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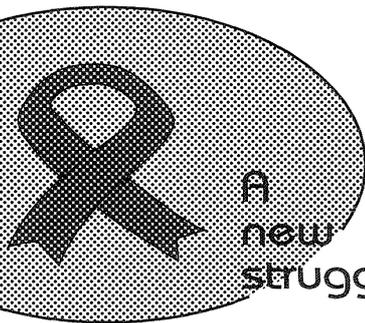
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We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
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DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 155

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WORK IN THE ROADS RESERVE AND MISCELLANEOUS BYLWAYS

INTRODUCTION

The Emalahleni Local Municipality hereby publishes in terms of Sections 5 and 6 of the Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004), read with Section 13 of the Local Government: Municipal System Act, 2000 (Act 32 of 2000), and Section 162 of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996); the Emalahleni Local Municipality: Work in the Road Reserve and Miscellaneous By-Laws, as contemplated in the hereunder and approved by the said Council on 14 September 2012.

The said By-laws will come into operation on date of promulgation hereof in the Government Gazette.

Administrator
Theo Jansen van Vuuren

EMALAHLENI LOCAL MUNICIPALITY
WORK ROAD RESERVE BY-LAWS

Under section 156 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) and in accordance with 513(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the Emalahleni Municipality enacts as follows:-

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1. Definitions

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

“**Backfilling**” means the replacement of the structural layers in trench or excavation and includes the base, sub-base, selected sub-grade, but exclude the surfacing;

“**Council**” means the Emalahleni Municipality Council or a service provider respect of any power, function or duty of the Council;

“**emergency work**” means any work that is required to prevent or end a dangerous situation, to present or end an unplanned interruption in the supply of a service, or to avoid any substantial losses, such as, but not limited to burst pipes;

“**lane rental**” means the rental that are paid to the Council by a service agency whose work in a road reserve results in time delay costs being incurred by the users of the road reserve;

“**protected road**” means a road which is of particular strategic importance or which poses special engineering difficulties and which has been designated a protected road by the Council;

“**reinstatement**” means, in the instance of road, to the replacement of the bituminous surfacing or paving blocks, and in the instance of a footway or verge, to the replacement of the paving blocks, paving slabs, bituminous surfacing or grass;

“**road reserve**” means the full width of public road, and includes the verge and the roadway;

“**service**” means any system for supplying a public need that a service agency has on a road reserve;

“service agency” means a municipal department, public agency or utility that has a service in a road reserve;

“work in the road reserve” means any activity, including but not limited to the activities provided for in section 4 of these By-Laws, carried out within a road reserve.

2. Principles and objectives

- (1) It is the duty of the Council, who is the custodian of all municipal road reserves, to control and co-ordinate all work in the road reserves, and for these purposes the Council takes cognizance of the following:
 - (a) the value of other services in a road reserve is often more than that of the road itself and therefore required as much or more maintenance, rehabilitation and replacement;
 - (b) the activities contemplated in paragraph (a) may, together with the work that has to be carried out on the road itself, result in considerable delays, inconvenience, danger and additional costs to the road users; and
 - (c) any work that is done in a road reserve may have serious cost implications as a result of damage to roads and other services, damage to vehicles, injury to vehicle occupants or pedestrians, reduction of the effective life of the road, footway or other services, and time and social costs caused by delays.
- (2) The Council, in order to fulfill its duty contemplated in subsection (1) adopts these By-Laws, thereby attempting to ensure maximum co-ordination and co-operation between all the various departments and agencies that have to share the road reserve to provide services to their customers, and to minimize the effect of all work in the road reserve to the benefit of all concerned, and in particular the ratepayers, road users (motorists and pedestrians), service agencies and the Council, and for these purposes prescribe –
 - (a) the application procedure
 - (b) the permission to be obtained;
 - (c) procedures to follow while doing the work and on completion of the work; and
 - (d) the specifications according to which the work be done.

3. Application

- (1) These By-laws apply to a person who carries out work in municipal road reserve in the municipal area of the Council, such as a municipal department, an external organization, a service agency and a contractor.

(2) These By-laws apply in the calculation of a wayleave for persons who want to carry out work in municipal road reserve in the municipal area of the Council, such as a municipal department, an external organization, a service agency an a contractor.

(3) These By-laws do not apply to work in a motorway reserve or in a national or provincial road reserve within the municipal area of the Council.

CHAPTER 1

WORK IN ROAD RESERVE

4. Work in road reserve

Work in the road reserve comprises work relating to :

- a) The installation or maintenance of underground or overhead services by a municipal service agency and a non-municipal service agency, such as Telkom and Eskom, or any other person;
- b) the erection of a structure that requires approved building plant in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);
- c) the erection of an advertising sign, structure or hoarding that requires approval in terms of the relevant by-laws;
- d) road works, such as construction of a new road, a road widening or access to a development, undertaken by a developer;
- e) a connection to municipal services, such as water sewers, electricity and stormwater drainage from a development;
- f) the installation of services by a private concern, such as but not limited to the laying of cab les to connect different buildings.;
- g) the installation or construction of kerbing, paving a bollard, a wall, and a garden on a sidewalk by a property owner or occupier;
- h) the closure of a road;
- i) the putting in place of a traffic calming device;

and such work includes, but is not limited to the following activities :

- (aa) the digging of a trench;
- (bb) tunneling;
- (cc) shaping and landscaping, and
- (dd) other work that may affect a motorist, cyclist, pedestrian, the road, a footway, kerbing a traffic sign, a traffic signal, street lighting, an underground or overhead service or a structure or service that is contained within a road reserve.

5. Application to do work in road reserve

1. A person who intends to carry out work in a road reserve ("the applicant") must first obtain the approval of the Council for carrying out the intended type of work, and for these purposes must complete and submit to the Council a form similar to the form contained in Schedule 1, which schedule refers.
2. The Council may approve or refuse to approve the intended work, and must notify the applicant of its decision within 21 days after the form contemplated in subsection (1) had been submitted.
3. A person/contractor who carries out work in a road reserve without having obtained the approval of the Council as contemplated in subsection (1) commits an offence.

6 Permission to do work in road reserve

1. Once approval as contemplated in section 5(2) has been obtained to carry out the intended type of work, the applicant (hereafter referred to as "the contractor") must obtain the permission of the Council to commence with the work in a road reserve, and for these purposes must pay the processing fee contemplated in section 45(1) and complete and submit to the Council a form similar to the form contained in Schedule 2, which schedule refers, and –
 - a) the form must be submitted timeously to ensure that permission is obtained before the work is programmed to start, and
 - b) no work may be done in the road reserve without the permission of the Council first having been obtained.
2. The following must be attached to the form contemplated in subsection (1) :

- a) The form contemplated in section 5 on which the approval of the Council appears, and
 - b) Three copies of an approved drawing which show the following details of the proposed work :
 - (i) A clear depiction of the proposed work;
 - (ii) where a service is to be installed;
 - (iii) the depth of the service below the level of the surface of the road;
 - (iv) the distance of the service from the road reserve boundary, such as the property boundary
 - (v) the position and extent of all structures, including underground structures such as manholes, chambers, and junction boxes, and
 - (vi) the location of all other services in the road reserve.
3. The Council may refuse to grant permission for the intended work to commence, or may, if the intended work is not at variance with the principles and objectives or in contravention of these By-laws, grant permission on a form similar to the form in Schedule 3, which schedule refers, to commence with the work in a road reserve.
 4. The person/contractor must ensure that a copy of the form contemplated in subsection (3) is always on site when work is being done in the road reserve and failure to do so result to a penalty.
 5. The contractor accepts full responsibility for all costs associated with the work, including any damages to another service, the costs of relocation of another service, backfilling and reinstatements, tests and any claims that may result from the work.
 6. Only work described in the form contemplated in subsection (3) may be done and only at the locations stipulated in the form, failure to do so means failure to apply before work is done and clause 1:5(3) will apply.
 7. The work described in the form contemplated in subsection (3) must commence within 90 days of date of issue of the form, otherwise re-application is required.

8. The person/contractor must inform the Council 48 hours before he or she commences with the work.
9. The work must be carried out according to the procedures and specifications in these By-laws, the conditions under which the work was approved, and any other requirements of affected service agencies.
10. The Council must inform a relevant service agency in writing before work in the road reserve is commenced, that may affect the services of the service agency in the road reserve.
11. The Council may stop work being carried out in the road reserve if the Council's permission had not first been obtained.
12. A person/contractor who contravenes a provision of subsection (1)(b), (4), (6), (8) or (9) commits an offence.

7. Protected and unprotected road

- 1) No digging of a trench is allowed on a protected road.
- 2) A protected road may only be crossed using a trenchless method, however, if a trenchless method cannot be used for some reason in a protected road, special permission to excavate must be obtained from the Council.
- 3) For the purpose of planning work done by a service provider, a private road and a cul de sac, except the first 20m from an intersection with any other class road considered to be protected, is regarded as an unprotected road, unless it has been newly constructed, overlayed or resurfaced within seven years before the date of the proposed work, in which case it is regarded as a protected road.
- 4) If a road is protected it is indicated as such on the form contemplated in section 6 (3).
- 5) A person who digs a trench in contravention of subsection (1) or who contravenes a provision of subsection (2) commits an offence.

8. Lane rental

- 1) Lane rental is based on a cost per lane, or part of a lane, occupied per day, or part of a day.

- 2) An occupied lane is considered as being not longer than one street block (for example if a lane is closed for two blocks, then the cost will be for two lanes).
- 3) A prescribed fee must be paid by a service agency to the Council and Council may charge the prescribed fee that differentiates between different road categories.
- 4) The Council and the service agency must, before the commencement of the work, agree on the days that will be allowed during which the work is to be completed.
- 5) The service agency must pay, during the agreed days, lane rental that is equal to 50 % of the time delay costs, however, after the agreed completion date, the lane rental will be 100 % of time delay costs.
- 6) All costs will be based on average time delay costs that have been calculated for each road category.
- 7) A service agency is entitled to a reduced rate when work on the road reserve is undertaken after normal working hours, however, the service agency must take precautions to avoid disturbances in a residential area.
- 8) For every day that work is done after hours and the lane is fully opened for all normal hours of the following day, lane rental is 10% of time delay costs.
- 9) For the purpose of calculating lane rental, normal hours are considered as being 06:00 and 19:00 on Monday to Fridays and between 06:00 to 14:00 on Saturdays, however, these times are not fixed and may change depending on local conditions and special events in the vicinity where work is to be undertaken.
- 10) The council or any organization working on behalf the Council is exempt from payment of lane rental when any construction, resurfacing, maintenance, improvement or rehabilitation work is being done on the road itself.
- 11) During the days that have been agreed to in terms of subsection (4), no lane rental is payable if all lanes are kept open at all times.
- 12) (a) If work continues after the agreed completion date, lane rental of 25% of time delay costs may be charged if all lanes are kept open.

- (b) If a lane is closed for any part of a day, the normal lane rental of 50 % of time delay costs for a full day may be charged before the official completion, date and 100 % thereafter.
- 13)
- (a) Lane rental may also be charged if a footway is affected by work.
 - (b) If the footway is totally closed so that pedestrians are required to use a traffic lane, and since the lane will not be available for vehicular traffic, lane rental is payable in the normal way for the occupation of a traffic lane.
 - (c) If a footway is partially obstructed in such a way that it caused a delay for pedestrian, 50% of the lane rental that is applicable for that road, shall be charged.
 - (d) For the purpose of determining lane rental for a footway, a footway is considered that part of the verge that is normally used by pedestrians and in the instance of a constructed footway, the whole constructed width is considered as a footway.

9. **Existing service in road reserve**

- 1) The applicant must obtain information from all service agencies supplying services within the municipal area of the Council on the location of their services, which services must be indicated on the drawing contemplated in section 6(2)(b) to be submitted with the form contemplated in section 6(1)(b).
- 2) A service agency may lay down additional conditions relating to work in the vicinity of its service.
- 3) The applicant has to confirm, on the form contemplated in subsection (1) that the necessary information has been obtained from the service agencies and must undertake to adhere to the additional conditions laid down by a service agency.
- 4) A person/contractor who contravenes a provision of subsection (1) or makes a false entry on the form contemplated in subsection (3) commits an offence.

10. Traffic signs and barricading

- 1) In order to ensure the maximum safety for motorists, pedestrians and workers and the minimum disruption of vehicles and pedestrians, the contractor must comply with all laws regarding traffic, safety, traffic signs and barricading.
- 2) The contractor must take all necessary measures and provide all necessary facilities to ensure an adequately safe and easy passage for traffic and pedestrians through areas in which work is in progress, or is uncompleted.
- 3) The erection and display of a traffic sign or barricading must be done according to the South African Roads and Traffic Signs Manual, Volume 2, Chapter 13.
- 4) The contractor must contact the relevant traffic authority to ensure that all requirements have been met for the particular location where the work is being done.
- 5) The contractor must ensure that a work site is properly barricaded and signed irrespective of how long the work will last.
- 6) A person/ contractor who contravenes a provision of this section, commits an offence.

11. Road closure

1. The granting of permission does not give the contractor the authority to close the road completely to traffic, and the contractor must determine methods of construction and a programme of work on the basis that no road, or portion of road, may be completely closed to traffic for any appreciable period.
2.
 - (a) In exceptional circumstances the Council may grant permission for the closure of a road or portion of road to traffic.
 - (b) The contractor must apply to the Council separately for approval of such closure two weeks prior to the road being closed.
 - (c) Such a road closure may be approved for a specific period and is only valid for this specific period.

- (d) If the work is not carried out in this specific period, the contractor must again apply for permission for the closure of the road.
- 3) Work carried out on an arterial, major collector and a road in the central business district are, to ensure free flow of traffic during peak hours, restricted to outside the following periods : from 6:30 to 09:00 and 15:30 to 18:00.
- 4) A person/contractor who fails to comply with the provisions of subsection (2)(b) or (d) or (3) commits an offence.

12. Excavations

- 1) The area that is excavated must always be kept to a minimum.
- 2) The width of a trench must be uniform in length and in depth so that the sides are parallel and vertical.
- 3) The top of a trench must be cut with a saw to ensure smooth, uniform edges.
- 4) The minimum depth that a service may be placed under a road is 800mm measured from the level of the surfacing of the road to the top of the service, and the minimum depth at any other place in the road reserve, such as on a verge, is 800mm measure from the level of the surfacing of the road and not from natural ground level.
- 5) A service not subject to being laid at a specific grade, such as water pipes and cables, may not be placed at depths in excess of the 800mm as this could interfere with future Services that have to be laid at a specific grade, such as sewers and stormwater pipes.
- 6) All excavated material and equipment must be placed and demarcated in such a way as to cause the minimum disruption to vehicles and pedestrians.
- 7) A safe passage must be kept open for pedestrians at all times.
- 8) The contractor is responsible for any damage to an existing service.

- 9) A service indicated on the drawings or on site by representatives from the relevant service agency, must be opened by careful hand digging, however, if the services cannot be found, the relevant organization must be contacted again for further instructions.
- 10) Under no circumstances may a contractor dig with mechanical equipment before a known service has been found and marked, and when found, the service must be marked and protected or supported as required by the owner.
- 11) Should a service need to be moved, instructions from the owner must be followed carefully, and the contractor is responsible for all movement costs.
- 12) If a service is damaged during excavations, the relevant service agency must be contacted immediately.
- 13)
 - (a) The contractor must take adequate preventative measures to ensure that no water whatsoever flows into the open trenches so as result in the weakening of the structural layers of the road.
 - (b) Any water that is present in the trenches must be pumped out before backfilling.
 - (c) Water must be pumped into the stormwater system and may not be pumped into sewer manholes.
 - (d) Any material that has become wet must be removed from the bottom of the trench before backfilling.
- 14)
 - a) The contractor must prevent foreign materials from entering a drain and ensure that silting does not occur either from pumping operations or as a result of rain.
 - b) If any silting or other contamination does occur, the contractor must clean the drain or request the Council to do it at the cost of the contractor.
- 15) All re-usable materials, such as concrete blocks, slabs, kerbs, gutters, channels and stormwater inlets, must be removed with care and re-used if possible.
- 16) If any street furniture, such as a street name, a traffic sign, or a bus shelter, has to be removed, arrangements must be made with the

Council for the removal, storage and re-erection, at the contractor's cost.

- 17) Where an excavation is made through an entrance to a property, access must be maintained by using steel plates, planks or other temporary bridges of sufficient strength and properly secured against movement, and the occupant of the property must be kept informed at all times of how his or her access will be affected.
- 18) An underground service must have not less than 800mm cover, and a manhole valve cover must be finished flush with the surface of the road or verge.
- 19) A person/contractor who does not comply with a provision of any sub-section of this section commits an offence.

13. **Trenchless methods**

- 1) If a trenchless method is used, disruption of traffic flow and pedestrians movement must be reduced as far as possible by using the necessary equipment and expertise to complete the work successfully.
- 2) A trenchless method must be used for a road classified as a protected road.
- 3) The position of an existing service must be located accurately, and if a service is damaged, the contractor is responsible for all costs.
- 4) The depth to the top of a tunnel that is drilled for the installation of a new service must be at least 800mm measured from the level of the surfacing of the road.
- 5) A person/contractor who does not comply with a provision of subsection (1), (2) or (4), commits an offence.

14. **Emergency work**

- 1) The contractor must inform the Council in writing within 24 hours from commencing with work on an emergency.
- 2) If the Council is not informed within 24 hours from the first working day, the work will be reinstated by the Council and the cost thereof will be invoiced against the service agency.

15. General specifications for backfilling and reinstatements

- 1) Backfilling and reinstatement as a trenching activity that disturbs the structural integrity of a road or footway, must be done in such a way as to ensure that the reinstated trench and its immediate surroundings do not fail structurally, thus resulting in road user discomfort and increased costs.
- 2) The contractor must in all cases do backfilling in accordance with the specifications in subsection (7) and section 16, as applicable.

- 3) Permanent reinstatement (100mm asphalt layer), as specified in section 21 and 22, can either be done by the Council or by the contractor, provided that the contractor has the necessary expertise and experience required.
- 4) Permanent backfilling and reinstatement (100mm asphalt layer) done by the contractor is subject to a guarantee period of one year based on the performance specifications described in section 27.
- 5)
 - (a) Where the permanent reinstatement must be done by the Council, the contractor must do a temporary reinstatement as specified in section 23.
 - (b) The contractor shall be charged for the permanent reinstatement at the applicable rates appearing on the form contemplated in section 6(1)(b).
 - (c) A Reinstatement Order must be submitted together with the Completion Notice.
 - (d) The temporary reinstatement shall be removed by the Council and the backfilling shall be tested, and should the backfilling not comply with the applicable specification, it shall be replaced at the costs of the contractor, which costs are over and above the normal reinstatement costs.
- 6) Temporary reinstatement must be done where the contractor abandons the site for a period not exceeding two months with the view of returning to complete the work, and the contractor must maintain this temporary reinstatement.
- 7) The trench bottom must be prepared and compacted according to the service agency's own requirements to ensure that the service is not damaged, and the same applies to the backfilling around the service.
- 8) Where a service with a diameter of more than 300mm is installed, the subgrade material used for the reinstatement must be soilcrete (in-situ material mixed with 8 % cement), placed with poker vibrators, up to a level of 300mm above the top of the service.
- 9) A person/contractor who does not comply with a provision of subsection (1), (2) (5)(a), 5(c), (6), (7) or (8) commits an offence.

16. Backfilling of road

- 1) The minimum requirements of the Council are that the structural layers of the backfilled trench, which structural layers are the base, sub-base, selected sub-grade and sub-grade down to a depth of 800mm below the level of the surfacing of the road, must have at least the same shear strengths as those of the adjacent undisturbed structural layers.
- 2) The contractor must use one of the following types of materials to ensure adequate shear strengths in trench backfills :
 - (a) Re-using excavated material (section 17);
 - (b) Importing material (section 18); or
 - (c) Foamed concrete (section 19).
- 3) A person/contractor who does not comply with a provision of this section commits an offence.

17. Re-using excavated material

- 1) During excavation of the trench, the material from the top 400mm of the excavation (or in the case of arterials, collectors and industrial streets, the top 550 mm) must be stockpiled separately from the rest of the material being excavated.
- 2) The material contemplated in subsection (1) must then be improved through chemical stabilization with cement and used for the base and sub-base layers during backfilling, and in the case of arterials, collectors and industrial streets also for the selected sub-grade layers.
- 3) The requirements for this method are given in Figure 1 in Schedule 4 which refers.
- 4) If the material is not stockpiled separately during excavation, the Council may require that material with the required properties be imported.
- 5) Material that was originally stabilized may not be re-used and must be discarded.

- 6) (a) The contractor must ensure that the top 400 mm (550 mm for an industrial street) must be stockpiled separately and stabilized with 4 % Ordinary Portland Cement approximately 80 kg/m³ of cement.
 - (b) The material must be compacted in thin (75 to 100 mm) layers with a vibratory compactor at optimum moisture content to the required densities (base: 98 %, subbase : 95 %, selected subgrade : 93 % and subgrade: 90 % Mod. American Automobile of State Highways and Transportation Officials) to within 100mm of the existing road surface.
- 7) A person/contractor who does not comply with a provision of this section commits an offence.

18. Importing material

- 1) A G5 gravel material must be imported and stabilized with 60kg of cement per m³ of material.
- 2) Water must be uniformly mixed into the material, and the material must then be placed in the trench in 75 mm to 100 mm layers and compacted to the required Mod. American Automobile of State Highways and Transportation Officials densities as specified in Figure 1, Schedule 4.
- 3) The final layer must be finished to a level of 100 mm below the level of the surrounding sound surface of the road.
- 4) A person/contractor who does not comply with a provision of this section commits an offence.

19. Foamed concrete

- 1) Foamed concrete of minimum 4 Mega-Pascal crushing strength and manufactured to an approved manufacturer's specifications must be used.
- 2) The foamed concrete must be placed to a level 100 mm below the level of the surrounding sound surface of the road, and as soon as the foamed concrete has set sufficiently, a 70 mm layer of asphalt basecourse material must be placed on top followed by a 30mm layer of continuously graded asphalt wearing course material.

- 3) A contractor who does not comply with a provision of this section commits an offence.

20. Existing service in road reserve

- 1) Where there is no possibility of a vehicle crossing a footway, the footway must be backfilled using the excavated material, placed in the trench in 150 mm layers and compacted to 90 % Mod. American Automobile of State Highways and Transportation Officials density (maximum Dutch Cone Peretrometer Penetration of 19 mm/blow) for all layers below the base and 93 % Mod. American Automobile of State Highways and Transportation Officials density (maximum Dutch Cone Peretrometer Penetration of 14mm/ blow) for the base.
- 2) Where there is a possibility of a light vehicle such as a car or light delivery van crossing the footway, where there is typically mountable kerbing, the footway must be backfilled as specified in section 18 or as specified in section 19 according to the standards for local streets on Figure 1.
- 3) Where a heavy vehicle makes use of a footway, such as loading zones in industrial areas, the footway must be backfilled as specified in section 18 or as specified in section 19 according to the standards for local streets on Figure 1.
- 4) An excavation in an unconstructed verge must be backfilled in such a way that the verge is in the same condition after backfilling as it was before excavation, and –
 - (a) all excess material must be removed and may not be spread over the verge, and
 - (b) topsoil must be removed and stored separately and replaced as the final layer.
- 5) A person/contractor who does not comply with a provision of this section commits an offence.

21. Permanent reinstatement of road

- 1) The same method of reinstatement must be used in all instances, irrespective of the method of backfilling of the structural layers.
- 2)
 - (a) The permanent reinstatement of the surfacing must consist of 100 mm hot-mix asphalt.
 - (b) The lower 70 mm must be "blackbase" (26.5 mm nominal stone size, continuously graded) and the top 30 mm fine (4,74mm nominal stone size, continuously graded).
 - (c) Cold mix may only be used for temporary reinstatements, and both these surfacing layers must be compacted to 95 % Marshall Density.
- 3) The reinstated surfacing must be at least 100 mm wider than the trench on both sides to accommodate any edge breaks where saw cutting was not possible.
- 4) The top 100 mm of the trench must be backfilled by the contractor, compacted and maintained in a serviceable condition for a period of fourteen days after the Completion Notice has been submitted. IN ANOTHER PLACE THE CODE SAYS: The reinstatement (100 mm asphalt layer) of the surface will be done by the Road Authority unless specific permission is granted to the applicant to do the work.
- 5) The material used for the reinstatement of the surfacing must comply with the relevant requirements of Section 4200: Asphalt Base and Surfacing of the Committee of Land and Transport Officials or its successor in title, Standard Specification for Road and Bridge Works.
- 6) In the case of a road surfaced with interlocking paving blocks, the material removed during the excavation of the trench must be re-used, however, where new material has to be used, these must be of the same type and size as the existing material and must comply with the requirements of SABS 1058-1985 as amended.
- 7) A person/contractor who does not comply with a provision of this section commits an offence.

22. Permanent reinstatement of footway

- 1) All material removed during the excavation of the trench must be re-used, however, where new material has to be used, these must comply with the following requirements :
 - (a) Precast concrete kerbs and channels must comply with the requirements of Section 2300: Concrete Kerbing, Concrete Channelling, Open Concrete Chutes and Concrete Linings for Open Drains of the Committee of Land and Transportation Officials Standard Specification for Road and Bridge Works, and all Cast in-situ concrete must be Class 25/19.
 - (b) Concrete paving blocks must comply with the requirements of SABS 1058-1985 as amended.
 - (c) Cast in-situ concrete must comply with the relevant requirements of Section 6400: Concrete for Structures of the Committee of Land and Transport Officials Standard Specification for Roads and Bridge Works, and all cast in-situ concrete must be Class 25/19.
 - (d) Precast concrete paving slabs must comply with the requirements of SABS 541-1971 as amended.
- 2) A constructed footway must be reinstated with the same surfacing materials that existed originally, such as concrete blocks of slabs, if undamaged, or else replaced with similar materials, and the supporting layers must be compacted to obtain shear strengths at least equal to those of the adjacent undisturbed footway.
- 3) Where a private driveway or footway with non-standard materials are to be excavated, the contractor must inform the owner in advance and in writing of the intended work, and the owner must supply the contractor holder with the materials that are to be used for the reinstatement.
- 4) Where an unconstructed verge has an established lawn, this must be removed, stored and replaced in sods in such a way that the lawn is in the same condition after reinstatement as it was before excavation, however, should the sods be allowed to dry out or become damaged in any way, they must be replaced with similar sods.

- 5) In an unconstructed verge has been planted with garden vegetation other than lawn, the owner of the adjacent property must be consulted before excavation, to obtain instruction on what to do with the plants that are affected, and every effort must be made to preserve all plants.
- 6) A person/contractor who does not comply with a provision of this section commits an offence.

23. Temporary reinstatements by contractor

- 1) If the permanent reinstatement is to be done by the Council, the contractor must do temporary reinstatement with a suitable material (preferably cold mix asphalt) that is compacted to an adequate density to ensure that it will carry the traffic for a period of at least two weeks without deforming or potholing.
- 2) The temporary reinstatement must be maintained by the contractor in a serviceable condition for a period of two weeks from the date that the Completion Certificate has been issued by the Council, and after the two-week period the maintenance will be taken over by the Council.
- 3) A person/contractor who does not comply with a provision of this section commits an offence.

24. Remedial work

- 1) Remedial work is required if any of the following exists :
 - (a) A depression
 - (b) A hump (crowning);
 - (c) An edge depression (trip, vertical discontinuity) at the interface, or
 - (d) Cracking.
- 2) A depression or hump is measured with a straight edge across the reinstatement and requires remedial work if the limits as specified in Schedule 8, which schedule refers, are exceeded over 100 mm or more of the length of the trench.
- 3) Remedial work is required if a depression results in standing water wider than 500 mm or exceeding one square metre, 2 hours after rain has stopped.

- 4) An edge depression exceeding 10 mm over 100 mm or more of the length of the trench requires remedial work.
- 5) An open crack wider than 3 mm and longer than 100 mm requires remedial work.
- 6) A person/contractor who does not comply with a provision of subsection (1), (3), (4) or (5) commits an offence.

25. Completion of work

- 1) On completion of the work the contractor must ensure that all trenches and excavations in the road reserve are backfilled and reinstated according to the specifications contained in these By-laws.
- 2) Permanent reinstatements may be done by the Council at the cost of the contractor, or by the contractor.
- 3) The decision on who does the permanent reinstatement lies with the Council.
- 4) A person/ contractor who does not comply with a provision of subsection (1), or who fails to do permanent reinstatements if required to do so in terms of subsection (3) commits an offence, and will not receive the refund of the deposit.

26. Completion notice and certificate of completion

- 1) On completion of the work and temporary or permanent reinstatement, as applicable, the contractor must complete and submit, within 24 hours, a notice similar to the notice contained in Schedule 5, which schedule refers, to the Council, and should the Council have to do the reinstatement, a Reinstatement Order as contained in Schedule 6, which schedule refers, must accompany abovementioned notice.
- 2) On receipt of the notice contemplated in subsection (1), the Council shall set up a site meeting together with the contractor to do an inspection and to issue the Certificate of Completion, if all requirements have been met, at which time the 12-month guarantee period for permanent reinstatements or the 2-weeks maintenance period for temporary reinstatements by the contractor, commences.

- 3) Completion of the work means that –
 - (a) All work has been completed;
 - (b) All materials, equipment and rubble have been removed;
 - (c) The site is completely cleared and cleaned, and
 - (d) The contractor has done either the permanent or temporary reinstatement, as applicable.
- 4) If work involves more than one street link (street block), then a completion notice must be submitted after completion of each link.
- 5) The Council shall issue a Certificate of Completion as contained in Schedule 7, which schedule refers, once all requirements have been met.
- 6) A person/contractor who does not comply with a provision of subsection (1) or (4) commits an offence.

27. Performance specifications

- 1) The Council shall for a period of 12 months monitor the performance of any backfilling done or any trench permanently reinstated by the contractor, during which period the contractor holder is responsible for any remedial work that may be required.
- 2) The following tests used for quality control (density or shear strength) shall be used to determine whether or not the work was done according to specifications, however, the Council may do additional tests if the quality control tests are not considered to be adequate :
 - (a) Quality control of the backfilled structural layers shall be done by measuring the shear strengths of the adjacent structural layers as well as that of the backfilled layers.
 - (b) The shear strength shall be measured with a Dutch Cone Peretrometer or a Rapid Compaction Control Device.
 - (c) Although the shear strengths of the backfilled layers shall be measured against the undisturbed structural layers, an indication of probable acceptance on most roads can be obtained from the typical Dutch Cone

Peretrometer and Rapid Compaction Control Device
Penetration diagram shown of Figure 2 in Schedule 4.

CHAPTER 2 HOARDINGS

28. Permit to hoard

- 1) Every person who erects, removes, alters, repairs or paints any building or carries out any excavation on any part of which is within 2m of a street must, before he or she commences any such work, enclose or cause to be enclosed a space in front of such part of such building.
- 2) If the enclosure occupies or projects over a portion of a street, such person must apply for a permit contemplated in subsection (3), however, if the person doing the application is not the owner of the building or land on which the work is done or is to be done, the owner must, to acknowledge that he or she is aware of it, countersign the application.
- 3) No person may erect in any street any hording, fence or scaffolding or any planked shed for any purpose whatsoever or make any enclosure for the purpose of depositing building or other materials or plant outfit for any other purpose without written permit first having been obtained from the Council.
- 4) No demolition work may be commenced without a written permit first having been obtained from the Council.
- 5) The Council must determine what portion of the street is necessary for the purpose of carrying out any building operations, and must in all cases in which it deems necessary that any street is to be used for such purposes, grant a permit in writing setting forth the portion which may be occupied for such purpose and the conditions whereunder such permit is granted.
- 6) Every permit granted by the Council in terms of subsection (3), must specify the area and precise position of that part of a street where the enclosure, overhanging or covering of which is permitted and the period for which the permit is granted.
- 7) On the granting of a permit contemplated in subsection (3), a fee is payable for every week or part of a week of the currency of the

permit by the person to whom the permit is granted, which fee shall be calculated in the case of a hoarding, fence, or scaffolding at the rate of 6c for every m² of a street enclosed, overhung, covered or in any way obstructed thereby, and in the case of a planked shed which does not obstruct a street, at the rate of 3c for every m² of the street overhung or covered thereby.

- 8) The person to whom a permit is granted in terms of this section, if he is a different person, and the owner of the land on which the building operations to which the permit relates are carried on, are jointly and severally liable for the fees prescribed by this section.
- 9) The person to whom the permit is granted must pay in advance in respect of every parking meter, the removal whereof has been so necessitated, the charges assessed by the Chief traffic officer or any other person duly authorized thereto by the Council, regard being had to charges prescribed by the Council for parking regulated by meter.
- 10) The Council reserves the right to withhold the issue of the permits required in terms of this section until all fees and charges have been paid and the acceptance of any such permit by the applicant without demur shall be taken to indicate that all kerbs, gutters and other works were in good order and condition on the date of such permit.
- 11) A person/contractor who does not comply with a provision of subsection (1), (3) or (4) or who fails to comply with a condition contemplated in subsection (5) commits an offence.

29. Prescribed width of hoarding

- 1) The extent of ground forming portion of the street which is allowed to be occupied as aforesaid may not in any case exceed 3,5 m in width, measured from and at right angles to the frontage of the ground adjoining the public sidewalk, and in length must extend along so much of the frontage as is necessary, and no other portion of the street may be used for the purpose of depositing bricks, lime, rubbish or any other materials or plant in connection with such building, removals, alternations or repairs.
- 2) The Council may, in its discretion, permit a greater width of hoarding that is provided in subsection (1).
- 3) A person/contractor who does not comply with a provision of subsection (1) commits an offence.

30. Close hoardings

- 1) Any portion of the street for use whereof a permit is given as aforesaid must be forthwith enclosed, by the person obtaining such permit, with a hoarding or close fence of such construction and appearance as is necessary.
- 2) Any such hoarding or fence may not be less than 2m nor more than 3m high, excepting in the cases for which special provision is made hereinafter, and such hoarding or fence must be adequately stayed and secured to resist the pressure of wind or of a crowd of people and must be maintained standing and in good condition to the satisfaction of the Council not protect the public and traffic.
- 3) A person/contractor who does not comply with a provision of this section commits an offence.

31. Corner hoardings

- 1) In the case of corner stands, the hoarding or fen must be splayed off at the angle from the frontage line in each street, and the height of the portion of the hoarding so splayed and along the other frontages for a distance of 1,5m from each angle must be 1,25m in height neither more not less, except in the case for which special provision is made as contemplated in section 40, all angles of hoardings must be splayed off at an angle of 45 degrees at distance of not less than 1,5m from the point at which hoarding would intersect were it not splayed off.
- 2) A person/contractor who does not comply with a provision of subsection (1) commits an offence.

32. Hoarding entrances

- 1) No more than one opening in any hoarding is allowed for each 15 m of frontage, and such opening may not exceed 4 m in width and must be securely closed each day at sunset and remain closed until sunrise the following morning.
- 2) A person/contractor who does not comply with a provision of subsection (1) commits an offence.

33. Obstructing fire hydrants

- 1) If any fire hydrant is enclosed by any hoarding, a small door must be made in such hoarding as close to the hydrant as possible, for the access of the fire department and such hydrant may not be covered or obstructed by a building or other material.
- 2) A person/contractor who does not comply with a provision of subsection (1) commits an offence.

34. Temporary footways

- 1) In all cases in which the footway or sidewalk will be obstructed or rendered useless by the granting of the said permit, the person obtaining such permit must cause to be put up outside the hoarding or fence above-mentioned and must maintain in good condition during the time for which permit runs, a convenient platform and hand rail with posts and supports to serve as a way for pedestrians.
- 2) Such pedestrian way must be made and maintained, and –
 - (a) must be at least 1,5 m in width
 - (b) the posts and handrails may not be less than 75 mm by 75 mm;
 - (c) the posts may not be more than 2 m apart, and
 - (d) the handrail must be wrought smooth with edges rounded or bevelled.
- 3) The whole of the footway between the rail and the hoarding must be strongly boarded so as to form a safe and rigid path for pedestrians.
- 4) A person/contractor who does not comply with a provision of this section commits an offence.

35. Lights on hoardings

- 1) Any person obtaining such permit as aforesaid must at sunset place suitable and sufficient lights upon such hoardings and temporary footways, and must keep them well lighted during the night until sunrise.
- 2) A person/contractor who does not comply with a provision of subsection (1) commits an offence.

36. Gutter to be kept clear

- 1) The channel or bridge adjoining the footway may not be obstructed but must be kept clear of rubbish and building material by the person obtaining such permit as aforesaid, and in case there is no properly formed street gutter, the person obtaining such permit must construct and keep clear a channel adequate to allow all surface water to flow freely.
- 2) A person/contractor who does not comply with a provision of subsection (1) commits an offence.

37. Removal of hoardings

- 1) At the end of the time for which the permit has been granted, the hoarding, platform, handrail, posts, temporary footway, and all materials, as well as all building and other materials and rubbish on the ground for the enclosure whereof such permit has been granted, must be removed by the person to whom such permit has been granted, at such convenient time or times as the Council may approve.
- 2) In no case may any material or rubbish be left on the public street or footway for more than eight hours after the removal of the hoarding, and the footway and the street must be left perfectly clear, and must, together with the kerbing and guttering, be restored to the condition in which it was before such permit was granted.
- 3) In the event of any default to remove any of the aforesaid, or to restore the roadway, footpath kerbing and guttering, or any of them to their former condition, the person commits an offence and the Council shall effect such removal and restoration at the cost of the person to whom such permit has been granted.

38. Damage to kerbing and paving

- 1) Any person who, whether as owner, builder, contractor or subcontractor, carries on or is engaged in any demolition, excavation, building, renovation or other operation on any site –
 - (a) must afford sufficient and effective protection to kerbing adjacent to the site upon which such operations are in progress during the course of such operations by means of timber beams at least 114 mm by 75 mm set on edge and secured so as to project at least 50 mm above the top of the kerbing

and clear of the waterway of the street gutter or channel;

- (b) must refrain from removing any kerbing or paving for any purpose whatsoever without the Council's consent;
 - (c) notwithstanding the provisions of section 41 is liable jointly and severally in respect of any damage caused by such operations including the delivery or removal of materials, to the street paving, kerbing or guttering adjacent to the site upon which such operations are in progress;
 - (d) must, where vehicles cross a footway to the site where such operations are in progress, if so directed by the Council, provide a drive-way which is paved in accordance with the provisions of section 22.
- 2) A person/contractor who does not comply with a provision of subsection (1) commits an offence.

39. Council may remove hoardings

- 1) The Council has the right to remove or to be removed, any hoarding or obstruction upon a street if public safety or convenience so require, notwithstanding that a permit may have been granted for such hoarding or obstruction.
- 2) The Council may remove hoardings for which permits have been given if they are constructed or used otherwise than in accordance with these by-laws
- 3) The expense of removal is recoverable from the person who obtained the permit.

40. Hoardings : Special construction

- 1) The Council has the right in special cases to require the erection of hoardings or other erections of special height, form and construction, where such is necessary for the public safety or in order to minimize obstruction to traffic.

- 2) A person/contractor who does not comply with requirements contemplated in subsection (1) commits an offence.

41. Deposits for footway damage

- 1) Where any demolition, excavation, building, renovation or other operation is to be carried on any site, the owner of the building or the person responsible for any such operation must deposit with the Council a sum of money estimated by the Council's engineer to be equal to the cost of constructing the street paving, kerbing and guttering adjacent to the site on which such operations are to be carried on.
- 2) On failure of the owner of the building or the person responsible for the operations referred to in subsection (1) to repair any damage caused by such operations to paving, kerbing or guttering, such damage may be repaired by the Council and the cost thereof recovered from the deposit made in terms of that subsection.

42. Removal of hoardings fixed without permit

In the event of any person without previously obtaining a permit in writing from the Council as aforementioned, erecting or placing or causing to be erected or placed in any street, public road, square, footway or other public place within the area of jurisdiction of the Council, any fence, scaffolding, hoarding or other obstruction, the Council has the right to have the same immediately removed at the expense of such person who is at the same time liable to the penalties hereinafter provided for breach of these by-laws.

43. Planked shed, roof or gantry over sidewalks

- 1) Whenever a building, excluding one storey in height, is erected, raised or demolished within 2m of any street or public place, or in such city areas in such streets as may be necessary, the builder, contractor or demolisher, erecting, raising or demolishing such building must erect and maintain during such erection, raising or demolition a planked shed, roof or gantry, formed of at least 398 mm planking on posts at least 150 mm by 114 mm and beams at least 150 mm by 75 mm in sectional area, over the footway in front of the premises or over the platform as prescribed in these by-laws, having a clear internal width of not less than 1,5 m and a clear internal height of not less than 2,5 m for pedestrians.
- 2) No portion of such planked shed, roof or gantry may be less than 230 mm from the outside edge of the kerb.

- 3) A drawing showing the requirements of the Council can be seen in the offices of the Council's engineer, and any permit or license to erect hoarding in any street is subject to the observance of such requirements and to the pedestrian footway being kept unobstructed and accessible for use by pedestrians at all times.
- 4) A person/contractor who does not comply with a provision of subsection (1) or (2) commits an offence.

CHAPTER 3

MISCELLANEOUS PROVISIONS

44. Notice of compliance and representations

- 1) A notice of compliance must state –
 - (a) the name and residential and postal address, if either or both of these be known, of the affected person;
 - (b) the condition which has not been complied with and which is imposed in terms of these by-laws, or the provision which has not been complied with in terms of these by-laws;
 - (c) in sufficient detail to enable compliance with the notice, the measures required to remedy the situation.
 - (d) that the person must within a specified time period take the measures to comply with the notice, to diligently continue with the measures;
 - (e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence.
 - (f) that written representations, as contemplated in subsection (3), may within the time period stipulated under paragraph (d) above, be made to Council at a specified place.
- 2) Council, when considering any measure or time period envisaged in subsection (1) (c) and (d), must have regard to –
 - (a) the principles and objectives of these by-laws;
 - (b) the nature of the non-compliance;
 - (c) any measures proposed by the person on whom measures are to be imposed, and
 - (d) any other relevant factors.

- 3) A person may within the time period contemplated in paragraph (a) (f) make representations, in the form of a sworn statement or affirmation to Council at the place specified in the notice.
- (4) Representations not lodged within the time period will not be considered, except where the person has shown good cause and Council condoned the late lodging of the representations.
- (5) Council must consider the representations and any response thereto by an authorized official or any other person, if there be such a response.
- (6) Council may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation 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 Council must also consider the further response.
- (7) Council must, after consideration of the representations and response, if there be such a response, make an order in writing and serve a copy of it on the person.
- (8) The order must –
 - (a) set out the findings of Council;
 - (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 Council.
- (9) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, Council 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.
- (10) If the person elects to be tried in court he or she must, within seven calendar days, notify Council of his or her intention to be so tried.
- (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.
- (12) Where there has been no compliance with the requirements of a notice, the Council may take such steps as it deems necessary to

remove the remedy the situation and the cost thereof must be paid to the Council in accordance with section 45.

45. Costs

- 1) The processing fee is a fixed amount that is determined by the Council from time to time and which is payable by the applicant when submitting the form contemplated in section 6(1)(b).
- 2)
 - (a) When the Council does the permanent reinstatement, the cost involved is payable by the contractor, and the cost is determined by using the relevant reinstatement rates, which are determined by the Council from time to time, appearing on the form contemplated in section 6(1)(b).
 - (b) The form contemplated in section 6(1)(b) must be accompanied by the official order for an amount based on the expected area to be reinstated, and the final invoiced amount payable is determined using the measured area of the final reinstatement as agreed between the Council and the service agency.
- 3) Should a person fail to take the measures required of him or her by notice, Council may, subject to subsection (4) recover all costs incurred as a result of it acting in terms of paragraph 44(12) from that person.
- 4) The cost claimed must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs.
- 5) If more than one person is liable for costs incurred, the liability must be apportioned among the persons concerned according to the degree to which each was responsible for the situation resulting from their respective failures to take the required measures.

46. Authentication and service of notices and other documents

- 1) A notice or other document requiring authentication by Council must be signed by the municipal manager or by a duly authorized officer of Council, such authority being conferred by resolution of Council or by a By-law or regulation, and when issued by Council in terms of these By-laws is deemed to be duly issued if it is signed by an officer authorized by Council.
- 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 Republic with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgement of the posting thereof from the postal service is obtained.
 - (d) If that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) If that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates;
 - (f) In the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate, or
 - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- 3) Service of a copy is deemed to be service of the original.
- 4) When any notice or other document must be authorized or served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.
- 5) Any legal process is effectively and sufficiently served on Council when it is delivered to the municipal manager, or a person in attendance at the municipal manager's office.

47. Appeal

- 1) A person whose rights are affected by a decision of an official may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- 2) The municipal manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- 3) When the appeal is against a decision taken by –
 - (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
 - (b) the Municipal Manager, the Executive Committee is the appeal authority, or
 - (c) a political structure or political officer bearer, or a Councillor Council is the appeal authority.
- 4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

48. Penalties

- 1) A person/contractor who has committed an offence in terms of these by-laws is, on conviction, and subject to penalties prescribed in any other law, liable to a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

49. Revocation of by-laws

The following are hereby revoked:

50. Short title and commencement

These By-laws may be cited as the Emalahleni Municipality Bylaws for the Work in Road Reserves, and come into operation on a date of promulgation. These Bylaws rescind any previous Bylaws.

SCHEDULES

- Schedule 1: Application for Intended Work in Road Reserve Form
- Schedule 2: Application for Permission to Commence Work Form
- Schedule 3: Permission to Perform Work Form
- Schedule 4: Figures 1 and 2
- Schedule 5: Completion notice
- Schedule 6: Reinstatement Order
- Schedule 7: Certificate of Completion
- Schedule 8: Limits

EMALAHLENI LOCAL MUNICIPALITY

PROCEDURE FOR WAYLEAVE APPLICATION
(Updated 1 July 2014)**TO BE COMPLETED BY APPLICANT (STEPS 1, 2, 3 and 5)****STEP 1**

Obtain detailed information from all relevant service agencies with regard to position of such services which are adjacent to where the work is to be carried out. Provide them with a drawing at minimum scale 1:500, with NORTH POINT, BLOCK PLAN WITH STAND NUMBERS, and STREET NAMES AND HOUSE NUMBERS (where possible). All service information must be obtained from the relevant Local Council before applicant applies for wayleave.

Please Note:

If information of the position or levels of the services are required, exposing and backfilling these services must be undertaken by hand. Give the relevant Service Agency two (2) weeks prior notice to obtain this information.

STEP 2

When applying for the wayleave the applicant must hand in 3 copies of the drawing where the proposed work is taking place. Details required on the drawing are:

1. PROPOSED WORK.
2. DEPTH OF PROPOSED SERVICE BELOW ROAD LEVEL
3. DISTANCE OF PROPOSED SERVICE FROM BOUNDARY
4. POSITION OF ALL STRUCTURES INCLUDING UNDERGROUND
5. EXTENT OF UNDERGROUND STRUCTURES
6. ALL SERVICES FROM OTHER SERVICE AGENCIES. (If there is no service from a particular agency for that area, a comment to that effect from that agency is required)

These drawings will have the official stamps of those Agencies or Departments to confirm they are in agreement that the data is in accordance with their latest records, before the wayleave is considered for approval.

STEP 3

The signed copies of the drawings and the signed application form must be handed to the Roads & Stormwater Office, for final approval.

STEP 4 FOR WAYLEAVE OFFICE

The Roads and Stormwater office will check that all requirements have been met.

The Roads and Stormwater office will register the application on the system and the applicant must pay the registration fee as indicated in the schedule attached to this document. When it has been registered a wayleave number will be given and then the wayleave will be issued. The applicant must take note of the special conditions. (See Annexure A)

The Roads and Stormwater office will forward the details of the approved wayleave to the relevant ELM R&S official that deals with wayleaves in whose area the excavation will take place and s/he will monitor the site and make sure that the correct standards and the Bylaws is adhered to during the excavation.

STEP 5

On completion of the work the applicant shall contact the ELM Roads and Stormwater official that dealt with such a wayleave who will then set up a site meeting to sign off the completed work.

Thereafter the completion certificate will be issued once all requirements have been met. The 12 month guarantee period for the permanent reinstatement and/or the backfilling as well as the 14 day maintenance period for temporary reinstatements by the wayleave holder commences from the date of issue of the certificate of completion.

**SCHEDULE 1
APPLICATION FOR INTENDED WORK IN ROAD RESERVE FORM**

WAYLEAVE FORM

Application is hereby made by the undersigned to do work within the road reserve as detailed below. The applicant undertakes to do the work according to the WORK IN THE ROAD RESERVE AND MISCELLANEOUS BYLAWS and any failure will be dealt with according to the schedule of fees contained in the WORK IN THE ROAD RESERVE AND MISCELLANEOUS BYLAWS.

No work shall commence before the wayleave is issued. The ELM will do all reinstatements unless specific permission is granted for this wayleave. All applicable fees are to accompany this application. These fees are only an estimate and will be properly measured on completion of the reinstatement.

APPLICANT

AGENCY / DEPARTMENT / PRIVATE:

CONTACT PERSON: _____ CONTACT TEL (Cell): _____ Landline:

CONTACT FAX : _____ Email: _____

CONTRACTOR: _____ PROJECT. NO:

REINSTATEMENT ORDER NO: _____.

PROVISIONAL DATES

STARTING DATE: _____ COMPLETION DATE:

DRAWING NUMBER : _____.

LOCATION OF WORK (give full details)

SUBURB : _____ STREET NAME: _____:

STREET (FROM) _____ STREET (TO): _____
_____:

ERF NO'S : _____

HOUSE NO'S : _____

EXCAVATION DETAILS:

LENGTH OF EXCAVATION :----- m²: RIDING SURFACE _____m²

KERBS _____m ASPH. FOOTWAY _____m² : INTERL.

BLOCK _____m² UNPAVED FOOTWAYS _____m²

****All work will be done between the hours of 09:00 and 15:30 to ensure free flow of traffic during peak hours.**

SPECIAL NOTE.

In terms of Clause 7 of the Bylaws for the work in the road reserve all roads in the Emalahleni Local Municipality (ELM) jurisdiction are classified as protected roads. As such no road will be excavated, all services that need to cross a road will be laid using trench less technology. In the event where this is not possible, a letter applying to excavate the road must be submitted the ELM (Roads & Stormwater) office with a plan showing all services already in the ground. If written approval is given, no work will commence until an official is present.

THE FOLLOWING SERVICE AGENCIES ARE AWARE THAT THE APPLICANT WILL BE WORKING WITHIN THE VICINITY OF THEIR SERVICES, HAVE GIVEN THE APPLICANT THEIR CONDITIONS FOR WORKING WITHIN THE VICINITY OF THEIR SERVICES AND THEREFORE HAVE NO OBJECTION TO THE APPLICANT APPLYING FOR A WAYLEAVE.

AGENCY	REMARKS / SIGNATURE / DATE
ELECTRICITY	
SANITATION	
WATER	
PARKS	
ROADS & STORM WATER	
SASOL	
DARK FIBRE AFRICA	

AGENCY	REMARKS / SIGNATURE / DATE
TELKOM	
ESKOM	
NEOTEL	
MTN	

ELM OFFICE USE:

 DATE RECEIVED: NAME OF OFFICIAL SIGNATURE

APPROVED:

YES	NO	WAYLEAVE NO:		
-----	----	--------------	--	--

**SCHEDULE 2
PERMISSION TO PERFORM WORK FORM**

UNDERTAKING / INDEMNITY:

UNDERTAKING / INDEMNITY

I, the undersigned hereby,

- Acknowledge the receipt of a brochure containing the procedures and conditions pertaining to wayleave applications and understand that It will be my responsibility to contact the relevant Service agencies within and outside the area of jurisdiction of the Emalahleni Local Municipality, undertake to adhere to the conditions not applicable to this department, e.g. TELKOM, ESKOM, SASOL etc.

- Undertake to furnish the relative Service Agencies with all necessary application form(s) and information obtained as a result of this application, in order to obtain final wayleave approval and permission to work within the road reserve,
 - ⇒ acknowledge that service information is given in good faith and that the accuracy of this information is not guaranteed.

 - ⇒ guarantee all backfilling and permanent reinstatement work done by the contractor, for a period of 12 months from the time when the work is signed off as completed by the EMALAHLENI LOCAL MUNICIPALITY ROADS &STORMWATER official.

 - ⇒ accept responsibility for all costs associated with the work, including any damages to other services, permanent backfilling/reinstatement of trenches, the cost of any tests that may be required and any

claims that may result from the work until the permanent reinstatement is completed.

- ⇒ accept full responsibility for all costs associated with the relocation of the service / structure in future to accommodate any road or Stormwater drainage works.

- ⇒ accept the terms and conditions of the wayleave approval and all the conditions contained in the code of practice for work in the Road Reserve.

- Indemnifies the EMALAHLENI LOCAL MUNICIPALITY (ELM) against any claim(s), cost or damage or loss of whatsoever nature that may be incurred or sustained by the ELM, the applicant or any third party and also against all actions, legal proceedings and claims of whatsoever nature that may be instituted or made against the ELM arising out of, by reason of, or in any way whatsoever caused by or connected with the exercising by the applicant of the rights granted by the Wayleave application as well as in respect of cost which may be incurred by the ELM in examining or resisting any such demands, actions, legal proceedings and claims, instituted by any person or party for injury to person(s) loss of life or damage to or loss of property, arising directly or indirectly exercising the permission granted with approval of this application.

Name (applicant)

Date

Signature

Name (ELM)

Date

Signature

ANNEXURE A

SUMMARY OF CONDITIONS FOR WORK IN THE ROAD RESERVE

This page is intended to provide a summary of conditions and specifications. Please refer to the Council's Work in the Road Reserve and Miscellaneous Bylaws for more detail.

Before any work is done in the road reserve, a wayleave must be issued by the Emalahleni Local Municipality Roads & Stormwater office. This will only be done after a completed wayleave application form has been received by the Roads & Stormwater official and the reinstatement fee paid. Before submitting the form to the Wayleave Officer, approval must be obtained from all other agencies indicated on the form.

In the case of emergency work, e.g. burst pipes, a wayleave application form must be submitted within 24 hours and the ELM maintenance depot must be informed.

All work must be done according to the Bylaws. Only work indicated on the wayleave form may be done and only during the period indicated, unless written approval has been obtained from the relevant wayleave office to change the dates.

The wayleave holder is responsible for all costs, including any damage to other services, backfilling, reinstatement, tests and any claims that may result. The wayleave holder is also responsible for traffic signs, barricading and the safety of motorists, pedestrians and workers.

If any trees or road furniture is effected by the proposed work, then the relevant office must be contacted.

The underground service shall have not less than 800 mm cover and all manhole or valve covers shall be finished flush with the surface of the road or the verge.

Backfilling and reinstatement: Permanent backfilling must be done according to the specifications given in the Code of Practice. The minimum requirement is that the backfilled layers must have at least the same shear strengths as those of the adjacent undisturbed pavement layers. The tests done with a DCP or a RCCD will either be done by the ELM or a copy of the results of the tests by an independent private laboratory, approved by the ELM must be submitted to the wayleave office. The reinstatement of the (100mm asphalt layer) surface will be done by the road authority unless specific written permission is granted by the ELM to the wayleave holder to arrange for the reinstatement of the surface.

The wayleave holder is responsible for obtaining the required strengths, but the following is recommended as a method that should be adequate in most cases.

The wayleave holder must ensure that the top 400 mm (550 mm for primary and secondary roads) must be stockpiled separately and stabilized with 4% Ordinary Portland cement (OPC) when replaced with 60kg/m³ of cement. The material must be compacted in thin (75 to 100 mm) layers with a vibratory compactor at optimum moisture content (OMC) to the required densities (base: 98%, subbase: 95%, selected subgrade: 93% and subgrade: 90% Mod AASHTO) to within 100mm of the existing road surface. This method should provide the required shear strengths in most cases, but it should be noted that material that was originally stabilized cannot be re-used and must be discarded.

The reinstatement of the surfacing must consist of 100 mm hot-mix asphalt. The lower 70mm must be: "blackbase" (26,5 mm nominal, continuously graded) and the top 30 mm fine (4,75 mm nominal, continuously graded hot mix). Cold mix may only be used in temporary backfills (Emergency backfill)

If desired the wayleave holder may place foamed concrete of a minimum 4 Mpa crushed strength and manufactured to an approved manufacturers specification. The foamed concrete is to be placed to a level 100mm below the surrounding road surface. As soon as the foamed concrete has set sufficiently, a 70mm layer of asphalt basecourse material shall be placed, to be followed by the 30mm asphalt wearing course.

The top 100mm of the trench must be backfilled by the wayleave holder, compacted and maintained in a serviceable condition for a period of fourteen days after the Completion Notice has been submitted.

Constructed footways must be reinstated with the original surfacing materials and the supporting layers compacted to obtain shear strengths at least equal to those of the adjacent undisturbed footway.

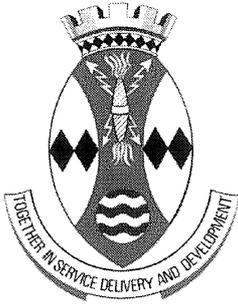
Un-constructed verges must be backfilled in such a way that the verge is in the same condition as it was before excavation.

After completion of any work in the road reserve, the site must be cleared and cleaned and all excess material, tools and equipment must be removed.

The wayleave form, or a copy thereof, must be returned to the Wayleave Officer within 24 hours after completion of the work with the Completion Notice filled in, signed and the DCP or RCCD tests submitted.

Any excavation left unattended for a period of 5 calendar days, will be made safe by the ELM and charged to the Service Agency or contractor.

Your co-operation is appreciated.



EMALAHLENI

Local Municipality

P.O. BOX 3,
WITBANK,
MPUMALANGA
1035

Tel No.: +27(13) 690 6911
Fax No.: +27(13) 690 6207

www.emalahleni.gov.za

Emalahleni, Mandela Street
Tel No.: +27(13) 6906911

Ga-Nala, Quintin Street
Tel No.: +27(13) 648 2241

Ogies, Hoofweg
Tel No.: +27(13) 643 1027

REFER TO:
TEL:

L. KAMA
(013) 6906706

ATTENTION: ALL SERVICE AGENCIES

Regarding what part of the reinstatement will the Service Agencies be allowed to reinstate and what will the Emalahleni Local Municipality (ELM) do.

- No road may be excavated unless special permission is granted by the ELM. All services must be put in using trenchless technology when putting it in the road.
- All the backfilling part of the excavation will be done by the Service Agency or their appointed contractor and the excavation made safe till handed over to the Johannesburg Roads Agency.
- The reinstatement of all the top 100mm asphalt surfaces will be done by the Emalahleni Local Municipality, unless written approval is given by the ELM that the Wayleave Holder can use their own specified contractor.
- When submitting the DCP tests, the ELM DCP graphs must be used. Subject to written approval by the ELM the Wayleave Holder can use the services of an independent private laboratory.
- Note that if a DCP test fails, the excavation must be re-backfilled, re-compacted and the DCP re-tested. **NB: THE ELM RESERVES THE RIGHT TO ARRANGE THE EXECUTION OF THIS WORK AT THE COST OF THE SERVICE AGENCY.**

Yours Truly

ADMINISTRATOR

ROADS & STORMWATER WAYLEAVE SERVICES LIAISON LIST

WAYLEAVE OFFICIAL	ADDRESS	TEL. NO.
Liziwe Kama	Cnr Mandela & Arras Street, Witbank, 1035	013 690 6706 071 3612732
Marvelous Shongwe	Cnr Mandela & Arras Street, Witbank, 1035	013 690 6512
Amanda Mauku	Cnr Mandela & Arras Street, Witbank, 1035	013 690 6290
Peter Nkambule	Cnr Mandela & Arras Street, Witbank, 1035	013 690 6349
Hessie Mkhwanazi	Cnr Mandela & Arras Street, Witbank, 1035	013 690 6598
Sifiso Zimu	Cnr Mandela & Arras Street, Witbank, 1035	

Emalahleni Local Municipality control Room no.:
013 690 6333/6222

WAYLEAVE SERVICES LIAISON LIST

SERVICE PROVIDERS

SERVICE AGENCY	CONTACT	ADDRESS	TEL. NO.	FAX NO.	E-MAIL
ELACTRICITY	Collen Brentjies	Cnr Mandela & Arras Street, Witbank, 1035		011 4907688	brentjiescbc@emalahleni.gov.za
WATER	Ben Botes	Cnr Mandela & Arras Street		011 6881587	
SANITATION	Martha Lentswalo/ Shadrack Ndlovu	Cnr Mandela & Arras Street, Witbank, 1035			lentswalomm@emalahleni.gov.za ndlovusc@emalahleni.gov.za
ROADS & STORMWATER	Liziwe Kama	Cnr Mandela & Arras Street, Witbank, 1035			kamal@emalahleni.gov.za
PARKS	Erald Nkabinde	Cnr Mandela & Arras Street, Witbank, 1035			nkabindeej@emalahleni.gov.za
TELKOM	Lazarus Ramalobela	3 Crownwood Rd, Crown Mines, 1725	011 3099186	011 3099185	Ramalorl@telkom.co.za Gautengwayleaves@telkom.co.za
ESKOM	May Husselman	204 Smit Str, Braamfontein	011 7112104	011 7112189	husselm@eskom.co.za
NEOTEL	Shane Cannon	21E Polo Cresc, Woodmead Office Park	011 5850343 082 6105324	011 5850001	shane.cannon@neotel.co.za
MTN	Khumo Maponya Surina Pretorious	14 th Avenue, Fairland, 2195	083 212 5178 0832002812		pretor_s@mtn.co.za
SASOL	Bruce van der Heuvel	146 Honfbaai Rd, Elandhaven	011 865 8563 082 450 2822	011 8658591	wayleaves@sasol.com
DARK FIBRE AFRICA	Zandi Kuiper	55 Regency Dr, Route 21 Corporate Park, Nellmapus Rd and Irene, Pretoria	012 3457520	0866941233	Zandi.kuiper@dfafrica.co.za services@dfafrica.co.za

**SCHEDULE 3
FIGURES 1 AND 2**

Layer	Treatment		Layer Thickness (mm)	Dept. (mm)
Surfacing	<u>Temporary Surfacing</u> Material from top 400 (550)mm 4 % OPC 98 % Mod AASHTO	<u>Permanent Surfacing</u> 30mm Bitumen hot-mix fine	100	100
Base	Material from top 400 (550)mm stockpile stabilizing with 4 % OPC Compact to 95 % Mod AASHTO		150	250
Subbase	Material from top 400(550)mm stockpile Stabilize with 4% OPC Compact to 95 % Mod AASHTO		150	4000
Selected Subgrade	<u>Local Streets:</u> Compact to 93 % Mod AASHTO	<u>Arterials, collectors And Industrial Street:</u> Material from top 550mm stockpile Stabilizer with 4% OPC Compact to 93 % Mod AASHTO	150	550
Subgrade	Compact to 90 % Mod AASHTO		250	800

SCHEDULE 4

COMPLETION NOTICE

CERTIFICATE OF INSPECTION AND / OR COMPLETION

Wayleave No: _____

The road Authority Inspection must sign this form. The signature is just for administrative control and by no means implies that the work has been done according to the specifications and conditions of the way leave. The onus and responsibility of ensuring that the Service has been correctly installed, is that of the applicant

Description of wayleave: -----

Date: -----

Street on -----	Street from -----	Street to -----
--------------------	----------------------	--------------------

Suburb: -----

Responsible person (for the erection/installation of the Service)

Name:-----Company : -----

Telephone No.: (-----) -----

COMPLETION NOTICE

The Central wayleave office is hereby informed that:
The work done in terms of the above Wayleave has been completed according to the conditions as prescribed in the Wayleave;

AND

The permanent reinstatement has been done in accordance with the specifications in the code of Practice for work in the Road Reserve;

OR

A temporary reinstatement has been done and a Reinstatement Order to the amount of R----- is attached for the Road Authority to do the permanent reinstatement.

Name: ----- Signed: -----

Wayleave Holder: ----- Date: -----

SCHEDULE 5
REINSTATEMENT ORDER/ OR PROOF OF REINSTATEMENT

The Roads and Stormwater Office is hereby informed that:

- The work done in terms of the above Wayleave has been completed according to the conditions as prescribed in the Wayleave Procedure document; a DCP Test was done and complies with the ELM requirements. (NB results of the DCP test are attached with the graph.

AND

- The permanent reinstatement has been done in accordance with the specifications in the Bylaws for work in the Road Reserve.

OR

- The backfilling has been done and a copy of proof of payment/ Reinstatement Order to the amount of R_____ is attached for the ELM to do the permanent reinstatement. If the applicant has done the reinstatement the will attach proof and DCP test results.

Name: _____ Signed: _____ Date _____
 Wayleave Holder

REINSTATEMENT ORDER NO: _____.

Name : _____ Signed: _____ Date _____
 ELM R& S Official

.....

OFFICIAL ELM STAMP AND DATE

DYNAMIC CONE PENETRATION TEST.

STREET:..... SUBURB:.....
 FROM: TO:
 CHAINAGE/POSITION:..... DATE:.....

<u>No of Blows</u>	<u>Reading</u>	<u>No of Blows</u>	<u>Reading</u>
0		155	
5		160	
10		165	
15		170	
20		175	
25		180	
30		185	
35		190	
40		195	
45		200	
50		205	
55		210	
60		215	
65		220	
70		225	
75		230	
80		235	
85		240	
90		245	
95		250	
100		255	
105		260	
110		265	
115		270	
120		275	
125		280	
130		285	
135		290	
140		295	
145		300	
150		305	

Test performed by:

Name: _____ Signed: _____ Date: _____

.....

.....
OFFICIAL ELM STAMP AND DATE

**SCHEDULE 7
LIMITS**

Reinstatement Width (mm)	Height of Deformation or Hump as measured with straight edge (mm)
Up to 400	10
400 to 500	12
500 to 600	14
600 to 700	17
700 to 800	19
800 to 900	22
Over 900	25

APPENDIX B**ROADWORKS SIGNING FOR URBAN STREETS**

(Extract from the South African Roads and Traffic Signs Manual (SARTSM),
Volume 2, Chapter 13)

No	Page
General 1	3.10.1
Urban Roadworks	13.10.1
Temporary Traffic Signals	13.10.2
Sidewalk Deviation	13.10.4
Localised Work Site – Good Visibility	13.10.6
Lane Closed Beyond a Junction	13.10.8
Work Within a Junction	13.10.10
Work in a One-way Street	13.10.12
Road Closure - CBD	13.10.14
Road Closure – Dual Carriageway Street	13.10.16
Road Closure - Detour	13.10.18
Freeway/Dual Carriageway: Lane Closure	13.11.3

SCHEDULE OF FEES FOR REINSTATEMENT OF EXCAVATIONS: 2010/2011
(NOTE: Fees are revised annually as from 1 July at a 15% increase)
SERVICES FEE AMOUNT (Excluding VAT).

Note: Minimum charge: 1m²

SERVICE	FEE AMOUNT (EXCL. VAT)
Wayleave processing fees per project per suburb	R5000.00/ per suburb per application
Wayleave processing fee for unplanned work per suburb (emergencies)	R10 000.00/ per suburb per application
Road Riding Surface	R600/ m²
Paved Footways	R480/ m²
Unpaved Footways	R450/ m²
Kerbing	R680/ m²
Riding surface of road	R385.50/ m²
All work with prior approval	R50 000 refundable deposit
Temporary Reinstatement	R360/ m²
Testing of Reinstatement *DCP Testing	R1300/trench
Damaged stormwater pipe	R8 559.00/m
Re-inspection where previous inspection failed and work was redone	R600

WORK IN ROAD RESERVE**Contravening Penalties**

COLUMN A: OFFENCE	COLUMN: ADMINISTRATIVE PENALTY
Chapter 1 :5 (3)	R50 000.00
Chapter 1 :6(4)	R1 000.00
Chapter 1 :6(6)	R50 000.00
Chapter 1 :6(8)	R1 000.00
Chapter 1 :6(9)	R10 000.00
Chapter 1 :6(12)	R62 000.00 (All inclusive)
Chapter 1 :7 (5)	R3450.00
Chapter 1 :9 (4)	R2300.00
Chapter 1:10 (6)	R5750.00
Chapter 1 :11 (4)	R2300.00
Chapter 1 :12 (19)	R5750.00
Chapter 1 :13 (5)	R2300.00
Chapter 1:15 (9)	R3400.00
Chapter 1 :16 (3)	R2300.00
Chapter 1 :1 (5)	R3450.00
Chapter 1 :9 (4)	R3450.00
Chapter 1:10 (6)	R3450.00
Chapter 1 :11 (4)	R3450.00
Chapter 1 :12 (19)	R3450.00

Chapter 1 :13 (5)	R5750.00
Chapter 1:15 (9)	R3450.00
Chapter 1 :16 (3)	R2300.00
Chapter 1 :17 (7)	R3450.00
Chapter 1 :18(4)	R2300.00
Chapter 1 :19 (3)	R3450.00
Chapter 1 :20 (5)	R2875.00
Chapter 1:21 (7)	R2875.00
Chapter 1 :22 (6)	R2300.00
Chapter 1 :23 (3)	R2300.00
Chapter 1 :24 (6)	R2300.00
Chapter 1:26 (4)	R4600.00
Chapter 1 :27 (6)	R3450.00

Hoarding Penalties

Chapter 2 :28 (11)	R3450.00
Chapter 2 :29 (3)	R3450.00
Chapter 2 :30 (3)	R3450.00
Chapter 2 :31 (2)	R3450.00
Chapter 2 :32 (2)	R3450.00
Chapter 2 :33 (2)	R5750.00
Chapter 2 :34 (4)	R3450.00
Chapter 2 :35 (2)	R2300.00
Chapter 2:36 (2)	R2300.00
Chapter 2 :37 (3)	R3450.00

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 GeneralEnquiries@gpw.gov.za
 - Maps : 012 748 6061/6065 BookShop@gpw.gov.za
 - Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
 - Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.