the waste containers or bulk containers delivered to the premises by the Municipality for such purpose.

(2) The occupier of premises referred to in subsection (1) must ensure that -

(a) dust or other nuisance is not caused by the industrial waste generated on the premises;



and

(b) the storage area around the waste containers or bulk containers is neat and free of waste and obstruction at all times.

(3) A person contracted by the Municipality to remove industrial waste must deposit the waste at a disposal site designated by the Municipality for that purpose, or as stipulated in the contract.

CHAPTER 4

GARDEN WASTE, SPECIAL DOMESTIC WASTE AND BULKY WASTE

Removal and disposal of garden waste, special domestic waste and bulky waste

11.(1) The occupier of premises on which garden waste, special domestic waste or bulky waste is generated must ensure that, after the generation of the waste, the waste is disposed of in accordance with this chapter and within such time limits to prevent risks and nuisance conditions, provided that garden waste may be retained on the premises for the making of compost if, in the opinion of the Municipality, the garden waste will not cause a potential nuisance or fire hazard.

(2) An authorized service provider who removes and disposes of garden waste, special domestic waste and bulky waste, must ensure that once the waste has been removed from the premises on which it was generated, the waste is, against payment of the applicable tariff, deposited at a site designated by the Municipality for that purpose and for such waste.

(3)(a) Notwithstanding the provisions of subsection (2), garden waste sites may, as indicated from time to time on the notice boards erected at these sites, be used, during the working hours of the sites, for the disposal of garden waste by residents. All contractors of the Municipality and all garden services may only dispose of waste as indicated in Chapter 4 at designated landfill sites.

(b) A person entering a garden waste site must not deposit any waste other than that contemplated in subsection (3)(a) in the containers provided for that purpose at such a site.

(4) The provisions of sections 16 and 17 apply *mutatis mutandis* to containers used for the collection of garden waste, special domestic waste and bulky waste.

The Municipality's regular business and domestic service

12. At the written request of the occupier of premises, the Municipality may, at its sole discretion, deliver additional waste containers to the premises in terms of section 4, in which event the provisions of Chapter 2 in respect of waste containers delivered for the storage of domestic waste apply *mutatis mutandis* to waste containers delivered in terms of this chapter.

The Municipality's special service

13. At the request of the occupier of premises and after payment of the applicable tariff, the Municipality can remove garden waste, special domestic waste, builder's waste and bulky waste from the premises.

CHAPTER 5 BUILDER'S WASTE

Responsibility for builder's waste

14.(1) The occupier of premises on which builder's waste is generated, or any person involved in activities that result in builder's waste being generated on premises, must ensure that the waste is disposed of in accordance with section 17 after the generation of the waste and within such time limits as are considered reasonable by the Municipality.

(2) Until such time as builder's waste is disposed of in accordance with section 17, the builder's waste must, subject to the provisions of section 15, be kept on the premises on which the waste was generated, together with the containers used for the storage or removal of the waste.

Containers

15.(1) If a container or other receptacle used for the removal of builder's waste from premises should in the opinion of the Municipality not be kept on the premises, the container or receptacle may, with the written consent of the Municipality, be placed in the road reserve for the period stipulated in the consent.

(2) Any consent in terms of subsection (1) is given subject to such conditions and against payment of such a tariff as the Municipality may consider necessary.

16(1) A container or other receptacle that is used for the removal of builder's waste and that is placed in the road reserve with the written consent of the Municipality in terms of section 15(1) must -

(a) have clearly marked on the container or receptacle the contact details of the body in control of the container or receptacle;



- (b) be fitted with reflecting chevrons or reflectors that completely outline the front and the back of the container or receptacle; and
- (c) except when the container or receptacle is being filled with or emptied of the waste, be properly closed during transportation so that no displacement of the waste can occur.
- (2) The provisions of section 15 do not apply to the storage of building materials in a road reserve or anywhere outside premises, and the storage of building materials in a road reserve is at all times prohibited and is an offence punishable in accordance with the provisions of section 30.

Disposal of builder's waste

- 17(1) Subject to the provisions of subsection (2), all builder's waste must be deposited at the Municipality's waste disposal sites, provided that the person depositing the waste has paid the applicable tariff or has made alternative payment arrangements to the satisfaction of the Municipality.
- (2) For the purpose of civil projects and land reclamation, builder's waste must, with the written consent of the Municipality, be deposited at a place other than the Municipality's waste disposal sites.
- (3) Any consent given in terms of subsection (2) is subject to such terms and conditions as the Municipality may deem appropriate.
- (4) If the occupier of premises or the person referred to in section 14(1) fails to comply with the provisions of this section and remains in default after the Municipality has instructed him or her to comply with the provisions within a reasonable time, the Municipality may, at the expense of such occupier or person, remove the waste itself or have the waste removed;

CHAPTER 6

SPECIAL INDUSTRIAL WASTE, HAZARDOUS WASTE AND MEDICAL WASTE

Notification of generation of special industrial waste, hazardous waste or medical waste

- 18.(1) A person or other legal entity must not, within the area of jurisdiction of the Municipality, operate or conduct a service for the removal of any type of waste contemplated in this chapter from premises, irrespective of whether such service is rendered for payment or not, unless such natural person or other legal entity is registered by the Municipality.
- (2) An authorized service provider engaged in an activity or activities which generate special industrial waste, hazardous waste or medical waste to be generated must notify the Municipality, before commencement of such generation, of -
 - (a) the composition of the waste;
 - (b) the quantity of the waste;
 - (c) the method of storage of the waste;
 - (d) the proposed duration of the storage of the waste; and
 - (e) in terms of the provisions of section 20(4), the manner in which the waste will be removed.
- (3) If so required by the Municipality, the notification referred to in subsection (1) must be substantiated by an analysis of the waste certified by an appropriately qualified industrial chemist or a person designated by the Municipality.
- (4) Subject to the provisions of any applicable legislation, the Municipality or any person duly authorised by the Municipality may enter any premises at a reasonable time to ascertain whether special industrial waste, hazardous waste or medical waste is generated on the premises and may take samples of and test any waste found on the premises to ascertain its composition.
- (5) A person referred to in subsection (1) must notify the Municipality of any changes in the composition and quantity of the special industrial waste, hazardous waste or medical waste occurring after the notification in terms of subsection (1).

Storage of special industrial waste, hazardous waste and medical waste

- 19(1) A person referred to in section 18(1) must ensure that the special industrial waste, hazardous waste or medical waste generated on the premises is kept and stored on the premises in accordance with the provisions of section 18 until the waste is removed from the premises in accordance with section 20.
- (2) Special industrial waste, hazardous waste or medical waste stored on premises must be stored in such a manner that the waste cannot become a nuisance or a safety hazard or pollute the environment.
- (3) If special industrial waste, hazardous waste or medical waste is not stored in accordance with subsection (2) on the premises on which it was generated, the Municipality may order the occupier of the premises and/or the person referred to in section 18(1) to remove the waste within



a reasonable time and, if the waste is not removed within that time, the Municipality may, at the occupier's expense and/or at the expense of the person referred to in section 18(1), remove the waste itself or have the waste removed.

(4) Special industrial waste, hazardous waste or medical waste must be stored in an approved container by the Municipality, and such container must be kept in an approved storage area to avoid nuisances before the removal of the waste in accordance with section 20.

Removal and disposal of special Industrial waste, hazardous waste and medical waste

20(1) A person must not, without the written consent of the Municipality and subject to such terms and conditions as the Municipality may deem fit, remove or have special industrial waste, hazardous waste or medical waste removed from the premises on which it was generated.

(2) The occupier of premises must only have special industrial waste, hazardous waste or medical waste removed by a contractor approved by the Municipality in compliance with the relevant legislation.

(3) Special industrial waste, hazardous waste and medical waste must only be transported by a contractor who is approved by the Municipality and meets the Municipality's requirements in respect of -

- (a) the competence of contractors to remove a particular type of waste;
- (b) the containers of contractors;
- (c) the markings on the containers of contractors;
- (d) the manner of construction of the containers of contractors;
- (e) the contractors' procedures for safety and cleanliness; and
- (f) the contractors' documentation relating to the source, transportation and disposal of waste.

(4) A authorized service provider referred to in section 18(1) must inform the Municipality, at such intervals as the Municipality may stipulate, of -

- (a) the removal of special industrial waste, hazardous waste or medical waste;
- (b) the identity of the contractor who will remove the waste;
- (c) the date of the removal of the waste; and
- (d) the quantity and the composition of the waste to be removed.

(5) Should a person be convicted of contravening the provisions of this section, he or she must, notwithstanding any penalty imposed on him or her, dispose of the waste as directed by the Municipality or, alternatively, the Municipality may dispose of the waste itself at the expense of that person.

(6) Notwithstanding anything to the contrary contained in these by-laws, the generation, storage, removal and disposal of special industrial waste, hazardous waste or medical waste in accordance with sections 18, 19 and 20 are subject to the provisions of the Hazardous Substances Act, 1973, the Occupational Health and Safety Act, 1993 (Act 85 of 1993), the National Road Traffic Act, 1996, the Health Act (Act 63 of 1977), and the Fire Brigade Services Act, 1987 (Act 99 of 1987), and any regulations promulgated under these Acts.

CHAPTER 7 DISPOSAL SITE

Conduct at disposal site

21(1) Right of admission to a disposal site controlled by the Municipality is reserved, and every person who enters such a disposal site must -

- (a) enter the disposal site at an authorised access point;
- (b) if required to do so, present the waste for weighing in the manner required by the Municipality;
- (c) give the Municipality all the particulars required in regard to the composition of the waste;
- (d) follow all instructions given to him or her with regard to access to the actual disposal point, the place where waste is to be deposited and the manner in which the waste is to be deposited;
- (e) adhere to all traffic rules while at the disposal site; and
- (f) before leaving the disposal site, pay the applicable tariff in respect of the waste dumped or comply with any prior arrangements made with the Municipality with regard to payment of the applicable tariff.

(2) A person who contravenes any of the provisions of subsection (1) may be refused entry to or be removed from the disposal site.

(3) In respect of a disposal site controlled by the Municipality, the Municipality may at any time require a vehicle and/or the vehicle's containers to be weighed at a weighbridge at the disposal



site.

(4) A person must not bring any intoxicating liquor onto a disposal site or garden waste site controlled by the Municipality or enter the site while under the influence of intoxicating liquor.

(5) A person must not, at a disposal site controlled by the Municipality, dump any burning material or chemicals that may pose a fire hazard.

(6) A person must not dump any animal carcasses or any waste meat products at a disposal site controlled by the Municipality except with the prior written consent of the Municipality.

(7) Unless authorised to do so by the Municipality, a person must not enter a disposal site controlled by the Municipality for any purpose other than for the disposal of waste in terms of these by-laws, and then only at such times and between such hours as the Municipality may from time to time determine.

(8) The Municipality may refuse to accept any waste at a disposal site controlled by the Municipality if, in the opinion of the Municipality, the waste may have a detrimental impact on the environment or, alternatively, the Municipality may allow such waste on the terms and conditions it deems fit in accordance with the Minimum Requirements as set out by the National Department of Water Affairs and Forestry.

(9) Any disposal site within the area of jurisdiction of the municipality, except sites owned and operated by the municipality must be registered with the Municipality by the owner as contemplated in Chapter 10 of these by-laws.

CHAPTER 8

LITTERING, DUMPING AND ABANDONING OF WASTE AND WASTE MATERIAL

Littering

22.(1) A person must not -

(a) throw, drop, deposit, spill or in any other way dispose of any waste or waste material in or on any public place or premises, except into a container provided for that purpose or at a disposal site controlled by the Municipality;

(b) allow any other person under his or her control to commit any of the acts contemplated in paragraph (a), and, for the purpose of this subsection, employers or principals are liable for the acts of their employees or agents, provided that where an employee or agent contravenes the provisions of paragraph (a) he or she is liable as if he or she were the employer or principal.

(2) A person reasonably suspected by a law enforcement officer of having contravened the provisions of subsection (1) is liable in terms of these by-laws.

(3) Should a person be convicted of contravening the provisions of this section, he or she must, notwithstanding any penalty imposed on him or her, dispose of the waste as directed by the Municipality or, alternatively, the Municipality may dispose of the waste itself at the expense of that person.

(4) Subject to the provisions of the by-laws pertaining to Temporary Advertisements and Outdoor Advertising -

(a) a person is not permitted to distribute any flyers, pamphlets, stickers or handbills at street corners, robots, sidewalks, stop streets or any open or public place without the Municipality's prior written consent; and

(b) a placard or advertisement must not be displayed or placed on any lamp pole, traffic sign pole or fence by a person without the Municipality's prior written consent.

Dumping and abandoning

23(1) A person must not dispose of any waste or waste material at any place or on any premises other

than as provided for in terms of these by-laws.

(2) A person reasonably suspected by a law enforcement officer of having contravened the provisions of subsection (1) is liable in terms of these by-laws.

(3)(a) Subject to the provisions of any other law, the Municipality has the right to remove and dispose of any abandoned waste or waste material in any way it deems appropriate under the prevailing circumstances.

(b) The Municipality is not liable for any damages, costs or claims that arise out of or that are in any way connected to any action taken in terms of paragraph (a).

(4) Should a person be convicted of contravening the provisions of this section, he or she must, notwithstanding any penalty imposed on him or her, dispose of the abandoned waste or waste material as directed by the Municipality or, alternatively, the Municipality may dispose of the waste or waste material itself at the expense of that person.



Liability of person responsible

24(1) Where any waste or waste material has been removed and disposed of by the Municipality in terms of section 23(3), the person responsible is liable to pay the Municipality the applicable tariff in respect of the removal and disposal.

(2) For the purposes of subsection (1) the person responsible is -

- (a) the last owner of the waste or waste material before it was removed by the Municipality and includes any person who, at the time of the abandoning of the waste or waste material, was entitled to be in possession of the waste or waste material by virtue of the common law, a hire-purchase agreement or an agreement of lease, unless it can be proved by such a person that he or she was in no way connected to and could not reasonably have known of the abandoning of the waste or waste material;
- (b) the person who abandoned the waste or waste material at the locality in question, and includes the employer or principal of such a person;
- (c) the person whose permission was required to abandon the waste or waste material at the locality in question, and includes the employer or principal of such a person; and
- (d) a person contemplated in section 6A(1)(c)(i) of the Businesses Act, 1991 (Act 71 of 1991), and the Municipality's Street Trading By-laws promulgated in terms of that Act.

CHAPTER 9 GENERAL PROVISIONS

Access to premises

25(1) Where the Municipality provides a waste collection service in respect of premises, the occupier of the premises must grant any employee of the Municipality access to the premises for the purpose of collecting and removing waste and must ensure that nothing obstructs or hinders such employee in the rendering of the service.

- (a) The provisions of subsection (1) apply *mutatis mutandis* to any employee of the Municipality for purposes of inspections, verifications and audit.
- (b) Where, in the opinion of the Municipality, the delivery, collection or removal of waste from any premises may result in damage to the premises or the Municipality's property, or injury to the Municipality's employees or any other person, the Municipality may, as a condition for rendering the waste collection service in respect of the premises, require the occupier of the premises to indemnify the Municipality in writing against any such damage or injury.

(2) Where a waste removal service cannot be rendered in respect of premises because of the action of the owner and/or the occupier of the premises, the owner and/or the occupier remains liable for the payment of the costs of the service in terms of the provisions of section 29(1).

(3) The owner and/or the occupier of premises is liable for any nuisance or threat to the safety and security of the general public if such a nuisance or threat relates to the cleanliness of the premises, including the prevention or removal of illegal dumping on the premises. Should the owner and/or the occupier of the premises fail to take the necessary preventative or rectifying steps in respect of such a nuisance or threat, the Municipality may itself take whatever steps are necessary to prevent or rectify the nuisance or threat and may recover the costs of the steps from the owner and/or the occupier of the premises in terms of section 29(1).

(4) Street numbers of premises must be clear and visible from the street in order to facilitate delivery of waste containers and handling of queries.

Incineration of waste

26(1) The Municipality is not obliged to accept any waste destined for incineration.

Recycling

27(1) Recyclable material for the purpose of recycling must not be stored at any premises resulting in risks or nuisance conditions;

- (2) A person involved in any way in recycling, must comply with all applicable statutory requirements;
- (3) Separation of waste or sorting of recyclables shall be performed on the premises of the point of generation of the recyclable waste stream;
- (4) All facilities where separation and classification of recyclable material is performed, must comply with the applicable statutory requirements.

Permanent service by means of bulk containers

28. Permanent bulk container service shall be allowed on sidewalks with the approval of the Municipality.

Charges



29(1) Except where otherwise provided for in these by-laws, the owner and the occupier of premises in respect of which services are rendered by the Municipality in terms of these by-laws are jointly and severally liable to the Municipality for payment of the applicable tariffs for the services.

(2) The applicable tariff in respect of a service rendered by the Municipality may be adjusted by the Municipality from time to time in terms of the applicable legislation and policy or after receipt of a written notification from the occupier of the premises to which the service is rendered, and such notification must declare that the generation of waste on the premises has altered in volume, and the Municipality must be satisfied that an adjustment in the tariff is justified in the circumstances, in which case the occupier will still be liable to pay the relevant tariff.

(3) Upon receipt of the written notification in terms of subsection (2), the adjusted tariff becomes effective on the date determined by the Municipality.

(4) A person who fails to pay the applicable tariff in respect of services rendered by the Municipality is guilty of an offence.

(5) The owner or occupier of premises within the area of jurisdiction of the Municipality is liable for the full payment of the city cleansing and refuse removal components in accordance with the applicable tariff.

Offences and penalties

30(1) A person who contravenes or fails to comply with any provision of these by-laws is guilty of an offence and is liable on conviction to a fine not exceeding the amount as determined by a competent court from time to time.

(2) In the event of a continuing offence, any person who contravenes or fails to comply with any provision of these by-laws is deemed to be guilty of a separate offence for every period of 24 hours or part of such period during which the offence continues and is liable as set out in subsection (1) in respect of each such separate offence.

(3) In the event of the municipality having to clean up illegally disposed waste (including the excision of any type of vegetation, shrubs or trees) on private property after due notices have been issued to the owner, such costs shall be debited against the municipal consumer account of such person.

Implementation of these by-laws

31(1) All existing service providers must furnish the Municipality with –

- (a) written consent by the disestablished local council; and
- (b) all contractual details with clients within one calendar month from the date of promulgation of these by-laws.

(2) The owner or occupier generating waste must produce written consent and / or permit from the relevant disestablished local council allowing him / her to use a private service provider.

(3) Existing service providers shall not be entitled to recruit new clients in respect of Chapters 2, 3, 4, 5 and 6 from the date of promulgation of these by-laws.

(4) All existing permits and/or consents given to private service providers shall expire three months from the date of promulgation of these by-laws.

(5) An agreement between a private service provider and an owner, occupier or waste generator is not binding on the Municipality.

(6) Prior to the expiry of the permit or consent given to a private service provider, all clients of such private service provider are liable to pay the city cleansing tariff to the Municipality.

CHAPTER 10

Permitting of private service providers by the Municipality

32(1) The provisions of this chapter shall only apply to Chapters 2, 3, 4 and 5 of these by-laws.

(2) A person or other legal entity must not, within the area of jurisdiction of the Municipality, operate or conduct a service for the removal of any type of waste contemplated in Chapters 2, 3, 4 and 5 from premises, irrespective of whether such service is rendered for payment or not, unless such natural person or other legal entity is permitted in writing as an authorized service provider by the Municipality.

(3) The provisions of subsection (2) shall apply *mutatis mutandis* to any natural person or other legal entity which operates or conducts waste recycling activities of any nature or extent whatsoever within the area of jurisdiction of the Municipality.

(4) For the purposes of this chapter, a natural person or other legal entity who wishes to be registered and permitted in writing as an authorized service provider must submit a written application to the Municipality, including the details of the information stipulated in Schedule 1.

33. Repeal of by-laws

These by-laws repeal any other by-laws on the management and control of solid waste which



were previously in force within the area of jurisdiction of the Municipality.

34. Short title

These by-laws are called the Solid Waste By-laws of Bela Bela Local Municipality.



BELA BELA LOCAL MUNICIPALITY

STANDARD BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND TO BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY, PETS AND CONTROL OF STRAY ANIMALS

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CHAPTER I GENERAL

1. Definitions

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

"adequate" means adequate in the opinion of the Municipality;

"animal" means any of the following animals: (a) Cattle; (b) sheep; (c) goats; (d) horses; (e) mules; (f) donkeys; (g) pigs; (h) rabbits; (i) cats; (j) dogs and wild animals

"approved" means approved by the health officer, regard being had to the reasonable public health requirements that may apply to each particular case;

"authorised officer" means a person authorised thereto by the Municipality, and includes any member of a force established under a law for performing police duties or functions or exercising police powers;

"aviary" means a roofed or unroofed enclosure, other than a portable cage, used for the keeping of birds;

"battery system" means a system of keeping birds or poultry in cages either in single rows or in tier formation within a building or structure;

"bird" means a feathered vertebrate other than poultry;

"cattery" means premises in or on which boarding facilities for cats are provided or in or on which cats are kept and bred for commercial purposes;

"Chief Financial Officer" means the person holding the office of Chief Financial Officer in the Municipality or whoever is acting in that capacity, and includes any official of the Municipality under the control of the Chief Financial Officer who performs any function or duty or exercises any power under these by-laws;

"dwelling" means any building or part of a building used for human habitation;

"enclosure", in relation to animals, means any kraal, pen, paddock or other fenced or enclosed area used for accommodating, keeping or exercising animals;

"environmental health practitioner" means an environmental health practitioner appointed by the Municipality in terms of section 24 of the Health Act, 1977 (Act 63 of 1977);

"hawk" means the activity of hawking licensed in terms of item 3(1) of Schedule 1 to the Businesses Act, 1991 (Act 71 of 1991);

"hawker" means any person carrying on the activity of hawking in terms of item 3(1) of Schedule 1 to the Businesses Act, 1991;

"health officer" means a medical officer of health appointed in terms of section 22 or 25 of the Health Act, 1977;

"kennels" means any premises in or on which –

(a) boarding facilities for dogs are provided;

(b) dogs are bred for commercial purposes; or

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

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

"Municipality" means Bela Bela Local municipality

"nuisance" means a nuisance as defined in the Health Act, 1977;

"owner", in relation to an animal, means any person having possession, charge, custody or control of the animal;

"parks board" means Limpopo Parks Board

"person in control" means a person actually managing or in control of any premises or business;

"pet" means any domestic or other animal which may be lawfully kept, and includes any bird and non-poisonous reptile;

"pet salon" means the business of providing a beauty treatment service for pets by washing, drying, brushing, clipping or trimming them or by attending to their nails or teeth;

"pet shop" means the business of keeping pets for the purpose of sale;

"pigsty" means a building, structure or enclosure in which pigs are kept;

"poultry" means fowls, ducks, Muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea fowl;

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

"poultry run" means any unroofed wire mesh or other enclosure, whether or not an addition to a poultry house, in which poultry are kept;

"pound fees" means fees payable for impounding animals, and includes fees for the removal and destruction of carcasses;

"pound master" means a person in control of a pound;

"premises" means any land, building or structure or any portion of any land, building or structure in or on which any of the activities regulated by these by-laws are carried on;

"public place" means any road, street, pavement, sidewalk, park or other place to which the public has authorised and unimpeded access;

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

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

"stable" means any building or structure or any part of a building or structure used for accommodating or keeping cattle, horses, mules or donkeys; and

"veterinarian" means a person registered as a veterinarian in terms of section 1 of the Veterinary and Para-Veterinary Professions Act, 1982 (Act 19 of 1982).

2. General provisions

- (1) A person is guilty of an offence and liable on conviction to a fine of R20 000,00 (twenty thousand rand) or to imprisonment for a period not exceeding two years if he or she –
- (a) overloads, overdrives, overrides, ill-treats, neglects, infuriates, tortures, maims, beats, kicks, goads or terrifies any animal;
 - (b) confines, chains, tethers or secures any animal unnecessarily or under such conditions or in such manner or position as to cause that animal unnecessary suffering, or keeps any animal in a place that has inadequate space, ventilation, light, protection or shelter from heat, cold or extreme weather conditions;
 - (c) unnecessarily starves or insufficiently feeds any animal or deprives any animal of water or food;
 - (d) liberates any bird in such manner as to expose the bird to immediate attack or danger of attack by any animal, wild animal or wild bird;
 - (e) drives or works an animal that is so diseased or so injured or in such a physical condition that the animal is unfit to be driven or to do any work;
 - (f) lays any trap or device for the purpose of capturing or destroying an animal, wild animal or wild bird, the capturing or destruction of which is not proved to be necessary for the protection of property or for the prevention of the spread of disease;
 - (g) having laid a trap or device referred to in paragraph (f), fails to inspect and clear such trap or device at least once a day, whether in person or through a competent person;
 - (h) except under the authority of a permit issued by the magistrate of the district in question, sells a trap or device intended for the capture of an animal, including a wild animal (not being a rodent) or wild bird, to any person who is not a bona fide farmer;
 - (i) conveys, carries, confines, secures, restrains or tethers an animal –
 - (i) in conditions in which the animal has inadequate shelter, light or ventilation or in conditions in which the animal is unduly exposed to heat, cold, weather, sun, rain, dust, exhaust gases or noxious fumes;
 - (ii) without making adequate provision for suitable food, potable water and rest for the animal in circumstances where it is deemed necessary; or
 - (iii) in such conditions or in such manner or position or for such period of time or over such distance as to cause the animal unnecessary suffering;
 - (j) without reasonable cause administers to an animal any poisonous or injurious drug or substance;
 - (k) being the owner of an animal, deliberately or without reasonable cause or excuse abandons the animal, whether permanently or not, in circumstances likely to cause that animal unnecessary suffering;
 - (l) causes, procures or assists in the commission or omission of any of the acts contemplated in paragraphs (a) to (k) or, being the owner of an animal, permits the commission or omission of any such act;
 - (m) by unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes unnecessary suffering to an animal; or
 - (n) slaughters an animal for any reason whatsoever (excluding slaughtering for own use and ritual slaughtering) in a residential area without the prior consent of the Authorised Officer, the

- environmental health practitioner and any officer concerned with the prevention of cruelty to animals.
- (2) Notwithstanding anything to the contrary contained in any law, a magistrate's court has jurisdiction to impose any penalty provided for in this section.

3. Kennels and premises for the keeping of livestock

- (1) No person may –
- (a) keep any livestock, other than poultry, or maintain a kennels in any area defined by the Municipality as unsuitable for the keeping of livestock and the maintenance of kennels: and
 - (b) keep any livestock, other than poultry, on premises situated on land less than 1 ha in extent, provided that in the case of a dealer or speculator in livestock the land is not less than 2,5 ha in extent.
- (2) The provisions of subsection 1(a) do not apply in respect of a veterinary clinic or veterinary hospital operating with the Municipality's consent.

4. Premises for the keeping of animals, poultry and birds

No person may –

- (a) keep any animal, unit of poultry or bird in or on premises that do not comply with the provisions of these by-laws;
- (b) keep any animal, unit of poultry or bird in or on premises that are so constructed, maintained or situated that the keeping of animals, poultry or birds on the premises is, in the opinion of the health officer, likely to cause a nuisance;
- (c) keep more than 20 units of poultry or 10 rabbits on special residential premises, provided that more than 20 units of poultry may be kept on an agricultural holding and that the owner, occupier or keeper ensures that no health nuisance is constituted;
- (d) keep more than three dogs or three cats older than six months on premises zoned for special residential purposes;
- (e) keep dogs and/or cats on premises zoned for general residential purposes or industrial or business purposes unless the prior approval of an authorised officer has been obtained, provided that in giving his or her approval the authorised officer may impose any conditions he or she deems necessary; and
- (f) operate a battery system for poultry or rabbits before written approval has been obtained from the Municipality.

CHAPTER 2

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

5. Requirements for premises

- (1) For the keeping of a herd of cattle, horse, mule or donkey on any premises, a stable or enclosure must be provided on the premises:
- (2) A stable contemplated in subsection (1) must meet the following requirements:
- (a) Every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material.
 - (b) The internal wall surfaces of the stable must be of smooth brick or other durable surface brought to a smooth finish.
 - (c) If the stable has –
 - (i) a pitched roof, the walls of the stable must have a height of 2,4 m;
 - (ii) a flat roof, the walls of the stable must have a height of 2,7 m;
 - (iii) a lean-to roof, the walls of the stable must have a mean height of 3 m with a minimum height of 2,4 m on the one side; and
 - (iv) an opening along the entire length of one of its long sides, the height of the wall may not be less than 2 m.
 - (d) The stable must have a floor area of at least 9 m² for each herd of cattle, horse, mule or donkey accommodated in the stable.
 - (e) Except in the case of a stable that is open along the entire length of one of its long sides, lighting and ventilation must be provided in the stable by means of one or more than one opening or glazed window or louvred that can be opened, provided that –

- (i) the area of the opening, window or louvred totals at least 0,3 m² for each herd of cattle, horse, mule or donkey accommodated in the stable; and
 - (ii) the lowest point of every opening, window or louvred is at least 1,8 m above floor level.
- (f) The floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish, be graded to a channel and be drained in accordance with section 25.
- (3) An enclosure contemplated in subsection (1) must have an area of at least 10 m² for each herd of cattle, horse, mule or donkey accommodated in the enclosure, and the fencing of the enclosure must be of a substantial material and be so constructed as to prevent the animals from breaking out.
- (4) No enclosure contemplated in subsection (1) may be situated within 30 m and no stable contemplated in subsection (1) may be situated less than 5 m of any boundary of any land, dwelling or other building or structure used for human habitation and no enclosure and no stable may be situated within 50 m of any well, watercourse or other source of water supply intended or used for human consumption.
- (5) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to a stable or enclosure contemplated in subsection (1) for the animals accommodated in the stable or enclosure.

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

A person keeping any herd of cattle, horse, mule or donkey on any premises must –

- (a) ensure that the herd of cattle, horse, mule or donkey is kept in a stable or an enclosure on the premises;
- (b) maintain in a clean and sanitary condition and in good repair –
 - (i) the premises; and
 - (ii) any equipment, apparatus, container and receptacle used in connection with the keeping of the herd of cattle, horse, mule or donkey;
- (c) provide portable manure storage receptacles on the premises, which receptacles must –
 - (i) be of an impervious material and have close-fitting lids; and
 - (ii) be kept on a platform that is constructed of concrete or other durable and impervious material and that is situated adjacent to the stable or enclosure, provided that the provisions of section 6(4) are *mutatis mutandis* complied with;
- (d) if the nature of the manure and the bedding in the stable or enclosure are of such quantity that the storage receptacles contemplated in paragraph (c) are inadequate or impractical, provide a manure midden that –
 - (i) is enclosed on three sides by walls constructed of brick, concrete or other durable material plastered to a smooth finish and coved at the junction of the walls with the floor; and
 - (ii) has a floor that is of concrete brought to a smooth finish, is graded and is drained to a water channel at least 150 mm in diameter along the full length of the open side, which channel must be kept filled with water;
- (e) remove all the manure from the stable or enclosure at least once every 24 hours and dispose of the manure in a manner that will not create a nuisance;
- (f) store all saddles, bridles, harnesses and other equipment or articles used in the keeping of cattle, horses, mules and donkeys in a storeroom or other storage facilities approved by the Municipality;
- (g) store concentrates in a number of rodent-proof receptacles with close-fitting lids in a rodent-proof storeroom on the premises; and
- (h) take effective measures to destroy or prevent the harbouring or breeding of flies, cockroaches, rodents and other vermin on the premises.

CHAPTER 3

KEEPING OF PIGS

7. Requirements for premises

- (1) For the keeping of a pig on any premises, a pigsty meeting the following requirements must be provided on the premises:
- (a) Every wall of the pigsty must –
 - (i) be constructed of brick, stone, concrete or other durable material;
 - (ii) have a height of not less than 1,5 m; and
 - (iii) have a smooth internal surface.
 - (b) The pigsty must have a floor area of at least 3 m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m².
 - (c) A roof over any part of the pigsty must, at its lowest point in the pigsty, be at a height of not less than 1,5 m from ground level and, except in the case of a roofed structure having one of its long sides completely open, the pigsty must have –
 - (i) lighting and ventilation openings of at least 0,15 m² for every pig that is accommodated in the pigsty, which openings are situated in opposite external walls; or
 - (ii) adequate means of ventilation and lighting other than that provided for in subparagraph (i).
 - (d) The junction of the pigsty's walls with its floor must be coved. (e) The floor of the pigsty must be –
 - (i) at least 150 mm above the surrounding ground level;
 - (ii) constructed of concrete or other durable and impervious material brought to a smooth finish; and
 - (iii) graded to allow for the run-off of liquids into an open channel outside the pigsty, which channel must be not less than 100 mm in diameter, be constructed of concrete, glazed earthenware or other durable and impervious material and be drained in accordance with section 25.
 - (f) The pigsty must be so constructed as to prevent any pig in the pigsty from breaking out.
 - (g) No pigsty may be situated within 100 m of –
 - (i) any dwelling or other building or structure used for human habitation;
 - (ii) the boundary of any land; or
 - (iii) any well, watercourse or other source of water supply intended or used for human consumption.
- (2) A roofed-over concrete platform must be provided for the storage of all swill in containers and for the preparation of pig feed, which platform must –
- (a) be so situated as to comply *mutatis mutandis* with the provisions of subsection (1)(g);
 - (b) have curbing of a height of at least 100 mm on all of its sides; and
 - (c) a surface brought to a smooth impervious finish, graded to a channel and drained in accordance with section 25.
- (3) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the pigsty for the pigs accommodated in the pigsty.

8. Duties of keepers of pigs

A person keeping a pig on any premises must –

- (a) ensure that the pig is kept in a pigsty on the premises;
- (b) maintain in a clean and sanitary condition and in good repair –
 - (i) the premises; and
 - (ii) any equipment, apparatus, container and receptacle used in connection with the keeping of pigs;
- (c) provide portable manure storage receptacles on the premises, which receptacles must –
 - (i) be of an impervious material and have close-fitting lids; and
 - (ii) be kept on a platform that is constructed of concrete or other durable and impervious material and that is situated adjacent to the pigsty, provided that the provisions of section 8(1)(g) are *mutatis mutandis* complied with;
- (d) remove all manure from the pigsty at least once every 24 hours and dispose of the manure in a manner that will not create a nuisance;
- (e) provide –
 - (i) a rodent-proof storeroom on the premises in which storeroom all feed, other than swill, must be stored; and
 - (ii) a number of rodent-proof receptacles with close-fitting lids for the storeroom, in which receptacles must be stored all loose feed; and (f) take effective measures to destroy or

prevent the harbouring or breeding of flies, cockroaches, rodents and other vermin on the premises.

CHAPTER 4

KEEPING OF GOATS AND SHEEP

9. Requirements for premises

- (1) For the keeping of a goat or sheep on any premises, an enclosure or a building or shed must be provided on the premises.
- (2) An enclosure contemplated in subsection (1) must have an area of at least 1,5 m² for every goat or sheep accommodated in the enclosure, with an overall minimum floor area of 30 m².
- (3) A building or shed contemplated in subsection (1) must meet the following requirements:
 - (a) Every wall of the building or shed must –
 - (i) be constructed of brick, stone, concrete or other durable material;
 - (ii) have a height of not less than 2 m; and
 - (iii) have a smooth internal finish.
 - (b) The floor of the building or shed must be constructed of concrete or other durable and impervious material brought to a smooth finish, be graded to a channel and be drained in accordance with section 25.
 - (c) The floor area of the building or shed must be at least 1,5 m² for every goat or sheep accommodated in the building or shed, with an overall minimum floor area of 6 m².
 - (d) The building or shed must have lighting and ventilation openings of at least 0,15 m² per goat or sheep accommodated in the building or shed.
- (4) No building or shed contemplated in subsection (1) may be situated within 5 m and no enclosure contemplated in subsection (1) may be situated within 30 m of any boundary of any land, dwelling or any other building or structure used for human habitation and no building or shed and no enclosure may be situated within 50 m of any well, watercourse or other source of water supply intended or used for human consumption.
- (5) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every enclosure, building or shed contemplated in subsection (1) for the goats or sheep accommodated therein.

10. Duties of keepers of goats and sheep

A person keeping any goat or sheep on any premises must –

- (a) ensure that the goat or sheep is kept in an enclosure, building or shed on the premises;
- (b) maintain in a clean and sanitary condition and in good repair –
 - (i) the premises; and
 - (ii) any equipment, apparatus, container and receptacle used in connection with the keeping of goats and sheep;
- (c) provide portable manure storage receptacles on the premises, which receptacles must be of an impervious material and have close-fitting lids;
- (d) remove all manure from the enclosure, building or shed at least once every seven days and place the manure in the manure storage receptacles;
- (e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a manner that will not create a nuisance;
- (f) provide –
 - (i) a rodent-proof storeroom on the premises to store concentrates; and
 - (ii) a number of rodent-proof receptacles with close-fitting lids for the storeroom, in which receptacles must be stored the concentrates; and
- (g) take effective measures to destroy or prevent the harbouring and breeding of flies, cockroaches, rodents and other vermin on the premises.

CHAPTER 5

KEEPING OF POULTRY

11. Requirements for premises

- (1) For the keeping of any unit of poultry on any premises, a poultry house, a poultry run or a building or structure housing a battery system must be provided on the premises.
- (2) A poultry house contemplated in subsection (1) must meet the following requirements:
 - (a) Every wall of the poultry house must –
 - (i) be constructed of brick, stone, concrete or other durable material;
 - (ii) have a height of not less than 2 m; and
 - (iii) have a smooth internal finish.
 - (b) The floor of the poultry house must be constructed of concrete or other durable and impervious material brought to a smooth finish.
 - (c) If the poultry house consists of a structure that has two tiers or more, the upper tiers of the structure must be of an impervious material that can be cleaned easily.
 - (d) The poultry house must have an area of at least –
 - (i) 0,20 m² for each mature fowl, duck, Muscovy duck or guinea fowl accommodated in the poultry house;
 - (ii) 0,5 m² for each mature goose, turkey or peacock accommodated in the poultry house; and
 - (iii) 0,14 m² for each mature pigeon accommodated in the poultry house, with an overall minimum area of 4 m².
- (3) A poultry run contemplated in subsection (1) must be enclosed with wire mesh or similar durable material.
- (4) A battery system contemplated in subsection (1) must be housed in a building or structure that is constructed and equipped to meet the following requirements:
 - (a) If the building or structure has walls, every wall must –
 - (i) have a height of at least 2,4 m;
 - (ii) be constructed of concrete, stone, brick or other durable material; and
 - (iii) have a smooth internal surface.
 - (b) If the building or structure has walls, the building or structure must be ventilated and illuminated either by means of mechanical ventilation and artificial lighting or by means of natural ventilation and light through openings or windows that can be opened, and the size of the openings or windows must be equal to at least 15% of the floor area of the building or structure.
 - (c) The floor of the building or structure must be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by the health officer, the floor surface must be graded to a channel and be drained in accordance with section 25.
 - (d) If the building or structure has no walls or if the walls are of metal, the floor must be provided with curbing of a height of at least 150 mm around the extremities of the building or structure.
 - (e) In the building or structure, every junction of the floor with the walls and curbing must be coved.
 - (f) The cages of the battery system must be constructed of an impervious material.
 - (g) If required by the health officer, a tray of an impervious material and design must be fitted under every cage for the collection of manure.
 - (h) A washbasin with a constant supply of water laid on must be provided in the building or structure and be drained in accordance with section 25.
- (5) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the poultry house, poultry run or building or structure contemplated in subsection (1) for the poultry accommodated therein.
- (6) At least 1 m of clear unobstructed space must be maintained between any poultry house, poultry run or building or structure housing a battery system and –
 - (a) the nearest point of any dwelling, other building or structure used for human habitation;
 - (b) any place where foodstuffs are stored or prepared for human consumption; and
 - (c) the nearest boundary of any land.
- (7) No poultry may be kept on any business premises.
- (8) (a) A rodent-proof storeroom with a floor area of at least 7 m², a width of at least 2,2 m and a height of at least 2,4 m must be provided on premises referred to in subsection (1) for storing feed.
 - (b) If the health officer is satisfied that, having regard to the number of units of poultry being kept on the premises, a storeroom of dimensions less than the minimum dimensions required in terms of paragraph (a) or other storage facilities are adequate, he or she may permit the smaller storeroom or other storage facilities.

- (9) A curbed concrete washing platform or stainless steel trough with a draining board and a constant supply of water laid on must be provided inside or adjacent to a building or structure housing a battery system for the purpose of cleaning and disinfecting the cages. The washing platform or trough must be drained in accordance with section 25.
- (10) If required by the health officer and with due regard to the quantity of manure to be stored on premises referred to in subsection (1) pending removal of the manure from the premises, a storage area must be provided on the premises for the manure. The storage area must comprise a roofed-over platform that –
- (a) is constructed of concrete or other durable and impervious material;
 - (b) has curbing of a height of at least 100 mm around the extremities of the platform;
 - (c) is graded and drained in accordance with section 25; and
 - (d) has a roof extending 1 m beyond the extremities of the platform.

12. Duties of keepers of poultry

A person keeping any unit of poultry on any premises must –

- (a) ensure that the unit of poultry is kept on the premises inside a poultry house, poultry run or building or structure housing a battery system;
- (b) maintain in a clean and sanitary condition and in good repair –
 - (i) the premises; and
 - (ii) any equipment, apparatus, container and receptacle used in connection with the keeping of poultry;
- (c) keep the premises free from offensive odours and keep every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
- (d) ensure that the poultry do not disturb or hinder the comfort, convenience or peace and quiet of the public;
- (e) provide portable manure storage receptacles on the premises, which receptacles must –
 - (i) be of an impervious material and have close-fitting lids; and
 - (ii) be kept on a platform that is –
 - (aa) constructed of concrete or other durable and impervious material; and
 - (bb) situated adjacent to the poultry house, poultry run or building or structure housing a battery system, provided that the provisions of section 12(6) are *mutatis mutandis* complied with;
- (f) having regard to the prevention of a public health nuisance caused by an offensive smell
 - (i) remove all manure and other waste from the poultry house or poultry run at least once every 48 hours; and
 - (ii) remove all manure and other waste from a building or structure housing a battery system once every four days or at longer intervals approved by the health officer;
- (g) place manure and other waste matter in the manure storage receptacles;
- (h) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a manner that will not create a nuisance;
- (i) store no material or article in any poultry house, poultry run or building or structure housing a battery system, except material or an article that is required for use in the poultry house, poultry run or building or structure housing a battery system;
- (j) provide for the inside of the storeroom contemplated in section 12(8) a number of rodent-proof receptacles with close-fitting lids in which all loose feed must be stored; and
- (k) take effective measures to –
 - (i) destroy or prevent the harbouring or breeding of flies, cockroaches, rodents and other vermin on the premises; and
 - (ii) prevent offensive odours from arising from the keeping of poultry on the premises.

CHAPTER 6

KEEPING OF RABBITS

13. Requirements for premises

- (1) For the keeping of a rabbit on any premises, a rabbit hutch, a rabbit run or a building or structure housing a battery system must be provided on the premises.
- (2) A rabbit hutch contemplated in subsection (1) must meet the following requirements:
 - (a) Every wall of the rabbit hutch must be constructed of brick, stone, concrete or other durable material and have a smooth internal surface.
 - (b) The floor surface of the rabbit hutch must –
 - (i) be at least 150 mm above ground level;
 - (ii) be constructed of concrete or other durable and impervious material brought to a smooth finish; and
 - (iii) if required by the health officer, be graded to a channel and be drained in accordance with section 25.
 - (c) Natural light and ventilation must be provided in the rabbit hutch.
 - (d) The rabbit hutch must have a minimum area of at least 0,4 m² for every rabbit accommodated in the rabbit hutch.
- (3) A rabbit run contemplated in subsection (1) must be enclosed with wire mesh or similar durable material and be so constructed as to prevent the escape of rabbits from the rabbit run.
- (4) A battery system contemplated in subsection (1) must be housed in a building or structure that is constructed and equipped to meet the following requirements:
 - (a) If the building or structure has walls, every wall must –
 - (i) have a height of at least 2,4 m;
 - (ii) be constructed of concrete, stone, brick or other durable material; and
 - (iii) have a smooth internal surface.
 - (b) If the building or structure has walls, the building or structure must be ventilated and illuminated by means of natural openings or windows, and the size of the openings or windows must be equal to at least 15% of the floor area of the building or structure.
 - (c) The floor of the building or structure must be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by the health officer, the floor surface must be graded to a channel and be drained in accordance with section 25.
 - (d) If the building or structure has no walls or if the walls are of metal, the floor must be provided with curbing of a height of at least 150 mm around the extremities of the building or structure.
 - (e) In the building or structure, every junction of the floor with the walls and curbing must be coved.
 - (f) The cages of the battery system must be –
 - (i) constructed of an impervious material; and
 - (ii) fitted with trays of an impervious material under every cage to receive urine.
 - (g) A washbasin with a constant supply of water laid on must be provided and be drained in accordance with section 25.
- (5) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the rabbit hutch, rabbit run or building or structure contemplated in subsection (1) for the rabbits accommodated therein.
- (6) At least 1 m of clear unobstructed space must be maintained between any rabbit hutch, rabbit run or building or structure housing a battery system and –
 - (a) the nearest point of any dwelling, other building or structure used for human habitation;
 - (b) any place where foodstuffs are stored or prepared for human consumption; and
 - (c) the nearest boundary of any land.
- (7) No rabbits may be kept on any business premises.
- (8) (a) A rodent-proof storeroom with a floor area of at least 7 m², a width of at least 2,2 m and a height of at least 2,4 m must be provided on the premises referred to in subsection (1) for storing feed.
 - (b) If the health officer is satisfied that, having regard to the number of rabbits being kept on the premises, a storeroom of dimensions less than the minimum dimensions required in terms of paragraph (a) or other storage facilities are suitable, he or she may permit the smaller storeroom or other storage facilities.
- (9) A curbed concrete washing platform or stainless steel trough with a draining board and a constant supply of water laid on must be provided inside or adjacent to a building or structure housing a battery system for the purpose of cleaning and disinfecting the cages. The washing platform or trough must be drained in accordance with section 25.

14. Duties of keepers of rabbits

A person keeping a rabbit on any premises must –

- (a) ensure that the rabbit is kept inside a rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) maintain in a clean, sanitary condition and in good repair –
 - (i) the premises; and
 - (ii) any equipment, apparatus, container and receptacle used in connection with the keeping of rabbits;
- (c) keep the premises free from offensive odours and keep every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from vermin;
- (d) provide portable manure storage receptacles on the premises, which receptacles must –
 - (i) be of an impervious material and have close-fitting lids;
 - (ii) be kept on a platform that is –
 - (aa) constructed of concrete or other durable and impervious material; and
 - (bb) situated adjacent to the rabbit hutch, rabbit run or building or structure housing the battery system, provided that the provisions of section 14(6) are *mutatis mutandis* complied with;
- (e) at least once every 48 hours remove the droppings and other waste matter from the rabbit hutch, rabbit run or building or structure housing the battery system and place the droppings and other waste matter in the manure storage receptacles;
- (f) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a manner that will not create a nuisance;
- (g) store no material or article in any rabbit hutch, rabbit run or building or structure housing a battery system, except material or an article that is required for use in the rabbit hutch, rabbit run or building or structure housing the battery system;
- (h) provide for the inside of the storeroom contemplated in section 14(8) a number of rodent-proof receptacles with close-fitting lids in which all loose feed must be stored; and take effective measures to –
 - (i) destroy or prevent the harbouring and breeding of flies, cockroaches, rodents and other vermin on the premises; and
 - (ii) prevent offensive odours from arising from the keeping of rabbits on the premises.

CHAPTER 7**KEEPING OF BIRDS****15. Requirements for premises**

For the keeping of birds in an aviary on any premises, the following requirements must be met:

- (a) The aviary must be –
 - (i) properly constructed of durable material;
 - (ii) rodent-proof; and
 - (iii) provided with an access that is adequate for cleaning purposes.
- (b) If the aviary is constructed above ground level, the base of the aviary must be –
 - (i) constructed of an impervious and durable material; and
 - (ii) not less than 300 mm above ground level.
- (c) No aviary may be situated within 1 m of any building or structure, boundary fence or boundary wall.
- (d) A potable water supply adequate for drinking and cleaning purposes must be provided for the birds accommodated in the aviary.

16. Duties of keepers of birds

Every person who keeps birds in an aviary on any premises must –

- (a) ensure that the aviary and the premises are kept in a clean condition and free from vermin;
- (b) provide rodent-proof facilities for storing bird food and keep the bird food in the facilities;
- (c) take effective measures to destroy or prevent the harbouring and breeding of flies, cockroaches, rodents and other vermin on the premises; and
- (d) ensure that the birds do not disturb or hinder the comfort, convenience or peace and quiet of the public.

CHAPTER 8

DEALERS IN LIVESTOCK AND OTHER BUSINESSES
INVOLVING THE KEEPING OF ANIMALS AND POULTRY**17. Requirements for conducting a business**

Every person conducting the business of a dealer or speculator in livestock or conducting any other business involving the keeping of animals or poultry, other than a pet shop or pet salon, must meet the following requirements:

- (a) The provisions of sections 2 to 13 must be complied with in so far as those provisions are applicable to the livestock or the animals or poultry kept.
- (b) The premises on which the business is conducted must –
 - (i) if cattle, horses, mules or donkeys are dealt in, speculated in or kept, have an enclosure with an area of at least 10 m² per head of cattle, horse, mule or donkey to be accommodated in the enclosure at any time; or
 - (ii) if goats or sheep are dealt in, speculated in or kept, have an enclosure with an area of at least 1,5 m² per goat or sheep to be accommodated in the enclosure at any time, provided that such enclosure has an overall minimum area of 50 m².
- (c) (i) A separate change-room for each sex, clearly designated, must be provided on the premises on which the business is conducted.
 - (ii) Every change-room must have a floor area of at least 0,5 m² per employee, with an overall minimum area of 6,5 m² and a minimum width of 2,1 m.
 - (iii) Every change-room must be equipped with a metal clothes locker for every employee for keeping personal clothing.
 - (iv) Every change-room must have one washbasin and one shower-bath for every 15 employees, which washbasin and shower-bath must –
 - (aa) be located within or adjacent to the change-rooms;
 - (bb) have a constant supply of hot and cold running water laid on;
 - (cc) be drained in accordance with section 25; and
 - (dd) be provided with soap and towelling.
- (d) Overalls or other protective clothing and, if required by the health officer, protective footwear must be provided for the use of persons employed by the business in the keeping of livestock, animals or poultry.
- (e) In respect of employees residing on or at the premises on which the business is conducted
 - (i) sleeping accommodation with a bed for each employee must be provided;
 - (ii) ablution facilities comprising one washbasin and one shower-bath or bath, separate for the sexes and clearly designated for each sex, must be provided for every ten employees, which washbasin, shower-bath or bath must have a constant supply of hot and cold running water laid on and be drained in accordance with section 25;
 - (iii) cooking facilities and a scullery for the cleaning of cooking and eating utensils must be provided, which scullery must have a refuse receptacle and be fitted with a double-bowled sink of stainless steel with a constant supply of hot and cold running water laid on and drained in accordance with section 25, and every bowl of such double-bowled sink must –
 - (aa) have a minimum capacity of 55 ℓ;
 - (bb) be fitted with a 150mm high splash screen on the side nearest the wall; and
 - (cc) be positioned at least 100 mm away from any wall surface;
 - (iv) laundry facilities consisting of –
 - (aa) a stainless steel laundry trough with a constant supply of hot and cold running water laid on and drained in accordance with section 25; and
 - (bb) storage receptacles for laundry, must be provided; and
 - (v) a locker or other facility approved by the Municipality must be provided for storing non-perishable food of every employee, which locker or facility must be situated in the room where the cooking facilities are situated.

CHAPTER 9

DOG KENNELS AND CATTERIES

18. Requirements for premises

No person may maintain a kennels or a cattery on any premises unless the following requirements are met:

- (a) Every dog in the kennels or every cat in the cattery, as the case may be, must be kept in an enclosure meeting the following requirements:
 - (i) The enclosure must be constructed of durable material and have adequate access for cleaning purposes.
 - (ii) The floor of the enclosure must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel, 100 mm wide, that extends the full width of the floor and is situated within the enclosure, which channel must be graded and drained in accordance with section 25.
 - (iii) Curbing of a height of 150 mm must be provided along the entire length of the channel referred to in subparagraph (ii) and on the side of the channel adjacent to the surrounding outside area so as to prevent stormwater from the outside from entering the channel.
 - (iv) Every enclosure must have a roofed shelter for the accommodation of dogs or cats, as the case may be, and the roofed shelter must meet the following requirements:
 - (aa) Every wall of the shelter must be constructed of brick, stone, concrete or other durable material and have a smooth internal surface without cracks or open joints.
 - (bb) The floor area of the shelter must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints.
 - (cc) If the shelter is a permanent structure, every junction of the floor with the walls must be coved.
 - (dd) The shelter must have adequate access for cleaning purposes.
 - (v) In the case of dogs, a movable dog kennel of moulded asbestos or other similar material that is placed on a base constructed of concrete or other durable material with a finish that is easy to clean, without cracks or open joints, may be provided instead of a roofed shelter as contemplated in subparagraph (iv), and if the base of the kennel is not water-proof, a sleeping board that will enable the dog to keep dry must be provided in every such kennel.
 - (vi) A concrete apron of a width of at least 1 m extending around the extremities of the enclosure must be provided, which apron must be graded so as to drain stormwater away from the enclosure.
 - (vii) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the enclosure.
- (b) If required by the health officer, a separate room or roofed area meeting the following requirements must be provided on the premises for the preparation of food for the dogs or cats, as the case may be:
 - (i) The room or roofed area must have a floor area of at least 6,5 m², a width of at least 2,1 m and a height of at least 2,4 m.
 - (ii) The floor of the room or roofed area must be of concrete or other durable and impervious material brought to a smooth finish.
 - (iii) The internal wall surfaces of the room or roofed area must be smoothly plastered and painted with light-coloured washable paint.
 - (iv) The room or roofed area must be equipped with metal preparation tables and a double-bowled stainless steel sink, which sink must –
 - (aa) have a constant supply of hot and cold water laid on;
 - (bb) be drained in accordance with section 25; and
 - (cc) have a minimum depth of 225 mm and a minimum capacity of 55 l.
- (c)
 - (i) A rodent-proof storeroom for the storage of food for the dogs or cats, as the case may be, must be provided on the premises. Such storeroom must have a floor area of at least 6,5 m² and a width of at least 2,1 m.
 - (ii) If the health officer is satisfied that, having regard to the number of dogs or cats being kept on the premises, a storeroom of smaller dimensions than the

- minimum dimensions required in terms of subparagraph (i) or other storage facilities are adequate, he or she may permit the smaller storeroom or other storage facilities.
- (d) At least 5 m of clear unobstructed space must be maintained between an enclosure referred to in paragraph (a) and the nearest point of any dwelling, building or structure used for human habitation or place where food is stored or prepared for human consumption, or the boundary of any land.
 - (e) Isolation facilities for sick dogs or sick cats, as the case may be, must be provided on the premises.
 - (f) If the washing, clipping or grooming of pets is done on the premises, the following facilities must be provided on the premises:
 - (i) A bathroom with –
 - (aa) a minimum floor area of 9 m²;
 - (bb) a width of not less than 2,1 m;
 - (cc) a bath or a similar approved fitting and a washbasin; and
 - (dd) a constant supply of hot and cold running water laid on; and
 - (ii) a clipping and grooming room with –
 - (aa) a minimum floor area of 10 m²;
 - (bb) a width of at least 2,1 m;
 - (cc) approved tables with an impervious top; and
 - (dd) an adequate number of portable storage receptacles of an impervious and durable material with close-fitting lids for storing cut hair pending removal.
 - (g) The bathroom and clipping and grooming room referred to in paragraph (f) must –
 - (i) be laid out so as to provide an unobstructed floor area of at least 30%;
 - (ii) have floors that are constructed of concrete or other durable and impervious material brought to a smooth finish, are graded to a channel and are drained in accordance with section 25;
 - (iii) have coving at every junction of the floor with the walls, and the coving must have a minimum radius of 75 mm; and
 - (iv) have walls with an internal wall surface smoothly plastered and painted in light-coloured washable paint.
 - (h) If cages are provided for the keeping of cats on the premises, the cages must be of a durable impervious material and be constructed so that they are easy to clean.

19. Duties of persons in control of kennels and catteries

Any person in control of a kennels or a cattery on any premises must –

- (a) maintain the premises, equipment and every vessel, receptacle, container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (b) (i) provide portable storage receptacles of an impervious material with close-fitting lids for storing dog and cat faeces on the premises; and
 - (ii) keep the portable storage receptacles on a platform constructed of concrete or other durable and impervious material adjacent to the enclosure contemplated in section 19;
- (c) remove all faeces and other waste matter from the enclosure contemplated in section 19 at least once every 24 hours and place the faeces and other waste matter in the portable storage receptacles;
- (d) remove the contents of the portable storage receptacles from the premises at least twice every seven days and dispose of the contents in a manner that will not create a nuisance;
- (e) store all loose food in receptacles with close-fitting lids inside the storeroom referred to in section 19(c);
- (f) provide refrigeration facilities on the premises to store all perishable food at a temperature not higher than 10 °C;
- (g) take effective measures to –
 - (i) destroy or prevent the harbouring or breeding of flies, cockroaches, rodents and other vermin on the premises; and
 - (ii) prevent offensive odours from arising from the keeping of dogs or cats on the premises;
- (h) provide refuse receptacles with close-fitting lids in the room or roofed area contemplated in section 19(b);

- (i) keep any sick dog or sick cat in the isolation facilities contemplated in section 19(e) while the sick dog or sick cat is on the premises; and
- (j) ensure that any dog or any cat kept on the premises does not disturb or hinder the comfort, convenience or peace and quiet of the public.

CHAPTER 10

PET SHOPS AND PET SALONS

20. Requirements for premises

- (1) No person may conduct the business of a pet shop or pet salon in or on any premises –
 - (a) in which there is direct internal access to any room or place –
 - (i) which is used for human habitation; or
 - (ii) in which clothing is stored or sold; or
 - (iii) in which food for human consumption is prepared, stored, sold or consumed; and
 - (b) unless the premises meet requirements of this section.
- (2) The premises on which the business of a pet shop or pet salon is conducted must meet the following requirements:
 - (a) Every wall of any building housing the pet shop or pet salon, including any partition of the building, must be constructed of brick, concrete or other durable material, have a smooth internal surface and be painted with light-coloured washable paint or given some other approved finish.
 - (b) The floor of a building contemplated in paragraph (a) must be constructed of concrete or other durable and impervious material brought to a smooth finish.
 - (c) The ceiling of a building contemplated in paragraph (a) must be constructed of a durable material, have a smooth finish, be dust-proof and be painted with light-coloured washable paint.
 - (d) One washbasin with a constant supply of hot and cold running water laid on must be provided on the premises for every 15 persons employed on the premises of the pet shop or pet salon, and the washbasin must be drained in accordance with section 25.
 - (e)
 - (i) A rodent-proof storeroom with a floor area of at least 16 m² must be provided on the premises.
 - (ii) If the health officer is satisfied that, having regard to the extent of the business and the quantity of goods, equipment and pet food to be stored on the premises, a storeroom of smaller dimensions than the minimum dimensions in terms of subparagraph (i) is adequate, he or she may permit a smaller storeroom on the premises.
 - (f) Facilities for the washing of cages, trays and other equipment must be provided on the premises in the form of either –
 - (i) a curbed and roofed-over platform with a surface area of at least 1,5 m², raised at least 100 mm above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish, which platform must be provided with a constant supply of water laid on; or
 - (ii) a stainless steel sink or trough with a drainage board and a constant supply of water laid on.
 - (g) The platform, sink or trough referred to in paragraph (f) must be drained in accordance with section 25, and any wall surface within 0,5 m of such platform, sink or trough must be covered permanently with durable waterproof material to a height of at least 1,4 m above the floor.
 - (h)
 - (i) A separate change-room for each sex, clearly designated, must be provided on the premises if more than two persons of the opposite sex are employed on the premises of the pet shop or pet salon.
 - (ii) Every change-room must have a floor area of at least 0,5 m² for each employee, with a minimum overall floor area of 6,5 m² and a minimum width of 2,1 m, and the change-room must be equipped with a separate metal clothes locker for the keeping of personal clothing for each employee.
 - (iii) If separate change-rooms are not required in terms of subparagraph (i), a metal clothes locker must be provided for each employee.
 - (i) No door, window or other opening in any wall of a building contemplated in paragraph (a) may be within 2 m of any door, window or opening to any building in which food is –

- (i) prepared, stored or sold for human consumption; or
- (ii) consumed by humans.
- (j) If the washing, clipping or grooming of pets is done on the premises, the provisions of section 19(f) must be complied with.

21. Duties of pet shop and pet salon owners

- (1) Every person who conducts the business of a pet shop or pet salon on any premises must –
 - (a) provide cages for housing animals, poultry and birds on the premises;
 - (b) provide rodent-proof receptacles for storing all loose pet food in the storeroom contemplated in section 21(1)(e), which receptacles must be of an impervious material and have close-fitting lids;
 - (c) provide refrigeration facilities for storing all perishable pet food kept that is kept on the premises, which food must be stored at a temperature not higher than 10 °C;
 - (d) maintain in every room in which pets are kept, an unobstructed floor space of at least 30% of the floor area of such room and a distance of at least 800 mm between rows of cages;
 - (e) maintain in a clean, sanitary condition, free from vermin and in good repair –
 - (i) the premises; and
 - (ii) every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop or pet salon;
 - (f) take effective measures to –
 - (i) destroy or prevent the harbouring or breeding of flies, cockroaches, rodents and other vermin on the premises; and
 - (ii) prevent offensive odours from arising from the keeping of pets on the premises;
 - (g) provide overalls or other protective clothing for use by persons employed in connection with the pet shop or pet salon and ensure that the overalls or other protective clothing is worn by such persons when on duty;
 - (h) keep no pet in a yard or other open space on the premises unless the approval of the health officer has been obtained;
 - (i) provide isolation facilities in which every pet that is or appears to be sick may be kept while on the premises;
 - (j) ensure that there is a constant and potable supply of water for drinking and cleaning purposes for the pets in the pet shop or pet salon;
 - (k) ensure that the premises are at all times so ventilated as to ensure sufficient movement of air for the comfort and survival of the pets; and
 - (l) ensure that the number of pets per cage is not such that the free movement of the pets is impeded.
- (2) The following requirements in respect of the cages referred to in subsection (1)(a) must be met:
 - (a) The cages must be constructed entirely of metal or other durable impervious material, and each cage must be fitted with a removable metal tray below the floor of the cage to facilitate cleaning.
 - (b) Every cage must be free from any recess or cavity that is not readily accessible for cleaning, and every tubular or hollow fitting used in connection with the cage must have its interior cavity sealed.
 - (c) Every cage must be of such a size and mass and so placed that the cage can be readily moved.
 - (d) If rabbits are kept in a cage, the metal tray referred to in paragraph (a) must be drained to a removable receptacle.
 - (e) Every cage must be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage.
 - (f) The distance from any cage to the nearest wall must be at least 150 mm.
 - (g) Every cage must be kept at least 450 mm above the floor level, and the space beneath the cage must be unobstructed.

CHAPTER 11

HAWKING OF POULTRY AND RABBITS

22. Requirements for hawking

No person may hawk poultry or rabbits unless the following requirements are met:

- (a) The business of a hawker must be conducted from premises on which poultry or rabbits are kept in compliance with the provisions of Chapters 5 and 6, and facilities must be provided for the parking after normal trading hours of the vehicle that is used for hawking.
- (b) Facilities for the washing and disinfecting of cages, crates and trays must be provided on the premises referred to in paragraph (a). Such facilities must be in the form of either –
 - (i) a curbed platform with a surface area of at least 1,5 m², raised at least 100 mm above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish, which platform must be drained in accordance with section 25; or
 - (ii) a stainless steel sink or trough with a drainage board and a constant supply of water laid on.
- (c) (i) A vehicle of sound construction, painted with an oil-based paint and bearing the name of the hawker, together with his or her residential address and the address of his or her business premises, in clear legible letters of a height of not less than 50 mm on both sides of the vehicle, must be used for hawking.
 - (ii) The part of the vehicle in which poultry or rabbits are conveyed must be provided with a top or cover of heat-resistant material, other than metal, and provision must be made in such part of the vehicle for cross-ventilation.
- (d) (i) Cages or crates of an impervious and durable material must be provided for conveying poultry or rabbits on the vehicle contemplated in paragraph (c).
 - (ii) The cages or crates or divisions of the cages or crates must be fitted with removable trays of impervious material for the reception of poultry manure or rabbit droppings, provided that in the case of rabbits, the trays are drained to a removable receptacle.
 - (iii) Every cage or crate or division of a cage or crate must be provided with a drinking vessel with a depth of at least 100 mm, filled with water, and the vessel must be fixed to an inside corner of the cage, crate or division.
- (e) Suitable protection must be provided for the poultry against sun and heat.

23. Duties of hawkers

Every person hawking poultry or rabbits must –

- (a) wash and thoroughly clean after each day's trading –
 - (i) every cage, crate and tray used on the vehicle contemplated in section 23(a); and
 - (ii) that part of the vehicle in which poultry or rabbits are conveyed;
- (b) remove from every cage or crate on the vehicle any unit of poultry or rabbit that appears to be sick and place such unit of poultry or rabbit in a separate cage;
- (c) maintain in a clean and sanitary condition, free from vermin and in good repair the premises, vehicle and every cage, crate, tray, vessel, container and receptacle used in connection with the hawking of poultry or rabbits; and
- (d) store all feed for the poultry or rabbits in rodent-proof receptacles.

CHAPTER 12

MISCELLANEOUS

24. Drainage

All sinks, washbasins, baths, shower-baths, troughs, floor surfaces, including channels and washing platforms, required to be drained in terms of these by-laws must be drained to an external gully that is connected to the Municipality's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the Municipality.

25. Discharge of taps

The taps at all water supply points required in terms of these by-laws, other than those within a building or structure of which the floors are graded and drained, must be placed in such a way as to discharge directly over and into a dished top fitted to an external gully connected to the Municipality's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the Municipality.

26. Nuisance

No person may –

- (a) keep any animal or pet in such a manner as to cause a nuisance; and
- (b) fail to duly dispose off dead animals in a manner prescribed by the health officer.

27. Control of stray animals**(1) Animals not allowed in public places**

Animals must not be allowed in public places and no person who has control over animals must allow such animal to be in a public place.

Should an animal be found at a public place, it must be regarded as a stray animal and must be dealt with in terms of these By-laws.

(2) Surrender of stray wild animals to Parks Board

Any sighting of an animal must be reported to the Municipality and the

Municipality must immediately report such sighting to the Limpopo Parks Boards.

(3) Establishment and lease of Animal Pound

- (a) The Municipality may for the purpose of these By-laws establish an animal pound and lease such pound to any person or body on the terms and conditions deemed fit by the Municipality.

(b) If a pound is leased to any person or body-

the powers and duties set forth in these By-laws must be deemed to have been delegated to such person or body or to any authorised official in the employ of such person or body, as the case may be such person or body must accept in the pound any animal seized for the purpose of impounding it and must thereafter dispose thereof in accordance with these By-laws;

such person or body must be entitled to any fees as may be determined, in terms of these By-laws for an impounded animal and any amount derived from the sale of an impounded animal.

(4) Pound master may recover expenses

(1) Any owner or manager of land on which there are animals and any owner in respect of animals must, whether or not such owner or manager has obtained advice regarding the health or any certificate of fitness or health of the animals in terms of section 13(1)(c) of the Animals Diseases Act, 1984 (35 of 1984)-

- (a) take with due observance all reasonable steps to prevent the infection of the animal disease, or parasite and the spreading thereof from the relevant land or animals, or which are necessary for the eradication of animal diseases and parasites on the land or in respect of the animals; and
- (b) whenever such animals:-
 - (i) have become or can reasonably be suspected of having become infected with any animal disease or parasite, apply in respect of such animals the prescribed treatment or any other treatment which may be deemed suitable and customary in the particular circumstances; and
 - (ii) have become or can reasonably be suspected of have become infected with any controlled animal disease, immediately report such incidence to the Municipality.

(5) Disposal of straying animals

Whenever an owner or manager of land finds among his or her animals, any

animal which he or she knows has strayed thereto or has been unlawfully removed

from its enclosure or which can reasonably be suspected of having so strayed or been removed, he or she must-

- (a) forthwith isolate such animal and report the finding of the animal to the Municipality or authorised officer; and
- (b) detain the animal, and progeny or product thereof, in isolation, pending the decision of the authorised officer as to its disposal.

The authorised officer may, after the presence of a stray animal is reported to him or her agent-

- (a) if-
 - (i) a person who claims ownership and proves that he is the owner of the animal submits, within two days after such report to the authorised officer, a written request to him for the restoration to the claimant of the animal, and reimburses the Municipality for any expenses incurred in connection with the animal within seven days after having been requested to do so; and
 - (ii) the authorised officer is of the opinion that the circumstances under which animal was found justifies such a restoration, direct that the animal and any such progeny or product thereof be restored to the owner.
- direct that the person who found the stray animal takes it to a place as directed by the authorised officer for the performance of veterinary acts, or destroy it, or otherwise dispose of it in accordance with the instructions of the authorised officer;

(6)Fences

- (a) The Municipality may for any controlled purpose or, in order to control in connection therewith the movement, removal or transport of animals, erect permanent fences along, on or across public or private roads or along the boundaries of any land and temporary fences on or across any land, and may install gates, grids or other passages in any such fence.
- (b) The Municipality must maintain fences erected and passages installed and may from time to time effect such alterations thereto as it may deem necessary.
- (c) Any person who removes, or in any way damages a fence erected or a passage installed by the Municipality in terms of subsection (6)(a) is guilty of an offence.

28. Vicious dogs and bitches on heat

- (1) No person may permit any dog, particularly –
 - (a) a dog that is wild or vicious;
 - (b) a dog that has acquired the habit of running after vehicles, animals, poultry, pigeons or persons outside any premises where such a dog is kept;
 - (c) a dog that causes injury to persons or damage to property; or
 - (d) a bitch on heat to be in a public place.
- (2) No person may bring a dog contemplated in subsection (1) to a public place.
- (3) Any authorised officer may impound a dog referred to in subsection (1) or (2) or have such dog impounded.
- (4) Any person claiming any dog impounded in terms of subsection (3) is not entitled to its return unless and until the pound fees have been paid.

29. Dogs causing a nuisance

- (1) No person may keep a dog if –
 - (a) the dog creates a disturbance or a nuisance by constantly or excessively barking, howling or whirling;
 - (b) the dog suffers from a contagious disease, provided that the dog may be kept in a veterinary surgeon's clinic for treatment;

- (c) the dog defecates when taken into a public place or road while under the control or supervision of a person and the person fails to dispose of the faeces in a refuse receptacle; and
 - (d) the stench of faeces of the dog kept on the person's property becomes a nuisance to the occupiers of adjacent properties.
- (2) (a) If an authorised officer is of the opinion that a dog is creating a disturbance or a nuisance in terms of subsection (1)(a), he or she may order the owner of the dog by notice in writing to remove the dog from the place from which the dog is creating the disturbance or nuisance.
- (b) An owner contemplated in subsection (2) must, within 96 hours, calculated from 12:00 on the day on which the notice was served, remove the dog from the place from which the dog is creating the disturbance or nuisance. If the owner fails to comply with the notice, the authorised officer may impound the dog and deal with it in terms of the provisions of Chapters 9 and 12.
- (3) The Municipality is not liable to pay any compensation to any person in respect of any action in terms of this section.

30. Dogs to be led

- (1) No person may permit any dog to be at large in a street or public place unless the dog is kept on a leash or a chain and under the control of such person.
- (2) Any authorised officer may impound a dog that is in a street or public place and is not kept on a leash or a chain, and such dog must be dealt with in accordance with Chapters 9 and 12.

31. Dogs not to be incited

No person, except a person training a dog at a dog training school, may, without reasonable grounds –

- (a) incite a dog against a person, animal or bird; or
- (b) permit a dog in his or her custody or under his or her control to attack or frighten any person, animal or bird.

32. Pound master

- (1) The pound master must –
- (a) keep the pound open between 08:00 and 16:30 on every weekday and between 08:00 and 12:00 on Saturdays;
 - (b) keep a register in which the following particulars in respect of every impounded animal are recorded:
 - (i) The name, residential address and telephone number, if any, of the person who impounded the animal;
 - (ii) the time at which and date on which the animal was impounded;
 - (iii) the place where the animal was found immediately before it was seized;
 - (iv) the date on which and the time at which the animal was seized;
 - (v) the reason for impounding the animal;
 - (vi) a description of the animal, which description must include the estimated age, breed, sex, colour, markings and any injury found on the animal when the pound master accepted it;
 - (vii) whether the animal was released, sold or destroyed and the date and time of such release, sale or destruction;
 - (viii) the amount of money realised in respect of the animal's release or sale; and
 - (ix) the amount of the veterinary expenses incurred, if any, in respect of the animal;
 - (c) ensure that the pound and all instruments and appliances used in connection with impounded animals are at all times kept in a clean condition and free from flies and other vermin to the satisfaction of the environmental health practitioner; and
 - (d) take all necessary steps to have an animal destroyed as contemplated in paragraph (b)(vii) and to recover any expenses incurred in this regard from the person referred to in paragraph (b)(ix).
- (2) A person claiming an impounded animal must satisfy the pound master that he or she is the owner of the animal.
- (3) The person claiming an impounded animal must pay to the pound master the pound fees determined by the Municipality from time to time in terms of section 80B of the Local Government Ordinance, 1939 (Ordinance 17 of 1939).
- (4) The pound master must ensure that the provisions of subsection (2) are complied with.

33. Pound procedure

- (1) The authorised officer may seize and impound any animal that he or she suspects is ownerless.
- (2) If an owner or occupier of land finds on such land an animal that is not his or her property, the owner or occupier may seize and impound such animal or cause such animal to be seized and impounded.
- (3) Notwithstanding the provisions of subsections (1) and (2), no person may seize and impound any animal if there are reasonable grounds to believe that –
 - (a) the animal is a bitch with unwanted young, unless such bitch and unwanted young are impounded together; and
 - (b) the animal is sick, except a dog suffering from an infectious disease or in respect of which the provisions of section 10 of the Animal Diseases Act, 1984 (Act 35 of 1984), apply.
- (4) A person who has seized and impounded an animal in terms of this section must ensure that such animal is not ill-treated and may, if the pound is closed, keep such animal in his or her custody for a period not exceeding 16 hours.
- (5) Subject to the provisions of subsections (1) and (2), no person may rescue or steal any animal that has been seized or is kept in custody or has been impounded in terms of this section.

34. Impounding of animals

- (1) Any authorised officer may impound any animal that –
 - (a) is at large and apparently ownerless; or
 - (b) has no metal name tag for identification on its collar; or
 - (c) is being kept in contravention of any part of these by-laws.
- (2) An animal referred to in subsection (1) must be detained at the pound until the person claiming the animal has paid to the pound master the pound fees.
- (3) If the name and address of a person appear on the collar of an impounded dog, the pound master must immediately communicate with that person. For the purpose of this section a written communication posted to the address on the collar, micro-chip or tattoo is deemed sufficient communication.
- (4) No person may remove or attempt to remove from the custody of the person in charge of the pound any animal lawfully impounded.
- (5) For the purpose of this section "pound" means a place designated by the Municipality for the detention and destruction of dogs in terms of these by-laws.

35. Pound master may recover expenses

The pound master is entitled to recover from the owner of any impounded animal the cost of any reasonable expenses incurred by the pound master in rendering or providing necessary veterinary or medical attention for the animal.

36. Unclaimed animals may be sold or destroyed

- (1) If an impounded animal is not claimed by a person entitled to the animal in terms of section 34(2) within seven days after the day on which the animal was impounded, the pound master may sell or destroy the animal or cause the animal to be sold or destroyed in the manner prescribed in section 5 of the Animals Protection Act, 1962 (Act 71 of 1962).
- (2) The Municipality is not liable for any compensation to any person entitled to an animal contemplated in subsection (1) in respect of any action taken in terms of this section.

37. Authorised officer may destroy an animal

- (1) Whenever an authorised officer is of the opinion that an animal is so diseased or severely injured or in such a physical condition that it ought to be destroyed, he or she may, if the owner of the animal is absent or refuses to consent to the destruction of the animal, summon a veterinarian immediately or, if there is no veterinarian within a reasonable distance, two adult persons whom he or she considers to be reliable and of sound judgement. If such veterinarian or adult persons, after having duly examined the animal, certify that the animal is so diseased or severely injured or in such a physical condition that it would be cruel to keep it alive, the authorised officer may without the consent of the owner destroy the animal or cause it to be destroyed with such instruments or appliances and with such precautions and in such manner as to inflict as little suffering as practicable.
- (2) Any authorised officer who in the absence of the owner of an animal destroys the animal or causes it to be destroyed must, if the owner's name and address are known, advise the owner of the

destruction. If the destruction of the animal takes place in a public place or on a public road, the authorised officer must, subject to the provisions of the Animal Diseases Act, 1984, remove the carcass or cause it to be removed from the public place or public road.

- (3) A veterinarian may in respect of any animal exercise the powers conferred by subsection (1) on an authorised officer on the authorised officer's behalf without summoning another veterinarian or authorised officer or any other person and, in respect of the exercising of those powers, the provisions of subsection (2) apply.
- (4) Any expenses which may reasonably be incurred by an authorised officer or veterinarian in carrying out the provisions of this section may be recovered from the owner of the animal in question as a civil debt.
- (5) It is a defence to an action brought against any person arising from the destruction of an animal by him or her or with his or her authority to prove that such animal was so severely injured or so diseased or in such a physical condition that it would have been cruel to have kept it alive, and that to summon an authorised officer or follow the procedure prescribed in this section would have occasioned unreasonable delay and unnecessary suffering to such animal.

38. Owner may be summoned to produce an animal for inspection by court

- (1) A court trying any person for an alleged offence under these by-laws may summon the owner of an animal in respect of which such offence is alleged to have been committed to produce that animal for inspection by the court at the time and place stated in the summons.
- (2) Any person who without a satisfactory excuse fails to comply with a summons issued in terms of subsection (1) is guilty of an offence and liable on conviction to the penalties prescribed in section 44.

39. Powers of officers concerned with the prevention of cruelty to animals

- (1) If authorised thereto in writing under the hand of the magistrate of a district, any officer concerned with the prevention of cruelty to animals may in that district –
 - (a) without a warrant and at any time with the consent of the owner or occupier or, failing such consent, on obtaining an order from a magistrate, enter any premises where an animal is kept, for the purpose of examining the conditions under which the animal is kept;
 - (b) without a warrant arrest any person who is on reasonable grounds suspected of having committed an offence under these by-laws, if there is reason to believe that the ends of justice would be defeated by the delay in obtaining a warrant;
 - (c) on the arrest of a person on a charge of an offence under these by-laws, seize any animal or thing in the possession or custody of that person at the time of the arrest and immediately take it to a police officer, who must deal with the animal or thing in accordance with the provisions of the Criminal Procedure Act, 1977 (Act 51 of 1977); and
 - (d) exercise in respect of any animal the powers conferred by section 37(1) on an authorised officer and in respect of the exercising of those powers, the provisions of section 37(1) apply *mutatis mutandis*.
- (2) Any authority granted under subsection (1) may at any time for good cause be revoked by the magistrate of the district.
- (3) An authorised officer to whom authority has been granted under subsection (1) must, when required to do so in the exercising of his or her powers, produce that authority for inspection.
- (4) Any person who wilfully obstructs, hinders or resists an officer authorised under subsection (1) in the exercising of his or her powers or conceals any animal or thing with intent to defeat the exercising of such powers, or who fails to give his or her name and address to such officer on demand, is guilty of an offence and liable on conviction to the penalties set out in section 44.

40. Costs may be awarded against vexatious complainant

If at the trial of any person on a charge of an offence under these by-laws the court is satisfied that a person or body has without reasonable cause and lodged the complaint which led to the trial, the court may award costs, including attorney and client costs, on the magistrate's court scale, against such person or body as if the proceedings were civil proceedings between the accused and such person or body.

41. Animal fights

- (1) Any person who –
 - (a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purpose of fighting any other animal;

- (b) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
 - (c) for financial gain or as a form of amusement promotes animal fights;
 - (d) allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in his or her possession or under his or her charge or control;
 - (e) owns, uses or controls any premises or place for the purpose or partly for the purpose of presenting animal fights on such premises or place or who acts or assists in the management of such premises or place, or who receives any consideration for the admission of any person to such premises or place; or
 - (f) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (b) to (e) is taking place or where preparations are being made for such acts, is guilty of an offence and liable on conviction to a fine of R20 000,00 (twenty thousand rand) or to imprisonment for a period not exceeding two years.
- (2) In any prosecution it is presumed, unless the contrary is proved, that an animal that is found at any premises or place is the property or under the control of the owner of those premises or that place, or is the property or under the control of the person who uses or is in control of the premises or place.

42. Illnesses attributable to animals

The illness of any person, which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Chapters 7 to 10, must be reported to the health officer within 24 hours of diagnosis by the person making the diagnosis.

43. Inspection

The health officer and any officer authorised thereto by the Municipality may, in order to satisfy himself or herself that the provisions of these by-laws are being complied with –

- (a) at all reasonable times enter any premises –
 - (i) on which animals, poultry, birds or pets are being kept;
 - (ii) on which a kennels, a cattery or a pet shop or pet salon is conducted;
 - (iii) on which the business of a dealer or speculator in livestock is conducted;
 - (iv) from which the hawking of poultry or rabbits takes place; or
 - (v) on which he or she reasonably suspects that animals, poultry, birds or pets are being kept or that a kennels, a cattery, a pet shop, a pet salon, the business of a dealer or speculator in livestock or a hawker of poultry or rabbits is being conducted;
- (b) inspect the premises or any vehicle that is used or that he or she reasonably suspects is being used for the business and anything on the premises or anything in the vehicle; and
- (c) question any person on the premises or in the vehicle or any person who has recently been on the premises or in the vehicle.

44. Offences and penalties

Any person who contravenes or fails to comply with any provision of these by-laws is guilty of an offence and liable on conviction to any or all of the following penalties:

- (a) a fine not exceeding R20 000,00 (twenty thousand rand) or, in default of payment, imprisonment for a period not exceeding two years;
- (b) or can be liable for both



NOISE ABATEMENT AND PREVENTION OF NUISANCE BY-LAW

The Municipal Manager of the Bela-Bela Local Municipality hereby, in terms of section 13(a) in conjunction with section 75(1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Noise Abatement Prevention of Nuisance By-Law for the Bela – Bela Local Municipality, to be approved by the Council, as set out hereunder.

Purpose of By-Law

- To promote the achievement of a safe, peaceful environment for the benefit of residents within the area of jurisdiction of the municipality.
- To provide for procedures, methods and practices to regulate nuisances.

Definitions

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

“Council” means the council of the Municipality or any political structure, political office bearer, councillor, or any staff members acting under council’s delegated or sub-delegated authority;

“ERF” means any land, whether vacant, occupied or with buildings thereon;

“**Municipal Area**” means the municipal area of the municipality;

“Municipality” means the Bela – Bela Local Municipality established in terms of section 12 of the Municipal structures Act, 117 of 1998, Provincial Notice 274 date 5 September 2000;

“Objectionable Material” means garden litter, rubbish, waste material, rubble, scrap metal, article or thing, discarded motor cars, other vehicles, as well as the disused parts thereof, refuse from any building operations, or any refuse capable of being dumped on any land or premises, including new or used building materials not necessarily required in connection with bona fide building operations actually in progress on any land, and includes any solid, liquid or gas which is or may become offensive or dangerous or injurious to health or materially interferes with the ordinary comfort or convenience of the public;

“Public Nuisance” means any act, omission or condition which is offensive, which is injurious or dangerous to health, which materially interferes with the ordinary comfort, convenience, peace or quiet of the public or which adversely affects the safety of the public;

“Public Place” means any square, building, park, recreation ground or open space with:-

- a) Is vested in the Municipality;
- b) The public has right to use, or
- c) Is shown on a general plan of a township filed in a deeds of a registry or a Surveyor-General’s office and has been provided for or reserved for the use of the public or the owners of erven in such township;

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

- a) The verge of any such road, street or thoroughfare;
- b) Any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- c) Any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

Enforcement

2. The council may, wherever it regards it necessary to do so, enter any premises at any reasonable time to ensure compliance with this by-law.

Behaviours and conduct

3. Notwithstanding the provisions of any other by-laws no person shall:
 - a) Dump, accumulate or place or cause or permit to be dumped, accumulated or placed objectionable material in or on any erf, street, drain water furrow, sewer, thoroughfare, public square except at such place or places as the council may from time to time set aside or approved for such purpose, provided however that the council may permit public garages, workshops and other trades, subject to such conditions as may be imposed in each case, to keep, stores, repairs, dismantle or re-assemble any motor vehicle or other vehicle or apparatus on premises approved by the council;
 - b) Do work on erf or used any building or land for purposes of calculation to depreciate or to disfigure such erf or to interfere with the convenience or comfort of the neighbour or to become a source of danger to any should the council be of the opinion that this provision is been ignored, the council may instruct that such work or use be discontinued forthwith and that the previous condition be reinstated;
 - c) Carry on any trade, business or profession on any erf in the municipal area which may in the opinion of the council be a source or become a source of discomfort or any annoyance to the neighbourhood;
 - d) Deposit, leave, spill, drop place any fruit or vegetable peel, broken bottles, glass, refuse or any objectionable material or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any erf, street or public place;

- e) Allow any erf to be overgrown with bush, weeds or grass or other vegetation except cultivated trees, shrubs and grass to such extent that, in the opinion of the council or any duly authorised employee of the council it may be used as a shelter by vagrants, wild animals or vermin or may threaten the public health or the safety of any members of the community or may promote the spread of fires;
- f) Allow any erf to be dirty, neglected or infested with rodents, snakes, mosquitoes, flies, ticks, bugs or other insects harmful to health, or allow any offensive odours or gasses to emanate from such erf;
- g) Allow the fencing of any erf to fall into a state of disrepair or to become unsightly or dilapidated;
- h) Allow any building or structure or any portion thereof on any erf to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fitting waste water fittings, water closet fitting, or fail to maintain the walls of any building or structure free from dampness;
- i) Use or cause or permit to be used any stoep and/ or verandah of any shop or business premises or vacant land adjoining shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying, keeping, selling or offering for sale any goods, articles or merchandise;
- j) Use or cause or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;
- k) Enclose or cause or permit the enclosing of any stoep or verandah of any shop or business premises by means of movable or immovable structure, obstructions, articles or devices otherwise than by such means as the council may approve;

- l) Keep on his premises any animals or bird which creates a disturbance or a nuisance to the neighbours by making frequent and excessive noise;
- m) Deposit or keep or cause or suffer to be deposited or kept any night soil on any premises, except in a proper sanitary convenience approved by the council and in accordance with any by-laws of the council;
- n) Befoul, misuse or damage any public convenience or any convenience provided in any public building or place of public entertainment;
- o) Carry or convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;
- p) Bury or dispose of dead body in any unauthorised place;
- q) Permit the carcass of any animal, being in his property or of which he is in charge, and which has died on his premises or elsewhere in the municipal area, to remain unburied;
- r) Cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal on any land or premises owned or occupied by him or of which he is in charge to be or foul or in such a state or to be so situated or constructed as to be offensive or dangerous or injurious to health;
- s) Cause or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises owned or occupied by him, whether occupied for trade, business, manufacturing, dwelling or any other purpose, into any street or any land;

- t) Commit or cause or permit to be committed, any act which may pollute any water which inhabitants of the municipality have the right to use or which is provided or deserved for the use of such inhabitant;
- u) Bath or wash himself or any animal or article or clothing or any other article or thing in any public stream, pool water or at any public hydrant or fountain or at any place which has not been set aside by the council for any purpose;
- v) Disturb the public peace in any street or public place by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd or by organising any demonstration or by fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon or by any other riotous, violent or unseemly behaviour at any time of the day or night.
- w) Advertise wares or services in any street or public place by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells in such manner as to constitute a public nuisance in the neighbourhood;
- x) In or upon any property or premises disturb the public peace in the neighbourhood of such premises by making therein or any unseemly noises, or by shouting, wrangling, quarrying and singing or by playing therein or thereon a musical instrument or use or permit to be used any musical instruments, radios, television sets or the like or any loudspeaker or other device for the reproduction or amplification of sound, in such manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises and materially interferes with the ordinary comfort, convenience, peace or quiet of the occupiers of surrounding properties;
- y) In any street or public place use any abusive or threatening language or commit any act which may or is calculating to cause a breach of the peace;
- z) solicit alms in any street or public place or endeavour by the exposure of wounds, sores, injurious or deformities or the production of begging letters to obtain alms, or

- (zb) cleanse or wash any vehicle or part in any street or public place.

Failure to comply with provisions

- 1) Where any material, article or thing of whatsoever nature has been accumulated, dumped, stored or deposited on any erf, or where there is an overgrowth of bush, weeds, grass or vegetation on any erf in contravention of section 2(a), (d) and (e) the council may serve a notice on –
 - (a) The person directly or indirectly responsible for such accumulation, dumping, storing or depositing;
 - (b) The owner of such material, article or thing, whether or not he is responsible, for such accumulation, dumping, storage or depositing;
 - (c) The owner of the erf on which such accumulation dumping, storage or depositing takes place, whether or not he is responsible therefore, or
 - (d) The owner of the erf on which there is an overgrowth of bush, weeds, grass or vegetation, requiring such person or owners to dispose of, destroy or remove such material, article or thing or to clear such overgrowth to the satisfaction of the council.
- 2) Should any person or owner fail to comply with the requirement of a notice in terms of subsection (1) within the period stipulated by the council, the council may itself dispose of or destroy or remove such material, article or thing, or clear the overgrowth from any erf at the cost of any one or more of the persons or owners mentioned in subsection (1) (a), (b), and (d).
- 3) Where on any erf there is a contravention of section 2 (f), (g), (h) and (t) the council may at its discretion serve notice on either the owner or the occupier to abate the nuisance.

Sanitary facilities at construction sites

5. Every person engaged in operation, road construction or construction work of any nature shall, when required to do so, provide adequate sanitary accommodation for himself and his employees to the satisfaction of and in accordance with any requirements specified by the council.

Unlawful occupation

6. (1) No person shall, without the permission of the council, occupy or permit to be occupied for human habitation a caravan, tent or other similar shelter of any description except on an authorised camping or caravan site controlled by the council or any other camping or caravan site which conforms with the provisions of the By-Law relating to such caravan parks or camping sites.
- (2) The council may serve notice on any person who is occupying a caravan, tent or shelter in contravention of subsection (1) to vacate such caravan, tent or shelter within 3 days after the service of such notice, failing which, such person shall be guilty of an offence.

Penalties

7. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to-
 - 1) a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
 - 2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,

- 3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

LOCAL AUTHORITY NOTICE 280 OF 2022



LEPHALALE

LOCAL MUNICIPALITY

The Municipal Manager of Lephalale Local Municipality hereby, in terms of Section 13(a) of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000), publishes Lephalale Local Municipality's Cemetery By-laws as approved by its Council, as set out hereunder.

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1. DEFINITIONS

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

“adult” means a deceased person over the age of 12 (twelve) years and where the word is used to define a corpse, a deceased person whose coffin will fit into a grave opening prescribed for adults in section 15;

“aesthetic section” means a cemetery or section within a cemetery which has been set aside by the Municipality wherein only head stones may be erected;

“approved” means approved by the Municipality;

“ashes” means the cremated remains of a corpse;

“berm” means a concrete base laid at the head of a grave and on which a memorial is erected;

“burial” means interment in the earth; i.e., a prepare grave;

“burial order” means an order issued in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);

“caretaker” means the official whom the Municipality appoints from time to time in a supervisory capacity with regard to a cemetery;

“cemetery” means a land or part of a land within the municipal area set aside by the Municipality as a cemetery;

“child” means a person who is not an adult, and where the word is used to define a corpse, i.e., a deceased person whose coffin will fit into a grave opening prescribed for children, and includes the corpse of a stillborn child or a foetus;

“corpse” means the mortal remains of a deceased person and includes a stillborn child or foetus;

“cremated remains” means all recoverable ashes after a cremation;

“exhumation” means the removal of a corpse from its grave;

“grave” means a piece of land within a cemetery or heritage site, excavated for the burial of a corpse and includes the head stone, number or marker and a structure on’ or associated with the grave;

“hero” means a person who performed a heroic act on behalf of the country and is recognised therefore by the Municipality’s Council (By-laws);

“heroes’ acre” means an area of land set aside for the burial of a hero;

“memorial section” means a section within a cemetery set aside for the erection of memorials;

“memorial wall” means a structure within a cemetery which contains niches in which urns containing ashes can be stored;

“memorial work” means any head stone, monument, plaque, other work or object, erected or intended to be erected in a cemetery to commemorate a deceased person, and includes a kerb demarcating a grave and a slab covering the grave;

“Municipality” means the Lephalale Local Municipality, and includes any political structure, political office bearer, municipality or duly authorised agent thereof or any employee thereof acting in connection with these By-laws by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, municipality or agent or employee;

“niche” means a compartment in the memorial wall for the placing of ashes;

“prescribed” means prescribed by the Municipality;

“prescribed fee” means a fee determined by the Municipality in its approved tariff structure;

“private cemetery” means a cemetery of which is used as a cemetery but which has not been set aside as such by the Municipality; and

“RSA” means the Republic of South Africa.

- 1.2 If any provision in these By-laws vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of Section 81(2) of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

2. PRINCIPLES AND OBJECTIVES

The Municipality, acting under the powers granted to it by national and provincial legislation and the regulations made under sections 33 and 30 of the Health Act, 1977 (Act 63 of 1977), read in conjunction with Section 93(2) of the National Health Act, 2004 (Act 61 of 2003), and aware of the dignity of its residents and the need to preserve that dignity, and aware that a corpse is to be granted respect, and that all its residents have the right and the duty to inter a corpse in a cemetery or to cremate a corpse in a crematorium, hereby adopts these By-laws to control funeral undertakers' premises, to make provision for the allocation of land for the purposes of the burial of human remains, to develop and maintain existing municipal cemeteries and to provide space allowing for the preservation of the remains of a cremation in a dignified manner.

CHAPTER 1

GENERAL PROVISIONS RELATING TO MUNICIPAL CEMETERIES

3. APPOINTMENT OF CARETAKER

- 3.1 The Municipality may appoint a caretaker of each municipal cemetery to control and administer such cemetery.
- 3.2 The caretaker must take into account the customs of deceased persons and the people responsible for the burial and must accommodate these within the framework of these By-laws.

4. HOURS OF ADMISSION FOR THE PUBLIC

- 4.1 Municipal cemeteries are open to the public during the following hours: 08:00 – 16:00, however, if it is in the interest of the public, the Municipality may close to the public a cemetery or part thereof for such periods as the Municipality may deem necessary.
- 4.2 No person, excluding workers or persons with permission, may be in or remain in a municipal cemetery or part thereof before or after the hours mentioned in sub-section 4.1 or during a period when it is closed to the public.

5. CHILDREN

No child under the age of 12 (twelve) years may enter a municipal cemetery unless he or she is under the care and supervision of a parent or guardian over the age of 18 years.

6. KEEPING TO PATH

Except for the purposes permitted by these By-laws, a person may only use a path provided within the cemetery.

7. PROHIBITED CONDUCT WITHIN MUNICIPAL CEMETERIES

7.1 No person may –

- (a) commit or cause a nuisance within a cemetery;
- (b) ride an animal or cycle within a cemetery;
- (c) bring or allow an animal to wander inside a cemetery;
- (d) plant, cut, pick or remove a tree, plant, shrub or flower without the permission of the caretaker;
- (e) hold or take part in a demonstration in a cemetery;
- (f) interrupt during the performance of his or her duties an official, workman or labourer employed by the Municipality in a cemetery;
- (g) obstruct, resist or oppose the caretaker in the course of his or her duty or refuse to comply with an order or request which the caretaker is entitled to under these by-laws to make;
- (h) mark, draw, scribble, erect an advertisement or object on a wall, building, fence, gate, memorial work or other erection within a cemetery;
- (i) use water for any form of gardening without the permission of the caretaker;
- (j) plant trees, flowers or shrubs on or between graves;
- (k) leave any rubbish, soil, stones, debris or litter within the cemetery;
- (l) in any way damage or deface any part of a cemetery or anything contained therein;
- (m) enter or leave a cemetery except by an entrance provided for the purpose;
- (n) solicit any business, order or exhibit, or distribute or leave a tract, business card or advertisement within a cemetery;
- (o) treat a grave or memorial work with disrespect, such as climbing onto or sitting on a grave or memorial work;
- (p) enter an office, building or fenced place in a cemetery except in connection with lawful business;
- (q) with the exception of a blind person, bring an animal into a cemetery; or
- (r) expose a corpse or a part thereof in a cemetery.

8. RIGHT OF INTEREST IN THE GROUND

- 8.1 No person shall acquire any right to or interest in any ground or grave in a cemetery other than such rights or interests as may be obtainable under these By-laws.
- 8.2 The Municipality may, upon payment of the prescribed fee, sell to a person the use of a grave in a section of a cemetery for a period not exceeding 20 (twenty) years.
- 8.3 The Municipality –
- (a) may set aside different areas in a cemetery for exclusive use by different religious or cultural groups, taking into consideration the customs and religious conventions of such groups;
 - (b) may launch an awareness campaign regarding the use of land for burial purposes whereby the environmental advantages of cremation as an alternative to burial is stressed, and
 - (c) may, if compelled to do so by environmental considerations such as shortage of land for burial, and subject to the provisions of any other law regarding the rights of a person, request that a corpse be cremated instead of interred.

CHAPTER 2

GENERAL PROVISIONS RELATING TO INTERMENT

9. CONSENT REQUIRED FOR INTERMENT

- 9.1 No person may dispose of a corpse in any other manner than by interring it in a cemetery or having it cremated in a crematorium, and a person who wishes to dispose of a corpse must obtain the written consent of the caretaker before he or she disposes of the corpse.
- 9.2 A person who wishes to obtain the consent as contemplated in sub-section 9.1 must submit to the caretaker an application in writing in a form similar to the form in schedule 1 attached to these By-laws together with –
- (a) the prescribed fee;
 - (b) a copy of the deceased's death certificate, and
 - (c) a burial order issued in terms of the Births and Deaths Registration Act, 1992,
- and the caretaker may not approve the application unless all of the above requirements are met.
- 9.3 An application must be submitted to the caretaker in respect of an interment where the Municipality is responsible for the digging of the grave, not later than 10:00 two (2) days (48 hours) before the intended interment, whether it be a corpse or ashes.

- 9.4 Should any alteration be made in the day or hour previously fixed for an interment, or an interment be cancelled, in the instance where the Municipality is responsible for the digging of a grave, notice of the alteration must be given to the caretaker at the cemetery at least six (6) hours before the time fixed for the interment, and no refund will be made on fees paid in respect of the opening of an existing grave.
- 9.5 The application contemplated in sub-section 9.2 must be signed by the nearest surviving relative of the deceased person whose corpse will be buried in the grave, or such other person as the nearest surviving relative may authorise to sign the application on his or her behalf, however, if the caretaker is satisfied that the signature of the nearest surviving relative cannot be obtained timeously, or for any other valid reason, he or she may in his or her discretion grant an application signed by any other interested person.

10. INTERMENT

- 10.1 An interment may take place between 09:00 and 16:00 on week days and between 09:00 and 12:00 on Saturdays and Sundays.
- 10.2 Despite the provisions of sub-section 10.1, the caretaker to whom an application is made may, if the case is one of emergency, permit interment outside the times contemplated in sub-section 10.1, in which case an additional fee as prescribed by the Municipality will be payable.

11. CEMETERY REGISTER

- 11.1 The caretaker must keep a record of all interments and the record must contain –
- (a) depth of grave;
 - (b) grave number;
 - (c) name of deceased;
 - (d) address of deceased;
 - (e) gender of the deceased;
 - (f) age of the deceased;
 - (g) date of death;
 - (h) date of interment;
 - (i) cause of death;
 - (j) cemetery fees paid, and
 - (k) receipt number.

12. INDIGENT OR DESTITUTE PERSONS

- 12.1 A person may apply to the Municipality for the burial of the corpse of an indigent or destitute person and must provide proof that the deceased was granted the status as an indigent or destitute person in terms of the Municipality's Indigent Policy, and the Municipality shall decide if the corpse is to be buried as an indigent or destitute person.
- 12.2 Subject to the provisions of section 48 of the Health Act, 1977 (Act 63 of 1977), read in conjunction with section 93(2) of the National Health Act, 2004 (Act 61 of 2003), and section 10 of the Human Tissue Act, 1983, the corpse of a destitute person or an unclaimed corpse may be buried according to conditions determined by the Municipality.

13. NUMBER OF CORPSES IN ONE COFFIN

- 13.1 Subject to the provisions of sub-section 13.2, only one (1) corpse may be contained in a coffin.
- 13.2 More than one (1) corpse may be contained in one (1) coffin on the consent of the caretaker first having been obtained and the prescribed fee having been paid, in the case of –
- (a) a mother and child who died during childbirth, or
 - (b) family members who –
 - (i) died together, or
 - (ii) died a short while after each other, and the burial of the first dying member has not yet taken place.

CHAPTER 3

INTERMENT

14. DIMENSIONS OF GRAVES AND APERTURES

- 14.1 The standard dimensions of a grave are as follows:
- (a) Adult
 - (i) Single grave (one [1] coffin): Length – 2200mm, width – 900mm (6 feet).
 - (ii) Double (two [2] coffins): Length – 2200mm, width – 900mm (8 feet).
 - (b) Child

Single grave: Length – 1500mm, width – 700mm (5 feet).
- 14.2 Any person requiring an aperture for an interment in an adult's grave of a size larger than the standard dimensions must, when submitting an application in terms of section 9, specify the measurements of the coffin and pay the fees prescribed by the Municipality for enlarging the aperture.
- 14.3 No brick work is allowed inside open graves in any of the municipal cemeteries.

15. DEPTH OF GRAVES

- 15.1 An adult's grave (6 feet) is 1900mm in depth.
- 15.2 An adult's grave (8 feet) is 2400mm in depth.
- 15.3 A child's grave (5 feet) is 1500mm in depth.
- 15.4 The lid of the coffin, or where one (1) coffin has been buried on top of another coffin, the lid of the top coffin may not be less than 1200mm from the surface.

16. RESERVATION OF GRAVES

- 16.1 A person desiring to reserve the use of a grave must apply for it to the caretaker and must pay the fee prescribed by the Municipality.
- 16.2 A restriction is placed on the reservation of graves and reservations shall only be accepted for adult graves as stated in sub-section 16.3.
- 16.3 In the event of an interment of a husband or wife, only one (1) additional adjoining grave may be reserved for the survivor.
- 16.4 In the event of an interment of a husband or wife in the aesthetic section, an additional adjoining grave may be reserved for the survivor, however, subject to the provisions of section 19, the interment of the survivor may be permitted in the same grave.
- 16.5 Where another person, other than the applicant, has mistakenly used a grave, the caretaker must allocate another grave within the cemetery to the applicant.

17. CHILD'S COFFIN TOO LARGE

Should a child's coffin be too large for the dimensions of a child's grave, it must be placed in an adult grave and the prescribed fees for an adult's interment must be paid by the person submitting an application in terms of section 9, and in the instance where a child is interred in a section intended for adults, the fees applicable to adults apply.

18. CONSTRUCTION MATERIAL OF A COFFIN

A coffin interred in a grave must be constructed of wood or bio-degradable material.

19. NUMBER OF BODIES IN ONE GRAVE

Subject to the provisions of sub-section 15.2 and section 29, more than one (1) corpse may be interred in a single grave.

20. COFFIN TO BE COVERED WITH EARTH

The person contemplated in sub-section 9.1 must ensure that a coffin, upon being placed in a grave, is covered without delay with at least 300mm of earth.

21. RELIGIOUS CEREMONY

The members of a religious denomination may conduct, during the interment and at the grave, a religious ceremony in connection with an interment or memorial service.

22. HEARSE AND VEHICLES AT A CEMETERY

- 22.1 No hearse or other vehicle may enter a cemetery without the prior permission of the caretaker having been obtained first.
- 22.2 No hearse or other vehicle may use any other route to enter a cemetery than the routes set aside for that purpose.

23. INSTRUCTION OF CARETAKER

A person taking part in a funeral procession or ceremony in a cemetery must follow instructions by the caretaker.

24. MUSIC INSIDE A CEMETERY

Only sacred singing is allowed in a cemetery, except in the case of a police or military funeral, in which case the prior permission of the caretaker must be obtained.

25. OCCUPATION OF A SHELTER

No person may, for the purpose of a funeral, occupy a shelter in a cemetery for more than 45 (forty-five) minutes.

26. NUMBER ON GRAVE

No person may enter a corpse into a grave on which a peg marked with the grave number has not been fixed.

CHAPTER 4**EXHUMATION OF A CORPSE AND RE-OPENING OF GRAVES****27. DISTURBANCE OF MORTAL REMAINS**

27.1 Subject to the provisions of an exhumation order given in terms of section 3(4) of the Inquests Act, 1959, any other provision of any Act relating to the exhumation of corpses –

(a) no mortal remains or ground surrounding it in a cemetery may be disturbed;

(b) no grave may be re-opened, and

(c) no corpse may be removed from a grave,

without the written consent of the Municipality.

27.2 The prescribed fees for exhumation must be paid to the caretaker at least two (2) days before the date fixed for the exhumation or removal of the corpse.

28. TIME OF EXHUMATION

No person may exhume or cause a corpse to be exhumed during such time as the cemetery is open to the public.

29. RE-OPENING OF GRAVE

29.1 No person may re-open a grave for the purpose of interring a second corpse in the same grave unless –

(a) the grave was initially made deeper for this purpose;

- (b) if not made deeper, then only after 10 (ten) years have passed since the interment of the first corpse;
- (c) for purposes of burial a receptacle containing ashes, the depth does not exceed 300mm;
- (d) the consent contemplated in sub-section 27.1 has been obtained, and
- (e) the fee prescribed by the Municipality has been paid.

29.2 The Municipality has the right to re-open a grave for the purpose of establishing, by reading the inscription on the coffin, the identity of the corpse.

CHAPTER 5

CARE OF GRAVES

30. SHRUBS AND FLOWERS

The Municipality may at any time prune, cut down, dig up or remove any shrub, plant, flower, foliage, wreath or adornment if it becomes unsightly, is damaged or wilted.

31. CARE OF GRAVES

The maintenance of a grave is the responsibility of the person contemplated in sub-section 8.2.

CHAPTER 6

CREMATED REMAINS

32. RECEPTACLES AND ASHES

- 32.1 The family of the deceased must provide a receptacle on which the full name of the deceased person is indicated.
- 32.2 Where a receptacle is intended to be placed in a niche within the memorial wall –
- (a) it must be made of wood or stone;
 - (b) be of a size and design as to fit into the niche, and
 - (c) if the niche is meant to be sealed, have affixed to it a granite tile on which the full name of the deceased person is inscribed.

33. BURIAL AND EXHUMATION OF ASHES

33.1 A person may deposit ashes in a grave or niche within a memorial wall.

33.2 A person must obtain the consent of the caretaker if he or she wishes to –

- (a) bury ashes in a grave;
- (b) exhume ashes from a grave, or
- (c) scatter ashes,

and the caretaker must, upon receiving payment of the prescribed fee –

- (d) give written consent to the applicant to bury, exhume or scatter the ashes, and
- (e) in the instance of burial or exhumation, prepare the grave for burial or exhumation.

33.3 A grave for the burial of ashes must measure 610mm in length, 610mm in width and 610mm in depth.

CHAPTER 7

ERECTION AND MAINTENANCE OF MEMORIAL WORK

34. CONSENT OF THE MUNICIPALITY

34.1 No person may bring into a cemetery, erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon in a cemetery without the written consent of the Municipality.

34.2 Before erecting memorial work, the following must be submitted to the Municipality:

- (a) an application containing all relevant information of the applicant as well as the deceased person on a form similar to the form in schedule 2 attached to these By-laws;
- (b) a plan which gives an indication of the measurements and the position of the proposed memorial work;
- (c) specifications of the material of which the memorial work is to be constructed, and
- (d) the epitaph.

34.3 The application to erect memorial work must be submitted to the Municipality at least 30 (thirty) days before the erection commences and must be accompanied by the prescribed fee, and the Municipality, when granting consent, may impose such conditions as it deems necessary.

34.4 No person may bring into the cemetery any material for the purpose of constructing therewith any memorial work on any grave unless and until –

- (a) the provisions of sub-sections 34.1, 34.2 and 34.3 have been complied with, and
- (b) all charges due in respect of such grave have been duly paid.

34.5 The Municipality's consent for the proposed memorial work is valid for six (6) months only, and in the event of the memorial work not being erected within the prescribed time period, a new application must be submitted.

34.6 The grave number must be indicated, in a workman like manner, in figures 30mm in size, in the top right-hand corner on the base of the memorial.

35. REQUIREMENTS FOR THE ERECTION OF MEMORIAL WORK

35.1 A person who intends to erect memorial work in any of the municipal cemeteries must comply with the following:

- (a) he or she must be in possession of a plan approved by the Municipality;
- (b) all work must be effected according to the conditions contemplated in sub-section 34.3;
- (c) proceedings must be of such a nature that no damage be caused to any structure or offence given;
- (d) where a memorial has a base on ground level or on the berm, the base may not be more than 900mm in length, 250mm in width and 250mm in height for a single grave, and not more than 2700mm in length, 250mm in width and 250mm in height for a double grave;
- (e) with the caretaker's permission, the name of the maker can be displayed on memorial work, but no address or any other particulars may be added thereto, and the space utilized for it may not be larger than 40mm x 100mm, and
- (f) granite tiles within the memorial wall measure 360mm x 360mm and must be obtained from the Municipality when an application is submitted to inter ashes in a niche within the memorial wall. It is the responsibility of the applicant to have the tile engraved with the name of the deceased person, the date of birth and the date of death. A photograph of the deceased person may be affixed to the tile where the inscription is.

36. POSITION, MOVEMENT AND REMOVAL OF MEMORIAL WORK

36.1 No person may erect memorial work on a grave before the position in which such memorial work is to be placed has been indicated by the Municipality.

36.2 Should the provision of sub-section 36.1 not be complied with, the Municipality has the right to alter the position of memorial work and to recover the cost of the alteration from the person who originally erected such memorial work.

36.3 In the instance where memorial work has originally been placed in a certain position with the express consent of the Municipality or its employee, any alteration of the position in terms of the provisions of this section is executed at the expense of the Municipality.

36.4 Memorial work placed, erected, constructed, built, altered, decorated, painted or otherwise dealt with in a cemetery in such a manner that any provisions of these By-laws are contravened, may be removed, after due notice by the Municipality, at the cost of the person who originally erected such memorial work, without payment of any compensation.

37. REPAIRS TO MEMORIAL WORK

Should the person who originally erected memorial work allows such memorial work to fall into such a state of disrepair that it may cause danger or deface to the cemetery, the Municipality may cause a notice of compliance as contemplated in section 58, to be served on such person.

38. SUPERVISION OF WORK

A person engaged upon any work within a cemetery must effect the work under the supervision of the caretaker.

39. DAMAGING OF MEMORIAL WORK

The Municipality under no circumstances accepts responsibility for any damage which may at any time occur to any memorial work and which is not due to the negligence of the Municipality's employees.

40. CONVEYING OF MEMORIAL WORK

No person may convey any stone, brick or memorial work or a portion thereof within a cemetery upon a vehicle or truck which may cause damage to the paths or grounds or structures of the cemetery.

41. VEHICLES AND TOOLS

Every person engaged with work upon a grave or plot must ensure that the vehicles, tools and appliances be of such a kind as not to contravene these By-laws and by no means block any road or roads.

42. COMPLYING WITH THE MUNICIPALITY'S DIRECTIONS

A person carrying out work within any of the municipal cemeteries must in all respects comply with the directions of the Municipality.

43. TIMES FOR BRINGING IN MATERIAL AND DOING WORK

43.1 No person may bring memorial work or material into or do any work other than the dismantling of memorial work for burial purposes within a cemetery except during the following hours: Mondays to Fridays between the hours of 08:00 and 15:00.

- 43.2 No person may engage in work which may be disturbing when a funeral takes place and for the duration of the funeral.

44. INCLEMENT WEATHER

No person may fix or place any memorial work while the soil is in an unsuitable condition.

45. PROOF OF WRITTEN CONSENT

A person charged with work or on his or her way to or from work within the cemetery must, upon demand from the Municipality or its authorised official, produce the written consent issued to him or her in terms of section 34.

CHAPTER 8

SECTIONS IN THE MUNICIPAL CEMETERIES

46. MUNICIPALITY MAY ESTABLISH SECTIONS

The Municipality may establish one or more of the following sections within any of its cemeteries:

46.1 Monumental section

- (a) Memorial work may be erected upon the whole surface of the grave subject thereto that the provisions of section 35 must be complied with and that the following measurements may not be exceeded:
- (i) no headstone may exceed a height of 1500mm above the berm;
 - (ii) width: 900mm in the case of a single grave and 2700mm in the case of a double grave, and
 - (iii) thickness: 250mm.

46.2 Memorial wall

- (a) This section contains the wall of remembrance with niches.
- (b) A container intended to be placed inside a niche may not exceed 300mm x 150mm x 150mm in size.

46.3 Heroes' acre

- (a) No burial may take place in the heroes' acre unless permission has been granted by the Mayor or his or her nominee.
- (b) Upon approval of the status of "hero" on the deceased to be buried in the heroes' acre, the relevant cemetery fee be paid from the Mayoral Discretionary Fund.

- (c) The dimension of the grave excavation is as applicable in sections 14 and 15 prescribed in these By-laws.

46.4 Aesthetic section

- (a) Only a head stone may be erected and a slab may not be erected on, and a kerb may not be erected around the grave. No headstone may exceed a height of 1500mm above the berm.
- (b) The dimensions of a head stone are as follows:

- (i) Adult grave:

Where a head stone has a base on ground level or on the berm, the base may not be more than 900mm in length, 250mm in width and 250mm in height for a single grave and not more than 2700mm in length, 250mm in width and 250mm in height for a double grave.

- (ii) Child's grave:

Where a head stone has a base on ground level or on the berm, the base may not be more than 610mm in length, 250mm in width and 250mm in height for a single grave and not more than 1200mm in length, 250mm in width and 250mm in height for a double grave.

CHAPTER 9

PRIVATE CEMETERIES

47. BY-LAWS APPLY

The provisions of these By-laws apply *mutatis mutandis* to private cemeteries.

48. ESTABLISHMENT AND CONTINUED USE OF PRIVATE CEMETERIES

- 48.1 No person may, without the Municipality's consent first been obtained, establish a private cemetery, and no proprietor of a private cemetery already in existence may, if the use of the cemetery was not previously authorised by the Municipality, continue to use the existing cemetery for burial purposes, provided the Cemetery is registered with the Municipality within 36 (thirty-six) months of publishing of this By-law.
- 48.2 A person who wishes to apply for the Municipality's consent to establish a cemetery or use a cemetery as contemplated in sub-section 48.1, must submit to the Municipal Manager an application in the form similar to the form in schedule 3, which schedule refers, in writing together with –
 - (a) a locality plan to a scale of not less than 1:10,000 which shows –

- (i) the position of the proposed cemetery or existing cemetery in relation to the boundaries of the land on which it is proposed to establish it or upon which it is situated as the case may be;
 - (ii) the registered description of the site;
 - (iii) all streets, public places and privately owned property within a distance of 100m of the site;
 - (b) a “block” plan to a scale of not less than 1:500 showing the position of external boundaries, internal roads and paths, sub-divisions, grave sites, drainage and any buildings existing or proposed to be erected;
 - (c) a plan and sections to a scale of not less than 1:100 of any building existing or proposed to be erected, and which must in this case conform with the National Building Regulations and Building Standards Act, 107 (Act 103 of 1977) and the Water Supply and Sanitation Services By-laws of the Municipality (Local Authority Notice 223, Provincial Gazette Extraordinary No 1951, 5 July 2011).
 - (d) a list of registers or records kept or proposed to be kept with reference to –
 - (i) identification of graves;
 - (ii) sale of grave sites;
 - (iii) transfer of grave sites, and
 - (iv) interments;
 - (e) the full name and address of the proprietor;
 - (f) particulars regarding the nature of the title under which the proprietor will hold or holds the land on which the cemetery is to be established or which is being used as a cemetery and whether such land is subject to any mortgage or trust, and
 - (g) a schedule of the burial fees proposed to be charged or actually in force.
- 48.3 Upon receipt of an application the Municipal Manager must cause to be inserted in one or more newspapers circulating within the municipal area a notice stating the nature of the application and specifying the date being not less than 14 (fourteen) days after the date of publication of such notice by which objections to the granting of an application may be lodged with the Municipality.
- 48.4 The Municipality may, upon receipt of the payment by the applicant of the prescribed fee and if satisfied after consideration of the application and any objections which may have been lodged that no interference with any public amenity, or nuisance or danger to the public health is likely to take place or arise as a result, in writing grant consent for the establishment of the proposed private cemetery or the continued use of the private cemetery as the case may be, referred to in the application, in accordance with the plans submitted and to any variation or amendment which it may require and to any conditions which it may impose.
- 48.5 No deviation from the approved plans is permitted without the prior approval of the Municipality.

- 48.6 No person may supply false or fraudulent information in the application contemplated in sub-section 48.2.

49. DUTIES OF PROPRIETORS

- 49.1 The proprietor of a private cemetery for which the consent of the Municipality has been obtained must –

- (a) comply with –
 - (i) any special conditions prescribed by the Municipality, and
 - (ii) the relevant provisions of these By-laws and any other applicable law;
- (b) keep a record which shows –
 - (i) the number of each grave site and the ownership of the site, and
 - (ii) the number of interments in each grave site and the name, age, gender, race, last known address, date and cause of death of the deceased;
- (c) maintain the grounds, fences, gates, roads, paths and drains in good order and condition and clearing of weeds and overgrowth;
- (d) provide for the identification of grave sites by subdividing the cemetery into blocks each containing a number of graves or grave sites, and
 - (i) each block must be demarcated by means of signs showing the number and situation of each block;
 - (ii) the graves of grave sites in each block must be separately numbered by means of durable number plates, and
 - (iii) all signs and number plates must be maintained in a neat and legible condition;
- (e) allow an official to enter or inspect the cemetery and all records kept in connection therewith;
- (f) render a monthly return to the Municipal Manager on or before the 7th (seventh) day in each month of all burials, which sets out –
 - (i) name, last known address, age, gender, race, date and cause of death of each deceased person interred in the cemetery;
 - (ii) name of the medical practitioner who issued the death certificate;
 - (iii) authority who issued the burial order;
 - (iv) block and grave site number;
 - (v) date of burial, and
 - (vi) particulars of a change in the identity of the caretaker or of a person newly appointed;

- (g) render an annual return to the Municipal Manager on or before the 31st day of March each year which contains a detailed list of the names and addresses of all trustees, committee members or persons controlling the cemetery, and
- (h) appoint a caretaker to manage the cemetery and to keep the records.

CHAPTER 10

MISCELLANEOUS

50. AUTHENTICATION AND SERVICE OF ORDER, NOTICE OR OTHER DOCUMENT

- 50.1 An order, notice or other document requiring authentication by the Municipality must be sufficiently signed.
- 50.2 Any notice or other document that is served on a person in terms of these By-laws is regarded as having been served –
- (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the RSA with a person apparently over the age of 16 (sixteen) years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the RSA and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the RSA is unknown, when it has been served on that person's agent or representative in the RSA in the manner provided by sub-section 50.2(a), 50.2(b) or 50.2(c);
 - (e) if that person's address and agent or representative in the RSA is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates, or
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises or such body corporate.
- 50.3 Service of a copy shall be deemed to be service of the original.
- 50.4 Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager's office.

51. COMPLAINT

A person wishing to lodge a complaint must lodge such complaint, in writing, with the Municipal Manager.

52. NOTICE OF COMPLIANCE AND REPRESENTATIONS

52.1 A notice of compliance served in terms of section 37 must state –

- (a) the name and residential and postal address, if either or both of these be known, of the person;
- (b) the nature of the state of disrepair;
- (c) sufficient detail to enable compliance with the notice, the measures required to remedy the memorial work;
- (d) that the person must within a specified time period take the measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specific date; and
- (e) that written representations, as contemplated in sub-section 52.3 may, within the time period stipulated under sub-section 52.2(d), be made to the Municipality at a specified place.

52.2 The Municipality, when considering any measure or time period envisaged in sub-sections 52.1(d), must have regard to –

- (a) the principles and objectives of these By-laws;
- (b) the state of disrepair;
- (c) any measures proposed by the person on whom measures are to be imposed, and
- (d) any other relevant factors.

52.3 A person may within the time period contemplated in sub-section 52.1(e) make representations in the form of a sworn statement or affirmation to the Municipality at the place specified in the notice.

52.4 Representations not lodged within the time period will not be considered except where the person has shown good cause and the Municipality condones the late lodging of the representations.

52.5 The Municipality must consider the representations and any response thereto by an authorised official or any other person, if there should be a response.

52.6 The Municipality may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigations must be made available to the person, who must be given an opportunity of making a further response if he or she so wishes, and the Municipality must also consider the further response.

52.7 The Municipality must, after consideration of the representations and response, if there should be such a response, make an order in writing and serve a copy of it on the person.

52.8 The order must –

- (a) set out the findings of the Municipality;
- (b) confirm, alter or set aside in whole or in part, the notice of compliance, and
- (c) specify a period within which the person must comply with the order made by the Municipality.

52.9 If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, the Municipality will inform the person that he or she –

- (a) must discharge the obligations set out in the notice, or
- (b) may elect to be tried in court.

52.10 If the person elects to be tried in court, he or she must, within seven (7) calendar days, notify the Municipality of his or her intention to be so tried.

52.11 If the person does not elect to be tried in court, he or she must, within the prescribed manner and time, discharge his or her obligations under the order.

52.12 Where there has been no compliance with the requirements of the notice, the Municipality may take such steps as it deems necessary to repair the memorial work and the cost thereof must be paid to the Municipality in accordance with section 53.

53. COSTS

Should a person fail to take the measures required of him or her by notice, the Municipality may recover all costs incurred as a result of it acting in terms of sub-section 52.12 from the person.

54. CHARGES

Should a person fail to pay a prescribed fee, the Municipality may act in accordance with the provisions of its Customer Care and Revenue Management By-law (Local Authority Notice 224, Provincial Gazette Extraordinary No 1951, 5 July 2011).

55. LIMITATION OF LIABILITY

55.1 The Municipality is not liable for any damage or loss caused by –

- (a) the exercise of any power or the performance of any duty in good faith under these By-laws, or
- (b) the failure to exercise any power or perform any function or duty in good faith under these By-laws.

56. EXEMPTIONS

- 56.1 Any person may, by means of a written application, in which the reasons are given in full, apply to the Municipality for exemption from any provisions of these By-laws.
- 56.2 The Municipality may –
- (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted, must be stipulated therein;
 - (b) alter or cancel any exemption or condition in an exemption, or
 - (c) refuse to grant an exemption.
- 56.3 An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the Municipality under sub-section 56.2, however, if an activity is commenced with before such undertaking has been submitted to the Municipality, the exemption lapses.
- 56.4 If any condition of an exemption is not complied with, the exemption lapses immediately.

57. LIAISON FORUMS IN THE COMMUNITY

- 57.1 The Municipality may establish one or more liaison forum(s) in a community for the purposes of –
- (a) creating conditions for a local community to participate in the affairs of the Municipality;
 - (b) encouraging a local community to participate in the affairs of the Municipality, and
 - (c) promoting the achievement of a healthy environment.
- 57.2 A liaison forum may consist of –
- (a) a member or members of an interest group, or an affected person;
 - (b) a member or members of a community in whose immediate area a cemetery exists;
 - (c) a designated official or officials of the Municipality, and
 - (d) the councillor responsible for cemeteries.
- 57.3 The Municipality may, when considering an application for consent, permit or exemption certificate in terms of these By-laws, where applicable, request the input of a liaison forum.
- 57.4 A liaison forum or any person or persons contemplated in sub-section 52.2 may, on own initiative, submit an input to the Municipality for consideration.

58. TRADITIONAL COUNCILS

The Municipality may, in the spirit of sections 20(1) and 24 of the Traditional and Khoi-San Leadership Act, 2019 (Act 3 of 2019), liaise with a traditional council regarding the implementation and enforcement of the provisions of these By-laws within the area of jurisdiction of such traditional council.

59. APPEAL

A person whose rights are affected by a decision of an official may, in terms of section 62(4)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), appeal to the Municipality against a finding of the Municipal Manager.

60. OFFENCES AND PENALTIES

Any person who contravenes any provision of these by-laws shall upon conviction if found guilty of an offence be liable to a fine or in default of payment, to imprisonment for a period not exceeding six (6) months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

61. REPEAL OF BY-LAWS

The Standard Cemetery By-laws, adopted by the Transvaal Board for the development of peri-urban areas and published by Administrator's Notice 638 of 19 August 1953, and which in terms of section 159 bis(1)(c) of the Local Government Ordinance, 1939, became the By-laws of the Town Council of Ellisras, as amended, are hereby repealed.

62. SHORT TITLE AND COMMENCEMENT

These By-laws is called Lephalale Local Municipality's Cemetery By-laws and commence on the date of publication thereof in the *Provincial Gazette*.


**SCHEDULE 1
(SUB-SECTION 9.2)**
LEPHALALE MUNICIPALITY
NOTICE OF FUNERAL

DATE

SURNAME OF DECEASED

FULL NAMES OF DECEASED

RESIDENTIAL ADDRESS

ID NUMBER OF DECEASED

DATE OF DEATH AND AGE

PLACE OF DEATH

DATE AND TIME OF FUNERAL

GRAVE NUMBER

CEMETERY

NAME OF UNDERTAKER

TRAFFIC ASSISTANCE

YES

☐

NO

☐

DETAILS OF GRAVE

6 FEET

☐

8 FEET

☐

RE-OPENING

☐

CHILD

☐

LARGER THAN NORMAL

☐

NAME, ADDRESS AND CONTACT DETAILS OF NEAREST RELATIVE:

SIGNATURE OF UNDERTAKER

○○○○○○○

FOR OFFICIAL USE ONLY

RESIDENT / NON-RESIDENT	:	_____
AMOUNT PAYABLE	:	_____
RECEIPT NUMBER	:	_____
DATE AND TIME RECEIVED	:	_____

**SCHEDULE 2
(SUB-SECTION 34.2)**

Ref no: 16/7/5

Address:

Letter no:

.....
.....
.....

Date:

The Municipal Manager
Lephalale Municipality
Private Bag X136
Lephalale
0557

Sir / Madam

**APPLICATION FOR APPROVAL TO ERECT MEMORIAL WORK IN THE MARAPONG/
ONVERWACHT / STEENBOKPAN / THABO MBEKI / RUPERT CEMETERY**

Herewith my application to erect memorial work in the cemetery as follows:

Surname of deceased:

Full name(s) of deceased:

Grave no:

Attached is a complete example of the proposed memorial work which indicates
measurements, material to be used as well as all relevant wording.

Proof of payment is also attached to this application.

Trusting that you will find the above in order.

Yours faithfully

Name of applicant:

Signature of applicant:

Contact no:

Email address:

**SCHEDULE 3
(SUB-SECTION 48.2)**

APPLICATION FORM FOR A PRIVATE CEMETERY

EXISTING FORM TO BE USED OR ADAPTED WHERE NECESSARY

LOCAL AUTHORITY NOTICE 281 OF 2022**AMENDMENT OF LAND USE SCHEME OR REZONING IN TERMS OF SECTION 54(1) OF THE LEPHALALE MUNICIPAL SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2017****AMENDMENT SCHEME NUMBER: 65**

Notice is hereby given that I, **Dries de Ridder** Town and Regional Planner, being the authorised agent of the owner of **Portion 1 of Erf 16 Ellisras Township**, in terms of Section 54(1) of the Lephalale Municipal Spatial Planning and Land Use Management By-Law, 2017 have applied for the amendment of the Lephalale Land Use Scheme, 2017 by the **rezoning** of the property described above, situated in 11B Herman Street, Ellisras from Residential 2, one dwelling unit per 250m² to Business 1. Particulars relating to the application will lie for inspection during normal office hours at the office of the Executive Manager, Development Planning Directorate, Lephalale Civic Centre, Cnr Joe Slovo and Douwater Road, Onverwacht, for a period of 30 days from **18 February 2022**. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager, Lephalale Municipality, Private Bag X136, Lephalale, 0555, within a period of 30 days from **18 February 2022**. Postal address of applicant: Dries de Ridder Town and Regional Planner, 5A Herman Street, Ellisras, 0555, PO Box 5635, Onverwacht, 0557, Telephone Number: 014 763 4184, **Dates of the notices: 18 and 25 February 2022**

23-30

PLAASLIKE OWERHEID KENNISGEWING 281 VAN 2022**WYSIGING VAN GRONDGEBRUIKSKEMA OF HERSONERING IN TERME VAN ARTIKEL 54(1) VAN DIE LEPHALALE MUNISIPALE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR VERORDENING, 2017****WYSIGINGSKEMA NOMMER: 65**

Kennis geskied hiermee dat ek, **Dries de Ridder** Stads- en Streeksbeplanner, synde die gemagtige agent van die eienaar van **Gedeelte 1 van Erf 16 Ellisras Dorp**, ingevolge Artikel 54(1) van die Lephalale Munisipale Ruimtelike Beplanning en Grondgebruikbestuur Verordening, 2017, aansoek gedoen het vir die wysiging van die Lephalale Grondgebruikskema, 2017, deur die **herosenering** van die bogenoemde eiendom, geleë te Hermanstraat 11B, Ellisras van Residensieel 2, een wooneenheid per 250m² na Besigheid 1. Besonderhede aangaande hierdie aansoek lê ter insae gedurende normale kantoorure by die kantoor van die Uitvoerende Bestuurder, Direkoraat Ontwikkeling Beplanning, Lephalale Burgersentrum, h/v Joe Slovo en Douwaterstraat, Onverwacht, vir 'n periode van 30 dae vanaf **18 Februarie 2022**. Besware teen of voorleggings ten opsigte van die aansoek moet geopper word by of op skrif gestel en gerig word aan die Munisipale Bestuurder, Lephalale Munisipaliteit, Privaatsak X136, Lephalale, 0555, binne 'n periode van 30 dae vanaf **18 Februarie 2022**. Posadres van aansoeker: Dries de Ridder Stads- en Streeksbeplanner, Herman Straat 5A, Ellisras, 0555, Posbus 5635, Onverwacht, 0557, Telefoon Nommer: 014 763 4184, **Datums van plasinge: 18 en 25 Februarie 2022**.

23-30

LOCAL AUTHORITY NOTICE 282 OF 2022**MUSINA AMENDMENT SCHEME 430**

NOTICE OF APPLICATION FOR THE AMENDMENT OF THE MUSINA LAND USE MANAGEMENT SCHEME, 2010 IN TERMS OF SECTION 36 OF THE MUSINA LOCAL MUNICIPALITY: SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016

I, Nicolene Janse van Vuren, being the authorised agent of the owner hereby give notice in terms of Section 36 of the Musina Local Municipality: Spatial Planning and Land Use Management By-Law, 2016, read in conjunction with Schedule 3 and the specific conditions as contained in the Musina Land Use Management Scheme, 2010, that I have applied to the Musina Local Municipality for the amendment of the town planning scheme known as the Musina Land Use Management scheme, 2010 by the rezoning of:

Musina Amendment Scheme 430, Annexure 150: Erf 970 Messina Extension 4 from "Residential 1" to "Residential 2" for dwelling units.

Particulars of the application and its accompanied documents will lie open for inspection during normal office hours of the Municipal Manager: Civic Centre, Murphy Street, Musina for a period of 28 days from 18 February 2022. Any objections to, comment or representations in respect of the application must be lodged timeously with or made in writing to both the agent and the Municipal Manager by registered post, by hand, by facsimile or by e-mail at the above address or made in writing to the Municipal Manager at the above address or at Private Bag X611, Musina, 0900, within a period of 28 days from 18 February 2022.

ADDRESS OF AGENT:

Nicolene Janse van Vuren

Postnet Suite Box 157, Private Bag X1, Melrose Arch, 2076

105 Central Street, Houghton, Johannesburg, 2198

Tel No. (w): (011) 033 6600

Fax No: n/a

Cell: 073 162 8813

E-mail address: nicolened@aucor.com

DATES OF PUBLICATION: 18 February 2022 and 25 February 2022

18-25

PLAASLIKE OWERHEID KENNISGEWING 282 VAN 2022**MUSINA WYSIGINGSKEMA 430**

KENNISGEWING VAN AANSOEK OM WYIGING VAN MUSINA DORPSBEPLANNINGSKEMA, 2010 INGEVOLGE ARTIKEL 36 VAN DIE MUSINA PLAASLIKE MUNISIPALITEIT: RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUUR BY-WET, 2016

Ek, Nicolene Janse van Vuren, synde die gemagtigde agent van die eienaar gee hiermee ingevolge Artikel 36 van die Musina Plaaslike Munisipaliteit: Ruimtelike Beplanning en Grondgebruiksbestuur By-Wet, 2016, saamgelees met Skedule 3 en die spesifieke voorwaardes soos saamgevat in die Musina Grondgebruiksbestuurskema, 2010, kennis dat ek by die Musina Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as die Musina Grondgebruiksbestuurskema, 2010 deur die hersonering van:

Musina Wysigingskema 430, Annexure 150: Erf 970 Messina Uitbreiding 4 van "Residensieël 1" na "Residensieël 2" for wooneenhede.

Besonderhede van die aansoek en vergeselde dokumente lê ter insae gedurende normale kantoorure by die Munisipale Bestuurder: Burgersentrum, Murphy Straat, Musina vir 'n tydperk van 28 dae van 18 Februarie 2022. Enige besware teen, kommentare of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 18 Februarie 2022 skriftelik gemaak word aan byde die agent en die Munisipale Bestuurder deur geregistreerde pos, by hand, by faksimilee of deur e-pos by die bovermelde adres of na Privaatsak X611, Musina, 0900, ingedien of gerig word.

ADRES VAN AGENT:

Nicolene Janse van Vuren

Postnet Suite Box 157, Privaatsak X1, Melrose Arch, 2076

105 Central Straat, Houghton, Johannesburg, 2198

Tel No. (w): (011) 033 6600

Fax No: n/a

Cell: 073 162 8813

E-pos adres: nicolened@aucor.com

DATUMS VAN PUBLIKASIE: 18 Februarie 2022 en 25 Februarie 2022

18-25

LOCAL AUTHORITY NOTICE 283 OF 2022

POLOKWANE AMENDMENT SCHEME 437 - Notice is hereby given in terms of section 95(1)(a) of the Polokwane Municipal Planning By-law 2017, that the agent mentioned below has applied to Polokwane Municipality for the amendment of the Polokwane / Perskebult Town Planning Scheme, 2016, by the rezoning of PORTION 2 OF ERF 5901 Pietersburg (69a Plein street) in terms of Section 61 of the of the Polokwane Municipal Planning By-law, 2017. The rezoning is from "Special for medical consulting rooms with an Annexure" to "Special for medical consulting rooms with an Annexure" (in order that a guest house can also be conducted on the property). Full particulars may be inspected during normal office hours at the Municipal offices as set out below, for a period of 28 days from 18 February 2022. Any objections or comments, including the grounds for such objections/comments, along with your full contact details must be lodged with, or made in writing to: The Manager: City Planning and Property Management, P.O. Box 111, Polokwane, 0700 from 18 February 2022 to 17 March 2022. Physical address of the municipality offices: Manager: Spatial Planning and Land Use Management, 2nd floor, west wing, Civic centre, Landdros Mare street, Polokwane. The closing date for any objections and/or comments is: 17 March 2022. Address of applicant / agent: DEVELOPLAN, 219 Harley Street, Polokwane, P.O. Box 1883, Polokwane, 0700, Email: tecoplan@mweb.co.za. Telephone: 015-2914177. Notice - I, Theo Kotze, as the agent of the owners of the properties mentioned below hereby give notice that application has been made for the following: A) Erf 1953 Louis Trichardt Ext. 2 – application has been made for subdivision in terms of Section 66 of the Makhado Municipality Spatial Planning, Land Development and Land Use Management By-Law, 2016, and simultaneous application has been made for removal of restrictive title conditions 1(iii)(b) & 2(c) from title deed T 8221/2020 in terms of Section 64 of the mentioned by-Law, and simultaneous application has been made for relaxation of the permitted density in terms of Clause 22 of the Makhado Land Use scheme 2009 (to attain a density of 65 dwellings per hectare). Notice - Makhado AMENDMENT SCHEME 440: Application has been made for rezoning of Erf 385 Louis Trichardt (80 Munnik Street) from "Residential 1" to "Business 1" with simultaneous application for the relaxation of building lines. The purpose of the application is the establishment of dwelling units and an office. Particulars of the applications will lie for inspection during normal office hours at the office of the Director, Municipal Secretariat, 1st floor, Civic centre, 83 Krogh Street, Louis Trichardt, for a period of 30 days from 18 February 2022. Any objections/representations must be lodged with or made in writing, or verbally if unable to write, to the Municipal Manager, at the above-mentioned address or posted to Private Bag X2596, Louis Trichardt, 0920 on or before the closing date for the submission of objections/representations, quoting the above mentioned application description and/or amendment scheme number, the objector's interest in the matter, the ground(s) of the objection/representation, the objector's erf number and phone numbers and address. CLOSING DATE FOR SUBMISSION OF OBJECTIONS/REPRESENTATIONS: 19 March 2022. AGENT: DEVELOPLAN TOWN PLANNERS, P.O. Box 1883, Polokwane, 0700. Fax: 086 218 3267. Email: tecoplan@mweb.co.za.

18-25

PLAASLIKE OWERHEID KENNISGEWING 283 VAN 2022

POLOKWANE WYSIGINGSKEMA 437 - Kennis word hiermee gegee ingevolge artikel 95(1)(a) van die Polokwane Munisipale Beplanningsverordening 2017, dat ondergemelde agent aansoek gedoen het by die Polokwane Plaaslike munisipaliteit vir die wysiging van die Polokwane / Perskebult Dorpsbeplanningskema 2016 deur die hersonering van Gedeelte 2 van Erf 5901 Pietersburg (69a Pleinstraat) ingevolge Artikel 61 van die Polokwane Munisipale Beplanningsbywet, 2017. Die hersonering is vanaf "Spesiaal vir mediese spreekkamers met 'n bylaag" na "Spesiaal vir mediese spreekkamers met 'n bylaag" (ten einde ook 'n gastehuis op die perseel te kan bedryf). Besonderhede van voormelde aansoek lê ter insae gedurende gewone kantoorure by die Munisipale kantore soos hieronder aangetoon vir 'n tydperk van 28 dae vanaf 18 Februarie 2022. Enige besware en/of kommentare, tesame met die gronde vir sodanige besware/kommentare, tesame met u volledige kontakbesonderhede, moet ingedien word by, of skriftelik gerig word aan: Die Bestuurder: Stedelike Beplanning, Posbus 111, Polokwane 0700 vanaf 18 Februarie 2022 tot en met 17 Maart 2022. Fisiese adres van munisipale kantore: Bestuurder: Beplanning (Ruimtelike Beplanning en Grondgebruikbestuur), 2de, vloer, Wesvleuel, Burgersentrum, Landdros Marestraat, Polokwane. Sluitingsdatum vir die indiening van besware en/of kommentare: 17 Maart 2022. Adres van applikant / agent: DEVELOPLAN, 219 Harleystraat, Polokwane, Posbus 1883, Polokwane, 0700. Epos: tecoplan@mweb.co.za Tel. 015-2914177. Kennisgewing - Ek, Theo Kotze, as die agent van die eienaars van ondergemelde eiendomme gee hiermee kennis dat aansoek gedoen is vir die volgende: A) Erf 1953 Louis Trichardt Uitbr. 2 - aansoek is gedoen in terme van Artikel 64(2) van die Makhado Ruimtelike Beplanning Bestuursbywet 2016, vir die opheffing van titelvoorwaardes 1(iii)(b) & 2(c) vanuit titelakte T8221/2020, en aansoek is ook gedoen in terme van Afdeling 22 van die Makhado Land Use Management Scheme 2009 vir die verslapping van die toegelate digtheid op die perseel na 65 eenhede per hektaar, en aansoek is ook gedoen vir onderverdeling in terme van Artikel 66 van voormelde SPLUMA Bywet. Kennisgewing - MAKHADO WYSIGINGSKEMA 440: Aansoek is gedoen vir hersonering van Erf 385 Louis Trichardt (Munnikstraat 80) vanaf "Residensieel 1" na "Besigheid 1" tesame met die verslapping van boulyne. Die doel met die aansoek is die oprig van wooneenhede en 'n kantoor. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Direkteur, Munisipale sekretariaat, 1^{ste} vloer, Burgersentrum, 83 Kroghstraat, Louis Trichardt, vir 'n tydperk van 30 dae vanaf 18 Februarie 2022. Enige beswaar/vertoë moet hetsy skriftelik of mondelings (indien u nie kan skryf nie), by of tot die Munisipale Bestuurder voor die sluitingsdatum vir die indiening van sodanige besware/vertoë by bovermelde adres of by Privaatsak X2596, Louis Trichardt, 0920 ingedien of gerig word, tesame met vermelding van bogenoemde beskrywing van die aansoek en/of wysigingskemanommer, die beswaarmaker se belang in die saak, die grond(e) van die beswaar/vertoë, die beswaarmaker se ernommer en telefoonnummer(s) en adres. SLUITINGSDATUM VIR DIE INDIENING VAN BESWARE/VERTOË: 19 Maart 2022. AGENT: DEVELOPLAN STADSBEPLANNERS, POSBUS 1883, POLOKWANE, 0700, TEL. 015-2914177 FAKS: 0862183267. tecoplan@mweb.co.za.

18-25

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

Also available at **The Provincial Administration: Limpopo Province**, Private Bag X9483, Office of the Premier, 26
Bodenstein Street, Polokwane, 0699. Tel. (015) 291-3910

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