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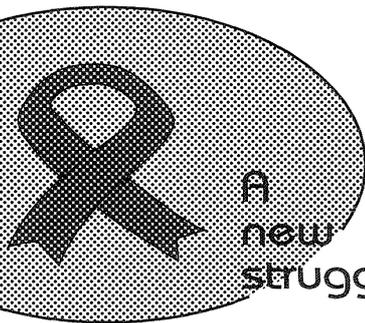
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No. 2360

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

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WATER SERVICES BY-LAW

NKOMAZI LOCAL MUNICIPALITY

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CHAPTER I GENERAL PROVISIONS

Part 1

Definitions

1. Definitions

- (1) In these By-laws, unless the context otherwise indicates –
“**accommodation unit**” in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;

“**Act**” means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;

“**Affected person**” means a person who has been served with a designated notice;

“**air gap**” means the unobstructed vertical distance through the free atmosphere between the lowest opening from which any pipe, valve or tap supplies water to a tank, or fitting or any other devices and the overflow level thereof;

“**approved**” means approved by the Municipality;

“**authorized agent**” means a person authorized by the Municipality to perform any act, function or duty in terms of, or exercise any power under, these By-law

“**backflow**” means the flow in any pipe or fitting in a direction opposite to the normal direction of the flow;

“**backflow preventer**” means any device that prevents backflow;

“**back siphonage**” means backflow created by pressures lower than atmospheric pressure in the water installation;

“**basic sanitation**” means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households prescribed in terms of the Act, under regulation 2 of Government Notice R.509 of 8 June, 2001, as amended from time to time, or any substitution thereof;

“**business unit**” means (in relation to any premises) any building or part thereof occupied or used, or intended to be used for purpose other than residential occupation;

“**borehole**” means a hole sunk into the earth for the purpose of locating, subtracting or using subterranean water and includes a spring;

“**building Regulations**” means the National Building regulations made in terms of the National Building Regulations and Building Standards Act, 1997 (Act No. 203 of 1977);

“**combined installation**” in relation to water supply means an installation used for fire-fighting domestic, commercial or industrial purposes;

“**commercial purposes**” in relation to water services means water supplied to premises to be used in the carrying out of a trade or a business;

- “commercial effluent”** means effluent emanating from a premises having a commercial purpose where the effluent is neither industrial effluent nor standard domestic effluent;
- “communal sewer”** means a sewer main and connecting sewers and in respect of which a group of consumers and/or owners has constituted itself as a person willing to assume responsibility for, and signed an agreement accepting responsibility, for the maintenance and repair of the communal sewer;
- “communal water services work”** means a consumer connection through which water services are supplied to more than one person and “communal water connection” has a similar meaning;
- “connecting point”** means the point at which the drainage installation joins the connection sewer;
- “connecting sewer”** means a pipe owned by the Municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave document or by agreement;
- “connection pipe”** means a pipe, owned by the Municipality and installed by it for the purpose of conveying water from a main to a water installation and includes a “communication pipe” referred to in SABS 0252 Part I;
- “consumer”** means –
- a) Any occupier of any premises to which or on which the Municipality has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the Municipality for the provision of water services to or on such premises, or there be no such person, then the owner of the premises; provided that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the Municipality has agreed to provide water services; or
 - b) The person that obtains access to water services that are provided through a communal water services work;
- “conventional water meter”** means a water meter where the account is rendered subsequent to consumption of the water
- “day”** means a 24 hour period commencing and ending at 24:00;
- “designated officer”** means a person in the employ of the Municipality, authorized as a designated officer in terms of section 76 of the Local Government: Municipal System Act, 200 (Act No. 32 of 2000) or if the Municipality has, for purposes of these By-laws, appointed a Service Provider which is still operative, an employee of such service provider, authorized by it as a designated officer in terms of these By-laws and acting within the scope, functions and powers assigned to the service provider by the Municipality;
- “domestic purpose”** in relation to water supply means the general use of water for personal and residential uses, including health and hygiene, drinking, culinary, ablution, household and garden maintenance;
- “drain”** means that portion of the drainage installation that conveys swage within any premises;
- “drainage installation”** means s system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;

“**drainage work**” includes any dram, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;

“**dwelling unit**” means an interconnected suite of rooms designed for residential purposes and occupation by a single household regardless of how many persons comprise the household;

“**duly qualified sampler**” means a person who takes samples for analysis from the sewage disposal and storm water disposal systems and from public water and who has been certified to do so by Municipality or its authorized agent;

“**ECA**” means the Environment Conservation Act, 1989 (Act No. 73 of 1989) and any regulations made in terms thereof and any superseding legislation;

“**EIA**” means an environmental impact assessment in terms of NEMA and/or the ECA;

“**Effluent**” means any liquid whether or not containing matter in solution or suspension;

“**emergency**” means any situation that poses a risk or potential risk to life, health, the environment or property;

“**enforcement notice**” means any enforcement notice issued by a designated officer under these By-laws, instructing the person to whom it is directed to comply with the terms of the notice, and includes a notice in terms of section 12 (1);

“**environment cost**” means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;

“**fire hydrant**” means a potable water installation that conveys water for fire fighting purposes only; and “**fire installation**” shall have a similar meaning;

“**fixed quantity water delivery system**” means a water installation, which delivers a fixed quantity of water to a consumer in any single day;

“**flood level (1 in 50 years)**” means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;

“**flood level (1 in 100 year)**” means that level reached by flood waters resulting from a storm of a frequency of 1 in 100 years;

“**flood plain (1 in 50)**” means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;

“**flood plain (1 in 100 year)**” means the area subject to inundation by flood waters from a storm of a frequency of 1 in 100 years;

“**general installation**” means a water installation that conveys water for a combination of household, commercial and industrial purposes;

“**high strength sewage**” means sewage with a strength or quality greater than standard domestic effluent;

“**household**” means the family unit of persons, or individuals in occupation of a building or part of a building, designed for residential purposes by that family unit or individuals;

“**indigent household**” means a domestic customer who is qualified to be and who is registered with municipality as, an indigent in accordance with the municipalities Debt Collection and Credit Control By-law;

“**industrial effluent**” means any effluent emanating from industrial use of water, and includes for purposes of these By-laws, any effluent other than standard domestic effluent or storm water; and “**trade effluent**” has similar meaning;

“**industrial purposes**” in relation to water supply means water supplied to any premises which constitute a factory as defined in the General Administrative Regulations, published in Government Notice R.2206 of 5 October, 1984 or any superseding legislation or for purposes of manufacturing, mining, retailing and services industries, generating electricity, land based transport, construction or any related purpose;

“installation work” means work in respect of the construction of, or carried out on a water installation;

“law” means any law including the common law;

“main” means a pipe, other than a connection pipe, vesting in the Municipality and used by it for the purpose of conveying water in a new work of pipes;

“measuring device” means any method, procedure, process device, apparatus or installation that enable the quantity and/or quality of water services provided by Municipality to be quantified and/or evaluated;

“meter” means a water meter as defined by Regulation 81 (a) Government Notice 2362 dated 18 November, 1977 published in terms of the Trade metrology Act, 1973 (Act No.77 of 1973), or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;

“municipality” means – Nkomazi Local Municipality as described in section 2 of the Local Government: Municipal System Act (Act No.32 of 2000) and its area as determined from time to time in terms of the Local Government: Municipal Demarcation Act (Act No.27)

“National Water Act” means the National Water Act No. 36 of 1998

“NEMA” means the National Environmental Management Act, 1998 (Act No.107 of 1998);

“occupier” means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

“Owner” means-

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

“person” means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

“**pollution**” means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it –

- a) Less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- b) Harmful or potentially harmful
 - i. To the welfare, health or safety of human being;
 - ii. To any aquatic or non-aquatic organism

“**premises**” means any piece of land, the external surface boundaries of which are delineated on-

- a) A general plan or diagram registered in terms of the Land Survey Act, 1927 (act No. 9 of 1927), or in terms of the Deeds Registries Act 1937 (Act No.47 of 1937) or
- b) A sectional plan registered in terms of the Sectional Title Act, (Act No.95 of 1986)
- c) A register held by a tribal authority;

“**Prepayment meter**” means a meter that can be programmed to limit the flow of water into a water installation of the amount that has been previously purchased.

“**prepayment measuring system**” means a meter and ancillary devices, approved by the Municipality, designed to measure and allocate to the consumer the quantity of water pre-purchases;

“**Prescribed**” means determined by resolution of the Municipality from time to time;

“**prescribed tariff or charge**” means a charge prescribed by the Municipality;

“**professional engineer**” means a person registered a professional engineer in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000)

“**public notice**” means a notice in a newspaper in at least two of the official languages in general use within the jurisdictional area of Municipality, and where possible, the notice shall be published in a newspaper appearing predominantly in the language utilized in the publication of the notice;

“**qualified plumber**” means a person who has passed the plumbing trade test of the Department of labour and who has received a certificate attesting to the fact that he/she has passed;

“**SABS**” means the South African Bureau of Standards

“**SANS**” means the South African national Standard

“**sanitation services**” has the same meaning assigned to it in terms of the Act and includes for purposes of these By-laws water for industrial purpose and the disposal of industrial effluent;

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

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

“sewage disposal system” means the structures, pipes, valve, pumps, meters or other appurtenance used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the Municipality and which may be used by it in connection with the disposal of sewage;

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

“standard domestic effluent” means domestic effluent with prescribed strength characteristics respect of chemical oxygen demand, total nitrogen, total phosphates and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality, but does not include industrial effluent;

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

“system Act” means the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) as amended;

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

“trade premises” means premises upon which industrial effluent is produced;

“water fitting” means a component of a water installation, other than a pipe, through which water passes or in which it is stored;

“water installation” means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the Municipality;

“water services” has the same meaning assigned to it in terms of the Act and includes for purposes of these By-laws water for industrial purpose and the disposal of industrial effluent;

“Water services work” means a reservoir, dam, well pump-house, pumping installation, purification works, sewage treatment plant, access road, electricity transmission line, pipeline, meter, fitting or apparatus built, installed or used by a water services institution –

- i. To provide water services
- ii. To provide water for industrial use; or
- iii. To dispose of industrial effluent;

“**water supply services**” has the same meaning assigned to it in terms of the Act and includes for purpose of these By-laws water for industrial purposes and the disposal of industrial effluent;

“**water supply system**” means the structure, aqueducts, pipes, valves, pump, meters or other apparatus relating thereto which are vested in the Municipality and are used or intended to be used by it in connection with the supply of water and includes any part of the system;

“**wet industry**” means an industry which discharges industrial effluent;

“**working day**” means a day other than a Saturday, Sunday or public holiday.

- 1) 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 No. 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, to an employee of the service provider duly authorized by it
2. **Meaning of certain words the same as in Act** – Any word or expression used in these By-laws to which a meaning has been assigned in –
 - a) In Act will bear that meaning; and
 - b) The National Building Regulations and Building Standards Act, 1997 (Act No.103 of 1977), the Building Regulation will in respect of Chapter III bear that meaning, unless the context indicates otherwise
 - c) Any reference in Chapter I of these By-laws to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which is applicable.

3. **Application for water service** –

- (1) No person shall gain access to water services from the water supply system, or gain to the sewage disposal system or any other sanitation services unless he or she has applied to the Municipality on the prescribed form for such services and the application has been approved.
- (2) The Municipality reserves the right to determine different levels of services to different consumers or consumers residing in different areas as may be established in terms of the policies of the Municipality and subjects to the conditions as determined by the Municipality.
- (3) An application agreed to by the Municipality shall constitute an agreement between the Municipality and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.

- (4) A consumer shall be liable for all the prescribed tariffs and/or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these By-laws or until such time as any arrears have been paid.
- (5) In preparing an application form for water services the Municipality will ensure that the owner, consumer or other person making application, understands the document and the process of interaction. In the case of illiterate or similarly disadvantaged persons, the Municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (6) The Municipality may, at any time it deems it necessary, require a third party to be bound jointly and severally as security and co-principal debtor with the consumer for the due payment of any fees under these By-laws.
- (7) An application form will require at least the following minimum information –
 - a) Certification by an authorized agent that the applicant is aware of and understands the contents of the form;
 - b) Acceptance by the consumer of the provisions of the By-laws and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
 - c) Name of consumer;
 - d) Address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
 - e) Address where accounts will be sent;
 - f) Source of income of the applicant;
 - g) Name and address of the applicant's employer, where appropriate;
 - h) If water will be supplied, the purpose for which the water is to be used; and
 - i) The agreed date on which the provision of water services will commence.
- (8) Water services rendered to a consumer are subject to the provisions of these By-laws the conditions contained in the relevant agreement
- (9) If the Municipality refuses an application for the provisions of water services, or is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services, the Municipality will inform the consumer of such refusal and/or inability, the reasons therefore and if applicable, when the Municipality will be able to provide such water services.

- 4. Special agreement for water services.** – The Municipality may enter into a Special agreement for the provision of water services to –
- a) An applicant within its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
 - b) An applicant outside its area of jurisdiction, if such application has been approved by the Municipality having jurisdiction in the area in which the premises is situated.

Part 3

Tariffs and charges

5. Prescribed tariffs and charges for water services –

All tariffs and or charges payable in respect of water services rendered by the Municipality of these By-laws, including but not limited to the payment of connection charges, fixed or any additional charges (as determined by the Municipality from time to time) or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the Municipality in terms of a resolution passed in terms of section 75 (A) of the System Act by Council; in accordance with -

- a) Its tariff policy;
- b) Any By-laws in respect thereof; and
- c) Any regulations in terms of section (10) of the Act.

6. Fixed charges for water services. –

- (1) The Municipality may, addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or one-off fixed charge in respect of the provision of water services in accordance with –
 - a) By-laws in respect thereof; and
 - b) Its tariff policy;
 - c) Any regulations in terms of section (10) of the Act
- (2) Where a fixed charge is levied in terms of subsection (1), it shall be payable by every owner or consumer in respect of water services provided by the Municipality to him, her or it, whether or not water services are used by him, her or it.

Part 4**Payment****7. Payment of deposit**

- (1) Every consumer must on application for the provision of water services and before the Municipality will provide such water services, deposit with the Municipality a sum of money as determined by the Municipality for the particular area except in the case of a pre-payment measuring device being used by the Municipality.
- (2) The Municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit for whatever reason, to pay a deposit on request, within a specified period.
- (3) The Municipality may from time to time review the sum of money deposited by a consumer in terms of subsection (1) and, in accordance with such review-
 - a) Required that an additional amount be deposited by the consumer; or
 - b) Refund to the consumer such amount as may be held by the Municipality in excess of the reviewed deposit.
- (4) Subject to subsection (5), an amount deposited with the Municipality in terms of subsections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services.
- (5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Municipality in respect of water services rendered to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.
- (6) No interest shall be payable by Municipality on the amount of a deposit held in terms of this section.
- (7) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the Municipality if it has not been claimed within twelve months of the termination of the agreement.

8. Payment for water services provider. –

- (1) Water service provider by the Municipality to a consumer shall be paid for by the consumer at the prescribed tariff or charge set by Municipality from time to time.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- (3) The Municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.
- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Municipality in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been

charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment and may also review the amount held as deposit in terms of subsection 7.

- (5) A consumer must pay his or her or its account at an approved agent of the Municipality. A consumer shall remain liable for the payment of an account not paid with the Municipality, its authorized agent or approved agent.
- (6) A Municipality must inform a consumer as to whom the approved agents for payment of accounts are.

Part 5

Accounts

9. Accounts-

- (1) Monthly accounts will be rendered to consumers for the amount due and payable for water services, at the address last recorded with the Municipality.
- (2) Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable.
- (3) An account rendered by the Municipality for water services provided to a consumer shall be paid not later than the last date for payment specified in such account, which date will be at least twenty one days after the date of the account.
- (4) If payment of an account is received after the date referred to in subsection a late payment charge or interest as may be prescribed must be paid by the consumer to the Municipality
- (5) Accounts must –
 - a) Show the following-
 - i. The consumption or estimated consumption or assumed consumption as determined for the measuring and/or consumption period;
 - ii. The measuring or consumption period;
 - iii. The applicable tariff
 - iv. The amount due in terms of the consumption;
 - v. The amount due and payable for any other service rendered by the Municipality;
 - vi. The amount in arrears, if any;
 - vii. The interest payable on any arrears, if any;
 - viii. The final date for payment;

10. Queries or complaints in respect of account.

- (1) a consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him, her or it.
- (2) A query or complaint must be lodged with the Municipality before or on the due date for payment of the account or as soon reasonably possible thereafter.
- (3) Where a query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.
- (4) The Municipality will register the query or complaint and provide the consumer with a reference number.
- (5) The Municipality shall –
 - (a) investigate or cause the query or complaint to be investigated within 14 (fourteen) days after the query or complaint was registered; and
 - (b) must inform the consumer, in writing, of his or her finding as soon as possible thereafter.

11. Appeals against finding of Municipality in respect of queries or complaints

- (1) a consumer may in writing appeal against a finding of the Municipality in section 10.
- (2) An appeal in terms of subsection (1) must be made in writing and lodged with the Municipality within 14 (fourteen) days after the consumer became aware of the finding referred to in section 10 and must –
 - (a) set out the reasons for the appeal;
 - (b) lodge the appeal with the Municipality within 14 (fourteen) days after the receipt of the account in question; and
 - (c) be accompanied by any deposit determined for the testing of a measuring device, if applicable.
- (3) The Municipality may on appeal by a consumer request him, her or it to pay the full amount due and payable in terms of the account appealed against.
- (4) The consumer is liable for all other amounts, other than that appealed against, falling due and payable during the adjudication of the appeal.
- (5) The Municipality must decide an appeal within 21 (twenty-one) days after such an appeal was lodged and the consumer must be informed of the outcome in writing, as soon as possible thereafter.
- (6) The decision of the Municipality is final and the consumer must pay any amounts due and payable in terms of the decision within 14 (fourteen) days of him, her or it being informed of the outcome.

- (7) The Municipality may condone the late lodging of appeals or other procedural irregularities.
- (8) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy. The consumer must be informed of the possible cost implications including the estimated amount of such test, as set out in subsection (9) (a) below, prior to such test being undertaken.
- (9) If the outcome of any test shows that a measuring devices is –
- a) Within a prescribed range of accuracy, the consumer will be liable for the costs of such test and any other amounts outstanding. Such costs will be debited against the consumer's account;
 - b) Outside a prescribed range of accuracy, the Municipality will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he, she or it is entitled.
- (10) The prescribed deposit referred to in subsection 92) (c) if applicable may be –
- a) Retained by the Municipality if the measuring device is found not to be defective; or
 - b) Refunded to the applicant if the measuring device is found in terms of those subsections to be defective.
- (11) A measuring device shall be deemed to be defective if, when tested in accordance with a standard industry or if the measuring device is a meter, the regulations published under section 9 of the Act, it does not meet generally accepted specifications or the specifications as set out in the regulations
- (12) In addition to subsection (10) the Municipality must if the measuring device is found defective –
- a) Repair the measuring device or install another device which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer due to a contravention of section 41 (6); and
 - b) Determine the quantity of water services for which the consumer will be charged in lieu of the quantity measured by the defective may decide –
 - i. The quantity representing the average monthly consumption of the consumer during the three months preceding the month in respect of which the measurement is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter;
 - ii. The average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repaired or replace; or

- iii. The consumption of water on the premises recorded for the corresponding period in the previous year.

12. Arrears.

- 1) If a consumer fails to pay the amount/s due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be hand delivered or sent, per registered mail, to the most recent recorded address of the consumer.
- 2) Failure to deliver or send a final demand notice does not relieve a consumer from paying such arrears.
- 3) The final demand notice must contain the following statements –
 - a) The amount of arrears and any interest payable;
 - b) That the consumer may conclude an agreement with the Municipality for payment of the arrears amount in instalments within 14 (fourteen) days of the date of the final demand notice;
 - c) That if no such agreement is entered into within the stated period that the water services will be limited and that legal action may be instituted against any consumer for the recovery of any amounts 30 (thirty) days or more in arrears, without further notice;
 - d) That the defaulting consumer's name may be made public in any manner determined by Municipality and/or listed with a credit bureau or any other equivalent as a defaulter;
 - e) That the account may be handed over to a debt collector or attorney for collection;
 - f) Proof of registration as an indigent consumer, in terms of the Municipality's indigent policy, must be handed in before the final date of the final demand notice;
 - g) That an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services;
 - h) That an opportunity exists for the consumer to make representation in writing on or before the date contemplated in (b)
- 4) Interest may be levied on all arrears at a rate prescribed by the Municipality from time to time.
- 5) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order towards payment of
 - i. The current account;
 - ii. Arrears; and
 - iii. Interest.
- 6) The Municipality may, after expiry of the period allowed for payment of the arrear amount in terms of the final notice, hand deliver or send by mail, to the last recorded address of the consumer –

- a) A discontinuation notice informing such consumer that the provision of water services has been or will be discontinued within seven (7) days from a date specified in the discontinuation notice subject to the limitation of FWB as determined by National Policy from time to time.
 - b) A discontinuation notice must contain information informing the consumer what steps may be taken to have the service reconnected.
- 7) If representations made by a consumer are unsuccessful either wholly or in part, a final demand notice in terms of subsections 3 (a) to (g) must be delivered in the manner stipulated in subsection 1, informing the consumer that no further representation may be made.
- 8) Subject to the provisions of the Act, and subject to the provisions of the Promotion of Administrative Justice (Act No. 3 of 2000) having been observed, save that Municipality's reasons for its decision to act must be supplied within seven days if requested, Municipality may discontinue the supply of water services to a customer (subject to the limitation of FBW as determined by National Policy from time to time) if –
- a) Full payment was not received within the period stated in the final demand notices stated in subsections (3) and 7)
 - b) No agreement was concluded for the repayment of arrear amounts in instalments;
 - c) No proof of registration as an indigent has been made within the periods contained in the final demand notices stated in subsections (3) and (7);
 - d) No payment was received in terms of an agreement for the repayment of arrears;
 - e) No representations as contemplated in (h) of subsection 3 were made within the period provided for in the final demand notice contemplated in subsection (3) ; and
 - f) The representation made in terms of subsection (3) (h) have not wholly been acceded to by Municipality.
- 9) Where an account rendered to a consumer remains outstanding for more than 30 (thirty) days-
- a) The defaulting consumer's name may be made public in a manner determined by Municipality and/or listed with a credit bureau or any other equivalent body as a defaulter; and
 - b) May be handed over to a debt collector or an attorney for collection.
- 10) A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a high deposit.
- 11) Where a body corporate is responsible for the payment of any arrears amount to the Municipality in respect of a sectional title development the liability of the body corporate shall be extended to the members thereof, jointly and severally in proportion to the participation quota of each sectional title unit.
- 12) No action taken in terms of this section due to non-payment will be suspended or withdrawn, unless the arrears, any interest thereon, administration fees, additional

charges, costs incurrent in taking relevant action and any penalties, including the payment of a higher deposit, which are payable, are paid in full.

- 13) The Municipality will not be liable for any loss or damaged suffered by a consumer due to his/her or its water services being disconnected.
- 14) An agreement for payment of the arrears amount in instalments, entered into after the water services was discontinued, will not result in the water services being restored until the arrears, any interest thereon, administration fees, cost incurrent in taking relevant action and any penalties, including payment of higher deposit, are paid in full.

13. Agreement for the payment of arrears in instalments. –

- 1) Only a consumer with positive proof of identity or a person authorized, in writing, by that consumer, will be allowed to enter into an agreement for the payment of arrears in instalments.
- 2) The amount due and payable by a consumer constitutes a consolidated debt, and an payment made by a consumer of an amount less that the total amount due, will be allocated in reduction of the consolidated debt in the following order-
 - a) Towards payment of the current account;
 - b) Towards payment of arrears
 - c) Towards payment interests; and
 - d) Towards costs incurrent in taking relevant action to collect amounts due and payable.
- 3) A consumer may be required to complete a debit order for the payment of arrears.
- 4) No agreement for the payment of arrears will be longer than fifteen months, unless the circumstances referred to in subsection (5) prevail.
- 5) Subject to any shorter period prescribe by Provincial or National legislation, the Municipality may, on an individual basis, allow a longer period than fifteen months for the payment of arrears is special circumstances prevail, that in the opinion of the Municipality warrants such an extension and which the consumer reasonably could not prevent or avoid. The consumer on request by the Municipality must furnish documentary proof of any special circumstances which will be considered by Municipality.
- 6) The Municipality must, in exercising his or her discretion under subsection (5) have regard to a consumer-
 - a) Credit record;
 - b) Consumption;
 - c) Level of service;
 - d) Previous breaches of agreements for the payment of arrears in instalments; and
 - e) Any other relevant factors.

- 7) A copy of the agreement will, on request, be made available to the consumer.
- 8) If a consumer fails to comply with an agreement for the payment of arrears instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, cost incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence.
- 9) If a consumer fails to comply with an agreement for the payment of arrears in instalments entered into after receipt of a discontinuation notice, access to services may be discontinued without further notice or correspondence in addition to any other actions taken against or that may be taken against such a consumer.
- 10) No consumer will be allowed to enter into an agreement for the payment of arrears in instalments where that consumer failed to honour a previous agreement for the payment of arrears in instalments, entered into after the receipt of a discontinuation notice.

Part 6

Termination, limitation and is continuation of water services

14. Termination of agreement for the provision of water services.

Subject to the provisions set out above dealing with the payment of any amounts due to the Municipality in respect of the provisions of water services –

- 1) A consumer may terminate an agreement for the provision of water services by giving to the Municipality not less than thirty working days' notice in writing of his or her intention to do so.
- 2) The Municipality may, by notice in writing of not less than thirty working days, advise a consumer of the termination of his, her or its agreement for the provision of water services if-
 - a) He, she or it has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply on notice in terms of section 26 or to pay any tariffs or charges due and payable after the procedure set out in section 11 was applied;
 - b) In terms of an arrangement made by it with another water services institution to provide water services to the consumer.
- 3) The Municipality may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

15. Limitation and/or discontinuation of water services provided –

Subject to the provisions of these By-laws dealing with the payment of any amount due to Municipality for the provision of water services and maintaining the status as an indigent consumer or household, (where applicable)

- 1) The Municipality may limit or discontinue water services provided in terms of these By-laws –
 - a) On failure to pay the prescribed tariffs or charges on the date specified after the provisions of section 11 were applied;
 - b) On failure to comply with any other provisions of these By-laws, after notice in terms of section 26 was given;
 - c) At the written of the consumer to whom the services are to be rendered;
 - d) If the agreement for the provision of services has been terminated in terms of section 14 and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;
 - e) The building on the premises to which services were provided has been demolished;
 - f) If the consumer has interfered with a limited or discontinued services; or
 - g) In an emergency, including circumstances brought about by weather conditions, but not limited thereto.

- 2) The Municipality will not reliable for any damage or claims that may arise from the limitation or discontinuation of water services provided in terms of subsection (1).

16. Restoration of water services.

When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or discontinuation notice will be restored to the type of service and level of service the consumer elected in terms of the agreement as soon as reasonably possible.

17. Water Services via, and responsibility for a communal sewer

The Municipality must provide sanitation services in respect of a communal sewer, only after the community served by that communal sewer has, by means of an association or other legal entity representative of the community, concluded an agreement with the Municipality for the maintenance and repair of the communal sewer. Any such services by Municipality must be rendered in terms of the concluded agreement read with the provisions of the se By-laws.

18. Obligations.

- 1) The Municipality must take reasonable measures to realize the rights of every person to a basic water supply and sanitation services and defined in the Act, subject to the limitations in the Act.

- 2) Notwithstanding this basic right, every head of a household, or a person in charge of a business enterprise or industrial undertaking or the representative of such a person, must make application to the Municipality for the provision of such water and sanitation services.

- 3) If the Municipality is unable to meet the general requirements of all its consumers, it shall give preference to the provision of basic water and basic sanitation services to all its consumers.
- 4) The Municipality shall not be obliged to provide water services –
 - a) To consumers outside the defined limits of the Municipality's area of jurisdiction;
 - b) Where, due to the topography but not limited thereto, water services cannot be provided economically and or cost effectively; or
 - c) Where the necessary bulk infrastructure does not exist or is inadequate to serve additional consumers.

Par 7

General provisions

19. Environmental Impact Assessments.

- 1) If an environmental impact assessment (EIA) is required to be carried out before the Provisions of water services can be approved or commence, the applicant for the services shall be responsible for the commission of a suitable person/s to carry out the EIA and shall be responsible for the costs thereof.
- 2) Once the application for water services has been approved, it will be the responsibility of the applicant, or applicant's representative to ensure that there is full compliance with the applicable legislation and the environmental management procedures as indicated by the EIA.

20. Responsibility for compliance with these By-laws.

- 1) To owner of premises is responsible for ensuring compliance with these By-laws in respect of all or any matters relating to any installation.
- 2) The consumer is responsible for compliance with these By-laws in respect of matters relating to the use of any installation.
- 3) The Municipality may at any time and before a Clearance Certificate in respect of rates and taxes payable on premises is issued, and in its sole discretion, require from the owner of premises to supply it with a certificate by a qualified plumber that the water and sanitation installations and any improvement on the premises comply fully with the provisions of these By-laws.

21. Exemption

- 1) The Municipality may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of

these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provide that the Municipality shall not grant exemption from any section of these By-laws that may result in-

- a) The wastage or excessive consumption of water;
 - b) The evasion or avoidance of water restrictions;
 - c) Significant negative effects on public health, safety or the environment;
 - d) The non-payment for services;
 - e) The installation of pipes and fittings which are not approved in terms of these By-laws; and
 - f) The Act, or any regulations made in terms thereof is not complied with.
- 2) The Municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1)

22. unauthorized used of water services.

- 1) No person may gain to water services from a source other than Municipality without the permission of Municipality, except than rainwater tanks that are not connected to the water installation.
- 2) Notwithstanding the provision of subsection (1), a person who, at the commencement of these By-laws, has been using water services from another source, may continue to do so –
 - a) For a period of sixty days after he, she or it has been given written notice that application must be made for approval;
 - b) Thereafter until the approval is granted if it is not granted within the period;
 - c) For a reasonable period thereafter within the discretion of Municipality, if the application for approval is refused.
- 3) In granting the approval, the Municipality may require the applicant to –
 - a) Supply such services as may be specified in the approval, to others on reasonable terms, such term not be specified by the Municipality;
 - b) Provide Municipal with proof, to its satisfaction, at his or her own cost, that the water referred to in (1) complies or will comply to the requirements of SABS Code 24:1999 (Fourth edition): - Drinking Water or any other requirement in these By-laws or contained in the Act, or that the water does not or will not constitute any danger to health.
- 4) Any permission granted in terms of (1) may be withdrawn if, in the opinion of Municipality-
 - a. A condition given in terms of these By-laws has been breached; or
 - b. The water no longer conforms to the requirements set out in (3) (b).

- 5) The provisions of section 41 shall apply to any meter or monitoring device installed in terms of (5).
- 6) The Municipality may, irrespective of any other action it may take against such person in terms of these By-laws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services provided by Municipality, without an agreement with the Municipality for the rendering of those services –
 - a. To apply for such services in terms of sections 2 or 3; and
 - b. To undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these By-laws.
- 7) The provision of section 26 shall, apply to a notice in terms of subsection (2) and (4) above.

23. Change in purpose for which water services are used.

Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the Municipality.

24. Interference with water supply system or any sanitation services

- 1) No person other than the Municipality shall manage, operate or maintain the water supply system or any sanitation system unless authorized by these By-laws or an authorized agent.
- 2) No person other than the Municipality shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

25. Obstruction of access to water supply system or any sanitation services

- 1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- 2) If a person contravenes subsection (1), the Municipality may –
 - a) By written notice require such person to restore access at his or her own expense within a specified period; or
 - b) If it is of the opinion that the situation is a matter of urgency, with prior notice restore access and recover the cost from such person.

26. Notice and documents.

- 1) A notice or document issued by the Municipality in terms of these By-laws must be deemed to be duly authorized if the authorized agent signs it.

- 2) If a notice or document is to be served on an owner, consumer or any other person in terms of these By-laws such service shall be effected by-
 - a) Delivery it to him or her personally or to his or her duly authorized agent;
 - b) Delivery it at his or her residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
 - c) If he or she has nominated an address for legal purposes, delivering it to such an address;
 - d) If he or she has not nominated an address for legal purpose, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services.
 - e) Sending by prepaid registered or certified post addressed to his or her last known address;
 - f) In the case of a legal person by delivering it at the registered office of business premises of such legal person; or
 - g) If service cannot be effected in terms of subsection (a) to (f) by affixing it to a principal door of entry to the premises concerned.
- 3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending such notice.

27. Power to serve and compliance with notices.

- 1) The Municipality may, by written notice, order an owner, consumer or any other person who fails, by act or omission to comply with the provisions of these By-laws or of any condition imposed there under to remedy such breach within a period specified in the notice, which period shall not be less than thirty days.
- 2) If an person fails to comply with a written notice serve on him or her by the Municipality in terms of the se By-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including –
 - a) Undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - b) Limiting or discontinuing the provision of services; and
 - c) Instituting legal proceedings.
- 3) A notice in terms of subsection (1) will-
 - a) Give details of the provision of the By-laws not complied with;
 - b) Give the owner, consumer or other person a reasonable opportunity to make representation and state his or her case, in writing, to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued.
 - c) Specify the steps that the owner, consumer or other person must take to rectify the failure to comply;

- d) Specify the period within which the owner, consumer or there person must take the steps specified to rectify such failure; and
 - e) Indicate that the Municipality
 - i. May undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - ii. My take any other action if deems necessary to ensure compliance-
- 4) In the event or an emergency the Municipality may without prior notice undertake the work required by subsection (3) (e) (i) and recover the costs from such person.
- 5) The costs recoverable by the Municipality in terms of subsection (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigational surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or group affected by the work and the environmental cost.

28. Power of entry inspection.

- 1) A Municipal official may enter and inspect any premises –
- (a) for the purpose set out in and in accordance with the provisions of section 79 of the Act;
 - (b) For any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

29. False statement or information.

No person shall make a false statement or furnish false information to the Municipality or falsify a document issued in terms of these By-laws.

30. Offences.

- 1) It is an offence for any person to –
- a) refuse to grant a designated officer access to premises to which that designated officer is duly authorized to have a access;
 - b) obstruct, interfere or hinder a designated officer who is exercising a power in terms of these By-laws; or
 - c) carrying out a duty under these By-laws;
 - d) fail or refuse to provide a designated officer with a document or information that the person is required to provide under these By-laws;
 - e) give false or misleading information to a designated officer;
 - f) unlawfully prevent the owner of any premises, or a person working for that owner, form entering the premises in order to comply with a requirement of these By-laws;

- g) pretend to be a designated office;
 - h) falsely alter an authorization to a designated officer or written authorization
 - i) compliance notice or compliance certificate issued in terms of this Chapter;
 - j) enter any premises without a written authorization in circumstances requiring such authorization;
 - k) act contrary to a written authorization issued in terms of this Chapter;
 - l) without authority –
 - i. enter or inspect premises;
 - ii. carry out any act mentioned in section 28 (1);
 - m) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of these By-laws, except-
 - i. to a person who requires that information in order to perform a function; or
 - ii. exercise a power in terms of the By-laws
 - iii. if the disclosure is ordered by a court of law; or
 - iv. if the disclosure is in compliance with the provisions of any law;
 - n) contravene or fail to comply with any provisions of any law;
 - o) fail to comply with any notice issued in terms of these By-laws;
 - p) fail to comply with any lawful instruction given in terms of these By-laws; or
 - q) obstruct or hinder any authorized official of the Municipality in the execution of his or her duties under these By-laws.
- 2) Any person found guilty of a contravention of these By-laws shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000.00 or in default or payment, to imprisonment for a period not exceeding 4 months and in the event of a continued offence to a further fine not exceeding R1 000.00 for every day during the continuance of such offence after a written notice from the municipality has been issued, and in the event of a second offence to a fine not exceeding R4 000.00 or in default on payment to imprisonment for a period not exceeding 8 months.

31. Availability of By-laws.

- 1) A copy of these By-laws shall be included in Municipal Code as required in terms of section 15 of the System Act, 2000.
- 2) A copy of these By-laws shall be available for inspection at the municipal offices or at the offices of its authorized agent at all reasonable times.
- 3) A copy of these By-laws may be obtained in accordance with the provisions of Municipality's Manual on the Promotion of Access to Information Act, No.2 of 200

CHAPTER II

WATER SUPPLY SERVICES

Part 1

32. Provision of connection pipe.

- 1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form. Municipality shall supply a connection point and water meter at the boundary to the premises after payment by the applicant of the prescribed connection fees.
- 2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Municipality may agree to the extension if the applicant pays for the costs involved.

33. Location of connection pipe.

- 1) A connection pipe provided and installed by the Municipality shall –
 - a) Be located in a position as decided by Municipality or in such other position as agreed to between the owner and the Municipality subject to cost and the other considerations in the sole discretion of the Municipality;
 - b) Terminate at the boundary of the land owned by or vested in the Municipality or over which it has a servitude or other right; or the outlet of the water meter if it is situated on the premises.
- 2) In reaching agreement with an owner concerning the location of a connection pipe, the Municipality shall ensure that the owner is aware of-
 - a) Practical restrictions that may exist regarding the location of a connection pipe;
 - b) The cost implications of the various possible locations of the connection pipe.
- 3) The Municipality shall be liable for the maintenance of any meter and associated valve which may be situated on the consumer's premises.
- 4) The Municipality may at the request of any person agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the Municipality and for obtaining at his or her cost, such servitudes over premises as may be necessary.
- 5) An owner must pay the prescribed connection charge.

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

- 1) Only a single connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- 2) The person having the charge or management of the premises, as the case may be, will be liable for the Municipality for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- 3) Notwithstanding subsection (1), the Municipality may authorize that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units if in the opinion of the Municipality undue hardship or inconvenience would be caused to any consumer or such premises by the provision of only one connection pipe.
- 4) Where the provision of more than one connection pipe is authorized by the Municipality under subsection (3), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

35. Interconnection between premises or water installations.

An owner of premises shall ensure that no interconnection exists between-

- a) The water installation on his or her premises and the water installation on other premises; or
- b) Where several accommodation units are situated on the same premises, the water installations of the accommodation units; unless he or she obtained the prior written consent of the Municipality, and complies with any conditions that it may have imposed.

36. Disconnection of water installation from connection pipe.

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

- a) The agreement for supply has been terminated in terms of section 14 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- b) The building on the premises concerned has been demolished.

Part 2**Communal water services works****37. Provision of water services work for water supply to several consumer.**

- 1) A Municipality may install a communal water services work for the provision of water services to several consumer at, a location it deems appropriate, provided that the consumers to whom water services will be provided through that water services work have been consulted in respect of the level of services, tariffs that will be payable and the location of the work.

Part**Temporary supply****38. Water supplied from a hydrant.**

- 1) The Municipality may authorize a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.
- 2) A person who desire a temporary supply of water referred to in subsection (1) must apply for such water services in terms of section 2.
- 3) The supply of water in terms of subsection (1) must be measured.
- 4) The Municipality may for purpose of measuring provided a portable water meter to be returned to the Municipality on termination of the temporary supply, which portable meter and all other fitting and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the Municipality and will be provided subject any conditions imposed by the Municipality.

Part 4**Standards and general conditions of supply****39. Quantity, quality and pressure.**

Water supply services provided by the Municipality must comply with the minimum standards set for the provision of water supply services in terms of section (9) of the Act.

40. General conditions of supply.

- 1) The Municipality may specify the maximum height to which water will be supplied from the water supply stem. Where a consumer requires water to be supplied at a greater height or pressure the consumer must obtain Municipality's prior written permission, and will be responsible to install such devices necessary to achieve the required height at his or her own cost.

- 2) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- 3) If in the opinion of the Municipality the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

Part 5

Measurement of water supply services

41. Measuring of quantity of water supplied.

- 1) The Municipality must measure the quantity of water supplied at regular intervals not exceeding 30 (thirty) days or such longer period as may be determined by Municipality Resolution from time to time.
- 2) Any measuring device through which the Municipality supplies water to a consumer and its associated apparatus shall be provided and installed by the Municipality, shall remain its property, and may be changed and maintained by the Municipality when deemed necessary by it.
- 3) The Municipality may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- 4) If the Municipality installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter and such section shall be deemed to form part of the water supply system.
- 5) If the Municipality installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner shall –
 - a) Provide a place satisfactory to the Municipality in which to install it;
 - b) Ensure that unrestricted access is available to it at all times;
 - c) Be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - d) Ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation;
 - e) Make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Municipality on the measuring device.

- 6) No person other than authorized agent shall-
 - a) Disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - b) Break a seal which the Municipality has placed on a meter, or
 - c) In any other way interfere with a measuring device and its associated apparatus
- 7) If the Municipality considers that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter
- 8) The Municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit in separate occupancy on any premises, for determining the quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.
- 9) Non-compliance with the period of 30 (thirty) days in (1) does not disentitle the Municipality from collecting any money due to it by a consumer. (Editorial Note: Wording as per original Provincial Gazette. It is suggested that the phrase "30 (thirty) days in (1)" is intended to be "30 (Thirty) days in subsection (1)'.)

42. Quantity of water supplied to consumer. –

- 1) For purpose of assessing the quantity of water measured by a measuring device installed by the Municipality on the premises of a consumer or, where applicable, estimated or determined by the Municipality in terms of any provision of these By-laws, it will, for the purpose of these By-laws, be deemed, unless the contrary is proved by the consumer, that-
 - a) The quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - b) The measuring device was accurate during such period;
 - c) The entries in the records of the Municipality were correctly made; and
 - d) Provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Municipality of the quantity of such water shall be deemed to be correct.
- 1) Where water supplied by the Municipality to any premises is in any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Municipality, the Municipality may for the purpose of rendering an account estimate, in accordance with subsection (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.
- 2) For the purpose of subsection (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Municipality may decide –
 - a) The average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date

on which the taking of water in the manner mentioned in subsection (2) was discovered; or

- b) The average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in subsection (3)
- 3) Nothing in these regulations shall be construed as imposing on the Municipality an obligation to cause any measuring device installed by the Municipality on any premises to be measured at the end of every month or any other fixed period, and the Municipality may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.
- 4) The Municipality must, on receipt from the consumer of written notice of not less than 7 (seven) days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
- 5) If a contravention of subsection 41 (6) occurs, the consumer shall pay to the Municipality the cost of such quantity of water as in the Municipality's opinion was supplied to him or her.
- 6) Until such time a measuring device have been installed in respect of water supplied to a consumer the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
- 7) Where in the opinion of the Municipality it is not reasonable possible or cost effective to measure water supplied to each consumer within a determined zone, the Municipality may determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.
- 8) A tariff or charge determined in terms of subsection (8) will be based on the estimated consumption of water supplied to that zone.
- 9) Where water supply services are provided through a communal water services work the amount due and payable by consumers gaining access to water supply services through that communal water services work must be based on the estimated average consumption of water supplied to that water services work.

43. Defective measurement.

1. If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the Municipality is defective he or she may, against payment of the prescribed charge, make application in writing for the measuring device to be tested.
2. The provisions of section 11 (8) to 11 (12) will apply to such an application.

44. Special measurement

1. If the Municipality wishes, for purpose to her than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may be written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.
2. The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality.
3. The provisions of the sections 41 (5) and 41 (6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection (1)

45. No reduction of amount payable for water wated.

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

46. Adjustment of quantity of water supplied through defective measuring device. –

1. If a measuring device is found to be defective in terms of section 10 or 11, the Municipality may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over-
 - a) A period between two successive measurements subsequent to the replacement of the measuring device; or
 - b) A period in the previous year corresponding to the period in which the measuring device was defective; or
 - c) The period between three successive measurements prior to the measuring device becoming defective; whichever it consider the most appropriate
2. If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1), the Municipality ay estimate the quantity on any basis that is available to it.

Part 6

Installation work in respect of water supply

47. Approved of installation work.-

1. if an owner wishes to have installation work done, the owner must ensure that the installation work complies fully with the requirements as set out in the National Building Regulation and or any other By-law adopted by Municipality from time to time.

2. If any of the work is govern by the EIA Regulations, the owner must ensure compliance and obtain the relevant authorization in regard thereto.
3. Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by –
 - a) The prescribed charge, if applicable;
 - b) Copies of the drawings as prescribed by Municipality;
 - c) A certificate certifying that the installation has been designed in accordance with the requirements as set out subsections (1) and (2) above.
4. The provisions of subsection (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
5. Authority given in terms of subsection (1) shall lapse at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
6. If installation work has been done in contravention of subsection (1) or (2), the Municipality may be written notice require the owner of the premises concerned to –
 - a) Comply with that regulation within a specified period;
 - b) If work is in progress, to cease the work; and
 - c) To remove all such work which does not comply with these By-laws.

48. Persons permitted to do installation and other work.

1. No person who is not a qualified plumber may –
 - a) Be permitted to do any installation work other than the replacement or repair of an existing pipe or water fitting;
 - b) Replace a fixed water heater or its protective devices;
 - c) Inspect, disinfect or test a water installation, fire installation or storage tank;
 - d) Service, repair or replace a back-flow preventer; or
 - e) Install, maintain, or replace a meter provided by an owner in a water installation.
2. No person may require or engage a person who is not a qualified plumber, to do the work in (1).
3. Notwithstanding the provisions of subsection (1), the Municipality may permit a person who is not a qualified plumber, to do the installation work on his or her own behalf, on premises occupied solely by him or herself and his or her own household , provide that such work may be required to be inspected and approved by a qualified plumber at the direction of the Municipality.

49. Provision and maintenance of water installation.

An owner must provide and maintain his or he water installation at his or her own cost.

50. Use of pipe and water fitting to be authorized

No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless it is approved by the South African of Standards and bears the SABS/SANS mark of approval.

51. Unlawful water installation work.

Where any installation work has been constructed in contravention of these By-laws, the owner must, or receive a compliance notice from Municipality, carry out such alterations as instructed in the notice.

52. Labeling of terminal water fittings and appliances

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

- a) The range of pressure in kPa over which the water fitting or appliance is designed to operate;
- b) The flow rate, in liters per minutes, relate to the design pressure range, provided that this information shall be given for at least the following water pressures
 - i. 20 kPa;
 - ii. 100 kPa;
 - iii. 400 kPa.

Part 7

Water pollution, restriction and wasteful use of water

53. Owner to prevent pollution of water.

An owner shall provide and maintain approved measures to prevent the entry of any substance, which may be a danger to health or adversely affect the potability of water or affect its fitness for use into –

- a) The water supply system; and
- b) Any part of the water installation on his or her premises

54. Water restrictions

1. The Municipality may, by public notice to prevent the wasteful use of water in terms of section 54 or in the event of a water shortage, drought or flood –
 - a) Prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for
 - i. Specified purposes;

- ii. During specified hours of the day or on specified days; and
 - iii. In a specified manner ; and
- b) Determine and impose –
- i. Limits on the quantity of water that may be consumed over a specified period;
 - ii. Charge additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subsection (1) (b) (i); and
 - iii. A general surcharge on the prescribed charge in respect of the supply of water; and
- c) Impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliance to the water installation.
2. The Municipality may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of consumers, premises and activities, and may permit deviation and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
3. The Municipality may
- a. Take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1)
 - b. Discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), subject to notice in terms of subsection 26; and
 - c. Where the supply has been discontinued, it shall only be restored when the prescribed charge for discontinuation and reconnecting the supply has been paid.
4. The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumer to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1)

55. Waste of water unlawful.

1. No consumer shall permit –
- a. The purposeless or wasteful discharge of water from terminal water fittings;
 - b. Pipes or water fittings to leak;
 - c. The use of maladjusted or defective water fittings;
 - d. An overflow of water to persist; or
 - e. An inefficient use of water to persist.

2. An owner shall repair or replace any part of his or water installation which is in such a state of disrepair that is either causing or is likely to cause an occurrence listed in subsection (1)
3. If an owner fails to take measures as contemplated in subsection (2), the Municipality shall, by written notice in terms of section 26; require the owner to comply with the provisions of subsection (1).
4. A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
5. The Municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

Part 8

Water audit

56. Water audit

- 1) Water users using more than 3 650 Kl per annum, excluding those comprising multiple dwelling units, must within one month after the end of each financial year of the Municipality undertake an annual water audit at their own cost.
- 2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and Forestry, the water board, if applicable and the Municipality.
- 3) If an owner fails to take measures as contemplated in subsection 92), the Municipality shall, by written notice in terms of section 26, require the owner to comply with the provisions of subsection (1).
- 4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- 5) The Municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.
- 6) The audit must contain details in respect of –
 - a) The amount of water used during the financial year;
 - b) The amount paid for water for the financial year;
 - c) The number of people living on the stand or premises
 - d) The number of people permanently working on the stand or premises;

- e) The seasonal variation in demand through monthly consumption figures;
- f) The water pollution monitoring methods;
- g) The current initiatives to manage demand for water;
- h) The plans to manage their demand for water;
- i) A comparison of the above factors with those reported in each of the previous three years (where available);
- j) Estimate of consumption by various components of used; and
- k) A comparison of the above factors with those reported in each of the previous three years, where available.

Part 9

General provisions

57. Notification of boreholes.

- 1) The Municipality may, by public notice, require-
 - a) The owner of any premises within the area of jurisdiction of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - b) The owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- 2) The Municipality may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact, assessment for such intended borehole, to the satisfaction of the Municipality, before sinking the borehole.
- 3) Boreholes are subject to any requirement of the National Water Act (Act No.136 of 1998).
- 4) The Municipality may be notice to an owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to-
 - a) Obtain approval from it for the continued use of a borehole for water services in accordance with section 6, 7 and 22 of the Act;
 - b) Impose conditions in respect of the use of a borehole for irrigation purpose; and
 - c) Impose a fixed charge in respect of the use of such a borehole.

58. Sampling of water

- 1) The Municipality may take samples of water obtained from a source, authorized in terms of section (6) or (7) of the Act, other than the water supply system for domestic purpose and cause the samples to be tested for compliance with any national standards prescribed in terms of section (9) of the Act,

- 2) The prescribed charge for the taking and of the samples referred to in subsection (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of section 6 (1) of the Act.

59. Supply of non-potable water by Municipality

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

60. Testing of pressure in water supply systems.

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

61. Pipes in streets or public places.

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

CHAPTER III

SANITATION SERVICES

Part 1

Standard and general provisions

62. Standards for sanitation services

Sanitation services provided by the Municipality will comply with the minimum standard set for the provision of sanitation services in terms of the section 9 of the Act.

63. Objectionable discharge to sewage disposal system

- 1) No person shall discharge or permit the discharge or entry into the sewage disposal system of any sewage or other substance-
 - a) Which does not comply with the standards and criteria prescribed in section 79, 80 and 81 below;
 - b) Which contains any substance in such concentration as will produce or be likely to produce in the effluent produced for discharge at any sewage treatment plant discharge point or in any public water any offensive or otherwise undesirable taste, colour odour, temperature or any form;
 - c) Which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
 - d) Which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
 - e) Which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, 1998 (Act No 36 of 1998)
 - f) Which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the Municipality for the sewage disposal system, other than in compliance with the permission issued in terms of the se By-laws; and
 - g) Which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- 2) No person shall cause or permit any storm water, or rain water to enter the sewage disposal system.
- 3) The Municipality may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures that would ensure compliance with these By-laws and to report such findings to Municipality or its authorized agent.
- 4) If any person contravenes any provision of subsection (1) or subsection (2) here or she shall within twelve hours, or earlier if possible, advise the Municipality of the details of the contravention and the reasons for it.

Part 2

On-site sanitation services and associate services

64. Application for infrastructure

- 1) If an agreement for on-site sanitation and associate service in accordance with section 2 exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and –
 - a) Pay the prescribed charge for the installation of necessary infrastructure; or
 - b) With the approval by the Municipality and at the request of the owner, install the connection sewer or on site sanitation services in accordance with the specifications if the Municipality.
- 2) The Municipality may specify the type of on-site sanitation services to be installed.

65. Service associated with on-site sanitation services

1. The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the Municipality in accordance with a removal and collection schedule determined by the Municipality.
2. Copies of the collection and removal schedule will be available on request.

66. Charges in respect of services associated with on-site sanitation services.

- 1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will cover all the operating and maintenance cost in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.
- 2) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will be based on the volume removed by vacuum tank or otherwise.
- 3) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be quantified the Municipality may charge a fixed charge as prescribed.
- 4) Charges may be in the form of a monthly contribution or it may be levied as a single payment when the service is rendered.

Part 3

Sewage disposal

67. Provision of a connecting sewer.

- 1) If an agreement for the use of the sewage disposal system in accordance with section 2 exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on the approved form and-

- a) Pay the prescribed charge for the installation of such a connecting sewer; or
 - b) With the approval by the Municipality and at the request of the owner, install the connecting sewer in accordance with any specifications of the Municipality.
- 2) If an application is made for use of the sewage disposal system to premises that is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.

68. Location of connecting sewer

- 1) A connecting sewer provided by the Municipality or owner in terms of section 68 shall –
 - a) Be installed subject to such conditions regarding its size and other technical specifications as Municipality, or its authorized officer may deem fit and be located in a position agreed to between the owner and the Municipality;
 - b) Terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Municipality at the connecting point designated in terms of that subsection.
- 2) In reaching agreement with an owner concerning the location of a connecting sewer, the Municipality shall ensure that the owner is aware of –
 - a) Practical restrictions that may exist regarding the location of a connecting sewer pipe;
 - b) The cost implications of the various possible locations of the connecting sewer;
 - c) Any other practical or technical requirement that Municipality may deem necessary for the effectiveness of the connecting sewer.
- 3) Municipality may at the request of any person agree, subject to such conditions as Municipality may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by an authorized officer and for obtaining at his or her cost, such servitudes over or other premises as may be necessary.
- 4) An owner must pay the prescribe connection charge
- 5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations the rate and time of discharge in to the sewer be subject to the approval of the Municipality.

69. Provision of one connecting sewer for several consumers on same premises

- 1) Notwithstanding the provisions of section 69 only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises,

irrespective of the number of accommodation units of consumers located on such premises.

- 2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the Municipality may, in its discretion, provide and install either –
 - a) A single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
 - b) A separate connecting sewer for each accommodation unit or any number thereof.
- 3) Where the municipality has installed a single connecting sewer as contemplated in subsection (2) (a), the owner or the person having the charge the charge or management of the premises, as the case may be-
 - a) Must if the Municipality so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units a separate connecting sewer; and
 - b) Will be liable to the Municipality for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different served by such connecting sewer.
- 4) Notwithstanding subsection (1), the Municipality may authorize that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- 5) Where the provision of more than one connecting sewer is authorized by the Municipality under subsection (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

70. Interconnection between premises

An owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on other premises, unless he or she has obtain the prior written consent of the Municipality and complies with any conditions that it may have imposed.

71. Disconnection of draining installation from connecting sewer

The Municipality may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if

- a) The agreement for provision has been terminated in terms of section 13 and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or

- b) The building on the premises concerned has been demolished

Part 4

Sewage delivered by road haulage

72. Acceptance of sewage delivered by road haulage

- 1) The Municipality may, at its discretion, and subject to such conditions as it may specify accept sewage for disposal delivered to the Municipality's sewage treatment plants by road haulage.

73. Written permission for delivery of sewage by road haulage

1. No person shall discharge sewage into the Municipality's sewage treatment plants or sewer network by road haulage except with the prior written permission of the Municipality and subject to such period and any conditions that may be imposed terms of the written permission.
2. The Municipality shall assess the charges for any sewage delivered for disposal to the Municipality's sewage treatment plants in accordance with the prescribed tariffs of charges.

74. Conditions for delivery of sewage by road haulage.

1. When sewage is delivered by road haulage
 - a) The time of delivery shall be arranged with the Municipality; and
 - b) The nature and composition of the sewage shall be established to the satisfaction of the Municipality prior to the discharge therefore and no person shall deliver sewage that does not comply with the standards laid down in terms of these By-laws

75. Withdrawal of permission for delivery of sewage by road haulage

- 1) The Municipality may withdraw any permission, after giving at least 14 (fourteen) days written notice if its intention to a person permitted to discharge sewage by road haul if the person-
 - a) Fails to ensure that the sewage so delivered conforms to the standards prescribed by Municipality, Or in the written permission; or
 - b) Fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or any condition imposed on him or her in terms of any permission granted to him or her; and
 - c) Fails to pay the assessed charges I respect of any sewage delivered.

Part 5**Disposal of industrial effluent and trade premises****76. Application for disposal of industrial effluent**

1. A person must apply for the permission to discharge industrial effluent into the sewage disposal system of the Municipality in terms of section 1.
2. The Municipality, if in its opinion the capacity of a sewage disposal system is sufficient to permit the conveyance and effective and effective treatment and lawful disposal of the industrial it

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It, consequent on any partial or complete breakdown of any sewage treatment plant or mechanical appliance, caused directly or indirectly by the said discharge.-

- 3) Any person who discharge or causes or permits tot be discharged any industrial effluent in any manner whatsoever that is not authorized in terms of these By-laws is guilty of an offence.

78. Quality standards for disposal of industrial effluent

1. A person to whom permission has been granted in terms of section 77 must ensure that no industrial effluent is discharged into the sewage disposal system of the Municipality unless it complies fully with the standards and criteria determine by Municipality form time to time.
2. The Municipality may in the written permission concerned, relax or vary the standards provided that the Municipality is satisfied that any such relaxation represents the best practicable environmental option.
3. In determining whether relaxing or varying the standards for industrial effluent represents the best practicable environmental option the Municipality will consider-
 - a) Whether the applicant's undertaking is operated and maintained at optimal level;
 - b) Whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant.
 - c) Whether the applicant is implementing a program for waste minimization which complies with national and local waste minimization standards to the satisfaction of the Municipality;
 - d) The cost to the Municipality of granting the relaxation or variation; and
 - e) The environmental impact or potential impact of such a relaxation or variation.
4. Municipality may, through a duly authorized person take test samples at any time to ascertain whether the industrial effluent complies with any other standard laid down in a written permission.

79. Conditions for disposal of industrial effluent.

- 1) The Municipality may in the written permission or at any time, by written notice, require a person to –
 - a) Subject the industrial effluent to such preliminary treatment as in the opinion of the Municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule A before being discharged into the sewage disposal system;
 - b) Install such equalizing tanks, valves, pumps, appliance, meters and other equipment as in the opinion of the municipality will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;
 - c) Install for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such person from disposing of his or her industrial effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;
 - d) Construct on any pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the Municipality may prescribe;
 - e) Provide all such information as may be require by the Municipality to enable it to assess the tariffs or charges due to the Municipality;
 - f) Provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these By-laws;
 - g) Cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of that person at such intervals as required by the Municipality and copies of the calibration to be forwarded to it; and
 - h) Cause his or her industrial effluent to be analyzed as often and in such manner as may be prescribed by the Municipality and provide it with the results of these tests when completed.
- 2) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in terms of subsection (1) shall be borne by the permit holder concerned.
- 3) The written permission of the Municipality must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.
- 4) In the event that industrial effluent that does not comply with the standards as determined by Municipality or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the Municipality must informed of the incident and the reasons therefore within twelve hours of such discharge.

82. Volume of industrial effluent discharged.

- 1) The volume of industrial effluent discharged into the sewage disposal system shall be determined-
 - a) Where a measuring device is installed: - by the volume of industrial effluent discharged from a premises as measured through that measuring devices; or
 - b) Where no measuring device is installed: - by application of the formula determined by Municipality from time to time.
- 2) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, Municipality or its authorized agent may on application adjust the sewage tariff which is related to the water consumption pertaining to the premises.

Part 7

Drainage installations

83. Construction or installation of drainage installations

- 1) Any drainage installation contracted or installed must comply with SABS Code 0900-1990 part P Drainage and any other applicable specification prescribed in terms of the Act.
- 2) From date of publication of these By-laws, where a drainage installation is a toilet it shall be a waterborne toilet system or a waterless biological toilet. If the drainage system is a waterless biological toilet, it shall comply with the specifications set out below-
 - a) Operation: The biological toilets shall be capable of treating and stabilizing human toilet waste by means of –
 - i. Separation of the liquid and solid waste;
 - ii. Dehydration and evaporation of the solid and liquid waste respectively;
 - iii. Reducing the volume of the solid waste via dehydration;
 - iv. Allow for simple removal of the solid waste by means of a rake and collection in a container.
 - b) Operational and Functional Requirements: The biological toilet system shall-
 - i. Not require continuous dosing of chemicals or enzymes;
 - ii. Operate as an aerobic reactor;
 - iii. Not require electricity to operate under normal conditions;

80. Withdrawal of written permission for disposal of industrial effluent.

- 1) The Municipality may withdraw any permission, after giving at least 14 (fourteen) days written notice if its intension to a person permitted to discharge industrial effluent into the sewage disposal system if the person-

- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed by Municipality or the written permission;
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed in terms of any permission granted to him or her; or
 - (c) Fails to pay the assessed charged respect of any industrial effluent discharge as may be determined by Municipality from time to time.
- 2) The Municipality may on withdrawal of any written permission –
- (a) in addition to any steps prescribed in these By-laws and on 14 (fourteen) days' written notice authorize the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the Municipality's tariff of charges; and
 - (b) refuse to accept any industrial effluent utility it is satisfied that adequate steps to ensure that the industrial effluent to be discharged conforms to the standards prescribed in these By-laws.

Part 6

Determining charges for volumes of effluent discharge to sewage disposal system

81. Quantity of standard domestic effluent discharged

- 1) The volume of standard domestic effluent discharged shall be determined by the size of the specific premises to which Municipality or its authorized agent supplies water. If the total charges for the discharged effluent for a specific premises are excessive, having regard to the purpose for which water is consumed on those premises, the Municipality or its authorized agent may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.

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- (iv) be odourless under normal operating conditions;
 - (v) not attract flies;
 - (vi) have a positive extraction ventilation system.
- (c) The system features: The system shall comprise of the following –
- i. A top unit onto which the concrete for the floor slab is casted
 - ii. The top unit shall have a manhole cover for access into and removal of dried waste from the system;

- iii. The manhole cover area shall be raised above ground level and contracted in such a way to allow for heat build-up within the reactor, in order to create convectional flow of air;
- iv. A ventilation outlet pipe with a wind driven ventilation extraction unit mounted on top of the reactor;
- v. The ventilation unit shall be manufactured in aluminum and shall have a sealed nylon bearing. The extractor shall have a diameter of more than 300 mm;
- vi. All plastic components must be supplied in black UV stabilized polyethylene plastic;
- vii. All other components must be supplied in plastic or stainless steel;
- viii. The system shall be supplied with an outlet chute of at least 200 mm in diameter.

84. Drains in streets or public places.

No person shall for the purpose of conveying sewage derived from whatever source, lay or construct a drain on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of the Municipality and subject to such conditions as it may impose.

85. Construction by Municipality

The Municipality may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of these By-laws or the Building Regulations, will be constructed by the Municipality against payment, in advance or on demand, of all costs associated with such construction.

86. Maintenance of drainage installation

- 1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises
- 2) Any person who request the Municipality to clear a drainage installation will be liable to pay the prescribed tariff.
- 3) A Municipality may, on the written application of the owner or occupier of any premises inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff or charges.

87. Installation of pre-treatment facility.

A Municipality may require that any new premises must be provided with a minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sewage disposal system.

88. Protection from ingress of floodwaters

Where a premises is situated in the 1 in 50 years flood-plain, or the 1 in 100 years flood-plain, the top level of service access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level or 1 in 100 years flood-level, respectively, except, in the case of service access holes and inspection chambers, where the cover is secured in place by approved means.

89. Repeal of existing By-laws

All previous By-laws are hereby repealed, provided that such repeal shall not affect the continued validity of any charges determined by the Municipality under those By-laws.

90. Short title

These By-laws shall be called the Water Services By-Laws and shall come in to effect upon promulgation.

LOCAL AUTHORITY NOTICE 195**NKOMAZI LOCAL MUNICIPALITY
LIBRARY BY-LAWS****1. DEFINITION OF TERMS**

- (i) In these by-laws, unless the context otherwise indicates;-

“Charges” means any fine or miscellaneous charges in respect of the library as determine from time to time by the Council;

“Council” means Nkomazi Local Municipality established in terms of section 12 (1) read with section 14 (2) of the Local Government Municipal structure Act, 1998 (Act no 117 of 1998) and promulgated in Notice no 299 and amended in Notice No. 313 of 2003;

“Lending period” means the period which the Council determines for the lending out of different types of library materials;

“Librarian” means the qualified officer (or his representatives appointed by the council to exercise control over and manger the library;

“Senior Librarian” means a qualified officer appointed by the council to supervise the functioning of all libraries within the Municipality;

“Library Manager” means a qualified Librarian appointed by the Council to provide strategic, operational leadership and develop policies in library services within the Municipality;

“Library Material” means any material of whatever nature of form which is dept in a library and made available to the public;

“Member” means any person of organization registered as a member of the library;

- (ii) Words applying to any individuals shall include persons, companies and Corporations and masculine gender shall include female as well as males and the singular number shall include the plural vice versa;

2. USE OF THE LIBRARY

Any person admitted to the library by the Council may use the library facilities during official hours of opening; however, if a person wishes to borrow library material, he shall be first registered as a member of the library.

3. MEMBERSHIP

1. (a) Subject to the provisions of paragraph (b) and subsection (2) the Council may grant to any person residing or employed within the area of jurisdiction of the Municipality or who is a ratepayer of the Council membership of the library, subject to the provisions determined by the Council and provided such person undertakes to subject himself to the provision of these by-laws and rule for conducting the business of the library adopted by the Council.

(b) The council may, subject to the conditions if may determine , grant membership of the library such pre-Scholl-going child, should their parent or guardian consent in writing, thereto undertake to stand surety for the observance by such child of the provisions of these by-laws and rules for conducting the business of the library, adopted by the Council.

(c) Application for the membership shall be made on a form prescribed by the Council.

(d)The Council shall issue a certificate of membership to a member authorizing him to borrow from the library such qualify of the library material as may be determined by the Council.

(e) A certificate of membership shall be valid from date of issue thereof for a period as determined by the Council from time to time. The membership of a person whom such a certificate has been issued, shall lapse after such period, unless it be renewed.

2. The Council may grant membership of the library, to a person residing outside its area of jurisdiction on conditions determined by the Council from time to time.

3. A member desirous of termination his membership of the library, shall return his certificate membership to the librarian without delay, failing which he may be held responsible in terms of section 7 for library materials borrowed against such certificate for membership.

4. When a member changes his address, he shall notify the librarian in writing within seven days of such changes of address.

5. (a) When a member's certificate gets lost, he shall forth with notify the librarian in writing and the librarian may on payment of the prescribed charges, issue a duplicate of such certificate.

(b) Should a lost certificate of membership be found, the duplicate certificate of membership issued in place thereof, shall forth with be return to the librarian: provided charges paid for such duplicate shall not be refunded to the member.

(c) If a member gives notice in terms of paragraph (a) such a member shall not withstanding the provisions in Section 8 (1) not be liable in terms of the said section in respect of any library material borrowed against the lost certificate of membership after the date of such notice.

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6. A person residing for a period of less than three (3) months in the area of jurisdiction of the Council may register as a visitor if:
 - (a) He applies for such registration on the form prescribed by the Council; provided that the required proof identification and particulars as determined by the Council are produce:
 - (b) He deposits with the Librarian the prescribed deposit; And
 - (c) The Council approves such application.

7. The deposit contemplated by subsection (b) shall be refunded to a member on application by him; provided that the member \ if any member does not renew his certificate of membership as contemplated by subsection (1) (d) within a period of three (3) months after the expiry period of validity, such deposit shall be forfeited to the Council; provided further that upon any such refunding or forfeiture, the registration of the member shall be cancelled.

8. Any person may, on behalf of any organization similar body, if duly authorized thereto by such Organization or body, apply on the form prescribed by the Council for registration of such organization or body as a member of the library.

4. LOAN OF LIBRARY MATERIAL

- (1) Library material shall be deemed to be on loan from the library to the number against whose Certificate of membership it was lent.
- (2) No person shall be in a position of any library material not lent against a certificate of membership.
- (3) Library material bearing the mark of the library or Provisional Library Department, and on which there is no official indication that it has been withdrawn, written off or sold shall be the property for the Council or Department of Sport, Recreation, Arts and Culture.

- (4) (a) A member borrowing library material from the library material shall ascertain whether such material is damaged and if damaged he shall draw the librarian's attention to the facts:
- (b) The librarian shall not make damaged library material available for borrowing purposes, provided that where such damaged library material is nevertheless made available for borrowing purposes, particulars of such damage shall be affixed thereto.

5. RETURN OF LIBRARY MATERIAL

- (1) A member shall return the library material borrowed by him to the librarian not later than the Last day of the borrowing period: provided that-
- (a) The Council may extend the borrowing period of any library material not demanded by the other members after consideration of an application to that effect by the member who borrowed the library material, for not more than two (2) weeks further borrowing periods.
- (b) A member shall be responsible for the return of the library material borrowed by him and should such a member find it impossible to personally return such library material, he may return it in any other way.
- (c) A member who has borrowed library material shall not keep it for more than three (3) days after receipt of a written notice from the librarian that such library material is to be returned.

6. OVERDUE LIBRARY MATERIAL

- (1) Should a member not return library material borrowed against his certificate of membership within the stated in section 5 (a) or any period determined by the council of the proviso to that section, as case may be, such member shall be liable for payment to the council of the prescribe fine for every week or portion thereof during which such member fail to return such library material.
- (2) Council may exempt any person from the payment of such fine if he is satisfied that faire to return library material is due to circumstances beyond the borrower's control.
- (3) In order to obtain overdue library material, a council may determine a fine free period for a time in which such library material may be return.

7. RESERVATION OF LIBRARY MATERIAL

A member may, after payment of the prescription charge, reserve library material.

8. LOST AND DAMEGED OF LIBRARY MATERIAL

- (1) Should library material be lost or become damaged or deemed to be in terms of subsection (2), the member against whose certificate of membership such library was borrowed shall, in addition to any fine or other charges for which he shall be liable in respect of the said library material, be liable for payment to the council, unless he replace which a copy of equal value or a copy acceptable to the council.
- (2) Library material returned by a borrower for more three (3) months calculated from the expiry date allocated to such material at the time of issuing or after granting any extension of the borrowing period or receipt of a request to do so by registered post, fail to return library material within seven (7) days, shall be deemed to be lost.
- (3) Lost or damaged library material shall remain the property of the council or the department of Culture, Sports and Recreation.
- (4) No further library material shall be lent to a member who in terms of subsection (1) is responsible thereof.

PROVINCIAL GAZETTE EXTRA ORDINARY 30 JUNE 2006 NO: 1348**9. HANDLING OF LIBRARY MATERIAL**

- (1) No person having library material in his\her possession shall either wilfully or negligently:
 - a) Fail to keep such material in a clean condition.
 - b) Expose or permit such material to be exposed to or damaged by water, heat, fire, animals or any other thing.
 - c) Refuse to deliver any library material to the librarian a reasonable time after being requested thereto verbally or telephonically;
 - d) Allow any child under his supervision to create a disturbance in the library;
 - e) i) Act in uncouth or disordered fashion;
ii) Use unseemly, abusive or blasphemous language: or
iii) Lay a bet or gamble in any part of the library;
 - f) recline, sleep or partake of refreshments in the library;
 - g) cause or permit any animal under his supervision to enter or remain in the library;
 - h) while using the library, refuse to comply with any lawful request;

- i) bring any vehicle, carrier or container into the library without the permission of the librarian;
- j) Distribute or deposit in the library distribution, material for advertisement, publicity or any other purpose without the permission of the librarian.
- k) Damage or deface any part of the library or any fitting, furniture, equipment or contents thereof;
- l) Supply a false name and address for the purpose of entering any part of the library or to benefit from any service rendered by the library.
- m) Enter or remain in any part of the library if he/she is
 - i) Unclean body or dress
 - ii) Suffering from a contagious or infectious disease fortifiable in terms of any law;
- n) Enter or remain in any part of the library during the hours that such a library or part hereof is not officially open for services of the public.
- o) Enter or leave the library by an entrance or exist not officially provided for the use of the public;
- p) Enter or remain in any part of the library which is reserved for the use of the library staff;
- q) Obstruct or block any entrance to or from the library;
- r) Remove from the library or be in the possession of library material the loan whereof have not been registered by the librarian in terms of these BY-LAWS or
- s) Mutilate, deface, mark, creased or in any way damage such material such material or permit such material to be mutilate, deface, mark, crease or damage;
- t) Remove or damage or permit to be removed or damage any protective covering of such material or;
- u) Lend ant such material to any authorized person;
- v) Retain in his possession ant library material for more than twenty four (24) hours after the delivery to his registered address of a written demand from the librarian for the return of such material for the return of such material.

10. EXPOSURE OF LIBRARY MATERIAL TO CONTAGIOUS DISEASES

- 1) 1) No person suffering from contagious disease shall borrow or handle any library material form the library and no person shall borrow another person suffering from contagious disease, to handle such library material lent to him.
- 2) Any person being in a possession of such library material from the library which was exposed to a contagious disease shall immediately advise the librarian that such library material was so exposed.

11. LIBRARY MATERIAL FOR SPECIAL PURPOSE

Library material of a specialized nature shall be used in such parts of the library as are set aside by the council for special purpose and shall not be removed from the library or to any part of the library without the permission of the librarian.

12. FRIENDS FOR LIBRARIES

- a) Each library must have a committee, which will enter into contract with individuals Volunteer contract to be friends of the library within the Nkomazi Municipality

area of jurisdiction. A committee of not more than ten (10), these members must sign a volunteer.

- b) Termination of contract it should be considered that either party to this contract may not at any time during the contract terminate his/ her contract without giving the other party a reasonable notice. The council may however accept a shorter notice period in exceptional cases using its own discretion. The municipality may terminate this contract summarily in the event of a breach of the grounds of misrepresentation by the friends of the library.
- c) Remuneration the council may not enter into contract of remuneration with friends of the library, it should be acknowledged by the friends of the library that the municipality won't be compensating or remunerating any member of the committee. Friends of the library shall not in any sphere interfere with hiring of library staff an obligation between the friends and the municipality shall be signed by all parties to avoid future confusion.
- d) A constitution for friends of the library must be submitted and be presented to members of the council before the actual start of their activities.

13. LIBRARY HOURS

A notice by the council, setting forth the day and hour during which the library shall be open to the public, shall be displayable in a prominent place at or near the entrance thereto.

14. POSTING OF BY-LAW IN THE LIBRARY

The librarian shall place a copy of these By-law in a conspicuous place in the library direct the attention of the user of the library thereto. Furthermore these By-laws shall be placed in a council website for the library users and general public have access to.

15. OFFENCES

- 1) No person shall:
 - a) Conduct or participate in conversation, read aloud, sign or whistle, in the library in a manner which is disturbing to other persons present in the library building;
 - b) Impede, obstruct, disturb or in any other way annoy any other person in the legitimate use of the library.
 - c)

LOCAL AUTHORITY NOTICE 196

**NKOMAZI LOCAL MUNICIPALITY
ABATTOIR BY-LAW**

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1. Definitions

In these By- law, unless the context otherwise indicates

“Abattoir” means a place where animals are slaughtered or are intended to be slaughtered and includes all facilities which normally appear in or are attached to such a place, whether or not such facilities are situated at the same place as such place;

“Act” means Abattoir Hygiene Act, 1992 (Act No. 121 of 1992) and the regulations published there under as amended from time to time;

“Animal” means any animal of a prescribed kind;

“Animal Product” means any portion of an animal excluding the meat thereof, whether or not is intended to be converted by treatment or processing into articles in daily use;

“Approved abattoir” means an abattoir in respect of which a certificate of approval has been issued in terms of section 5 of the Act;

“**Council**” means the Council of Nkomazi Local Municipality;

“**Infected**” means suffering from, or in the incubation stage of, or contaminated with the infection of, any contagious or infection diseases;

“**Meat**” means those portions of any animal which are ordinarily intended for human or animal consumption;

“**Meat Inspector**” means any person who holds the prescribed qualifications;

“**Minister**” means the Minister of Agriculture;

“**Municipality**” means Nkomazi Local Municipality as described in section 2 of the Local Government: Municipal System Act (Act No. 32 of 2000), and its area as determined from time to time in terms of the Local Government: Municipal demarcation Act (Act No. 27 of 1998);

“**Officer**” means an officer employed by the municipality or any person contracted by the Municipality for purposes of these By-laws;

“**Owner**” in relation to an abattoir, means the person in which the ownership of the abattoir is vested or, in the case of any abattoir in respect of which the right of general control is vested in a person other than the person in whom the ownership is vested, that other person;

“**Prescribe**” means prescribed by these By-laws;

“**Regulations**” means regulations promulgated by the Minister under the Act;

“**Slaughter**” in relation to an animal, means kill, skin and perform the usually accompanying acts with the intention of using the meat of the animal for consumption by human beings or animals;

“**Veterinarian**” means a veterinarian defined in section 1 of the Veterinary and para-Veterinary professions Act, 1982 (Act No. 19 of 1982).

2. Application

- (1) These By-laws are in accordance with the provisions of the Act and the regulations and any expression not defined in these By-laws but defined in the Act or the Regulations shall have the meaning assigned to it therein. In the event of any conflict between these By-laws and the Act or the Regulations the latter shall prevail.
- (2) If the Municipality does not have the services of a veterinarian at its disposal for any reason, it may use the services of an inspector from another agriculture authority or in private practice to exercise or execute the powers or duties of an inspector referred to in these By-laws.

3. Prohibition of slaughter of animals at places other than approved abattoirs

- (1) No person shall
 - (a) Slaughter any animal at any place other than an approved abattoir.

- (b) Permit the slaughter of any animal at any place under his control, unless such place is an approved abattoir.
- (2) The Municipality may exempt all persons belonging to a particular category from the provision of subsection (1), subject to such conditions as may be prescribed.

4. Erection of abattoirs

- (1) Any person who wishes-
 - (a) To erect an abattoir;
 - (b) To later outlay of any place which has before or after the commencement of these By-laws been designed and erected as an abattoir but in respect of which no approval contemplated in section 5 exists;
 - (c) To demolish or substantially later any building, structure or permanent equipment forming part of a place referred to in paragraph (b) in respect of which no such approval exists;
 - (d) To erect any building or structure or install any permanent equipment at any place referred to in paragraph (b) in respect of such approval exists, and who intends to make application for an approval in terms of sections 5, shall, before commencing with such erection, alteration, demolition or installation, submit to the Municipality for approval design drawings, plans or sketches which have been drawn up in conformity with the prescribed requirements.
- (2) The Municipality shall not approved any design, drawing, sketch or plan submitted to it in terms of subsection (1), unless it is satisfied that, if the erection, alteration, demolition or installation is carried out in accordance with the design drawing, sketch or plan, or in compliance with any condition which the Municipality may deem fit to impose when it considers the application for the approval of the design drawing, sketch or plan, the place in question will be fit to be approved as an abattoir in terms of these By-laws.
- (3) An applications for the approval of a design, drawing, sketch or plan referred to in subsection (2) shall-
 - (a) Be made in the prescribed manner;
 - (b) Be submitted to the municipality; and
 - (c) Be accomplished by the prescribed fee.

5. Applications for approval abattoirs

- (1) An application for the approval of any place as an abattoir shall be submitted to the Municipality in the prescribed manner and shall be accompanied by the prescribed fee.
- (2) The Municipality shall, if satisfied that the place which an application referred to in subsection (1) relates, has been erected or has been altered, or that the demolition, alteration, installation or erection of any building, structure or permanent equipment at such place, has been carried out in accordance with the design drawing, sketch or plan approved in terms of section 4, approve the abattoir, and shall issue a certificate of approval subject to such conditions as may be stated in the certificate.

- (3) The person to whom a certificate referred to in subsection (2) has been issued shall deal with such certificate in the prescribed manner.
- (4) A certificate of approval issued in respect of an abattoir under section 4 of the Animal Slaughter, Meat and Animal Products hygiene Act, 1967 (Act No. 87 of 1967), and which is in force immediately prior to the commencement of this section, shall be deemed to be a certificate of approval issued under subsection (2) in respect of that abattoir.

6. Withdrawal and lapse of approval of abattoirs

- (1) Subject to subsection 2, the Municipality may withdraw the approval granted under section 5(2) in respect of any abattoir if it is satisfied that
 - (a) The outlay of an approved abattoir has been altered, or that any building, structure, or fixed equipment erected or installed at such abattoir, has been demolished, removed or substantially altered;
 - (b) The abattoir in question no longer complies with any condition subject to which the approval was granted in terms of section 5(2); or
 - (c) The abattoir is not operated in the prescribed manner.
- (2) The Municipality shall not withdraw the approval of an abattoir unless it has inform the owner of the abattoir of its intention to do so, and of the grounds upon which its intention is based, and unless it has afforded the owner of the abattoir a reasonable opportunity to state its case or to ratify any matter with regard to the abattoir as indicated by the Municipality.
- (3) The approval granted in terms of section 5 (2) in respect of an abattoir.
 - (a) when the person to whom the approval was granted ceased to be the owner of the abattoir;
 - (b) if the owner of the abattoir has informed the Municipality of his/her intention to discontinue all activities related to the slaughter of animals, with effect from the date following the date upon which such activities are discontinued.
- (4) If the owner of an approval abattoir disposed of the abattoir, or discontinues all the activities with regard to the slaughtering of animals at such abattoir with the intention not to resume such activities, he shall as soon as possible after such disposal or discontinuance notify the Municipality of the fact and shall return the certificate of approval to the Municipality.

7. Veterinarians and meat inspector to be employed at approved abattoirs

- (1) The owner of an approval abattoir shall, unless such abattoir is one in respect of which exemption has been granted in terms of subsection (3) employ the services of a veterinarian, as well as a meat inspector who have designated by the Municipality.

- (2) The Municipality may at any time, without furnishing reasons, withdraw any such designation under subsection (1).
- (3) (a) The Municipality Grant exemption from the provision of subsection (1), subject to such conditions as it may determine from time to time.
(b) The Municipality may on application in the prescribed manner grant to any person exemption from the provision of subsection (1), subject to such conditions as may be set out in the document containing such exemption.

(4) The veterinarian and meat inspector referred to in subsection (1) shall exercise and carry out the powers and duties of a veterinarian and a meat inspector with regard to the inspection of animals intended to be slaughter at the abattoir, the inspection of the meat and animal products derived from animals slaughter at the abattoir, the granting of approval for the removal from the abattoir of meat intended for human consumption, and deal with any matter at such abattoir which requires the attention and expertise of a veterinarian or meat inspector.

5. The veterinarian and designated in respect of any approved abattoir in terms of subsection (1) may amend or withdraw or substitute his own decision for any decision of a meat inspector designated and appointed in respect of an abattoir given with regard to animals intended to be slaughter at the abattoir, the inspection of the meat and animal products derived from animals slaughtered at the abattoir, the granting of approval for the direction with regard to the manner in which meat which has been found to be unfit for human consumption shall be dealt with or any other decision such veterinarian is in terms of these By-laws authorized to give, unless the person who is by virtue of such decision obliged or competent to perform any act has commenced with the performance of such act, in which case the decision of the meat inspector may be amended, withdrawn or substituted only with the consent of such person, unless such amendment, withdrawal or substitution is to the benefit of such person.

8. Prohibition of slaughter of animals at approved abattoirs unless inspected and approved

- (1) No person shall slaughter or permit the slaughter of any animal at an approved abattoir unless the animal has been inspected by a veterinarian or meat inspector and has been passed as fit for slaughter purpose.
- (2) The Municipality may on application in the prescribed manner; grant to any person exemption from the provisions of subsection (1), subject to such conditions as may be set out in the writing containing such exemption.

9. Prohibitions of removal of meat of animals slaughtered at approved abattoir unless meat has been inspected and approved

- (1) No person shall remove from any approved abattoir any meat of any animal slaughtered at abattoir unless the meat has been inspected by a veterinarian or meat inspector and has been approved by him as fit for human consumption and unless it has been marked in the prescribed manner.
- (2) The Municipality may on application in the prescribed manner; grant to any person exemption from the provisions of subsection (1), subject to such conditions as may be set out in the writing containing such exemptions

10. Prohibition of removal of animal products from approved abattoirs

No person shall remove any animal product derived from any animal slaughtered at an approved abattoir from that abattoir unless such product has been inspected by a veterinarian or meat inspector and it has been found that the animal product is not infected.

11. Detention or making of or other steps to be taken in respect of certain animals, meat of animal products

Any animal, meat of animal product which, when inspected in terms of section 9 or 10, has been found not to be fit for slaughter purposes or for human consumption, or has been found to be infected, shall in the prescribed manner be detained, marked, destroyed or dealt with as the Municipality may deem fit.

12. Permissible methods and procedures for slaughter of animals

(1) (a) No person shall slaughter an animal at an approved abattoir otherwise than in a humane manner and in accordance with the applicable prescribed methods and procedures

(b) Notwithstanding the provisions of paragraph (a), the Municipality may, on application made in the prescribed manner, grant exemption in writing from the provisions of that paragraph to the extent and subject to such conditions as it may determine and set out in the written exemption concerned.

(2) The owner of an approval abattoir shall

(a) Apply the prescribed hygienic practices when an animal is slaughtered in accordance with the provision (1); and

(b) Provide the prescribed means necessary for the application of such practices, and ensure that such means are utilized for that purpose.

13. Restriction on transportation of fresh meat

(1)(a) No person shall transport any fresh meat within the jurisdictional area of the Municipality except when there's authority or transport permit issued by the Municipality or any relevant authority.

(b) For the purposes of this section "fresh meat" means any meat which has not undergone any processing except dressing, deboning, cooling or freezing.

(c) The provision of paragraph (1) shall not apply to fresh meat transported for a prescribed purpose or if the consignment in question does not exceed the prescribed mass.

(2) An application for a transport permit referred to in subsection (1) (a) shall be made in the prescribed manner and shall be accompanied by the prescribed fee.

(3) A transport permit referred to in subsection (1)(a) shall be issued only in respect of fresh meat derived from animals slaughtered at an abattoir which has for the purposes of the transportation of fresh meat been approved by the Municipality.

(4)A transport permit referred to in subsection (1) (a) shall be issued subject to such conditions as the Municipality may determine and set out in the certificate concerned.

(5)(a) Fresh meat transported contrary to the provisions of subsection (1) or in conflict with a condition determined under subsection (4) shall be forfeited to the Council and the Municipality may dispose of it at its discretion.

(b)The municipality may recover any expense incurred in connection with the disposal referred to in paragraph (a) from the person concerned.

14. Protective transport to be provided for transport of livestock and carcasses

- (1) No person shall transport animals for purpose of slaughter or any other purpose otherwise than in a productive transport and in accordance with the applicable procedures.
- (2) A person transporting carcasses to and from an abattoir shall do so in a covered transport or any other manner that will not expose such carcasses to the public.

15. Powers of entry and investigation

(1)(a)Any officer or a person acting under a delegation, assignment or direction of the Municipality may, whenever he deems it necessary in the exercise of carrying out by him of any power or duty conferred or imposed upon the Municipality in terms of these By-laws, enter at any reasonable time and without prior notice upon any place, premises or conveyance.

(b)The provision of paragraph (a) shall apply *mutatis mutandis* to a veterinarian or a meat inspector in so far as they relate to the exercising of a power and the carrying out of a duty at or in connection with an abattoir in respect of which such veterinarian or meat inspector has been appointed and designated in terms of these By-laws.

(c)Any person who enters upon any place, premises or conveyance in terms of this subsection shall show of his identity and authority when requested thereto by the person in charge of the place, premises or conveyance concerned.

(2)A person entering upon a place, premise or conveyance in terms of the power conferred under subsection (1) may-

(a) Take with him such assistants, appliances, instruments, tools or other things as he may deem necessary for the purpose of this subsection;

(b) Demand from the owner or person in charge of the place, premises or conveyance concerned, all reasonable assistance which such person may deem necessary in order

To enable him to exercise his powers and perform his duties in connection with that place, premises or conveyance;

(c)examine or cause to be examined any animals, meat, animal product or other articles in respect of which By-laws applies and that was in fact or suspected of having been slaughtered, dressed, treated, prepared, graded, classified, packed, marked, labeled, kept, removed, transported, exhibited or sold there;

(d) inspect the operation or processes in connection with any action referred to in paragraph (c), and demand from the owner or custodian of the animal, meat, animal product or other article concerned, or other article is contained, and test, examine or analyse such sample or cause it to be tested, examined or analysed;

(e) take such sample of the animal, meat, animal product or other article concerned as he may deem necessary, and for such purpose open any container in which that meat, animal product or other article is contained, and test, examine or analyse such sample or cause it to be tested, examined or analysed;

(f) Examine and make copies of or take extracts from any book or document in respect of which he on reasonable grounds suspects that it relates to such animal, meat, animal product or other article, irrespective of whether or not it is kept on or at the place, premises or conveyance concerned or any other place, and demand from the owner or custodian of that book or document an explanation shall be admissible in evidence in a court of law against that owner or person only on a charge referred to in section 20(1).

16. Seizures

(1) A person referred to in section 15(1) may at any reasonable time and in any manner deemed fit by him, without prior notice to any person, seize any animal, meat, animal product or other article, or any book or document which-

- (a) Is connected or is on reasonable grounds believed by him to be connected with the commission or suspected commission of any offence under these By-laws;
- (b) May afford evidence of the commission or suspected commission of any such offence; or
- (c) Is intended or is on reasonable grounds suspected by him to be intended to be used in the commission of any such offence.

(2) The person concerned-

- (a) may remove anything thus seized, from the place, premises or conveyance where he has seized it, or leave it thereon and, if he deems it necessary, attach any identification mark or seal thereto, or to the container thereof; and
- (b) shall notify a police officer as identified in section 1(1) of the criminal Procedure Act, 1977, (Act No. 51 of 1977), forthwith, for the purposes of a prosecution under these By-laws, of such seizure.
- (3) Anything thus seized, shall be disposed of in accordance with the applicable provisions referred to in chapter 2 of the criminal Procedure Act, 1977: provide that in the case of meat that is unfit for human consumption, on an animal product that is infected, the Municipality may direct that such meat or animal product be forfeited to the Municipality to be destroyed.

17. Directives

(1) if a person referred to in section 15 (1) is of the opinion that-

(a) any approved abattoir or any part thereof or an appliance therein is in a dirty or unhygienic condition, or needs renovation, repair or alteration or does not in all respects comply with any requirement of these By-laws;

(b) any water supplied to, used or suspected of being used for the purposes of such abattoir or in connection therewith, is, is impure, unhygienic or not fit for this purpose;

(c) a conveyance which is used or apparently being used to convey or remove meat or any animal product from such abattoir is in a dirty or unhygienic condition, or requires renovation, repair or alteration;

(d) any person at such abattoir is infected with diseases or is dirty, or behaves in any manner detrimental to the maintenance of hygiene;

(e) any person who performs or omits to perform any act such abattoir which may defeat the achievement of the object of these By-laws, he may-

(i) direct the owner of such abattoir in writing to forthwith clean, disinfect or bring such abattoir, portion thereof or appliance therein into a hygiene condition, or to renovate, repairs or alter it to ensure that it complies in all respects with the requirements of these By-laws;

(ii) Direct the owner of such abattoir in writing to discontinue the use of such water until it is in all respects fit to be used;

(iii) direct the owner of such abattoir in writing to clean, disinfect or bring such conveyance into a hygiene condition or to renovate, repair or alter it;

(iv) direct such person in writing to leave such abattoir at once and remain absent until his return thereto is authorized by a person referred to in section 15(1)

(v) direct such person in writing to cease to perform such action or to perform it.

(2) A copy of each directive referred to in subsection (1) shall be filled in the records of the Municipality

18. Secrecy

No person shall disclose any information acquired by him through the exercising of his powers or the performing of his duties in terms of these By-laws, except.

(a) as far as it is necessary for the proper application of the provisions of these By-laws;

(b) for the purposes of any legal proceedings under these By-laws;

(c)When required to do so by any competent court; or

(d)if he is authorized thereto the Municipality.

19. Offences and penalties

(1) Any person who is convicted of an offence under this act shall-

(a) in the case of a first conviction of an offence, be liable to a fine not exceeding R5000.00 adjusted in terms of the Adjustment of fines Act 101 of 1991, or to imprisonment for a period not exceeding six months or to both that fine that imprisonment;

(b)in the case of a second or subsequent conviction of an offence mentioned in paragraph (a), whether it be the same or some other offence mentioned in that paragraph, be liable to a fine not exceeding four years or to both that fine and that imprisonment.

(2)Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall be competent to impose any penalty provided for in these By-laws.

20. Various liability

(1) when a manager, representative, agent, employee or member of the family of a person (in this section referred to as the principal) performs or omits to perform any act, and it would be an offence under these By-laws for the principal to perform or omit to perform such act himself, that principal shall be deemed himself to have performed or omitted the act, unless he satisfies the court that

(a)in neither connived at nor permitted the act or commission by the manager, representative, agent, employee or member concerned;

(b)he took all reasonable steps to prevent the act or omission; and

(c)an act or omission, whether lawful or unlawful, of the nature charged, on no condition or under circumstances came within the scope of the authority or employment of the manager, representatives, agent, employee or member concerned.

(2)in the application of subsection (1)(b) the fact that such principal issued instructions whereby an act omission proof that he took all reasonable steps to prevent the act or omission.

(3)When a principal is by virtue of subsection (1) liable for an act or omission by a manager, representative, agent, employee or member of his family, that manager, representative, agent, employee or member shall be liable therefore as if he is the principal concerned.

(4)Subsection (3) shall not release a manger, representative, agent, employee or member contemplated in that subsection from any other liability which he may have apart from the liability which shares with the principal concerned.

21. Repeal

(1) Any By-law applicable within the jurisdiction of this Municipality and which relates to abattoirs is hereby repealed to the extent that it conflicts with these By-laws.

(2)Repeal is effective from the promulgated of these By-laws.

22. Short title and commencement

These By-laws shall be called Abattoir By-laws and shall come into effect after promulgation.

LOCAL AUTHORITY NOTICE 197**Nkomazi Local Municipality****By-laws on the eradication of informal settlements within Nkomazi local municipality****TABLE OF CONTENTS**

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1. PREAMBLE

Certain legislation is preceded by a section called preamble. The preamble normally articulates the policy consideration that informs the formulation and enactment of that legislation. Put differently, a piece of legislation is a polity expression on the issues sought to be regulated by the state organ enacting the legislation.

2. LONG TITLE

The long title states the purpose of the legislation viz: what is it that it seeks to achieve.

3. DEFINITIONS

The definitions are not necessarily the dictionary definitions but technical ones specific to the terminology or jargon used in that piece of legislation.

4. USED AND APPLICATION OF CERTAIN WORDS

“shall” – whenever it is used it means that the provision is instructive i.e. a must do or perform whatever is referred to.

“in consultation with” – the parties must concur on what is to be done in terms of that provision.

DRAFT BY-LAW ON INFORMATION SETTLEMENTS FOR NKOMAZI LOCAL MUNICIPALITY

To provide for the prevention and/or regulation and the establishment and maintenance of informal settlements and other related matters within the area of jurisdiction of the municipality and to guide the planning division of the municipality and community safety and security in addressing with informal settlements.

Chapter 1

Section 1 Definitions

- (a) “Informal settlements” – one or more building/s or structures, including huts, shacks, tents or similar structures or any other form of temporary or permanent dwelling or shelter occupied for dwelling purposes without the consent, whether in writing, tacit or implied, of the owner or the person or entity in charge of the land.
- (b) “Field Officers” – are officers duly appointed in terms of section 4 of this by-law.
- (c) “landowners” – owners or persons in charge of portions of developed or undeveloped land within the municipality
- (d) “Community Forum” – refers to an inclusive and consultative structures that will act as an advisory body to the municipality on issues relating to informal settlements.

Chapter 2. General Provisions.

Section 2. Establishment of a Community Forum

- 1) The municipal manager or any official designated or delegated to do so shall, in consultation with council, establish a community forum to discuss, address and plan for the management of informal settlements in the area of jurisdiction of the municipality.

- 2) The members of the community forum shall comprise all interested parties i.e. ward councilors, traditional leaders, land owners, field officers and any persons nominated or elected by the informal settlement community.

Section 3. Duties of the Community Forum

- (1) The community forum shall:
- (a) Meet as and when the need arises. The meetings shall be scheduled by the municipal manager and/or any official acting on the directive of the municipal manager.
 - (b) Identify land that is being under - utilized so that it is likely to be encroached upon/invaded and if such is the case engage with the owner of that land in order to prevent invasion
 - (c) Recommend penalties for people guilty of the contravention of the provisions of this by-law
 - (d) Assist the municipality in developing measures to prevent and regulate informal settlements.
 - (e) Liaise with the planning department of the municipality on the need for future development.

(The community would facilitate the negotiations between the municipality and the community iro informal settlements. It can further be used as a discussion forum assisting the municipality in establishing of the community concerning the development of future formal townships)

Section 4. Appointment of Field Officers

- (1) The municipal manager shall appoint field officers whose responsibility will be to take charge of issues relating to informal settlements.

Section 5. Duties of the Field Officers

- (1) The field officers shall:
- (a) Be responsible for the liaison between the municipality and the informal settlements;
 - (b) Be entitled to request identification of any person found in an informal settlement;
 - (c) Keep a record of the people residing in the informal settlement(s);
 - (d) Investigate and establish whether or not the occupants of the informal settlement were evicted from other places (where they may have a right to stay as about tenants, occupier, etc) and/or possibly qualify for housing subsidies and/or other social grants such as pensions and child support;
 - (e) Establish the number, age and sex of the occupants of each structure in the informal settlement;

(These officials will be the eyes and ears of the municipality to monitor expansion of the population in the area of jurisdiction, to gather the information required by the municipality to comply with it's obligations iro reporting to court on eviction applications. This information can also be used to create a database of people qualifying for social security grants such as housing, pension or child support)

Section 6. Dispute Resolution

The municipal manager shall designate officials who will be trained and equipped in the field of dispute resolution. These officials shall be responsible to deal with disputes that may arise when dealing with the occupants of informal settlements.

(The PE Act authorizes the Municipalities to appoint mediator. The By-law in turn authorizes the municipal manager to exercise this authority on the municipality's behalf. The courts are further insisting that attempts be made to settle a dispute regarding illegal occupation of land prior to instituting legal proceedings for the eviction of the illegal occupants)

Section 7. Land Audit

The municipality must ensure that a land audit is conducted and regularly updated in its area of jurisdiction. The purpose of the land audit is to identify the owners of the land and thereafter to ensure that no land is left vacant and un-utilized as this may lead to the establishment of informal settlements.

Section 8. Duties of Landowners in a Municipality

- (1) A landowner shall:
 - (a) Utilize his property in such a way that it will discourage invasion and illegal occupation thereof.
 - (b) As soon as he/she becomes aware that his/her land has been invaded and/or illegally occupied, take all necessary steps to have such illegal occupants evicted immediately.
- (2) Should a landowner fail and/or unduly delay to take such steps the municipality shall be entitled to have the illegal occupants evicted and the costs thereof shall be for the account of the landowner.
- (3) Landowners should become members and/or be represented in the community forum created in terms of section 2 above.

Section 9. Role of traditional Authorities

- (1) Traditional authorities should be encouraged to participate in the activities of municipalities as contemplated in the Local Government: Municipal Structures Act 117 of 1998.

(The Municipal Structures act provides that Traditional Authorities may have representation on the municipal council but not more than 20%. The Traditional Leaders need to be educated with regard to their status and position after the constitution as their position has drastically changed and they are now subordinate to the municipalities. The Premier may, when requested thereto, by notice in the Provincial Gazette, allocate certain portions of land of the traditional leader in which that leader and community may practice traditional law and customs. The allocation by the Premier normally specifies that such allocation is subject to the reservation of the rights regarding the planning, development and allocation of land in such an area in favour of the municipalities/government)

Chapter 3 Offences and Penalties.**Section 10. Offences**

- (1) Any person who or organization that incites, assists and/or abets persons to occupy land illegally shall be guilty of an offence
- (2) Any person who or organization that willfully or in a grossly negligent manner hinders or obstructs a field officer in the execution of his/her duties in terms of this by-law shall be guilty of an offence

Section 11. Penalties

- (1) Any person found guilty of an offence in terms of this by-law is liable to a fine, not exceeding R1000.00 or 6 months imprisonment or both such fine and imprisonment.

(Note: NB – the aforementioned penalty is given as a guideline. Municipalities can determine the amount of the fine and/or the length of the period of incarceration)

- (2) Any person found guilty of an offence in terms of this by-law may, as an alternative to a fine or imprisonment be sentenced to conduct community service.

Chapter 4 Schedules

Schedule A hereto is attached to:

- (1) Assist the municipality to understand the provisions of the current national legislation on informal settlements and illegal occupation of land and as such to apply same in dealing with and addressing problems emanating from and presented by informal settlements;

Schedule B hereto is attached to:

- (2) Serve as practical guide on the methodology to be followed in addressing the problems of informal settlements.

**SCHEDULE A
APPLICABLE NATIONAL LEGISLATION****1. THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, ACT NO. 108 OF 1996**

The constitution forms the foundation of all applicable legislation. The Bill of Rights prohibits the arbitrary deprivation of property and prohibits eviction of any person from his or her home without a court order made after considering all the relevant circumstance. It further grants the right to each individual to adequate housing.

2. EXTENSION OF SECURITY OF TENURE ACT, ACT NO. 62 of 1997

In general the Act seeks to protect to secure the land tenure of certain occupiers and to regulate the eviction of occupiers from the land in a fair manner.

Section 9 provides that notice shall be given to the Municipality, in whose area of jurisdiction the land in question is situated, of any application for the eviction of occupiers of land brought by the owner of such land.

The municipality may be requested by the court to provide it with a report with regard to the availability of suitable alternative accommodation for the occupier that stands to be evicted, how the eviction will affect the constitutional rights of any affected person, including the rights of children and pointing out the hardships which an eviction would cause the occupier.

3. PREVENTION OF ILLEGAL EVICTION AND UNLAWFUL OCCUPATION OF LAND ACT, ACT NO. 19 of 1998

This act seeks to regulate the eviction of unlawful occupiers from land in a fair manner. It further authorizes the municipality to institute eviction proceedings against any illegal occupants in the area of its jurisdiction even though the municipality is not the owner of the property concerned.

All applications for the eviction of illegal occupiers by individual property owners must be served on the local municipality. It is envisaged that the municipality would assist the court in obtaining all the relevant circumstances to enable the court to make a just and equitable order in each case.

The act further authorizes the municipality to appoint a mediator to attempt to resolve the dispute that may occur between landowners, other than the municipality itself, and illegal occupants of such land. If the municipality is the owner of the land the MEC or his or her nominee may appoint a mediator.

4. LOCAL GOVERNMENT MUNICIPAL STRUCTURES ACT, ACT NO. 117 of 1998

Over and above the providing for the structures of Local Government the act emphasizes the need for communication and consultation by the municipality with the communities under its jurisdiction regarding almost all aspects of the functions of the municipality especially in the development planning of the area.

5. HOUSING ACT, ACT NO. 107 of 1997

The act enjoins every municipality to, as part of the municipality's process of integrated development planning, take reasonable and necessary steps within the framework of national and provincial housing legislation and policy to ensure adequate housing on a progressive basis and the provision of basic services in respect of water, sanitation, electricity, roads, storm-water drainage and transport are provided in a manner which is economically efficient;

6. DEVELOPMENT FACILITATION ACT, ACT NO 67 of 1995

This act seeks to simplify and streamline the procedures to be followed in the establishment of formal township and facilitating the formalization of informal settlement.

7. LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, ACT NO. 32 of 2000

This act provides the core principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities. It enjoins formal representative government with a system of participatory governance in the affairs of the municipality.

8. COMMUNAL LAND RIGHTS ACT, ACT NO. 11 of 2004

Provision in this act is made for the creation of new rights regarding land for communities *de novo* or to replace old rights (e.g. rights regarding state land in the old TBVC states and Kwa Zulu-Natal) and affording individuals the opportunity to convert the registered new right into freehold ownership.

9. RELEVANT CIRCUMSTANCES AS IDENTIFIED BY OUR COURTS

Aspects identified in reported court judgments to be considered as "relevant circumstances" as envisaged by the constitution and national legislation are:

- 9.1. Whether the parties attempted mediation.
- 9.2. Whether the rights and needs of the persons involved have been considered.
- 9.3. Whether there was a blatant invasion of the land
- 9.4. What is the duration of the occupation i.e. how long have the illegal occupant's been staying on the property?
- 9.5. Whether there is a possibility of the occupants returning to wherever they are from
- 9.6. Whether there is alternative property availed for the occupants to occupy other than the property currently occupied,
- 9.7. Whether there is a likely hardship to the owner and other affected parties if the eviction order were not granted as opposed to the likely hardships of the illegal occupants if the eviction order is granted.
- 9.8. Do the illegal occupants fall under the following categories:
 - 9.8.1 the elderly;
 - 9.8.2 children;
 - 9.8.3 disabled persons;
 - 9.8.4 households headed by women.
- 9.9 Municipalities/the State need to make short-term arrangements to deal with the situation while people are awaiting the provision of housing through the medium and long-term program. The Courts have said that it is not sufficient, for the municipality/state to establish and adopt a policy to address the situation but that policy must be implemented to comply with the constitutional obligations of the State failing which the municipality/state can be held liable for damages suffered by the landowner.

The court have further indicated that the report should be the norm and not an exception. As the courts become more accustomed to working with the legislation they will, to a large extent rely on the reports required from the municipalities.

SECHDULE B

FRAME WORK TO ASSIT MUNICIPALITIES IN DEALING WITH INFORMAL SETTLEMENTS

1. INTRODUCTION

Municipalities are faced with a situation where there is a mushrooming of informal settlements, this is happening faster than the production of new houses. There is a need therefore to have a broad strategy to combat this problem

It is recommended that municipalities create strategy which incorporates a phased programme to upgrade some informal settlements. This would range from the introduction of basic services in some settlements, the provision of an incremental housing process in others and the formal development of housing in others.

The programme would have to be based upon an understanding of the range of needs that exist within the area of jurisdiction of the local authority, and the prioritization of responses in accordance with available resources.

2. GUIDING PRINCIPLES

The following principles are recommended in order to address informal sector issues effectively, the principle as listed are not to be prescriptive, they are set out to assist officials of the Municipality and interested participants to be able to work their way through the issues as they appear in this framework. The framework itself should not be seen as a binding law but as a "code of good practice" showing the roadmap to a successful handing of matters relating to informal settlements. The following principles are important in this process of understanding the way to approach the issues raised by the spectre of informal settlements.

- ✓ Intergration
- ✓ Participation
- ✓ Communication
- ✓ Minimum relocation

2.1. INTEGRATION

This refers to the inclusive participation of all within the community who are affected in one way or the other by the existence of an informal settlement in the area. The test of integration can be applied by considering the following points:

- In the urban community as a whole: - the informal settlement community should not be excluded in any way.
- Of the representative structures: - none of the groups within the informal settlement should be excluded without due consideration.
- Of the development plan:- it should contain all the components that the community requires.
- Project committees: - anyone who can help or hinder the project should not be left out.

- The beneficiaries: - everyone should have a fair chance of obtaining a benefit.
- Communication strategies: - everyone should be kept informed.

2.2 . PARTICIPATION

Participants are people and groups of people who are included in a process, in which they each play an essential role. The test of participation can be applied by considering and to the extent possible ensuring that the following is done:

Both the community and the local authority participate effectively:

- In the management of an informal settlement.
- In the formulation of policies
- In the formulation of strategies
- In the planning of any project or programme
- In the implementation of any project or programme
- In the implementation of any project or programme
- In the monitoring and evaluating any project or programme
- In considering how to finance projects and programme
- In ensuring local employment

2.3. COMMUNICATION

Communication relates to the way and manner in which information regarding the issues dealt with by the participants is disseminated to all within the affected area. “Communicators” do not only give clear messages, they really listen to others. The test of “communication” can be applied by considering the following issues:

- Whether there is a message to be heard or sent
- How the content of the message is decided upon
- On who should be listened to
- On who should be spoken to

2.3. MINIMUM RELOCATION

The clear intention of this approach to informal settlements is to provide people with opportunities to stay and settle and not require them to move. Every move is disruption and costly. The test of “minimum relocation” can be applied by considering the following kind of issues:

- Whether there is a positive, reassuring attitude towards informal settlements
- Whether there is respect and appreciation for what people have invested and achieved in informal settlements
- Whether every person and household in the urban community is valued equally
- Who should decide where infrastructure should be laid in the upgrading of an informal settlement

- Who should decide whether any homes will have to be moved and how would such a decision be communicated
- Technical possibilities and constraints should be considered.

These principles are the keys to success and should be remembered when dealing with informal settlements.

3. INSTITUTIONAL ARRANGEMENTS

3.1. Getting the Process right

Before taking an action regarding informal settlement it is essential to decide who is going to be involved and on what basis. The first task is to structure the local authority's management of informal settlement issues appropriately.

Management Structure

It is most important that the group of local authority officials who attempt to interact with the settlement are integrated and have the support of senior management and the council.

Participants

It is really important to ensure that the right people are part of the process, fulfilling the right role. This must be done correctly from the very beginning people do not appreciate being brought late into a process.

3.4. Maintain Flexibility

A flexible process must be adopted which allows the mix of people to change if circumstances change.

3.5. Principles of Participation

In choosing participants it is helpful to examine categories of potential role players:

- 3.5.1. Those who must be involved in decision making because they represent the major parties in the exercise or have another important role to play
- 3.5.2. Those who cannot be excluded from decision making processes – otherwise they would destroy the process by attacking it from outside.
- 3.5.3. Those who would like to be involved in decision making, because they must live with the product. Examples are neighboring communities, or representatives of the transport industry or suppliers of utilities, such as electricity.

This committee must speak on behalf of the community (at times with the councilor, at times in spite of a councilor). Every effort must be made to ensure that it is representative, has regular meetings and holds democratic elections for office bearers.

- 3.5. Those who need not be decision makers, but who should be present to plan a supportive role by informing and serving the decision makers. Not only would the local authority expect to provide support, personal – the community may also require support (e.g. from specialist NGO's)

3.6. Roles and Responsibilities

People must be informed about what is expected of them.

3.6.1. Representatives

Participants who are chosen as representatives must be effectively chosen by that constituency (perhaps by a show of hands at a community meeting), they must consult those whom they represent and obtain mandates to approve or reject issues as they arise. They must be monitored to ensure that they are not just acting on their own behalf.

3.6.2. Specialists and Technicians

Participants who are chosen because of their technical or other expertise must apply that resource as part of the process.

3.6.3. Those with Particular Authority

They should bear in mind that informed structures also have people in authority and that successful participation requires that an approach be adopted of a level playing field.

3.7. Structures

An appropriate structure is needed as a framework within which participation can take place. Structure must be designed to meet their objectives.

3.7.1. Community Forum / Committee

This is perhaps the most essential committee of all – because it is the means by which a community is represented. It must include all parties within the community and every effort must be made to exclude no constituency. It must be consulted consistently and as a whole.

3.7.2. Co-ordination Committee

Such a structure is established to keep a variety of actors in touch with each other and well-informed. It is a networking structure, not a decision making body.

3.7.3. Advisory Committee

This formulates advice, which can be used by other structures. It only makes decisions about what advice or recommendation to give.

3.7.4. Steering Committee

This guides the process and would normally be used to decide upon policy issues that are required by operational structures. A steering committee could provide a policy framework in which the work should proceed, and can monitor the application of policy.

3.7.5. Technical Committee

This would typically comprise only technicians and specialists and it would act as a sub-committee of a higher structure.

3.7.6. Project Committee

This would be created to manage a project or programme, and would have the authority to make decisions within the parameters of an approval that has been granted by a higher body for its implementation and financing.

3.7.7. Sub – committee and Task Team

These are small structures with specific and often short-term responsibilities. They can be very useful for getting a job done and can be created and terminated at any time.

3.8. Terms of Reference

Every structure must have Terms of Reference – it is like a constitution that describes the essential details of the structure. Terms of Reference must be understandable to all the proposed participants and must be recorded in writing.

The terms of Reference must outline the following:

- Some explanation of the background or context to the establishment of the structure. This is called a “preamble”.
- A statement of the ‘purpose’ of the structure.
- A description of the “composition” of the structure – details of how the membership of the structure is to be selected. This could include provision for other people to attend meetings.
- Details of how the “proceedings” must be managed – how often it will meet, who will be their chairperson, how will decisions be made and implemented and who will fulfill the secretarial functions.
- Details of when and how the committee will be terminated.

4. Audit

An understanding of the regional context and the growth and change dynamics within the area is essential for good strategic planning.

4.1. The town in a regional context

Any effort at managing or directing the growth of informal settlements at a town wide level, requires an appreciation of the prospects for further growth in the informal parts of town.

4.1.1. Attraction force 1: location of the town in the urban hierarchy

The larger the town, or higher up on the hierarchy, the more likely it is to draw people from further afield, and the more migrants it can expect.

4.1.2. Attractive force 2: economic product to "population share" contribution

The extent to which migrants are attracted to your own is very strongly yet not exclusively, determined by the difference between the town's annual contribution to the national economy and its share of the national population or the town's wealth. If the town is "poor", in-migration will be retarded, yet never stopped.

4.1.3. Receiving capacity 1: employment opportunities

High levels of unemployment discourage further urbanization, but employment opportunities that are not suited to a job seekers background (low skill base, illiterate and agricultural) has the same effect. Failure of the local economy to adjust or respond to this need never halts influx – it merely delays it.

4.1.4. Receiving capacity 2: utility infrastructure / space

A shortage of land/space available for settlement can also retard further in-migration. A delay in extending urban services means existing services are loaded more, and may in time succumb to overload.

4.2. Base Maps and Aerial photography

Base maps and aerial photography are valuable tools for assessing the status of an informal settlement.

If aerial photographs suitable for use as base maps are not available they can be relatively easily made by an aerial photography company (or the Department of Land Affairs).

GIS systems have been used to great effect to record the features of informal settlements, and provide the facility to incorporate great deal of data regarding each property/household.

4.3. Preliminary Survey

Without an accurate picture of the number of structures and the number of people residing in an informal settlement, at any point in time, it is not possible to recognize growth and where necessary, to stop it.

The marking of numbers on the structures (in a way that precludes duplication or modification) should be done at the same time that the occupants are surveyed and recorded.

In the event of an upgrading project the product of this survey may well be the basis for beneficiary identification. It is therefore essential that it is carried out thoroughly, accurately and transparently and that all documentation is kept in a safe place.

This information should be checked periodically and movements noted and reported to the relevant structures.

4.4. Settlement Profile

Once the parameters of the settlement have been established more detailed research of the community can be undertaken. It is essential to obtain an understanding of the human context of a settlement. The following factors should be used to help determine what kind of survey should be undertaken at any point in time.

- What information is indispensable, what would be essential for strategic planning, and what would be just helpful and interesting;
- How much time is available;
- What resources are available in terms of expertise for preparing a survey, interviews and the funds to pay for this;
- How much community support and participation can be harnessed;
- To what extent a survey could raise unrealistic expectations within the community that would then be difficult to manage.

The priority is usually simply to record the names and ID numbers of all residents, on a per dwelling basis. This should be done without delay in order to define the target population.

A survey can be tailor-made to the circumstances. The conduct of a survey can also provide a valuable relationship building opportunity between the community and the project team.

4.5. Settlement Parameters

The audit is largely concerned with the information on the community itself and qualitative aspects of the settlement. Settlement parameters refer to the physical and quantitative aspects of the settlement that must be evaluated before deciding on the actual development path to be followed.

4.5.1. Land ownership:

The basic question is whether the land on which the settlement stands, is in private or public ownership. In circumstances where there are many informal settlements requiring attention those that are on private land are given the lowest priority.

4.5.2. Natural environment:

The impact on the natural environment of upgrading the settlement is a key concern. Lack of sanitation and energy sources can negatively impact on water quality and surrounding vegetation.

4.5.3. Geology and soils:

In-situ upgrading of informal settlements implies their remaining in their current locations in the long term. This can only occur on ground that is able to support the installation of services and the construction of permanent buildings.

The agricultural potential of the ground should also be considered. It may not be wise to establish a settlement on ground that could be better used for growing crops and vegetables, or it may be possible to leave open spaces for use by the community for food production

4.5.4. Climate:

The local micro-climate has a great impact on the quality of life in a housing settlement. The direction of the rain and prevailing wind and the impact of the sun can be managed if these aspects are taken into account.

Public transport, shelters and community buildings can be orientated and designed so as to minimize the impact of the climate.

4.5.5. Hydrology:

Ground water tables and surface flow patterns often have considerable impact on an informal settlement. Informal settlements are often constructed in marginal areas such as flood plains and those parts of an urban area prone to flooding during rainy months. These areas were previously not developed for formal townships and thus left vacant.

4.5.6. Topography:

The topography of an informal settlement should be mapped. The maps should indicate the hills and valleys within the settlement and where there might be drainage problems. The incremental nature of service installation in informal settlements is far better able to cope with greater variation of the landscape than a single phase "green-fields" project.

4.5.7. Vegetation:

All municipalities in South Africa now subscribe to Agenda 21 principles, some of which include the need to preserve bio-diversity. This requires that important areas of vegetation are mapped and where possible retained for open space and environmental education purposes.

There may also be mature trees which can provide shade and a sense of quality to what might be a bleak and inhospitable environment.

4.6. Environmental Impact Assessment

In most instances an environmental impact assessment will be necessary in terms of Section 22 of the regulations pertaining to the Environmental Conservation. This will require a broad range of ecological and social criteria to be assessed.

The social criteria will mainly relate to the ensuring that there has been adequate public participation in the process.

The ecological criteria will be concerned with ensuring that the impact of settlement on the natural environment is minimized in both the planning and design and the ensuring operational stages.

4.7. Planning

This section relates to the human settlement and urban management aspects of an informal settlement upgrading project. Most of the information should be depicted on maps. Where not appropriate context.

4.7.1. Description of settlement:

A brief description of the nature and size of the settlement is required. This will mention its history and who comprises the community as well as its setting and regional context.

4.7.2. Surrounding land usage and zoning

Activities in and around the informal settlement should be described including nearby industrial, commercial and residential development. The socio-economic characteristics of the surrounding residential development must be understood so that potential conflicts can be identified.

4.7.3. Transportation access:

Access point (intersections, bus stops, drop-off zones and rail station) to the surrounding road and rail infrastructure should be identified. Most residents of informal settlements are dependent on some kind of public transport to gain access to the informal or formal economy.

4.7.4. Location of community facilities and employment:

The nearest community facilities (schools, crèches, clinics, hospitals, halls) and employment areas should be located and their distances in time and kilometers should be mapped. This exercise should include informal and formal opportunities and facilities.

4.7.5. Planning and Development policy:

The local authority's planning and development policy for the land on which the informal settlement is situated should be assessed. If the settlement occupied a piece of land vital to achieving some overarching city development goal or is the site of an important link in the public space, transportation or services system then it may need to be relocated.

4.5.6. Densities:

Densities are important indicator of a number of factors within the settlement such as:

- Efficient use of land;
- Convenient access within the settlement
- Ability to support small businesses, public transport and community facilities.

4.8. Engineering

There are two main aspects to assessing engineering services in the audit phase: the first relates to existing services if any and the second one to the availability of bulk service – water, storm-water, electricity and telephone supplies to the edge of the settlement in a form suitable for domestic use.

5. EVICTION APPLICATIONS

Municipalities have certain obligations in the event of being served with court applications for the eviction of informal settlers.

5.1. Evictions in terms of the Extension of Security of Tenure Act 62 of 1997

Where an eviction application is being instituted within the jurisdiction of the municipality, it is incumbent on the municipality to play a part in assisting the court with all the relevant circumstances for it to be able to make an informed decision on the application.

In terms of Section 9(3), a report is required by the court which will detail the circumstances of the parties in the eviction application. The report must be done by an official of the state which may be a suitably qualified officer within the municipality. The report is known as a probation officer's report.

5.2. Prevention of illegal Eviction and Unlawful Occupation of land Act No. 19 of 1998

The act obliges the municipality to ensure that mediation is done between the alleged illegal occupiers and the landowner and in circumstances where the municipality is the landowner; MEC may appoint a mediator to do the mediation.

The municipality is obliged to assist the court in obtaining all the relevant circumstances to enable it to make a just and equitable order in the eviction cases that come before it.

6. HUMAN RESOURCES

It is necessary for the Local Authority to employ the relevant people to assist in the work that has been outlined above. Local Authorities need to have dedicated staff with a dedicated budget to undertake the work of dealing with informal settlements. It does not matter whether the aim is to upgrade or to relocate a settlement; the human resources needs are the same.

6.1. The Project Team

The project team should be placed within the Municipality and should be able to co-ordinate the different departments within the Municipality and within the different Government Departments. Within the Team should be the communication strategists ensuring that the strategy adopted implemented and that everyone is on – board.

6.2. The Field Officers

These are the officers that will have a more permanent presence within an informal settlement; they will be responsible for a variety of tasks including the following:

- They will do the counting of Households and complete the preliminary survey under some supervision
- They will be responsible for ring-fencing the Settlement to avoid more people getting in and to ensure that there is control of the population in the settlement.
- They will be responsible for putting up notices of meetings and make the necessary announcements on behalf of the Municipality.
- They will be responsible for assisting the Police or the Sheriff in the Demolition of the shacks in case there is an eviction.
- They will be responsible for assisting the old and infirm and children where there are such families within the settlement.
- They will generally assist the municipality and other departments in bringing services closer to the People.

Short title of this by law

This by law shall be called eradication of informal settlement and shall be reviewed after 12 months

LOCAL AUTHORITY NOTICE 198**NKOMAZI LOCAL MUNICIPALITY
STREET TRADING BY-LAW****TABLE OF CONTENTS**

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1. Interpretation/definitions.

- (1) In these By-laws, unless the context otherwise indicates
“**Act**”, means the Mpumalanga Business Act, 1996 (Act No. 2 of 1996)
“**Authorized official**” means an official of the municipality authorized to implement the provisions of these Bylaws- [peace officers, Traffic Officers, the South African Police Services and any Municipal Health Official designated by Ehlanzeni District Municipality purposes.

“**Demarcated Stand**” means a demarcated stand as envisaged in terms of section 7 (3) (b) (i) of the Act.

“**Garden or Park**” means a garden or park ton which the public has a right of access.

“**Goods**” shall include livestock, poultry or any movable commodity.

“**Intersection**” means an Intersection as defined in section 1 of the national Road Traffic Act, 1996, Act No. 93 of 1996.

“**Litter**” includes any container waste material or other matter which has been discarded, abandoned or left behind by a person trading or his customers.

“**Municipality**” means Nkomazi Local Municipality as described in section 2 of the Local Government: Municipal Systems Act (Act No. 32 of 2000), and its area as determined from time to time in terms of the Local Government: Municipal Demarcation Act (Act No. 27 of 1998);

“**National Monument**” means a building declared to be a national monument under the National Monuments Act, 1969 (Act No. 28 of 1969)

“**Perishable food stuffs**” as defined by the MEC in terms of the Mpumalanga Business Act, 1996 (Act No. 2 of 1996)

“**Prohibited area**” means any place declared under section 7 (2) (a) of the Act in which street trading is prohibited.

“**Property**” in relation to a person carrying on the business of street trading, means any title, receptacle, vehicle or structure used or intended to be used in connection with such business, and includes good in which he trades.

“**Public building**” means a building dedicated for use by the public in the Municipality

“**Public road**” means a public Road as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996).

“**Restricted area**” means any place declared under section 7(2) (a) of the act in which street trading is restricted.

“**Roadway**” means a roadway as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996).

“**Sell**” includes supply and also-

- (a) Exchange or hire
- (b) Store , process, expose, offer or prepare

“**Services**” includes any lawful advantage or gain for consideration or reward offered in restricted area.

“**Sidewalk**” means a sidewalk as defined in section 1 of the National Road Traffic Act, 1996.

“**Tariff**” means the charges as determined by the Municipality from time to time by resolution.

“**Town Planning Scheme**” means the town planning Scheme of Nkomazi Local Municipality.

“Trade” means sell goods or services in a public road or public place and “trading” has a corresponding meaning.

“Verge” means verge as defined in section 1 of the National Road Traffic Act, 1996 and any word or expression to which a meaning has been assigned in the Mpumalanga Business Act, 1996 shall have that meaning.

- (2) For the purpose of these By-laws a single act of selling or offering services in a public place shall constitute trading.

2. Freedom to trade

Subject to the provision of section 3 and 4 and any other relevant law, street trading is freely permitted except in so far as much trading is restricted or prohibited by section 5 to 12 inclusive and section 14 and 15 of these By-laws.

3. General Conduct

A person trading shall-

- (a) Be in a possession of a permit issued by Municipality;
- (b) Not place his property on the roadway;
- (c) Ensure that his property does not cover an area of the sidewalk which is greater in extent than 1m x 2m and which on any sidewalk does not leave a space less than 2 for pedestrian traffic measured over the width thereof and any other public place not to an extent of twelve meters; and
- (d) Not place or stack his property in such manner that it constitutes a danger to any person or is likely to injure any person;
- (e) Not obstruct access to a fire hydrant.
- (f) On concluding business for the day remove his property, except any temporary structure permitted by the Municipality, to a place which is not part of a public road or public place;
- (g) Not display his goods or other property, except any temporary structure permitted by the Municipality, to a place which is not part of a road of a public road or public place;
- (h) On request by an employee or agent of the Municipality or any supplier of telecommunication or electricity or other services, move his property so as to permit the carrying out of any work in relation to a Public Road, public place or any such services;

- (i) Not attach any object by any means to any building, structure, pavement, tree, parking meter, lamp hole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or a public road or public place;
- (j) Not make a fire at a place or in circumstances where it could harm any person or damage a building or vehicle or any street furniture referred to in paragraph (i) or any Municipality property;
- (k) Not trade nearer than 10 m from a bank or an automated teller machine;
- (l) Not store his/her property in a manhole or storm water drain.

4. Cleanliness

A person trading shall-

- (a) Keep the areas site occupied by him for the purpose of such business in a clean and sanitary condition;
- (b) Keep his property in a clean and sanitary condition;
- (c) Dispose of litter generated by his business in whatever receptacles provided by the Municipality for the public or at the Municipality's dumping sites;
- (d) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter ;
- (e) Ensure that on completion of business for the day, the area or site occupies by him for the purposes of trade is free of litter;
- (f) In the case of a vendor of foodstuffs take such precautions as may be necessary to prevent the spilling onto a public road or public place of any fat, oil or grease in the course of conducting his business and to prevent any smoke , fumes or odours emanating from his activities from becoming a nuisance;
- (g) On request employee or agent of the Municipality, move his property so as to permit the cleansing of the surface of the area or site where he is trading;
- (h) Ensure food preparation, handling and selling is in accordance with the relevant legislation, Sections and Regulations.

5. Obstruction of pedestrians

No person shall trade at a place where such trading substantially-

- (a) Obstruct access to or the use of street furniture such as a bus passenger bench or shelter, a refuse disposal bin or other facility including a queuing line intended for the use of the general public;

- (b) Obstruct the visibility of a display window in business premises, if the person carrying on business in the business premises concerned objects thereto;
- (c) Obstruct access to an entrance to or exit from a premises or an automatic bank teller machine;
- (d) Obstruct access to a pedestrian crossing, if in the middle of a block a clear distance of 5 m from the crossing must be obeyed;
- (e) Obstruct access to any vehicle; or
- (f) In any other manner obstructs pedestrians in their use of a sidewalk.

6. Obstructing of vehicular traffic

No person shall trade at a place where such trading –

- (a) Causes an obstruction on a roadway;
- (b) Limits vehicular access to parking or loading bays or other facilities;
- (c) Obstruct any road traffic sign or any marking, notice or sign displayed or made in terms of these By-laws; or
- (d) Interferes in any way with any vehicle that may be parked alongside such place;
- (e) Contravenes the provision of section 116 of the National Traffic Act (Act No. 93 of 2006)

7. Trading restricted to specified hours in certain places

No person shall trade-

- (a) On a verge contiguous to any place of worship, national monument or public building; or
- (b) In a restricted area which is specified by Municipality resolution outside the hours so specified in relation to each such verge or area.

8. Trading restricted to specified goods or services in certain places.

No person shall trade-

- (a) On a verge contiguous to any place of worship, national monument or public building, financial institutions; or

(b) in a restricted area which is specified by the Municipality resolution other than in the goods or services so specified in relation to each such verge or area;

(c) As a barber or hair dressing salon in a public place, unless the barber or hairdressing stand is-

(i) At least 15 metres from the nearest stand which sells perishable foodstuff, fruit or vegetables;

(ii) Not contradictory to the Amended National Health Act (Act No. 61 of 2003) read in conjunction with the previous National health Act, No. 63 of 1977 and regulations;

(iii) supplied with an electrical connection, provided by the Municipality, according to the electrical By-laws and specifications or any other act.

9. Trading restricted to demarcated stands or areas in certain place

No person shall trade-

(a) on a verge contiguous to any place of worship, national monument or public building;
or

(b) in a restricted area which is specified by the Municipality resolution outside a stand or area set apart for trading purposes as contemplated in section 7 (3) (b) of the Act.

10. No trading in stands or areas which have been let except by the lessee

If the Municipality has let or otherwise allocated any stand or area set apart or otherwise established for the street trading purposes, as contemplated in section 7 (3) (c) of the Act, no person may trade on such stand or in such area if he is not in possession of proof that he has hired such stand or area from the Municipality or that it has otherwise been allocated to him.

11. No trading near certain public buildings, places of worship and national monuments

No person shall trade on a verge contiguous to any place of worship, national monument or public building; which is specified by Municipality resolution.

12. No trading in prohibited area.

No person shall trade in any prohibited area, nor area which has not been approved and indicated by the Municipality.

13. Signs indicating restrictions and areas

The Municipality shall-

(a) By the resolution of council, prescribed signs, markings or other devices indicating-

- (i) Specified hours, places, goods or services in respect of which street trading is restricted ;
- (ii) The location or boundaries of a restricted area;
- (iii) The boundaries of a stand or area are set apart for the purpose of the carrying on of the business of street trading under section 7 (3) (b) of the Act;
- (iv) The fact that any such stand or area has been let or otherwise allocated;
- (v) Any restriction or prohibition against trading in terms of these By-laws;
- (b) Display any such sign marking or device in such a position and manner as will indicate the restrictions or the location or boundaries of the area of stand concerned.

14. Trading near residential buildings

No person shall, outside the area referred to in section 7 to 12 inclusive, trade in that half of a public road contiguous to a building used for residential purposes within the demarcated areas of trading as specified in terms of these By-laws, if the owner, person in control or any occupier of any part of the building facing onto such road has objected hereto, provided that in a township or portion thereof mentioned in a resolution of the Municipality, this section shall not apply to a building used for residential purposes if such building is used for business purposes at ground level.

15. Trading near certain business premises

No person shall, outside an area referred to in section 7 to 12 inclusive, trade on a verge contiguous to that part of a building in which business is being carried on by any person who sells goods of the same nature as or of a similar nature to goods sold by the first mentioned person, other than a department store or supermarket without the consent of the second mentioned person.

16. Removal and impoundment

- (1) An authorized official may after serving a person with a written warning, within reasonable time remove and impound any goods, articles, receptacles, vehicles or structures-
 - (a) Which he reasonably suspects is being used or is intended to be used or has been used in or in connection with street trading ; and
 - (b) Which he finds at a place where street trading is restricted or prohibited in terms of section 5 to 12 inclusive and sections 14 and 15 and which in his opinion constitutes an infringement of any such section.

(2)(a) the Municipality shall publish a notice in at least one newspaper circulating in its area of jurisdiction, containing the following information relating to objects removed in terms of subsection(1)-

(i) A description of the object, the address where the object is stored and, if known, the name of the owner;

(ii) That such objects may be claimed by the owners there on production of proof of ownership to the satisfaction of the Municipality;

(iii) that any object which has not been claimed within a period of three months from the date of publication of such notice will be destroyed or sold by public auction and the proceeds of such auction retained by the Municipality to defray its costs;

(iv) Impoundment of "perishable foodstuffs" will be handled and disposed of in terms of the Health Act;

(v) Pound fees will be charged as laid down from time to time by the Municipality.

(b) The Municipality may sell by public action any object unclaimed from it more than three months after a notice contemplated in sub-paragraph (a) (iii) has been published in respect of such object, and may retain the proceeds of such auction or may destroy such object.

(c) The Municipality shall not be liable for compensation to any person for damages arising out of the damage to or the loss or any object removed in terms of subsection (1) or the sale thereof by public auction, and the owner of such object shall have no claim or right of redress against the Municipality.

(d)(i) if any object is attached to any movable property or a fixture contemplated in subsection (1) and such object is under the apparent control of a person present threat any authorized official of the Municipality may order such person to remove the object and if such person refuses or fails to remove the object, he shall be guilty of an offence.

(ii) When any person fails to comply with an order to remove an object referred to in sub-paragraph (i) an officer of the Municipality may take such steps as may be necessary to remove the object.

17. Tariffs

(1) The Municipality may impose tariffs or fees for street trading or hawking.

(2) Tariffs or fees may be amended by resolution by the Municipality.

18. Offences

(1) Any person who-

(a) Contravenes or fails to comply with provision of these By-laws or a direction issued by the Municipality in terms of these By-laws, or a condition imposed under these By-laws ;

- (b) Obstruct or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of these By-laws; or
- (c) Furnishes false, incorrect or misleading information when applying for permission from the Municipality in terms of the provision of these By-laws, is guilty of an offence.

19. Presumption

- (1) In any prosecution for an offence under these By-laws , an allegation in the charge concerned that-
 - (a) Any goods with which a business was carried on were not of a particular kind, class , type of description or as it may be described by Resolution of the Municipality;
 - (b) Any goods or services were sold or offered for sale;
 - (c) Any place was situated in a public road or public place or within a particular area;
 - (d) Any person carried on the business of street trading and in a manner and place alleged.
- (2) In any criminal proceedings for a contravention of these By-laws, whre it is shown that-
 - (a) Any goods were displayed in a public place, such goods shall be presumed to have been offered for sale;
 - (b) Any property used in the provision of any service was available in a public place, such services shall be deemed to have been offered or supplied.

20. Penalties

Any person who is quilt of an offence in respect of these By-law is, on conviction liable to a fine not exceeding R3000.00, adjusted in terms of the Adjustment of Fines Act, or to imprisonment for a period not exceeding six (6) months.

21. Repeal of existing By-laws

All previous By-laws are hereby repealed, provided that such shall not affect the continued validity of any charges determined by the Municipality under those By-laws.

22. Short title

These By-laws shall be called the Street Trading By-laws, and shall come in to effect upon promulgation.

LOCAL AUTHORITY NOTICE 199**NKOMAZI LOCAL MUNICIPALITY
PROPERTY ENCROACHMENT BY-LAW****INDEX
CHAPTER 1**

1. Definitions
2. Permissions required
3. Rules for the construction of encroachments
4. Columns
5. Balconies and bay windows
6. Plinths, pilasters, corbels and cornices
7. Verandas around corners
8. Pavement openings
9. Encroachment erected in front of building
10. Maintenance, removal and tenancy of projections
11. Encroachments
12. Offences and Penalties
13. Regulations
14. Repeal of existing By-laws
15. Short title and commencement

CHAPTER 1**1. Definitions**

In the By-laws, any word or expression that has been defined in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) has that meaning and, unless the context otherwise indicates-

“Encroachments” means any physical object which intrudes on Municipality property

“Municipal Property” means any property, including but not limited to public roads-

- (a) Which is owned by the Municipality;
- (b) Over which the Municipality has control over; or
- (c) In respect of which a servitude or other property right has been registered in favour of the Municipality;

“Municipality” means Nkomazi Local Municipality as described in section 2 of the Local Government: Municipal System Act (Act No. 32 of 2000), and its area as determined from time in terms of the Local Government: Municipal Demarcation Act (Act No. 27 of 1998);

“Prescribed” means determined by resolution of the Municipality made from time to time;

“Prescribed fee” means a fee determined by the Municipality by resolution from time to time;

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

- (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.

2. Permission required

- (1) No person may, without prior written permission by the Municipality, make or construct any encroachment into, over or under any Municipality property.
- (2) The Municipality may-
 - (a) Refuse the permission required in terms of subsection (1); or
 - (b) Grant such permission either unconditionally or upon the conditions and subject to the payment of the prescribed fee annually or the performance of the works or services determined by the Municipality in each case.
- (3) The prescribed fees mentioned in subsection (2) are payable in advanced at the beginning of each year which is calculated from date of approval or the period determined by the Municipality, and the owner is liable for the payment of prescribed fees in terms of these By-laws for each encroachment.
- (4) The owner of any existing encroachment must within three months after the date of commencement of these By-laws make application to the Municipality on the prescribed form for permission for the existence of the encroachment in terms of these By-laws.

3. Rules for the construction of encroachment

- (1) The design, arrangement and construction of verandas, balconies, bay windows and other encroachments over Municipality property, as well as the paving, kerb and gutter thereof, must be to the satisfaction of and to the levels approved by the Municipality.
- (2) If corrupted may place any veranda column.
- (3) A veranda over a public road must correspond in line, height and detail with existing adjoining verandas

4. Columns

- (1) The Municipality may determine areas within the municipal boundary where no person is permitted to place columns over any public road or pavement.
- (2) No person may place any veranda column-

- (a) Over any pavement where such pavement is less than 2,6 m wide;
 - (b) More than 3 m from the building line measured to the outside of the column or at less than 3 m centre to centre.
 - (c) Over any pavement at the corner of a public road that is beyond the alignment building lines; and
 - (d) At a distance lesser than 600 mm back from the front edge of any kerb
- (3) No person may place a twin or double veranda column over any public road or pavement
- (4) Where verandas are supported on columns –
- (a) The columns may not have square bases;
 - (b) No base may project more than 50 mm beyond the bottom diameter of the column; and
 - (c) The maximum horizontal axial dimensions of such base may not exceed 350 mm.
- (5) Where the form of a column is classic in character, the shaft must have suitable entablatures and cap and base in due proportion.
- (6) Columns, including cap and base, may not be less than 3 m in height and not more than 4, 5 m including plinth.
- (7) The maximum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.
- (8) A coping, blocking course or balustrade, if any, may not extend less than 750 mm nor more than 1, 05 m above the floor of a balcony.
- (9) Nothing in these By-laws prohibits-
- (a) The erection and use of a party column to two adjoining verandas if the column stands partly on the extended boundary lines of two properties or adjoins the same; on
 - (b) In the case of adjoining verandas, the placement of any column upon a plinth if this is necessary for alignment and all the other provisions of these By-laws are observed

5. Balconies and bay windows

- (1) Balconies, bay windows or other similar encroachment may not -
- (a) Overhang a public road if they are at a height of less than 3 m above the pavement.
 - (b) Encroach more than 1,35 m over any public road; or
 - (c) Encroach more than 900 mm over any public road.

- (2) The aggregate horizontal length of bay windows at any level over a public road may not exceed one-third of the length of the building frontage to that road.
- (3) Any balcony superimposed upon any veranda must be set back at least 1,2 m from the line of such veranda.
- (4) No part of any balcony that is attached to any veranda, may be carried up to a height greater than two storeys above the pavement level except that, where the top of the balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1 m in height is allowed above the level of the floor.
- (5) Any dividing wall across a balcony over a public road may not exceed 1 m in height or 225 mm in thickness.
- (6) A balcony over any public road may not be the sole means of access to any room or apartment.
- (7) No person may place or permit or cause to be placed any article upon any balcony over a public road, except ornamental plants, tables, canvas blinds and awnings not used for signs or advertisement.
- (8) Where any floor of a building is used solely for the parking of a motor vehicle, bay windows at the level of the floor may not project over any public road for more than 1,35 m for the full length of the building to that road.

6. Plinths, pilasters, corbels and cornices

- (1) No plinths, pilasters or other encroachment beyond building lines carried up from ground level are permitted to encroach on a public road.
- (2) Any pilasters, corbel or similar architectural feature that is at least 3 m above the ground may not exceed the following level of encroachment over a public road:
 - (a) a pilasters: 450 mm the total aggregate frontage length of the pilasters may not exceed one-fifth of the building frontage and bay windows in the same storey must be included in the calculation of the maximum aggregate length for bay windows:
 - (b) A fire-resisting ornamental hood or pediment over a door: 600 mm and in any part not less than 2,75 m in height above the footway or pavement.
 - (c) A cornice: 1,05 m where not exceeding 10,5 above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

7. Verandas around corners

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

8. Pavement openings

- (1) No pavement opening may-
 - (a) Be the sole means of access to any vault or cellar; and

- (b) Extend more than 1, 2 m beyond the building line.
 - (2) Where flaps are permitted in pavement openings each flap may not exceed 0, 75 square metres in area and must open upwards and while open, must be provided with stout iron guard rails and stanchions.
 - (3) Flap openings may be opened and used only for the purpose of lowering and raising goods and must be kept closed except when lowering and raising operations are in progress.
 - (4) The front wall or wall parallel to the kerb in every opening must be built with a suitable butter to the satisfaction of the Municipality.
 - (5) No pavement opening may be covered with metal bar gratings or with metal plates or with wood.
9. Encroachment erected in front of building

LOCAL AUTHORITY NOTICE 200**NKOMAZI LOCAL MUNICIPALITY
CONTROL OF PARKING ATTENDANTS / CAR GUARDS BY-LAWS**

ARRANGEMENT OF BY-LAWS

1. Definitions
2. Co-coordinating of activities
3. Areas where parking attendants/car guards may render services
4. Registration as approved administrator
5. Registration as parking attendant/car guard
6. Duties of the approved administrator
7. Offences and penalties
8. Cancellation/withdrawal of approval
9. Repeal of By-laws
10. Short title and commencement

1. Definitions**(1) Unless the context otherwise indicates-**

“Approved administrator” means any person or entity approved by the Municipality as an administrator and co-ordinator of parking attendants and/ or car guard activities in relation to any demarcated area;

“Authorized officer” means an inspector of licenses, a traffic, a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or a police officer in terms of the South African Police Services Act, 1995 (Act No. 58 of 1995), and includes any other person whom the Minister of Local Government may, from time to time by regulation, declare to be an authorized officer;

“Municipality” means Nkomazi Local Municipality as described in section 2 of the Local Government: Municipal System Act (Act No. 32 of 2000), and its area as determined from time to time in terms of the Local Government : Municipal demarcation Act (Act No. 27 of 1998);

“Demarcated area” means an area designated or reserved in terms of the town planning scheme and used as public parking areas or in such other areas as may be specifically approved by the Municipality for the use of parking attendants or car guard;

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

“Parking Attendant/Car Guard” means a person who, whether for fixed or agreed remuneration or benefit, or otherwise, offers a service of guiding or protecting one or more vehicles in a demarcated area, or guiding or assisting persons desirous of parking or removing their vehicles from such demarcated area in entering or leaving any parking space or place

“**Public road**” means a public road as defined in section 1 of the Road Traffic Act, 1989 (Act no. 29 of 1989); and

“**town Planning Scheme**” means the town planning scheme(s), in course of preparation, applicable to the Municipal area of Nkomazi, as constituted from time to time, and includes any development control document or regulations substituted therefore.

(2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well males, and the singular number shall include the plural and *vice versa*.

2. Co-ordination of activities

The Municipality may appoint one or more approved administrators to oversee and co-ordinate the activities of parking attendants and car guards in demarcated areas on such terms and conditions as the Municipality may agree with such approved administrators.

2. Areas where parking attendants/car guards may render services

(1) The provision of the services of parking attendants /car guards is only permitted in demarcated areas.

(2) Except in those areas referred to in section 3(1), no person may offer or render service as a parking attendant/car guard, whether for agreed remuneration or in expectation of a reward or benefit, in or on-

(a) Any public road under the jurisdiction or in the ownership of the Municipality; or

(b) Any off-street parking area normally used by the public has the right of access.

(3) For the purpose of section 3(1), the Municipality may extend the application of these By-laws to an area in private ownership used for parking purposes by members of the public, but only on the application of the owner of such property or an application made by the lessee or other occupier thereof with the written consent of the owner.

3. Registration as approved administrator

(1) Any person intending to operate as an approved administrator shall make an application to the Municipality in the prescribed format, and is only allowed to operate as such, once the Municipality has approved the application, and on the conditions prescribed by Municipality;

(2) Nothing in these By-laws shall be deemed to prevent any person operating as a parking attendant/car guard to become an approved administrator, subject thereto that such parking attendant would be required to register as an approved administrator in terms of these by-laws or any national legislation applicable from time to time.

(3) The Municipality has the right to restrict the number of approved administrators to a number which can reasonable represent the number of parking attendants/ car guards operating in an area.

4. Registration as parking attendant/car guard

(1) No person shall operate as a parking attendant/car guard unless he or she-

- (a) Has applied to an approved administrator for registration as a parking attendant/car guard in the areas and has been approved as a parking attendant by such approved administrator;
- (b) at all times, carries a clear identification card in a format to be prescribed by the Municipality from time to time; and
- (c) Wears a uniform/bib approved by the Municipality, which clearly distinguishes between parking attendants/car guards and authorized officers.

(2)The Municipality may-

- (a) rescript the number of registered parking attendants /car guards operating within its area of jurisdiction;
- (b) refuse or withdraw the registration of any parking attendant/car guard if-
 - (i)Such person has been convicted in a court of law of any criminal offence;
 - (ii)such person causes wilful damage to person or property; or
 - (iii)such person is found at any stage while rendering services to be under the influence of intoxicating liquors or illegal substances; and
- (c)enter into an agreement, or impose conditions upon the administrator for the effective control of parking attendants/car guards.

5. Duties of the approved administrator

(1)The approved administrator shall ensure that no person rendering services as a parking attendant /car guard shall-

- (a) Take up a position or place himself or herself on a sidewalk or in a manner so that pedestrian traffic is obstructed;
- (b) In any way, obstruct free access to any-
 - (i) Entrance or exit from a building;
 - (ii) Fire hydrant;
 - (iii) Municipal services or service works.
- (c) sleep overnight at a public place if services are rendered at or on such public place or part thereof;
- (d) in the course of rendering services as a parking attendant/car guard-
 - (i) Create a public nuisance by his / her behavior ;
 - (ii) Create a traffic hazard to motor vehicles;
 - (iii) Hinder or prevent proper traffic control in a public area;
- (e) engage in any other activities that may have a negative impact on his/her service as attendant/guard; or
- (f)engage in any activity that is in contradiction with any other legislation; and
- (g)contravene any condition imposed by the Municipality

7. Offences and penalties

(1) Any person who-

(a) contravenes any provision of these By-laws or fails to comply with any condition imposed in terms thereof; or

(b) threatens, resists, interferes with or obstructs, any Municipal employee in the performance of his or her duties or function in terms of these By-laws or any other law; or

(c) Deliberately or negligently furnishes false or misleading information to any authorized officer or any Municipal employee,

Shall be guilty of an offence, and liable upon conviction, to a fine to be determined in terms of the Adjustment of fines Act 101 of 1991, or imprison for a period not exceeding six months, or both the fine and the imprisonment.

8. Cancellation / withdrawal of approval

Notwithstanding section 7, the Municipality may withdraw/cancel the registration of any approved administrator who contravenes any provision of these By-laws or nr conditions imposed by the Municipality.

9. Repeal of By-laws

Any By-laws relating to the control of parking Attendants/ car Guards within this Municipality are hereby repealed and replaced by these By-laws, which are to become effective on promulgation thereof.

11. Short title and commencement

These By-laws are called the Control of Parking Attendance/ Car Guards By-laws and will take effect on the date of promulgation.

LOCAL AUTHORITY NOTICE 201**NKOMAZI LOCAL MUNICIPALITY
SAND HARVESTING BY-LAWS**

1. Definitions
2. Prohibitions
3. Seizure and impoundment
4. Offences and penalties
5. Short title and commencement

1. Definitions

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

“Municipality” means Nkomazi Local Municipality as described in section 2 of the Local Government: Municipal Systems Act (Act No. 32 of 2000), and its area as determined from time to time in terms of the Local Government: Municipal Demarcation Act (Act No. 27 of 1998);

“Public Place” includes any space the control thereof is vested in the Municipality, and all property belonging to an organ of state;

“Public road” means any road, street, sidewalk, thoroughfare or any other place is commonly used by the public or a section thereof, to which the public or a section thereof has a right of access;

“Sidewalk” means that portion of a public road intended for use by pedestrians.

2. Prohibition

It shall be an offence to damage a road, street, sidewalk or public place by-

- (a) Marking or causing to be made a hole, trench, pit or excavation by removing soil or sand from such road, street, sidewalk or public place;
- (b) Harvesting sand on a near road, street, sidewalk or public place so as endanger public safety;
- (c) Obstructing the road, street, sidewalk or public place for the purpose of harvesting sand on such road, street, sidewalk or public place;
- (d) Marking and /or leaving an unguarded excavation, hole or trench on any such road, street, sidewalk or public place.

- (e) Harvesting for sand on any property abutting on, and/ or easily accessible from a road , street, sidewalk or public place so as to cause damage to such road, street, sidewalk or public place;
- (f) Marking an excavation, hole or trench that may cause annoyance, danger or accident to persons, vehicles or other traffic using such road, street or sidewalk;
- (g) Interfering with the surface of a road in any way so as hinder or make free passage or access to the road difficult.

3. Seizure and impoundment

(1) An officer of the municipality may seize and impound any vehicle, tool or implement which he reasonable suspects are being used or intended to be used or have been used in connection with sand harvesting –

- (a) That is prohibited in terms of section 2 thereof;
- (b) Which are found at a place where sand harvesting is prohibited ;
- (c) Which a harvester has failed or refused to remove form a place where sand harvesting is prohibited after having been instructed to do so by a officer or employee of the Municipality;
- (d) Which have been left or abandoned at a place where sand harvesting is suspected to have been taking place.

(2) An officer acting in terms of subsection (1)

- (a) Shall issue a written proof of such removal and impoundment of any vehicle , tool or implement;
- (b) Shall forthwith deliver any such vehicle, tool or implement to the Municipality;
- (c) Return the vehicle, tool or implement to the owner after payment of a determined fine and prescribed fees levied for impounding and sorting.

(3) the Municipality may discard with, sell or give away any vehicle , tool or implement that have not been collected within fourteen days after the date of impoundment.

(4) An officer, the Municipality or an employee shall not be liable for any loss, theft of or damage to any vehicle, tool or implement seized and impoundment and/ or destroyed in terms of these By-laws.

4. Offences and Penalties

(1) A person who-

- (a) Fails to comply with the provisions of this By-laws; or
- (b) Threatens, resists, interferes with or obstructs any officer employee of the Municipality in the performance of his duties or functions in terms of these By-laws; or
- (c) Fails to comply with an instruction from an officer or employee of the Municipality to remove his vehicle , tools or implements, shall be guilty of an offence and shall be liable to a fine or in default of payment to imprisonment for a period not exceeding six months or in case of a continuing offence to a further fine, or in default of payment to imprisonment not exceeding one day for every day during the continuance of the offence, after a written notice has been issued by Municipality and served upon the person concerned requiring the discontinuance of such offence.

4. Short title and commencement

These By-laws shall be the By-laws relating to sand Harvesting and shall come into operation upon promulgation.

LOCAL AUTHORITY NOTICE 202**NKOMAZI LOCAL MUNICIPALITY
NUISANCE BY-LAWS****TABLE OF CONTENTS**

1. Definitions
2. Use of public place
3. Use of streets and public footpaths
4. Nuisance relating to public health
5. Use of premises for entertainment , recreation or social activities and functions
6. General
7. Offences and penalties
8. Repeal of By-laws
9. Short title and date of commencement

1. Definitions

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

“Authorized official” means any person authorized as such by the Municipality for the purpose of these By-laws to perform and exercise any or all of the functions specified therein, and any person in the service of the Municipality who has been appointed in the capacity of peace Officer in terms of criminal Procedure Act. 51 of 1977.

“Environment” means the surrounding within which humans exist and that are made up of –

- (a) The land, water and atmosphere of the earth;
- (b) Micro-organism, plant and animal life;
- (c) Any part or combination of (a) and (b) and the interrelationship among and between them and
- (d) The physical , chemical , aesthetic and cultural properties and conditions of the foregoing and influence human health and well being;

“Municipality” means Nkomazi Local Municipality as described in section 2 of the Local Government: Municipal System Act (Act No. 32 of 2000), and its area as determined from time to time in terms of the Local Government: Municipal demarcation Act (Act No. 27 of 1998);

“Municipal property” means any structure or thing owned or managed by or on behalf of the Municipality and includes buildings, lapas, benches, picnic tables, playground equipment's, fountains, statues, monuments, fences, poles, notice and signs;

“Nuisance” means any condition or conduct which is injurious or offensive to any person or which is dangerous to or compromises the health or safety of any person, or which causes an annoyance or disturbance to any person or to the residence of any area or which constitutes a threat or a potential threat to the environment or which causes harm or damage to the environment, or which may potentially harm or damage the environment;

“Person” means a natural or juristic person and includes an organ of state;

“Public health” means the mental and physical well-being of people in the area of jurisdiction of the Municipality;

“Public space” includes any square, park, any area or centre, whether incorporating a community hall or no, which group facilities of a sporting, cultural or recreational nature can be pursued, garden, enclosed or open space within the area of jurisdiction vested in the Municipality and included any open or enclosed space vested in the Municipality to which the public has the right to access, public road and lane, foot pavement, overhead bridge, footpath, sidewalk, and any other municipal property; and

“Waste” means any matter, material by-product or residue of any process or activity, that has been discarded, accumulated or stored for the purpose of discarding, re-use, reclamation, or machinery or parts thereof, scrap metal, building rubble, garden refuse, refuse debris and any garbage. Waste product may be liquid or solid and may include products that contain a gaseous component and may originate from domestic, commercial or industrial activities

2. Use of public place

- (1) A person may not advertise goods or services by shouting, hitting a gong, hooting or ringing bells or any other blaring sound, music etc. so as to constitute a nuisance, and may not, without obtaining the prior permission from the Municipality, advertise goods or services in a public place by means of a megaphone, public address system or similar means.
- (2) A person may not conduct himself or herself in an unseemly or obnoxious manner or cause a nuisance or annoyance to other persons in or on or using public place, or to any other person.
- (3) A person may not, without lawful cause discharge any firearm, air gun, sling, catapult, bow and arrow, crossbow or any other similar weapon within the area of jurisdiction of the Municipality, provided that this section does not apply to any persons engaged in authorised target or drill in places set aside for this purpose or to any person to whom written permission to do so has been given by the Municipality.
- (4) A person may not expose or exhibit any article or thing offensive to decency, unless prior permission of the Municipality is obtained with regard to potentially offensive items displayed in a shop window.

- (5) A person may not hang any item of clothing, household line or laundry over any boundary wall or fence or out of any window or from any balcony or part of a building so as to be visible from a street or public place.
- (6) A person may not bath or wash himself or herself or any animal or laundry in any stream, pool or water through which the general public has access or at any public fountain or public water feature or any other place not designated for such purpose.
- (7) A person may not drink any liquor in any public place or appear to be in a state of intoxication.
- (8) A person may not write, print or draw any obscene words or figures in a public place or use indecent or foul language in any public place or within the hearing of any person therein.
- (9) A person may not loiter-in any public place for the purpose of prostitution, or solicit or importune any other person for such illicit purpose.
- (10) A person may not keep or manage or assist in the keeping or management of a brothel or knowingly permit any premises within the area of jurisdiction of the Municipality or any portion thereof, or any room therein, to be used as a brothel or for the purposes of prostitution, or be a party to continued use thereof for such purposes.
- (11) A person may not hold any auction or sale in any public place or in or from any doorway, window or other opening of any premises abutting on any public place without the written consent of the Municipal Manager and then only subject to such conditions as may be imposed in such consent.
- (12) A person may not sit or lie in or upon any public place or stand, walk, loiter or congregate or otherwise act in such manner as to obstruct free movement along any public place or to jostle or otherwise annoy the public.
- (13) A person may not leave any animal belonging to him or her unattended in any public place or permit such animal to obstruct the traffic in any street or create a nuisance or danger in any public place.
- (14) A person may not urinate in a public or in public view.
- (15) A person may not erect or place any structure, be it temporary or permanent, in or on any street, public footpath, verge or public place for the purpose of sale or storage.
- (16) A person may not do any type of hair work in public areas or on pavements.

3. Use of streets and public footpaths

- (1) A person may not litter or throw any object upon any street or public footpath which might in any way endanger the safety of any person or cause environment damage.
- (2) A person may not allow any goods, whether it be his or her own property or under his or her control, to be or to remain in or on any public place, street or public footpath so as to cause obstruction or inconvenience to the passage of any person for a longer time than may be reasonably be necessary for loading and unloading, and in no case after being instructed by the Police or an Authorized Official requiring him or her to remove same.
- (3) Unless a permit has been issued by the Municipality for trading purposes, a person may not for trading or for any other purposes, place any goods, wares or articles on any stand, veranda post, stairs or ceiling projecting over any public footpath or street. For the purpose of this subsection the words "public footpath or street" shall include that area adjacent to a commercial or industrial lot which is outside the commercial or industrial building and to which the public has free access regardless whether or not the area is the property of the Municipality or private property. A person may not drill or hit any tent-peg or any other object into any road or sidewalk surface.
- (4) A person may not place any flower pot or box or other heavy object in any window or upon any window sill in any building abutting on any street, footpath or public place unless proper precautions have been taken to prevent such flower pot, box or object from being blown or falling in to or onto such street, footpath or public place.
- (5) A person may not roll any hoop or wheel or fly any kite or throw stones or ride bicycle or use any roller skates or similar device or play any game whatsoever in or upon any street or public footpath place in such a manner as to create a danger or nuisance to any person or animal or danger to any property.
- (6) A person may not empty any vessel or throw any matter, liquid or solid, or any lighted cigar, cigarette or match, or empty any pipe from any window of any premises abutting on any street or from any veranda or balcony erected over any public place.
- (7) No queue formed up outside any place of business or entertainment shall be in such a manner so as to inconvenience the general public or extend across any public footpath or street. Persons standing in such queue shall yield and give free passage to persons desiring access to or egress from any premises. No queue shall in any circumstances extend on to or across any street, and no persons joining such queue shall take any position other than at the end thereof.
- (8) A person may not make or dig, or cause to be made or dug, any hole, pit, trench or excavation of any kind or for any purpose in or close to any public place without the

written consent of the Municipality Manager. Any excavation so made or dug shall be fenced off and shall have its position indicated during hours of darkness by red lights or any other similar device which is acceptable to the Municipal Manager and which device shall be kept burning from sunset to sunrise.

- (9) A person may not place or deposit any waste in any public not intended for such purpose, unless such waste is placed in approved receptacles of facilities intended for such purpose.
- (10) A person may not wash his\her vehicle on a public road which includes sidewalks and parking areas.

4. Nuisance relating to public health

- (1) A person may not keep or deposit or allow on any premises owned or occupied by him or her, which he or she is in charge, any matter or thing, solid or liquid, which is, or likely to, become offensive or dangerous to public health.
- (2) A person may not carry or convey, or cause or permit to be carried or conveyed, across or in any public place, any matter or thing, solid, or liquid, which is likely to become offensive or dangerous or injuries to public health, unless such matter or thing is carried or conveyed in a closed vehicle or receptacle closed and covered with a lid or other material approved by an Authorized Official.
- (3) A person may not keep any dead body or corpse in any premises other than a mortuary or other similar place designated for that purpose.
- (4) A person may not permit the causes of any animal to remain on his or her premises for a longer period than is necessary to arrange for the removal of such carcass.
- (5) Any person may not place or permit to be placed, any carcass or any decomposable or offensive material or object which is his or her property or under his or her control, on his or her premises or elsewhere and to remain thereon so as to cause any nuisance.
- (6) A person may not cause or permit any stream, drain, gutter, watercourse, sink, bar, tank, water closet, urinal, compost heap or swimming bath on any land or premises owned or occupied by him or her or of which he or she is in control to be or to become so foul or in such a state or to be situated or constructed so as to be offensive or dangerous or injurious to public health.
- (7) A person may not cause or permit any foul or polluted water or any foul liquid or matter to run or flow from any premises occupied by him or her, into any street or onto any street or onto any land so as to be offensive or dangerous or injurious to public health.

- (8) A person may not commit or cause or permit to be committed, any act causing or contributing to the pollution of any water.
- (9) A person may not deposit human excrement or urine in any place not designated for such purpose.
- (10) A person may not foul or misuse any public convenience or any convenience provided in any public building or place of public entertainment.
- (11) Every person who is the owner or occupier or in charge of any premises or vacant land shall take all possible precautions to prevent conditions favoring the multiplication and prevalence of, and shall take steps for the eradication of rodents, mosquitoes, flies, fleas, bugs, cockroaches or other vermin or pests on such premises or vacant land and shall, when so required by an Authorized Official, comply with any requirements relating to the preventing or eradication of any such vermin or pests within a time specified in such notice.
- (12) A person may not burn any rubbish or refuse on any premises or do anything to cause any offensive smells or excessive smoke, or by burning or any other action cause ash, excessive smoke or any other dirty or offensive dust or matter.
- (13) A person, being the owner or occupier or in control of any premises or vacant land, whether such premises or land are fenced or not, may not, may not deposit or store thereon and within the public view, any disused vehicle (s), machinery or parts thereof, building, materials, refuse or similar objects unless he or she has obtained written consent of the Municipality.
- (14) Any consent given in terms of subsection (13) may be amended or cancelled by the Municipality at any time by given written notice to that effect.
- (15) Any person, being the owner or occupier of any premises or vacant land upon whom a notice in terms of subsection (14) has been served, shall within the time specified in such notice, remove or cause to be removed, any object contemplated in subsection (13) from the public view.

5. Use of premises for entertainment, recreation or social activities and functions

- (1) A person using any premises or permitting any premises to be used for entrainment, recreation or social activities or functions, whether public, or private, and any person who participate in or who attends any such activities, may not conduct himself or herself in an unseemly or obnoxious manner or cause a nuisance or annoyance to any person.
- (2) An Authorized Official who is of the opinion that a person is committing a breach of subsection 1 may direct that person to cease any such act or may take such other steps as he or she deems necessary to reduce, remove or minimize the unseemly or obnoxious conduct, nuisance or annoyance.

6. General

- (1) A person may not produce or permit to be produced, any excessively bright or intermittent light, thereby creating a nuisance or annoyance to any person.
 - (2) A person may not cause or permit to be caused a nuisance or annoyance to any person by doing repair work or panel beating to any vehicle or part thereof on a premises designated for residential purposes or a public place or any other work thereby creating noise pollution which causes discomfort or annoyance to persons or animals, provided that this subsection does not apply to emergency repairs necessary to remove any vehicle after a breakdown.
 - (3) A person may not permit any rank weeds or grass or undergrowth or bush to grow upon any premises or vacant land owned or occupied by him or her. The Municipality may serve a notice on such a person requiring him or her within the time specified in such notice to destroy, cut down or remove such rank weeds, grass, undergrowth or bush.
 - (4) Should any person breach any provision of this By-laws and continue in default after receiving a written notice issued by any Authorized Official requiring him or her to abate such nuisance within a time to be specified in such notice, an Authorized Official may enter upon the premises on which such nuisance exists and take such steps as may be necessary to abate such nuisance at the cost of the person offending, who shall also be liable to a prosecution for a contravention of these By-laws.
 - (5) An Authorized official may enter upon any premises at any time to investigate whether any breach of these By-laws has been committed.
 - (6) A person may not park any vehicle, including trucks, on an open space, park or pavement. Trucks over nine (9) ton may not be parked anywhere in residential areas, except for the delivery purposes.
 - (7) A person may not spin his/her vehicle.
 - (8) A person may not trade at an intersection or within 5 metres of / or from an intersection.
 - (9) A person/ company other than the company who has a legal contract with the Municipality, may not operate or act as a car guard or collect money by assisting parking users to park.
7. Offences and penalties

- (1) Any person who-

- (a) Contravenes or fails to comply with a provision of these By-laws or a direction issued by the Municipality in terms of these By-laws, or a condition imposed Under these By-laws;
 - (b) Obstruct or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of these By-laws; or
 - (c) Furnishes false, incorrect or misleading information when applying for permission from the municipality in terms of the provision of these By-laws, is guilty of an offence and is on conviction liable to a fine not exceeding R3000.00, adjusted in terms of the Adjustment of Fines Act, or in default of payment to imprisonment for a period not exceeding six (6) months.
- 8. Repeal of By-laws**

All previous By-laws, to an extent that they conflict with any provision of this By-law are hereby repealed, provided that such repeal shall not affect the continued validity of any charges determined by the Municipality under those By-laws.

9. Short title and date of commencement

These By-law shall be called the Nuisance By-law and will take effect on the date of promulgation.

LOCAL AUTHORITY NOTICE 203**NKOMAZI LOCAL MUNICIPALITY
TRAFFIC BY-LAW****TABLE OF CONTECTS
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CHAPTER 1
INTERPRETATION

1. Definitions

- 1) In this by-law any word or expression that has been defined has that meaning, unless the context otherwise indicates-

“Authorised official” mean any official of the municipality who has been authorise by it to administer, implement and the provision of this By-Law

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

“Medical officer of health” means a person appointed as such under section 22 or 25 of health Act, 1977 (Act No. 63 of 1977);

“Municipality” Mean the Nkomazi local municipality, as a municipality described in section 2 of the local government: municipal structures Act and as determined in terms of the local government: municipal demarcation Act no 27 of 1998;

“Prescribed Fee” mean a fee determined by the municipality by resolution in terms of section 10G(7)(a)(ii) of the local government transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

“Public Road” means a public road a defined in the National Road Traffic Act, 1996;

“Queue Marshal” means a person designated by a taxi association to regulate minibus taxi type services; and **“Rank”** means a facility set aside by the Municipality for use by public passenger road transport.

(2) If any provision in By-law 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 or any other law must be read as a reference to the service provider, the reference in such provision to such employee must be read to the service provider or, where applicable an employee of the service provider authorised by it.

CHAPTER 2

2. Driver to take shortest route

- (1) A driver of meter taxi must, while the metered taxi is hired, drive to the passenger's definition along the shortest route, unless another route is agreed on or directed by the passenger.
- (2) A metered taxi driver must have current map of the Municipal area in his or her passenger on request.

3. Driver to keep engagement

- (1) A driver of any metered taxi must convey a passenger and his or her personal effects to the destination agreed upon between the passenger and the driver.
- (2) Should the driver of a metered taxi for any reason whatsoever, be unable to convey the passenger and the passenger's personal effects to the agreed destination, such driver must take all reasonable steps to arrange another metered taxi for the passenger arrange for transport to get to his or her destination.

4. Operation of taximeter

- (1) The driver of a metered taxi fitted with a taximeter must, as soon as the driver arrives at the point where his or her hiring commences and not sooner, set the taximeter in motion, and must upon the termination of hiring immediately stop the taximeter from recording.
- (2) Upon the occurrence of any stoppage not caused by traffic congestion or by the action or request of any passenger, the said driver must for the duration of such stoppage stop the taximeter from recording.
- (3) The owner of a metered taxi must ensure that provisions of subsections (1) and (2) and the minimum or maximum fare, if any, are affixed to the interior of his or her taxi, in such a position that they can be easily read by passenger in the taxi.

CHAPTER 3 BUSES

5. Stopping places

No driver of a bus, as defined in the National Land Transport Transition Act, 2000 (No. 22 of 2000), may stop it for the purpose of picking up or setting down any passenger, except at a stopping place designated by the Municipality.

6. Entering and alighting from a bus

A prospective passenger of a bus, as defined in the National Land Transport Transition Act, 2000 (No. 22 of 2000), may only enter or alight from a bus at a stopping place designated by the Municipality.

7. Driver to stop at stopping places.

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

CHAPTER 4 GENERAL

8. Parking of metered taxi, minibus or bus

No person may park a metered taxi, minibus, midibus or bus on any public road for the purpose of providing a public passenger road transport service, except in an exclusive parking bay, marked by a road traffic sign as prescribed in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996) for that vehicle.

9. Parking at places of entertainment or funeral

Notwithstanding the provision of section 8 of this By-law, a metered taxi may park on a public road for the purpose of providing a metered taxi service, where a party or private entertainment is in progress or from which any funeral or wedding procession is about to start.

10. Engagement of passengers

- (1) No driver of a metered taxi, minibus, midibus or bus any other person, may by using force or a threat, or in a clandestine manner or by any other means, prevent or seek to prevent any person from hiring any other metered taxi, minibus or bus or prevent or seek to prevent the driver of such other metered taxi, minibus, midibus or bus from obtaining or conveying a passenger or a load.

- (2) No person may use force, a threat, or any clandestine or other method, to prevent or attempt to prevent any person from participating in a lift club.
- (3) The driver or conductor of a metered taxi, minibus, midibus or bus may not use a hooter or sounding device to attract the custom of potential passengers or customers.

11. Failing or refusing to pay or attempting to evade payment of the fare due.

No hirer of, or passenger in or on a vehicle engaged in a public passenger road transport service, may fail or refuse to pay any fare due by such hirer or passenger.

12. Furnishing of name and address by person conveyed in or on metered taxi, minibus, midibus or bus

Any person hiring, or conveyed in or on, a vehicle engaged in a public passenger road transport services, who has failed or refused to pay any fare due by her or him, must when request to do so by the driver, state his or her correct name and address.

13. Conveyance of filthy or diseased persons

- (1) A driver of a vehicle engaged in a public passenger road services transport services may refuse to convey or carry
 - a) Any person who is obviously in a state of filth or obviously suffering from any contagious disease; or
 - b) Any dead animal except animals or poultry intended for human consumption if the animal or poultry is properly wrapped.
- (2) No person who has another person in his or her care who to his or her Knowledge has been exposed to, a contaminated with, any contagious disease may place such person in any metered taxi, minibus, midibus or bus.
- (3) No person who is obviously in a state of filth or obviously suffering from any contagious disease may enter any metered taxi, minibus, midibus or bus or, having entered, remain upon such vehicle after being request by the driver or conductor thereof to leave the vehicle.

14 Disinfection of metered taxi, minibus, midi bus or bus

- (1) The owner, driver, conductor or any other person in charge of a vehicle engaged in a public passenger road transport service must take immediate steps as soon as it comes to his or her knowledge that-
 - (a) Any person suffering from contagious disease; or
 - (b) The body of a any person who has died of such disease; or
 - (c) Anything which has been exposed to or contaminated with such disease has been conveyed in or upon such vehicle engaged in a public passenger road transport service to report the matter to the Medical Officer of Health.
- (2) Any owner driver, conduct or other person referred to in subsection (1) must carry out every instruction issued by the Medical Officer of Health with regard to the disinfection of such vehicle engaged in a public passenger road transport service.

(15) Driver's right to refuse to convey passengers

- (1) The driver of a vehicle engage in public passenger road transport service may, if he or she so decides, or at the request of any passage, refuse to convey any person who is obviously in a state of intoxication or who is noisy or rowdy or otherwise misbehaving himself or herself.
- (2) No person referred to in subsection (1) may remain in or upon such vehicle engage in a public passenger road transport service, after having been request by the driver or

Conductor thereof to leave the vehicle engaged in public passage road transport.

(16) Property left in meter taxi, minibus, midi bus and bus

- (1) If any property left in vehicle engaged in a public passenger road transport services is not claimed within 24 hours after it has been discovered in such vehicle engaged in a public passenger road transport service, the driver or conductor of vehicle must-
 - (a) If he or she belong to taxi association, take such property to the nearest office of association;
 - (b) If he or she used the bus depot for the purposes of the business in which he or she is engage, take such property to such depot; or
 - (c) If he or she does not to taxi association or used a bus depot for purposes of the business concerned, take such property to the Municipality's Transport Department, and obtained a receipts from the person with whom the property is deposited, or the officer on duty the Municipality, as case may be.
- (2) If the property referred to in paragraphs (a) and (b) of subsection (1) is not claimed within seven days of its receipt in the office of the relevant taxi association or bus depot, the person within whom it was deposited must take it to the South African Police Service (SAPS), and there deposit it with the office on duty, who must issue a receipt for such property to the person depositing it.

(17) Possession of dangerous or offensive articles

- (1) If the driver or conductor of a vehicle engaged in a public passenger road transport service reasonably suspects that any passenger is in possession of any dangerous or offensive article, except a fire-arm as described in subsection (2), the driver or conductor or any other passenger may request the first mentioned passenger to hand such article to the driver or conductor.
- (2) If a passenger is in possession of a fire-arm, the driver or conductor may request the passenger to display a valid licence for such fire-arm or, if the passenger is required to carry the fire-arm as a member of the national or Municipal police service established in terms of the South Africanpolice Service Act, 1995, or as a member of the National Defence Force established under the Defence Act, 1997 (Act No. 44 of 1957), the driver or conductor may request the passenger to display the current identity document which was issued to the passenger by such service or force.
- (3) If the passenger refuses to hand the article referred to in subsection (1), or fails to display the licence or identity document referred to in subsection (2), to the driver or conductor, the driver may refuse to convey the passenger.

- (4) The article referred to in subsection (1) must be returned to its owner at the conclusion of his or her journey.

(18) Cleanliness

The driver or conductor of any vehicle engaged in a public passenger road transport service must be clean and neatly dressed at all times while conveying a passenger, and must treat every Passenger politely and with respect.

(19) Queue marshal

- (1) A queue marshal at any rank must be clearly identifiable as to his or her employer and must display his or her name in a conspicuous manner on his or her clothing below the left shoulder.
- (2) A queue marshal must discharge his or her duties in a courteous and polite manner and show respect to every passenger.
- (3) Where a queue marshal is controlling the entry of passenger onto a metered taxi, minibus, midibus or bus, he or she must not allow more than the number of passengers permitted by law, to enter such metered taxi, minibus, midibus or bus.

(20) Clean vehicle

The owner and the driver of any metered taxi, minibus, midibus or bus must keep the vehicle clean and in good condition at all times while engaged in the public passenger road transport Services.

(21) Offences and penalties

Any person who

- a) Contravenes or fails to comply with any provisions of this By-law;
- b) Fails to comply with any notice issued in terms of this By-law;
- c) Fails to comply with any lawful instruction given in terms of this By-law; or
- d) Who obstructs or hinders any authorised official of the Municipality in the execution of his or her duties under this By-law, is guilty of an offence and liable on conviction to a fine or in default of payment to Imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R1000, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Municipality, and served on the person concerned, requiring the discontinuance of such offence.

(22) Short title and commencement

These By-laws shall be called the Traffic By-laws, and shall come into effect on date of promulgation.

LOCAL AUTHORITY NOTICE 204**NKOMAZI LOCAL MUNICIPALITY****WASTE MANAGEMENT BY-LAW**

1. Definitions
2. purpose of this by-laws
3. Municipality services for collection, removal and disposal of waste
4. Municipality engagement and responsibilities with regard to waste service providers
5. Municipality notice and guidelines
6. Municipality powers related to waste management
7. General duties of occupiers
8. Occupiers duty with regards to domestic and business wastes
9. Occupiers responsibilities when appointing a waste service provider
10. Occupiers responsibilities with regards to notification of change
11. Occupier's liabilities in terms of served notices
12. General duties and registration of waste service providers
13. Prohibition of removal of waste
14. Occupier's duties with regard to container management
15. Containers provided by the municipality
16. Prohibited use of containers
17. Disposal of waste in containers
18. Removal of waste in containers
19. Determination and notification of municipality routine services
20. Duty of occupier's in terms of use routine services
21. Disposal of waste in containers
22. Removal of waste in containers
23. Additional responsibilities for garden and bulky waste
24. Use and disposal of garden waste
25. Additional responsibilities for building and demolition waste
26. Disposal of building and demolition waste
27. Provision of information on industrial waste, hazardous waste, health care risk waste and priority waste
28. Prohibition of provision of waste service activities for industrial waste, hazardous waste, health care risk waste and priority waste
29. The waste management officer's right to enter premises on which industrial waste, hazardous or health care risk waste is generated
30. Transportation of waste
31. Prohibitions on burning of waste

32. Prohibited disposal at disposal facilities
33. Conduct at disposal facilities
34. Ownership of waste
35. Littering
36. Dumping
37. Abandoned items or substances
38. Liability of responsible person
39. Waste administration and recycling
40. Offences and penalties
41. Revocation of By-Laws
42. Short title and commencement

DEFINITIONS

1. Definitions

For the purpose of these By-Laws, unless the context otherwise indicates-

“Act” means the National Environment Management: Waste Act 59 of 2008

“Bin” means a standard type waste bin with a capacity between a minimum of 85 litres and a maximum of 100 litres, or a standard type wheelie bin with a maximum capacity of 240 litres;

“bin liner” means a disposable plastic bag provided by the Municipality or approved by the Waste Management Officer with a storage capacity between a minimum of 85 litres and a maximum of 1090 litres;

“building and demolition waste” means waste, excluding hazardous waste, produced during the construction, alteration, repair or demolition of any structure, and includes rubble, earth, rock and wood displaced during that construction, alteration, repair or demolition;

“bulky waste” means waste, other than industrial waste, hazardous waste, building and demolition waste or health care risk waste, which cannot by virtue of its mass, shape, size or temporary extraordinary generation be conveniently or practically stored in a container;

“business waste” means waste, excluding garden waste, bulky waste, hazardous waste and any waste collected separately for re-use or recycling; that emanates from premises or facilities that are used wholly or mainly for commercial, retail, wholesale, entertainment, administration purposes, or an accommodation establishment as defined in section 1 of the Tourism Act (Act 72 of 1993);

“Confidential information” means trade, business or industrial information that belongs to a person, has a particular economic value, and is not generally available to or known by others;

“container” means a disposable or a re-usable vessel in which waste is placed for the purpose of storing, accumulation, handling, transporting; treating or disposing of that waste, and includes bins, bin-liners and skips;

“Disposal” means the burial, deposit, discharge, abandoning, dumping, placing or piece of any waste into, or onto any land;

“disposal facility” means a facility or site for the disposal of waste; including any landfill site, forwarding facility, transfer facility, drop-off centre or container yard used partially or solely for disposal of waste, and which is owned by the Municipality or has been approved for the purpose by the Municipality;

“domestic waste” means waste; excluding garden waste, bulky waste hazardous waste and any waste collected separately for re-use or recycling; that emanates from premises that are used wholly or mainly for residential, educational. Health care, sport or recreational purposes;

“garden waste” means waste which is generated as a result of normal gardening activities on any premises, such as grass cuttings, leaves, plants, flowers, weeds, clippings of trees, hedges or fences and other similar small and light matter;

“hazardous waste” means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment;

“Health care risk waste” means hazardous waste originating at a health care facility which includes, but is not limited to-

- (a) “infectious waste”, i.e. waste that may contain pathogenic micro-organisms;
- (b) “sharp”, i.e. sharp and pricking objects that may cause injury as well as infection;
- (c) “pathological waste”, i.e. parts that are sectioned from a body;
- (d) “chemical waste”, i.e. all kinds of discarded chemicals, including pharmaceuticals that pose a special risk to human health and environment; and/ or
- (e) “radioactive waste” i.e. solid, liquid and gaseous waste contaminated with radionuclide;

“Inert waste” means waste that does not-

- (a) Undergo any significant physical, chemical or biological transformation;
- (b) Burn, react physically, chemically biodegrade or otherwise adversely affect any other matter or environment with which it may come into contact; and
- (c) Impact negatively on the environment, because of its pollutant content and because the toxicity of its leachate is insignificant;

“industrial waste” means waste (in solid form) generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include building and demolition waste, business waste, hazardous waste, health care risk waste, domestic waste, garden waste, or waste collected separately for re-use or recycling g;

“Licensed disposal facility” means a disposal facility which has been licensed in terms of section 19 and 50 of the Waste Act or which in terms of section 80 of the Waste Act may continue to operate under a license issued under the Environmental Conservation Act (Act 73 of 1989).

“licensed incinerator” means a disposal facility which uses an incinerator for incineration of waste which has been licensed in terms of section 19 and 50 of the Waste Act or which in terms of section 80 of the Waste Act may continue to operate under a licensed issued under the Environmental Conservation Act (Act 73 of 1989);

“Medical Officer of Health” means the person who from time to time is appointed to such position either substantively or in an acting capacity by the Municipality, and includes any Deputy Medical Officer of Health so appointed;

“Occupier” means-

- (d) Any person in actual occupation of premises without regard to the title under which he or she occupies, if any; or
- (e) The owner unoccupied premises; or
- (f) The owner of premises at which the owner permits occupation by more than one occupant; or
- (g) The owner in cases where the occupants fail to fulfill their obligation in terms of these By-Laws;

“Owner” in relation to premises means-

- (a) The person who from time to time is registered as such in a deeds registry as defined in the Deeds Registries Act, 1937 (Act 47 of 1937); or

- (b) In cases where such person is insolvent or diseased, or is under any form of legal disability whatsoever, the person in whom the administration of his property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; or
- (c) Where a sectional title register has been opened in terms of section 12 of the Sectional Titles Act, 1986 (Act 95 of 1986), the body corporate as defined in that Act; and
- (d) Includes any persons receiving rent for such premises whether on his own account or as the agent for a person entitled thereto;

“Premises” means any premises which are located within the area of jurisdiction of the Municipality;

“Recycle” means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream further use and the processing of such separated material as a product or raw material;

“Residential” means used for the purpose of human habitation, but excludes use of accommodation establishment as defined in section 1 of the Tourism Act, 1993 (Act 72 of 1993);

“Re-use” means to utilize articles from the waste stream again for a similar or different purpose without changing the form or properties of the article;

“Skip” means a large bulk container which is temporarily stored on premises for collection of wastes;

“Tariff charge” means the appropriate charge as set out in the tariff of charges adopted by resolution of the Municipality from time to time;

“Waste” means any substance defined as such in terms of the Waste Act;

“Waste Act” means the National Environmental Management: Waste Act (Act No. 59 of 2008)

“waste Management Officer” means the officer who in terms of section 10 (3) of the Waste Act is designated in writing by the Municipality to be responsible for coordinating matters pertaining to waste management in the Municipality; and includes any other official to whom a power delegated or a duty assigned to the Waste Management Officer has been sub delegated or further assigned in writing by the Waste Management Officer in terms of section 10(4) of the Waste Act;

“Waste service provider” means any service provider who renders a service with regards to the treatment, segregation, collection, removal, transportation, recycling and/ or disposal of waste which was generated on premises which are not owned or operated by the service provider.

PURPOSE OF BY-LAW

2. (1) the purpose of these Bu-Laws is
- (a) To promote the achievement of a safe and healthy environment for the benefit of the residents in the area of jurisdiction of the Municipality;
 - (b) To provide for procedures, methods, practices and standards to regulate the disposal of solid waste and the removal thereof within the area under the jurisdiction of the Municipality;
 - (c) To give effect to sections 9 (1), 9 (3), 10 (3) , 24 and other sections of the Waste Act that relate to the Municipality’s executive authority to deliver waste management services; and
 - (d) To promote compliance with the Waste Act.
- (2) These By-Laws must be read with the Waste Act.

MUNICIPALITY ROLE AND WASTE SERVICE PROVISION

3. Municipality services for collection, removal and disposal of waste

- (1) The Municipality shall provide services for the collection, removal and disposal of domestic and business waste from premises in terms of these By-laws and in areas and in a manner determined by the Municipality.
- (2) The Municipality may, at its sole discretion provide services for the routine collection; removal and disposal of garden and recyclable waste from any premises in any areas for which services are rendered in terms of subsection (1).
- (3) The Municipality may, at the request of an occupier of premises and at the sole discretion of the Waste Management Officer, render services for bulk collection, removal and disposal of any garden waste, bulk waste, building and demolition waste and recyclable waste from such premises.
- (4) The Municipality may, at the request of an occupier premises and at the sole discretion of the Waste Management Officer collect, remove or dispose of any industrial or

hazardous waste from any premises, subject to the Municipality having made specific contractual arrangement with the occupier or owner of the premises to do so.

- (5) Any services rendered in terms of subsection (1) to (4) are subject to these By-Laws and subject to payment of the applicable tariff charge(s) by the occupier of the premises.
- (6) The Municipality may, at its sole discretion, exempt an occupier, or occupiers within a specific area, to whom services are provided in terms of subsection (1), (2) or (4), from paying the applicable tariff charge(s) for a specified period of time, by issuing a written notice to the occupier or by public office.

4. Municipality engagement and responsibilities with regards to waste service providers

- (1) The Municipality may contract a waste service provider who has been registered in terms of section 12(1) (c) of these By-Laws to provide any specific waste service the Municipality may require.
- (2) Any service which a waste service provider renders in terms of subsection (1) shall, in terms of these By-Laws, be deemed to have been rendered by the Municipality.
- (3) The Waste Management Officer shall keep and maintain a register of all waste service providers registered in terms of section 12 (1) (c).

5. Municipality notices and guidelines

- (1) The Municipality may publish notices and guidelines from time to time as may be necessary with regards to any aspects or impacts concerning waste management within the Municipality's area of jurisdiction.
- (2) The Waste Management Officer shall upon reasonable request make available information published in terms of subsection (1) or give direction as to where such information can be viewed or obtained.

6. Municipality powers in relation to waste management

- (1) The Waste Management Officer may serve a written notice to a person, including but not limited to an occupier or waste service provider, who in his opinion does not comply with the waste Act or these By-Laws, and given directions as to any aspect of the generation, treatment, storage, keeping, handling, transportation or disposal of any waste, provided such directions are in compliance with all relevant legislation, including these By-Laws.
- (2) The Municipality may, subject to the provisions of section 192 of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974), treat, collect, remove, store, keep, handle, transport and/or dispose of any waste from any premises or public place, in order to remedy any damage, remediate any impact or to abate any nuisance, where, in the

- opinion of the Waste Management Officer, such waste poses or may potentially pose an immediate and unacceptable health, safety or environmental risk; or if a person has failed to comply with any direction given in terms of subsection (1);
- (3) The Municipality may in addition to any applicable tariff charge, recover all costs incurred as a result of it acting under subsection (2) from the occupier of the relevant premises.
 - (4) The Waste Management Officer may, at his / her discretion and having regard of the impact or potential impact of a waste or a waste management activity-
 - (a) Serve an occupier, or waste service provider who operates within the area of jurisdiction of the Municipality, with a notice to provide him / her information and/or a waste management plan related to such waste or activity for which the occupier or waste service provider is responsible, as the case may be;
 - (b) Specify the information to be provided, the format in which such information is to be provided and the time by which and frequency at which such information is to be provided in terms of subsection (a);
 - (c) Specify that the information provision contemplated in terms of subsection (b) in the form of information or to a copy of a waste management plan, which is required by law or initiative of another authority; and
 - (d) Use or publish any information provided in terms of subsection (a) for research and analysis of any waste management aspect or impact, integrated waste management planning, and/or public comment; unless the information is regarded as confidential information, in which case the consent of the owner of that information is required prior to such use or publication.

OCCUPIERS' DUTIES

7. General duties of occupiers

- (1) The occupier of premises shall comply with all relevant legal requirements, including these By-Laws, with regards to the generation, treatment, storage, keeping, handling and disposal of any waste.
- (2) Requirements contemplated in subsection (1) specifically includes but are not limited to-
 - (a) the general duty in respect of waste management in terms of section 16 of the Waste Act;
 - (b) the general duty in respect of reduction, re-use, recycling and recovery of waste in terms of section 17 of the Waste act;
 - (c) the requirements and standards imposed on waste management activities in terms of section 19 and 20 of the Waste Act; and

- (d) The general requirements for storage waste in terms of section 21 and 22 of the waste Act.
- (3) Every occupier of premises upon which any solid waste is generated, kept or stored, shall in compliance the Waste Act and section 15 of these By-Laws-
 - (a) Make provision for the safe keeping or storage of such waste until collection or removal thereof from the premises; and
 - (b) Ensure that no such waste accumulates on the premises in such a manner or to such an extent as to cause litter, odour, unacceptable visual impact, or any other nuisance; or a potential health, safety or environmental risk.
- (4) The occupier of any premises on which compactable and loose waste of any kind is produced, kept, or accumulated, shall, when necessary or required thereto under notice in writing from the Waste Management Officer, tie up securely or cause to be tied up securely, or compact such waste into bales or bundles of convenient size subject to such specifications as the Waste Management may provide.

8. Occupier's duty with regards to domestic and business wastes

- (1) The occupier of premises shall make use of the services contemplated in section 3(1), for all domestic waste or business waste generated on such premises, unless
 - (a) The premises on which waste is located in an area for which the Municipality has not formally implemented a waste removal service; or
 - (b) The occupier of a premises, has received formal written approval from the Waste Management Officer to use specified alternative services for the collection and removal of such waste for a period specified in the said approval and under conditions determined by the Waste Management Officer; or
 - (c) The premises on which such waste is generated is located in an area which the Municipality has specifically and by public notice declared to be an area in which the occupier of a premise is permitted to use alternative services for alternative services for the collection and removal of such waste for a specified duration and under conditions determined by the Municipality.

9. Occupiers responsibilities when appointing a waste service provider

- (1) No occupier shall employ a person, who is not registered in terms of section 12(1) (c) of the Waste Act, to provide a waste service for the collection, removal or disposal of any waste from or at the occupier's premises.
- (2) Every occupier, who intends to engage the services of a waste service provider for the collection, removal or disposal of waste from his premises, shall ensure that such waste is collected and removed in terms of the provisions of these By-Laws within a reasonable

time, but not later than 90 days after the generation thereof or any other date to which the Waste Management Officer has agreed in writing.

10. Occupier's responsibilities with regards to notification of change

- (1) Whenever there is a change in the occupation or ownership of premises, the new occupier, who is liable in terms of section 8 to comply with the requirements of that section, shall forthwith notify the Waste Management Officer in writing of such change within 14 days of such change.
- (2) The occupier of premises, who is liable to comply with the requirements of section 8, shall notify the Waste Management Officer in writing of any change in the nature of the use to which such premises are put or any change in the nature, mass or volume of waste generated thereon, which in any way affects or may affect the application of these By-Laws or the tariffs for any service rendered by the Municipality in terms thereof.
- (3) Every occupier of new premises or premises on which the generation of domestic or business waste is about to be connected, shall prior to the commencement of the generation of such waste notify the Waste Management Officer in writing
 - (a) That the premises are being occupied;
 - (b) Whether business waste or domestic waste will be generated on the premises; and
 - (c) What number of households or businesses will occupy the premises.
- (4) The occupier of premise who in terms of this section are required to notify the Waste Management Officer, shall do so by furnishing him with such information and in such a forms as the Waste Management Officer may prescribe.

11. Occupier's liabilities in terms of served notices

- (1) Every occupier who has been served a notice in terms of section 6 (1) shall be liable to comply with all the directions given therein.
- (2) Every occupier who has been charged tariffs or issued an invoice in terms of section 6 (3) is liable to the Municipality for payment thereof.

WASTE SERVICE PROVIDERS

12. General duties and registration of waste service providers

- (1) Any waste service provider who operates within the area of jurisdiction of the Municipality; or who owns or operates a facility used for any waste service operations; may only do so subject to-
 - (a) Compliance with any relevant legislation, including but not limited to the waste management standards and license requirements in terms of section 20 of the Waste Act;

- (b) Compliance with the provisions of these By-Laws; and
 - (c) Being registered as a waste service provider with the Waste Management Officer, for the provision of any waste service or related operation, subject to such registration coming into effect after 12 months of the date of publication of these By-Laws.
- (2) Registration in terms of subsection (1) (c) shall be made by-
- (a) Furnishing the waste Management Officer with such information and in such a form as the waste Management Officer may prescribe; and
 - (b) Payment of any administration fee as the Waste Management Officer may publish from time to time.
- (3) Registration contemplated in terms of subsection (1) (c) may be granted or refused or withdrawn at the discretion of the waste Management Officer and shall be subject to such conditions, whether as to period of validity, the type of waste which may be dealt with there under, the premises from where waste may be collected, or otherwise, as the waste Management Officer may impose.
- (4) A person who is not registered as a waste service provider in terms of subsection (1) or whose registration has expired or has been withdrawn or who is unable to meet the conditions imposed by the Waste Management Officer as contemplated in subsection (3), shall not hold himself out to be, or act as, a waste service provider within the Municipality's area of jurisdiction.
- (5) Every waste service provider registered in terms of subsection (1) C) shall-
- (a) Maintain any vehicle, equipment, facility and site used for treating, collection, removal, transporting, keeping, storing and disposal of waste in reasonably hygienic condition and in good working order;
 - (b) Keep records of all quantities and associated classification of any waste he / she treated, collected, transported, stored for longer than 90 days, or disposed of; and shall retain such records and any landfill disposal facility consignment notes for a period of at least 3 years;
 - (c) Provide the Waste Management Officer with copies of the records contemplated in subsection (b) on at least an annual basis, or at such other frequency as the Waste Management Officer may require;
 - (d) Shall progressively contribute to and participate in activities associated with the recycling of any recyclable waste and shall on an annual basis, provide the Waste Management Officer with a plan to do so; and
 - (e) Make available himself; or any premises or equipment he uses for his business and/ or any information regarding any aspect of waste service he provides within the area of jurisdiction of the Municipality, for the auditing by the Waste Management Officer or any person contracted by him to do so.

13. Prohibition of removal of waste

- (1) No person may remove waste from any premises unless he is the lawful occupier of the premises; or has been specifically appointed or instructed by the occupier or the Municipality or the Waste Management Officer to do so.

CONTAINERS AND CONTAINER MANAGEMENT**14. Occupier's duties with regard to container management**

- (1) Every occupier referred to in section 8(1) shall, provide on his premises such number of containers as adequate and suitable for the purpose of the temporary safe storage of all domestic and business waste as may be generated on his premises pending its removal and shall place and keep the relevant waste in such containers and in such a manner until its removal.
- (2) Every occupier of premises on which industrial, hazardous waste or building and demolition waste is generated shall, provide on his premises such number and type of containers as is adequate and suitable for the purpose of the temporary safe storage of such waste pending its removal, unless the waste is of such nature or quantity that it cannot be reasonably containerised.
- (3) Any occupier referred to in subsection (1) or (2) shall ensure that all containers that are in use are-
- (a) Placed in a location which is safe and suitably accessible for its intended use and removal; and which is not visible from any street or other public place, unless the latter is not reasonably practical or the Municipality has approved of another placement, or the container has been placed on a day for collection on the same day or subsequent day;
 - (b) Maintained in a sound and serviceable condition and that any containers which are no longer capable of being so maintained are replaced;
 - (c) Kept reasonably clean and hygienic; and
 - (d) Kept closed, covered or maintained in a manner that would prevent displacement of its content and emission of odours, fumes, dust or any other nuisance.

15. Containers provided by the municipality

- (1) the Municipality may at its sole discretion
- (a) supply to occupiers of premises, as part of the services in terms of section 3(1), containers which the Waste Management Officer, at his / her discretion, considers more

appropriate for the collection, storage and removal of waste than containers referred to in section 14(1), if any; or

- (b) supply occupiers of premises with containers for the specific use of specified recyclable waste or garden waste; or
 - (c) provide any occupier of premises, at the occupier's request, with bins or skips for temporary storage of any specified waste subject to payment by the occupier of the applicable tariff charge; or
 - (d) Provide communities with containers in the form of bins and skips at strategically placed locations on Municipality property, or by written consent from an occupier on his / her premises, for communal use and collection of specific waste subject to the applicable tariff charge.
- (2) The provisions of these By-Laws shall mutatis mutandis apply to containers supplied in terms of subsection (1) as if they were containers referred to in section 14(1), provided that –
- (a) Such containers shall remain the property of the Municipality or Municipality appointed waste service provider, and may at any time either be replaced or removed by the Municipality; and
 - (b) In the event of their removal for a purpose other than one of a temporary nature, the occupier shall forthwith comply with the requirements of section 14(1).

(3). The occupier or owner of premises shall be responsible for the safekeeping of any containers supplied to his premises in terms of subsection (1) and shall be liable to the Municipality for the loss thereof or any damage thereto except such as has been caused by the Municipality, or except where such a container is a disposable bin liner.

Where, in terms of subsection (1) and in areas specified by the Waste Management Officer, type Municipality supplies occupiers with containers in the form of bin liners as part of the Municipality's routine waste collection and removal services contemplated in terms of section 3(1), the occupier in such an area shall-

- (a) Use such bin liners exclusively for storing of the specific waste for which the bin liners are specified and intended;
- (b) Ensure that any glass or sharp object that any damage the bin-liner or may cause an injury to any person while carrying out a duty in terms of the Municipality's services, is separately wrapped before placement in the bin-liner; and
- (c) Purchase any bin-liners the occupier may require in addition to the bin-liners which the Municipality provides, for storing of waste intended for collection by the Municipality,

provided that such bin-liners meet any specification which the Waste Management Officer may publish from time to time.

16. Prohibition use of containers

- (1) No container supplied by the Municipality in terms of section 15(1) may be used for-
- (a) Any purpose than the intended storage of the specified waste;
 - (b) Disposal or keeping of any hazardous substances at any time, unless the container is specifically intended and conspicuously and legibly labeled for such use;
 - (c) Disposal or keeping of any waste, substance or object which may damage the container or which may cause an injury or harm to any person while carrying out a duty in terms of the Municipality's services provided for in these By-Laws;
 - (d) Disposal or keeping of any material, including liquid, which by reason of its mass or other characteristics is likely to render such containers unreasonably difficult to handle or carry by any person while carrying out a duty in terms of the Municipality's service provided for these By-Laws;
 - (e) Disposal of hot ash or lighting fire in.

17. Disposal of waste in containers

- (1) No person shall dispose of any waste, substance or item in a container-
- (a) Which is located on any premises; unless such person is the occupier of the premises, or has approval from the occupier or owner of the premises to do so, or the container has been specifically placed in a public space for such disposal; or
 - (b) Which the Municipality has provided in terms of section 15(1) (d); unless such person occupies premises within the community for which the container is intended.

18. Removal of waste in containers

- (1) No person shall remove any waste, substance or item from a container which is located on any premises; unless such person is the occupier of the premises, or has approval from the occupier or owner of the premises to do so, or where such removal forms part of a waste service provided by the Municipality.

ROUTINE COLLECTION AND REMOVAL OF WASTE

19. Determination and notification of Municipality routine services

- (1) The Waste Management Officer, shall, for services contemplated in terms of section 3 (1), and from time to time-

(a) Determine the manner in which, the week day or days upon which, and the frequency at which waste is to be removed from a certain area; and

(b) notify affected occupiers of the arrangements contemplated in subsection (a) by way of written notices distributed to the relevant premises, or by way of notice boards displayed conspicuously at the main entrance roads to the affected areas at least seven (7) days prior to such arrangement coming into effect.

20. Duty of occupiers in terms of use routine services

(1) Every occupier of premises, within an area and on the day or days which have been determined in terms of subsection (1), and –

(a) to whom in terms of section 15 (1) and subject to 15(4) bin-liners have been supplied, shall make exclusive use of such bin liners to place any waste for which the bin liners are intended outside the boundary of the premises and adjacent to either the pedestrian or the vehicular access to the premises from a public street; or

(b) to whom containers have been supplied in terms of section 15 (1) or who uses containers in terms of section 14 (1) and where such a container is in the form of a bin, shall place such a container immediately outside the boundary of the premises and adjacent to either the pedestrians or the vehicular access to the premises from a public street; or

(c) To whom containers have been supplied in terms of section 15(1) or who uses containers in terms of section 14 (1). And/or whose domestic or business waste is to be collected from the premises by the Municipality in terms of specific agreement with or direction from the Waste Management Officer, shall provide suitable and convenient vehicular access to the area in which waste containers are stored for the emptying or collection and removal of such containers as the case may be, subject to section 22.

21. Disposal of waste in containers

Every occupier of premises, on which any waste other than domestic or business waste is generated, and where such waste is generated on an ongoing or regular basis, shall dispose of such waste in accordance with these By-laws; and Make arrangements with the Municipality or a waste services provider who has been registered in terms of section 12 (1) (c), for the regular or routine, removal and disposal of such waste.

ACCESS TO PREMISES

22. Removal of waste in containers

(1) the occupier of premises to which the Municipality provides a waste removal service, shall, where necessary, grant the Municipality convenient access to the premises for the purpose of collecting and removing waste and shall ensure that nothing obstructs, frustrates or hinders the Municipality and its employees in the carrying out of its services.

(2) in the opinion of the waste Management Officer the collection or removal of waste from any premises is likely to result in damage to the premises or the Municipality's property, or injury to the waste collectors or any other person, it may as a condition of rendering a waste collection service in respect of the premises, require the occupier to indemnify it in writing in respect of any such damage or injury or any claims arising there from.

(3) The Municipality, at its own discretion, includes standard access specification for waste collection and removal as part of their planning and building plan approval.

GARDEN AND BULKY WASTE

23. Additional responsibilities for garden and bulky waste

(1) The occupier of every premises upon which there is generated garden waste (other than garden waste which in terms of section 24 (1) (a) is used for making compost at the premises) or bulky waste, and subject to these By-laws-

(a) Shall, ensure that such waste is removed from the premises and disposed of within a reasonable time after the generation thereof;

(b) shall, unless it is garden waste which is collected and removed from the premises by the Municipality in terms of the section 3(2) or section 3(3), ensure that such waste, once it has been removed from the premises on which it was generated, be disposed of at a site designated by the Municipality as a disposal facility for such waste; subject to meeting all the requirements the legal owners or operators of the disposal facility may prescribe and subject to payment of the relevant tariff charger; and

(c) Shall ensure that any such waste which is intended for disposal in terms of subsection (b) is transported to the disposal facility subject to section 30.

24. Use and disposal of garden waste

(1) The occupier of every premises upon which garden waste is generated-

- (a) May use such garden waste on the premises, or provide it to any person, for the making of compost, provided such composting does not cause Nuisance or health risk;
- (b) May collect such garden waste for removal in containers which the Municipality has in terms of section 15 (1) (a) supplied to the occupier for such specific collection;
- (c) Shall not dispose any garden waste in any container which the Municipality has, in terms of section 15 (1), supplied to the occupier for use other than for collection of garden waste.

BUILDING AND DEMOLITION WASTE

25. Additional responsibilities for building and demolition waste

(1) The occupier of premises on which building and demolition waste is generated and the person engaged in the activity which causes such waste to be generated shall ensure that-

- (a) all hazardous waste (including, but not limited to, asbestos-containing material, mercury containing fluorescent tubes and lamps, paints, thinners, fuel, polychlorinated biphenyls (PCB)-containing equipments or substances, and pesticides) be segregated from any building and demolition waste and be treated, kept, stored and/ or disposed of in terms of these By-laws and any other legal requirement, within a reasonable time after the generation thereof;
- (b) Any waste which the occupier intends to recycle is segregated from any building and demolition waste and recycled in terms of section 39;
- (c) Building and demolition waste is disposed of in terms of section 26 within a reasonable time after the generation thereof; and
- (d) until such time as building and demolition waste is disposed of in terms of subsection (c), such waste together with the containers used for the storing and removal thereof, if any, is kept on the premises on which it is generated.

(2) Building and demolition waste may be removed by the builder; or occupier; or in terms of subsection 3(3) by the Municipality; or subject to section 9 by a waste service provider

26. Disposal of building and demolition waste

(1) Subject to the provisions of subsection (2), all building and demolition waste shall be deposited at a disposal facility specifically designated or approved in writing by the

Municipality for that purpose and the person depositing the waste shall be liable to pay any relevant tariff or fee charge therefore.

(2) Building and demolition waste may, with the written consent of the Waste Management Officer, be deposited at a place other than a disposal facility for the purpose of reclamation of land. Landfill top cover, road surfacing or other purposes connected with such site, as the Waste Management Officer may specify.

(3) any consent given in terms of subsection (2) shall be subject to such conditions as the Waste Management Officer may deem necessary; provided that in giving or refusing his consent or in laying down conditions, the Waste Management Officer shall have regard to-

- (a) The safety of the public;
- (b) The environment of the proposed disposal facility;
- (c) The suitability of the area including the drainage thereof;
- (d) The expected manner and times of depositing of waste at the site;
- (e) The leveling of the site;
- (f) The control of dust; and
- (g) Other relevant factors.

INDUSTRIAL WASTE, HAZARDOUS WASTE, HEALTH CARE RISK WASTE AND PRIORITY WASTE.

27. Provision of information on industrial waste, hazardous waste, health care risk waste and priority waste

(1) the occupier of premises on which industrial waste, hazardous waste, health care risk waste and /or priority waste is generated, shall notify the Waste Management Officer of such production; and shall within twelve months of publication of these By-laws and on an annual basis thereafter, provide the Waste Management Officer in writing, and for every waste stream or type, with detailed information on-

- (a) The classification of the waste produced, where this classification shall be in accordance with the SANS 10228 (SABS 0228): *The identification and classification of dangerous*

substances and goods, or any amendment thereto, or a classification as may be regulated in terms of section 69 (1) of the Waste Act;

(b) The composition of the waste, as substantiated by an analysis certified by a suitably and duly quantified chemist or a South African National accreditation System accredited laboratory;

(c) The quantity of waste generated;

(d) The method and period of keeping or storage of the waste;

(e) The method of removal, transportation and disposal of the waste;

(f) The persons appointed for the removal, transportation and disposal of the waste;

(g) The disposal facility which is used for the disposal of the waste; and

(h) Documented proof of waste disposal at the disposal facility.

(2) Having notified the waste management Officer in terms of subsection (1), the occupier shall notify the Waste Management Officer forthwith and in writing of any substantial change in the composition and quantity of the waste occurring thereafter.

(3) any occupier or waste service provider operating within the area of jurisdiction of the Municipality, who is required in terms of section 29 of the Waste Act to prepare an industry waste management plan, shall submit a copy of such a plan to the Waste Management Officer, at the time of submission of the plan to the relevant authority or prior to commencement of any activity for which the plan is required.

28. Prohibition of provision of waste service activities for industrial waste, hazardous waste, health care risk waste and priority waste

(1) the occupier of premises on which industrial waste, hazardous waste, health care risk waste and/ or priority waste is generated, shall not (except where the waste is inert waste) allow any person to remove the premises, transport, treat away from the premises, or dispose of any such waste, unless the person is a waste service provider who is registered in terms of section 12(1) (c) and who-

(a) is in terms of section 20 and 49 (2) of the Waste Act specifically licensed to carry out such an activity; and

(b) Applies all standards or requirements that have been set in terms of the Act or a relevant waste management license; or

(c) Acts under specific instructions of or notifications by the Waste Management Officer or the Medical Officer of Health to carry out such an activity.

29. The Waste Management Officer's right to enter premises on which industrial waste, hazardous or health care risk waste is generated

(1) the Waste Management Officer may, subject to the provision of section 129 of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974), enter premises at any reasonable time to ascertain whether industrial waste, hazardous waste, health care risk waste or property waste is generated on such premises and may take samples and test any waste found on the premises to ascertain its composition.

TRANSPORTATION OF WASTE

30. Transportation of waste

- (1) Any person removing or conveying any waste or other offensive matter shall-
- (a) Do so subject to compliance to any relevant legislation including, but not limited to, the National Road Traffic Act, Act No.93 of 1996 and section 25 of the Waste Act;
 - (b) Do so by means of an appropriately licensed, constructed and enclosed vehicle;
 - (c) Do so in such a manner as will comply with all legal requirements and as will prevent any nuisance arising from such conveyance or the escape of the contents there from to a public area or any other environment not intended for the keeping, storage or disposal of the waste;
 - (d) Contain, collect and remove any content that accidentally escaped from a vehicle contemplated in subsection (a), immediately upon becoming aware of such accidental escape.
 - (e) Contain any accidental escape of a hazardous object or any spillage or leakage of any hazardous substance immediately, secure the affected area appropriately to avoid injury and reduce the immediate health and environmental risk effectively; and report such incident to the appropriate emergency services and Waste Management Officer as soon as possible; and
 - (f) Follow any instructions, specification or conditions of written notices for the removal of objects or substances contemplated in subsection (c) and remediation of the affected environment which the emergency services, the Waste Management Officer, the Medical Officer of Health, or any other relevant authority may give or impose.
- (2) The Waste Management Officer or Medical Officer of Health may serve a written notice upon any person restricting or stipulating the means to be adopted and specifying the times during which waste may be conveyed through or along any street or public place if

of the opinion that the conveyance of such waste is likely to be objectionable or given rise to a nuisance, or health risk.

PROHIBITED DISPOSAL AND CONDUCT AT DISPOSAL FACILITIES

31. Prohibitions of burning of waste

(1) No occupier of premises may within the area of jurisdiction of the Municipality, dispose of any waste through burning, unless-

(a) A licensed incinerator is used for that purpose; or

(b) The waste is burned in an industrial facility that has been specifically designed to do so and/or which does not cause any hazard or offence, or generate any emissions; that are in contravention with any relevant legislation; or

(c) the waste consists of domestic waste generated in a rural area for which the Municipality has not formally implemented a waste removal services, where there is a lack of any other acceptable or affordable means of waste disposal, and where such waste may otherwise potentially constitute a health or safety risk; or

(d) The Waste Management Officer or Medical Officer of Health gives specific instructions or written approval to do so.

32. Prohibited disposal at disposal facilities

(1) No person shall use any disposal facility within the area of jurisdiction of the Municipality to discharge or dispose of-

(a) Any waste, object or substance, unless the facility is specifically licensed and equipped for such disposal;

(b) Any liquid or sludge waste, except with the prior written permission of the Waste Management Officer and in accordance with such condition as the Waste Management Officer may impose; unless such disposal concerns normal domestic and sewage wastewater disposal into a municipal sewage system;

(c) any inflammable waste (i.e. waste which will ignite when exposed to a naked flame), putrescible waste, waste which will chemically attack the disposal facilities, and waste which separately or in a mixture with other waste will create a health hazard or a nuisance, unless specific provisions have been made for such disposal by the operator of the disposal facility, and provided such provisions are clearly labeled or signed as such;

(d) any waste with toxic or other harmful properties, unless it is suitably pre-treated prior to delivery to the disposal facility to render it non-toxic or harmless, or unless the disposal facility provides for the suitable treatment, keeping, storage and/or disposal such waste; and

(e) any object that by its shape, size or characteristics could potentially cause injuries to any person operating or using the disposal facility or damage to the disposal facility, without taking precautions to prevent such injury or damage; or inform the operator of such potential hazard prior to disposal and follow any instructions the operator may give.

33. Conduct at disposal facilities

(1) Every person who, for the purpose of disposing of waste, enters a disposal facility controlled by the Municipality, shall-

(a) Enter the disposal facility at an authorized access point indicated as such;

(b) Present the waste for weighing or other means of quantification in the manner required by the legal operator of the disposal facility, if any;

(c) Provide the legal operator of the disposal facility with all the particulars required in regard to the composition of the waste;

(d) Follow all instructions which the legal operator of the disposal facility may give with regard to access to the actual disposal point, the place where and the manner in which the waste should be deposited; and

(e) Provide legal operator of the disposal facility with full information as to the person who is liable to pay the relevant tariff charge, if any, for the waste deposited to enable an account to be rendered to such person.

(2) No person shall, with regards to any disposal facility controlled by the Municipality and unless the Municipality has specifically appointed such person to do so-

(a) Enter such a disposal facility for any purpose other than the disposal of waste in terms of these By-laws;

(b) Enter such a disposal facility at a time other than between such hours as the Municipality may determine from time to time;

(c) Cause or allow a vehicle in such person's charge to remain at such a disposal facility for longer than is necessary for the discharge of waste;

- (d) Cause any damage to any facilities, plant or equipment at the disposal facility or property of any other user of the disposal facility;
- (e) Cause any obstruction to any other users or with regards to any operations of such a disposal facility, whether intentional or accidental; and
- (f) Bring any intoxicating liquor onto a disposal facility.

OWNERSHIP OF WASTE

34. Ownership of waste

All waste removed by the Municipality and all waste on disposal facilities controlled by the Municipality shall be the property of the Municipality and no person who is not duly authorized by the Municipality to do so shall remove or interfere therewith.

LITTERING, DUMPING AND ANCILLARY MATTERS

35. Littering

- (1) No person shall-
 - (a) throw, let fall, deposit, spill or in any other way discard, any waste into or onto any public place, vacant erf, farm portion, stream or watercourse, other than into a container or onto a disposal facility specifically provided for the purpose;
 - (b) Sweep any waste into a gutter, on a road reserved or any other public place; and
 - (c) Allow any person under his / her control to do any of the acts contemplated in (a) and (b).

36. Dumping

- (1) Subject to any provision to the contrary in the By-laws contained, no person shall leave any item or substance under his control at a place where such item or substance has been brought with the intention of abandoning it.
- (2) Any person who contravenes the provisions of subsection (1), shall be liable (over and above the prescribed penalties provided for in section 40) to pay the Municipality the tariff charge in respect of such removal and disposal.

37. abandoned items or substances

Any item or substance which, having regard to such factors as the place where it is found, the period it has been lying at such place, and the nature and condition of such thing, is

reasonably regarded by the Municipality as having been abandoned, may be removed and disposed of by the Municipality as it may deem fit.

38. Liability of responsible person

(1) Where anything has been removed and disposed of by the Municipality in terms of section 37 the person reasonable shall be liable to pay the Municipality the tariff charge in respect of such disposal.

(2) For the purpose of subsection (1) the person responsible shall be-

(a) the last owner of the abandoned thing, before it was collected by the Municipality, and shall include any person who is entitled to be in possession of the thing by virtue of a purchase agreement or an agreement of lease at the time when it was abandoned or put in the place from which it was not concerned in and did not know of it being abandoned or put in such a place; or

(b) Any person by whom it was put in the place aforesaid; or

(c) Any person who knowingly permitted the putting of the abandoned thing in the place aforesaid.

WASTE MINIMIZATION AND RECYCLING

39. Waste administration and recycling

(1) Any occupier of premises upon which any reusable or recycling waste is generated, and which the occupier intends to make available for reuse or recycling

(a) Shall make provisions for the safe keeping or storage of such waste until collection and removal thereof from the premises, or recycling thereof on the premises;

(b) Shall ensure that no such waste accumulates on the premises in such a manner or to such an extent as to cause litter, odour or any other nuisance or a potential health, safety or environmental risk, without treatment thereof that would render it reasonably harmless;

(c) May make use of the services which the Municipality provides in terms of sections 3(2) and/or 3 (3) for the collection, removal and disposal of such waste for which the Municipality provides such service;

(d) may dispose of any such waste at any disposal facility which the Municipality may, at the discretion of the Municipality, specifically provide for the collection, storage or disposal of such waste, subject to any relevant tariff charge; and

(e) May make use of the services provided by a waste service provider who has registered in terms of 12(1) (c) and who specifically provides for the collection, removal and disposal of such waste for recycling.

(2) The Waste Management Officer may include in the information required in terms of section 6(4) (a) information related to waste minimization and recycling.

OFFENCES AND PENALTIES

40. Offences and penalties

(1) Any person who-

(a) Contravenes any provisions of these By-laws; or

(b) Contravenes any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these By-laws; or

(c) fails to comply with the terms of any notice served upon such person in terms of these BY-laws, shall be guilty of an offence and liable, upon conviction, to a fine not exceeding R5, 000.00 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment, as well as liable to the Municipality for the applicable tariff charge in respect of any remediation, treatment, removal and disposal.

Failure to comply with the terms of any condition or notice referred to in subsection (1) (b) or (1) (c) above shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which person fails to comply with such terms.

REVOCATION OF BY-LAWS

41. Revocation of By-laws

(1) All previous By-laws are hereby repealed, provided that such repeal shall not affect the continued validity of charges determined-by the Municipality under those By-laws.

SHORT TITLE AND COMMENCEMENT

42. Short title commencement

(1) These By-laws are called the Waste Management By-laws and will take effect on the date of their promulgation.

LOCAL AUTHORITY NOTICE 205**NKOMAZI LOCAL MUNICIPALITY****FIRE PREVENTIONS BY-LAW**

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CHAPTER 1 DEFINITIONS

1. Definitions

In this By-Law, unless the context indicates otherwise

“Above ground storage tank” means a tank situated above ground for the storage of a flammable liquid;

“Automatic releasing hold-open device” means a device used to hold open a fire door and operates on the detection of a fire to close the fire door;

“Building” means any structure, whether of a temporally or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with-

- i. The accommodation or convenience of human beings or animals;
- ii. The manufacture, processing, storage or sale of any goods;
- iii. The rendering of any service;
- iv. The destruction or treatment of combustible refuse or combustible waste;
- v. The cultivation or growing of any plant or crop;
- vi. Any wall, swimming pool, reservoir or bridge or any other structure connected therewith;
- vii. Any fuel pump or any tank used in connection therewith;
- viii. Any facilities or system, or part or portion thereof, within or outside or incidental to a building, for the provision of a water supply, drainage, sewerage, storm water disposal, electricity supply or other similar service in respect of the building;

“Bund wall” means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 100% of the contents of the tank;

“Combustible material” means combustible refuse, combustible waste or any other material capable of igniting;

“Combustible refuge” means any combustible waste material which is salvageable, retained or collected for scrap or reprocessing;

“Dangerous goods” means a flammable gas, liquid or solid as contemplated in SABS 0228;

“Division separating element” means a building element or component which separates one area in a building from another and has a resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;

“Emergency evacuation plan” means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;

“Emergency route” means that part of an escape route that provides fire protection to the occupants of any building and which leads to an escape door;

“Emergency vehicle” means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;

“Escape door” means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space which leads to a street or public place;

“Escape route” means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;

“Escape route plan” means a diagram indicating the floor layout, the occupants current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger;

“Fire Brigade Service Act” means the Fire Brigade Service Act, 1987 (Act 99 of 1987);

“Fire damper” means an automatic damper and its assembly that complies with the requirements contained in SABS 193;

“Fire door” means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;

“**Fire extinguisher**” means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

“**fire hazard**” means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;

“**Fire lanes**” means the road; path or other passageway constructed or designed to allow access for emergency vehicles;

“**Fire protection system**” means any device or system designed and installed to-

- (a) Detect, control or extinguish a fire; or
- (b) Alert occupants or the fire service, or both, to a fire, but excludes portable and mobile fire extinguishers;

“**fire wall**” means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the National Building Regulations (T1) read with SABS 0400;

“**Flammable gas**” as contemplated in SABS 0228, means a gas that at 20 degrees centigrade and at a standard pressure of 101, 3 kilopascals-

- (a) Is ignitable when in a mixture of 13% or less (by volume) with air; or
- (b) Has a flammable range with air of at 12 percentage points, regardless of the lower flammable limit;

“**Flammable liquid**” means a liquid, or mixtures of liquids, or a liquid containing solids in solutions or in suspension that give off a flammable vapour at or below 60,5 degrees centigrade;

“**flammable solid**” means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or solids that are desensitized (Wetted) explosives that can explode if not diluted sufficiently;

“**Flammable substance**” means a flammable liquid or a flammable gas;

“**Flammable store**” means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 46 of this By-Law;

“Hazardous Substances Act” means a Hazardous Substance Act, 1973 (Act 15 of 1973);

“National Building Regulations” means the Regulations promulgated in terms of section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977); and-

- (a) **“National Building Regulations (A2)”** means the provisions regulating the submission of building plans and particulars to the Municipality;
- (b) **“National Building Regulations (A20)”** means the provisions regulating the classification and designation of occupancies;
- (c) **“National Building Regulations (A21)”** means the provisions regulating the population of a building;
- (d) **“National Building Regulations (T1)”** means the provisions regulating general requirements for fire protection of a building; and
- (e) **“National Building Regulations (T2)”** means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act 93 of 1996);

“Non-combustible” means a substance or material classified as non-combustible when tested in accordance with SABS 0177: part 5;

“Occupancy separating element” means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;

“Occupational Health and Safety Act” means the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

“Operator” means the person responsible for the use of a motor vehicle and who has been registered as the operator of such in terms of the National Road Traffic Act;

“Owner” means-

- (a) In relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;

- (b) In relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;
- (c) In relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation; provided that such a person is not the owner mentioned in (b); and
- (d) In the event of the municipality being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

“Person in charge” means-

- (a) In relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, or utilization of the premises;
- (b) In relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilization of the building;
- (c) In relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilization of the installation; provided that such person is not the person mentioned in (a); and
- (d) In the event of the Municipality being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the Municipality deemed to be in charge of such premises, building or installation;

“Premises” means any building, beach, land, terrain, road, vehicle and can include a vessel, train or aircraft;

“Site” means any erf, lot, plot, stand or other piece of land on which a building has been, it being or is to be erected;

“Standards Act” means the standards Act, 1993 (Act 29 of 1993);

“Storage vessel” means a pressure vessel as defined in the regulations for pressure vessels promulgated in terms of the Occupational Health Safety Act;

“Summary abatement” means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

“**Tank**” means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;

“**Underground tank**” means a tank used or intended to be used for the storage of flammable liquid wholly sunk into and below the surface of the ground;

“**Vehicle**” means a vehicle as defined in the National Road Traffic Act.

And any reference to an SABS Code shall refer to the relevant Code published by the South African Bureau of Standards Act.

CHAPTER 2

FIRE PROTECTION OF BUILDINGS

2. Reporting a fire hazard and other threatening danger

An owner or the person in charge of any premises must, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this By-law, immediately notify the Municipality of such fire hazard or threatening danger.

3. Access for emergency vehicles

- (1) When, in the opinion of the Municipality premises are not readily accessible for public roads in must be provided with emergency vehicle access which must-
 - (a) be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises; and
 - (b) Where the premises have motorized or electronically operated gate, be equipped in such a manner that access to the premises can be gained without the use of a motor or electronic device.
- (2) Fire lanes must be provided for all premises which are set back more than 45 metres from a public road or exceed nine metres in height and are set back over 15 metres from a public road.
- (3) Fire lanes must be at least four metres in width, the position of which must be decided upon after consultation with the Municipality, and the area from the ground level to a clearance height of four metres above the fire lane must remain unobstructed.

- (4) A cul-de-sac that is more than 90 metres in length must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (5) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the Municipality.
- (6) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

4. Division and occupancy operating elements

An owner or person in charge of a building may not alter a division or occupancy separating element in any way that would render it less effective or to allow a flame, heat or combustion products from penetrating into the advancement compartment or structure.

5. Fire doors and assemblies

- (1) Subject to the provisions of SABS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it remains its integrity, insulation and stability for the time period required for that particular class of door.
- (2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Municipality.
- (3) A fire door and assembly may not be rendered less effective through-
 - (a) Altering the integrity, insulation or stability of a particular class of door;
 - (b) Disconnecting the self-closing mechanism;
 - (c) Wedging, blocking or obstructing the door so that it cannot close;
 - (d) Painting the fusible link actuating mechanism of a door;
 - (e) Disconnecting or rendering less effective an electric or electronic release mechanism; or
 - (f) Any other action that renders a fire door or assembly less effective.

6. Escape routes

- (1) No part of a fire escape route shall be obstructed or rendered less effective in any way.
- (2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Municipality.
- (3) Where required by the Municipality, an escape route must be clearly indicated with signage, which complies with SABS 1186, indicating the direction of travel in the event of fire or any other emergency.

CHAPTER 3**FIRE SAFETY EQUIPMENT****7. Fire extinguishers**

- (1) Fire extinguishers must be provided and installed on premises as required by the National Building Regulations (T1) and (T2).
- (2) Fire extinguishers must be maintained in accordance with the requirements of the Occupational Health and Safety Regulations, SABS 1475: part 1, SABS 1571, SABS 1573 and SABS 0105: part I.
- (3) No person may fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SABS 1475: part I, unless such a person is the holder of a permit issued by the South African Bureau of Standards or a certificate of competence issued by the South African Qualifications Certificate Committee.
- (4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection (3).
- (5) Where a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection (3), the Municipality must instruct the owner or person in charge of such premises to have the work carried out by a person in possession of such a permit or certificate.
- (6) When, in the opinion of the Municipality, a fire extinguisher is unsafe or ineffective either by reason of deterioration or construction, the Municipality must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SABS 1475: part 1 and SABS 1571.
- (7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.
- (8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

8. Testing and maintenance of fire protection systems

- (1) A fire protection system must be tested and maintained on a regular basis and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.

- (2) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable, the parties who monitor the fire protection system.
- (3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National building Regulations (T2).
- (4) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a Danger or hazard.
- (5) The owner or a person in charge of the premises must immediately notify the Municipality when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the Municipality as soon as the system is restored.
- (6) The owner or the person in charge of the premises must take all steps deemed necessary by the Municipality to provide alternate equipment to maintain the level of safety within the premises.

9. Interference with fire protection systems and fire extinguishers

No person shall temper or interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

CHAPTER 4

PUBLIC SAFETY

10. Attendance of service

- (1) When the Municipality is of the opinion that a representatives of the fire bridge service are required to be in attendance during a function in a place used for entertainment or public assembly, the municipality may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- (2) Where the entertainment or public assembly is taking place on Municipality property, the costs of the attendance of the representatives of the fire brigade service shall be recoverable from the organizers.

11. Formulation of an emergency evacuation plan

- (1) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons

(including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.

- (2) The Municipality may order the owner or person in charge of the premises, other than those contemplated in subsection (1), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (3) The plan mentioned in subsections (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- (4) The emergency evacuation plan must be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- (5) The register mentioned in subsection (4) must contain the following information-
 - (a) The date and time of the test;
 - (b) The number of participants;
 - (c) The outcome of the test and any corrective actions required; and
 - (d) The name and signature of the person supervising the test.
- (6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the Municipality.
- (7) The Municipality may evacuate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

12. Displaying of escape route plans

The escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.

13. Barricading of vacant buildings

The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse therefrom and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the Municipality which will prevent the creation of a fire hazard caused by the entering of an unauthorized person.

CHAPTER 5

HOUSEKEEPING

14. Combustible waste and refuge

- (1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuge to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.
- (2) Combustible waste and refuge must be properly stored or disposed of to prevent a fire hazard or other danger.

15. Combustible or flammable substance and sweeping compounds

- (1) Only water-based solutions, detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.
- (2) The use of sawdust or similar combustible materials to soak up spilled combustible or flammable substance is prohibited.

16. Accumulations in chimney, flues and dusts

The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

17. Source of ignition

- (1) Smoking, the carrying of matches, the use of heating, flame-emitting devices or spark producing equipment is prohibited in areas containing combustible or flammable substances.
- (2) Hot ashes, cinders or smoldering coals be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.
- (3) An adequate distance, as deemed appropriate by the Municipality, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- (4) Portable heaters must be secured so that they cannot be overturned and the Municipality may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

18. Smoking

- (1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and "No smoking" signs must be displayed as directed by the Municipality and signs must comply with SABS 1186: part 1.
- (2) No person may remove a "No smoking" sign.
- (3) No person may light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smoldering substance in any place where expressly prohibited.
- (4) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a public road or public place.

19. Electrical fittings, equipment and appliances

No person may cause or permit

- (1) An electrical supply outlet to be overloaded; or
- (2) An electrical appliance or extensions lead to be used in a manner which is likely to create a fire hazard or other threatening danger.

20. Flame-emitting device

A person may not cause or permit a flame-emitting device, such as a candle, lantern or torch, but not limited thereto, to be used in a manner which is likely to create a fire hazard or other threatening danger.

CHAPTER 6

FIRE HAZARDS

21. Combustible material

- (1) A person may not store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside any premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.
- (2) The owner or person in charge of any premises may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.

22. Lighting of fires and burning of combustible material

- (1) The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.

- (2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.
- (3) Burning may take place on State land, a farm. A small holding, or land within a proclaimed township that is not utilized for residential purposes provided that he prior approval is obtained from the Municipality.

CHAPTER 7

FLAMMABLE SUBSTANCES

23. Storage and use of a flammable substance

- (1) Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Municipality, in accordance with the National Building regulations, and a copy of the approved plan must be available at the site where the installation s being constructed.
- (2) Prior to the commissioning of an above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe-work, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1), SABS 0131: part 1 and 2, SABS 089: part 3 and SABS 087: part 1, 3 and 7 (whichever is applicable) in the presence of the Municipality.
- (3) Notwithstanding subsection (2), the Municipality may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe-work, to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).
- (4) The Municipality must be notified at least 48 hours prior to the pressure test.
- (5) The owner or person in charge of the premises may not store or use-
 - (a) A flammable gas in excess of 19 kilogram; or
 - (b) A flammable liquid of a danger group (i), (ii), (iii) or (iv) in excess of 200 litres, unless he or she has obtained a flammable substance certificate from the Municipality.

24. Flammable substance certificate

- (1) The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 23(5), must submit an application to the Municipality.

- (2) The Municipality must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this By-law, and where the Municipality is of the opinion that the non-compliance of the premises can be remedied, the Municipality must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the safe prior to usage of the premises and the issuing of the certificate.
- (3) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed.
- (4) Premises must be used in accordance with any conditions in the flammable substances certificate and when in the opinion of the Municipality, a flammable substance is stored or utilized for any process in a manner which is hazardous to life or property, or an installation is unauthorized, an order may be issued for the removal of the flammable substance or installation from the premises.
- (5) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the municipality.
- (6) A flammable substance certificate is valid only-
 - (a) For the installation for which it is issued;
 - (b) For the state of the premises at the time of issue; and
 - (c) For the quantities stated on the certificate.
- (7) The flammable substance certificate must be available on the premises for inspection at all times.

25. Permanent or temporarily above grounds storage tank for a flammable liquid

- (1) A temporary above ground storage tank other than at a bulk storage depot is permitted, at the discretion of the Municipality, on the merit of the situation, provided that the following requirements are complied with-
 - (a) If it has a capacity not exceeding 9 000 litres and is not used for the storage of flammable substances with a flash point below 40 degrees centigrade;
 - (b) To be on the premises for a period not exceeding six months;
 - (c) The entire installation must comply with SABS 0131: part 1 or SABS 0131: part 2 whichever is applicable; and

- (d) Written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the Municipality for the erection of the tank.
- (2) Notwithstanding section 28(1), if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptance rational design based on a relevant national or international code or standard must be submitted to the Municipality for the approval in terms of the National Building Regulations (T1).
- (3) The design requirements and construction of a permanent tank must be in accordance with relevant national and international recognized codes.
- (4) The rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage.³
- (5) A permanent or temporary tank must be erected at least 3,5 metres from boundaries, buildings and other flammable substances or combustible materials.
- (6) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- (7) A permanent or temporary tank must have a bund wall
- (8) Adequate precautions must be taken to prevent spillage during the filling of the tank.
- (9) Sufficient fire extinguishers, as determined by the Municipality, must be provided in weatherproof boxes in close proximity to a tank.
- (10) Symbolic safety signs depicting "No Smoking" "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SABS 1186: part 1.
- (11) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: part 1.
- (12) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (13) The electrical installation associated with the above ground storage tank must comply with SABS 0108 and SABS 089: part 2.

26. Underground storage tank for a flammable liquid

The installation of underground storage tanks, pumps, dispensers and pipe-work at service stations and consumer installations must be in accordance with National Building Regulations (T1) read in conjunction with SABS 0400, SABS 089:part 3 and SABS 0131:part 3

27. Bulk storage depot for flammable substances

The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 089: part1.

28. Small installations for liquefied petroleum gas

Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with SABS 087:part 1.

29. Liquid petroleum gas installation in mobile units and small non-permanent buildings

A liquid petroleum gas installation in mobile units and small-permanent buildings shall be in accordance with SABS 087: part 2.

30. The fuelling of forklift trucks and other LP gas operated vehicles

The fuelling of forklift trucks and other LP gas operated vehicles shall be in accordance with SABS 087: part 8.

31. The storage and filling of refillable liquid petroleum gas containers

Storage and silling sites used for refillable liquid petroleum gas containers of capacity not exceeding 9 kg must be in accordance with SABS 087: part 7.

32. Bulk storage vessel for liquid petroleum gas

The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 087: part 3.

33. Termination of the storage and use of flammable substances

(1) If an above ground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must-

(a) Within seven days of the cessation, notify the Municipality in writing thereof;

(b) Within 30 days of cessation, remove the flammable substance from the installation and render it safe;

(c) Within six months of the cessation, remove the installation including any associated pipe work, from the premises entirely, unless the controlling authority otherwise instructs; and

(d) Restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven days of the completion of the removal of the installation.

(2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the Municipality to fill the tank with the liquid cement slurry.

34. Reporting accidents

If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the Municipality.

35. Flammable stores

(1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SABS 0040.

(2) The floor must be of concrete construction or other impermeable material and must be recessed below the floor level or incorporate a sill.

(3) the recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.

- (4) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400-
- (a) The roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;
 - (b) the ventilation of a flammable store must be achieved by the use of bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m² of wall area or part thereof, so that vapour cannot accumulate inside the store;
 - (c) The air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 meshes per metre; and
 - (d) The wire gauze must be held in position by metal straps, a metal frame or cement.
- (5) When required by the Municipality the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements-
- (a) The ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
 - (b) The fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 metre above roof height or at least 3, 6 metres above ground level, whichever is the greater;
 - (c) Ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store; and
 - (d) The ducting must be as short as possible and must not have sharp bends.
- (6) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.
- (7) When required by the Municipality, a flammable store must be a D-class fire door, which complies with SABS 1253.
- (8) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings

wired through seamless steel conduit and switches operating the lights must be located outside the store.

(9) No other electrical apparatus may be stalled in the flammable store.

(10) A flammable store must be provide with a foam inlet consisting of a 65 millimeter male instantaneous coupling and mild steel paperwork leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimeter block letters.

(11) Racking or shelving erected in the flammable store must be of non-combustible material.

(12) The flammable store must be identified by the words, "Flammable Store-Bewaarplek vir Vlambare Vloeistowwe-Isitoro-Indawo-Yokigeina-Izixhobo-Ezithatha_Lula-Umlilo", and the permissible quantity allowed within the flammable store, indicated in 100 millimetre block letters on both the inside and outside of all doors communicating directly with the store.

(13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.

(14) A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.

(15) Sufficient fire extinguishers, as determined by the Municipality, must be mounted on the external Wall of the flammable store in a conspicuous and easily accessible position.

(16) Any hand tool used in the flammable store must be intrinsically safe.

(17) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the Municipality has been notified in terms of the following procedure-

(a) Within seven days of the cessation, notify the Municipality in writing thereof;

(b) Within 30 days of the cessation, remove the flammable substance from the flammable store and render it safe; and

(c) Within 30 days of the cessation, remove all signage.

(18) Subject to the provisions in this section, the Municipality may call for additional requirements to improve the fire safety of flammable store.

36. Container handling and storage

(1) All flammable substance containers must be kept closed when not in use.

(2) A person may not extract flammable liquids from a container of a capacity exceeding 20 litres, unless the container is fitted with an adequately sealed pump or tap.

(3) Flammable liquid containers must be labeled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.

(4) Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repaired are undertaken.

(5) All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours there from.

(6) An empty flammable liquid container must be placed in a flammable store.

(7) Where a flammable store is not available for the storage of empty flammable liquid containers, the Municipality may permit such storage in the open, provided that-

(a) The storage area must be in a position and of sufficient size which in the opinion of the Municipality, will not cause a fire or other threatening danger;

(b) The storage area is well ventilated and enclosed by a wire mesh fence and-

(i) The fence supports are of steel or reinforced concrete;

(ii) Has an outward opening gate that is kept locked when not in use; and

(iii) When the floor area exceeds 10 m an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key;

(c) The storage area is free of vegetation and has a non-combustible firm level base;

(d) A two metre distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials;

(e) When the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material;

(f) open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SABS 1186:part 1; and

(g) fire-fighting equipment is installed as determined by the Municipality.

(8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

37. Spray rooms and booths

A spray room, booth or area designed for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act.

38. Liquid petroleum gas containers

(1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SABS 087: part 1 and SABS 019.

(2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour there from.

(3) A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SABS 087: part 7.

CHAPTER 8

GENERAL PROVISIONS

39. Indemnity

The Municipality is not liable for damage or loss as a result of, but not limited to, bodily injury, loss of life or loss of or damage to property or financial loss, or consequential loss, which is caused by or arises out of or in connection with anything done or performed or omitted in good faith in the exercise or performance of a power, function or duty conferred or imposed in terms of this By-law.

40. Offences and penalties

Any person who-

- (a) Contravenes or fails to comply with any provisions of these By-laws;
- (b) Fails to comply with any notice issued in terms of these By-laws;
- (c) Fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) Obstructs or hinders any authorized official in the execution of his or her duties under these By-laws-

Shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R10 000, adjusted in terms of the Adjustment of Fines Act of 1991, or imprisonment for a period not exceeding 6 months or both the fine and imprisonment.

41. Enforcement provisions

Any authorized official of the Municipality may-

- (1) Enter any premises at any reasonable time to inspect the premises for the compliance with this By-law;
- (2) Summarily abate any condition on any premises which are in violations of any provisions of this By-law and which presents an immediate fire hazard or other threatening danger and to this end may-
 - (a) Call for the immediate evacuation of the premises;
 - (b) Order the closure of the premises until such time as the violation has been rectified;
 - (c) Order the cessation of any activity; and
 - (d) Order the removal of the immediate threat.

42. Authority to investigate

The Municipality has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

43. Failure to comply with provisions

(1) When the Municipality finds that there is non-compliance with the provisions of this By-law a written notice must be issued and include the following-

- (a) Confirmation of the findings;
- (b) Provisions of this By-law that are being contravened;
- (c) The remedial action required; and
- (d) set forth a time for compliance.

(2) Nothing in this By-law prevents Municipality or any authorized official from taking immediate action or to take immediate corrective in respect of any fire or other threatening danger found on any premises and to recover any costs incurred from the owner.

44. Short title and commencement

These By-laws shall be called the Fire Prevention By-laws, and shall come into operation on the date of promulgation.

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.