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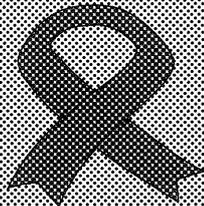
Vol. 21

NELSPRUIT, 11 NOVEMBER 2014

No. 2385

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
LOCAL AUTHORITY NOTICES			
221	Local Government: Municipal Systems Act (32/2000) as amended: Govan Mbeki Municipality: Disposal of Contaminated and a Infectious Waste By-law	3	2385
222	do.: do.: do.: Electricity By-law	17	2385
223	do.: do.: do.: Fire Brigade By-law	32	2385
224	do.: do.: do.: Public Participation By-law	43	2385
225	do.: do.: do.: Regulation of Storm Water Management By-law	50	2385
226	do.: do.: do.: Informal Trading By-law	88	2385
227	do.: do.: do.: Liquified Petroleum By-law	100	2385
228	do.: do.: do.: Nursance By-law	109	2385
229	do.: do.: do.: Parks and Open Spaces By-law	117	2385
230	do.: do.: do.: Privately Owned Swimming Pools By-law	126	2385
231	do.: do.: do.: Public Amenities By-law	132	2385
232	do.: do.: do.: The Public Swimming Pools By-law	138	2385
233	do.: do.: do.: Municipal Taxi Ranks By-law	143	2385
234	do.: do.: do.: Water Supply By-law	149	2385
235	do.: do.: do.: Advertising Signs By-law	173	2385
236	do.: do.: do.: By-laws relating to the keeping of animals, birds and paultry and businesses involving the keeping of animals, birds, poultry or pets	200	2385
237	do.: do.: do.: The By-laws relating to Cemeteries	215	2385

LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 221

GOVAN MBEKI MUNICIPALITY

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000, as amended), made the following By-law:

DISPOSAL OF CONTAMINATED AND OR INFECTIOUS WASTE BY-LAW

TABLE OF CONTENTS

1. Definitions
2. Storage of infectious waste
3. Transport of infectious waste
4. Removal and disposal of infectious waste
5. Infectious waste
6. Offences and Penalties
7. Repeal
8. Short title

1. DEFINITIONS

(1) For the purpose of this by-law unless the context indicates otherwise:

"Contaminated animal carcasses, body parts and bedding"

means contaminated carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals, or the in vivo testing of pharmaceuticals.

"Contaminated sharps"

means discarded sharps (e.g. hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades) which have come into contact with infectious agents during use in patient care or in medical, research or industrial laboratories.

"Cultures and stocks of infectious agents and associated biologicals"

Means specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals and live or attenuated vaccines and culture dishes and devices used to transfer, inoculate and mix cultures.

"Human blood and blood products"

means waste such as serum, plasma and other blood components

"Infectious waste"

means waste capable of producing an infectious disease.

"Isolation waste"

means waste generated by hospitalised patients isolated to protect others from communicable diseases.

"Miscellaneous contaminated wastes"

means wastes from surgery and autopsy (e.g. soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads and gloves), contaminated laboratory wastes (e.g. specimen containers, slides and cover slips, disposal gloves, laboratory coats and aprons), dialysis unit waste (e.g. tubing filters, disposable sheets, towels, gloves, aprons and laboratory coats), and contaminated equipment (e.g. equipment used in patient care, medical and industrial laboratories, research and in the production and testing of certain pharmaceuticals).

"Municipality"

means Govan Mbeki Municipality

"Municipal council"

means the municipal council as referred to in section 157(1) of the Constitution, 1996

"Municipal manager"

means a person appointed by the Municipal Council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government; Municipal Systems Act, 32 of 2000, and includes any person –

- a) acting in such a position
- b) to whom the municipal manager has delegated the power, function or duty in

respect of such delegated power,
function or duty;

"Pathological waste"

means waste consisting of tissues, organs, body parts and body fluids that are removed during surgery and autopsy.

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

2. STORAGE OF INFECTIOUS WASTE

- (1) All infectious waste must be placed at the point of generation into a container approved by the Municipality.
- (2) The container used for the storage of sharp objects must be constructed of such a material that the object cannot pierce the container. The container must also be fitted with a safe and hygienic lid which must be sealed after use.
- (3) The container used for the disposal of other infectious waste must be constructed of a suitable material preventing the leakage of the contents. The container must also be fitted with a safe and hygienic lid which must be sealed after use.
- (4) All containers must be adequately labelled and marked with the universal Bio-hazardous waste symbol.

3. TRANSPORT OF INFECTIOUS WASTE

- (1) All containers of infectious waste must be sealed intact at the point of generation.
- (2) The vehicle transporting infectious waste must be clearly marked indicating infectious waste in transit.
- (3) The vehicle used for the transport of infectious waste must be so designed that the driver's cab is separated from the load area. The load area must be enclosed with suitable sealable, lockable doors.
- (4) All infectious loads being carried or conveyed for disposal must be invoiced by the person or institution from which such waste is generated and the invoice must contain details of the premises from which the infectious waste was generated and the premises where the waste will be disposed of.

4. REMOVAL AND DISPOSAL OF INFECTIOUS WASTE

- (1) The Municipality may remove infectious waste from the premises of generation and dispose thereof in a safe, sanitary and supervised manner, and the owner of such premises or the owner of the waste as determined by the Municipality shall be liable to the Municipality for payment of the tariff charges in respect of the aforesaid removal services.
- (2) Private contractors may, with the written consent of the Municipality and subject to such terms and conditions as it may determine, remove and dispose of infectious waste.
- (3) Infectious waste may, with the written consent of the Municipality and subject to compliance with such terms and conditions as it may determine, be disposed of in an approved high temperature pollution free incinerator on the premises of origin of such waste.
- (4) Unless otherwise determined by the Municipality, the burning temperatures in the primary and secondary chambers of the incinerator shall, at all times, exceed 800 degrees C and 1000

degrees C respectively and also have rapid cooling to prevent carcinogenic chemicals from entering the atmosphere.

- (5) The Municipality may by resolution determine additional conditions pertaining to the storage, placement, removal and conveyance of contaminated and or infectious waste including conditions pertaining to vehicles used for the removal and transportation of such waste and such additional conditions shall apply in addition to the conditions contained in this by-laws.

5. INFECTIOUS WASTE

- (1) For the purpose of this by-law, infectious waste shall include all the wastes referred to in section 1 hereof as well as contaminated animal carcasses, body parts, bedding, sharps, cultures and stocks of infectious agents and associated biologicals, human blood and blood products.

6. OFFENCES AND PENALTIES

- (1) Any person who contravenes or fails to comply with any provision of these by-laws or any instruction or permit issued thereunder shall be guilty of an offence and be liable on conviction to a fine not exceeding R1000 or such higher amount as is determined from time to time by the Minister of Justice as contemplated in section 1(1)(a) of the Adjustment of Fines Act 1991 (Act No. 101 of 1991) or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

7. REPEAL OF THIS BY-LAW

- (1) Any by-law relating to the disposal of contaminated and or infectious waste adopted by the Municipality or any Municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of this by-law.

8. SHORT TITLE

- (1) This by-law shall be called the Disposal of Contaminated and or Infectious Waste By-law 2014.

GOVAN MBEKI MUNICIPALITY

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, made the following By-law:

CONTROL AND MANAGEMENT OF INFORMAL SETTLEMENTS BY-LAW**TABLE OF CONTENTS**

1. Application of the By-law
2. Definitions
3. Management and control of informal settlement
4. Duties of the Director
5. Incidents of land invasion
6. Procedures relating to the management and control of authorised informal settlements
7. Residents' committees
8. Procedures relating to the termination of unauthorised informal settlements
9. Disposal of building materials and personal property
10. Prohibition of receipt or solicitation of consideration in respect of unlawful occupation of land
11. Repeal of the By-Law
12. Short title

1. Application of by-laws

(1) This by-law shall apply to all informal settlements within the area of jurisdiction of the Municipality.

2. Definitions

(1) For the purpose of this by-laws, unless the context otherwise indicates –

"authorised informal settlement"	means any informal settlement which is recognised by the Municipality as an authorised informal settlement and which will be legalised and upgraded as a formal township in terms of the Municipality's existing housing policies;
"consent"	means the express or implied consent of the owner or person in charge to the occupation of land by a resident of a shack irrespective of whether such consent was given in writing or otherwise;
"contractual agreement"	means the contractual agreement entered into between the head of a household and the Municipality in terms of which the household is authorised to occupy a shack in an authorized informal settlement;
"court"	means any division of the High Court or the magistrate's court in whose area of jurisdiction the land is situated;
"Director"	means the Director: Community Services or his delegate appointed or assigned in terms of section 3 of this By-Law;
"eviction"	means the permanent removal, in accordance with the provisions of a court order, of a person and his or her personal property from occupation of a shack or the land on which the shack is constructed, and includes the demolition and removal from the land of any building materials used to construct the shack, and "evict" has a corresponding meaning;
"head of the household"	means – <ol style="list-style-type: none"> (a) the father in a household, where the father and mother of the household are legally married; (b) the single parent, where the household has only one parent with dependants living permanently with him or her in the household; and (c) any person in the household who has legal capacity to act and is recognised by the majority of the other persons in the household as the person responsible for the maintenance of the welfare and discipline within the household;
"informal settlement"	means one shack or more constructed on land, with or without the consent of the owner of the land or the person in charge of the land;

"land"	means any land within the area of jurisdiction of the Municipality, irrespective of whether such land belongs to the National Government, the Provincial Government, the Municipality or a private individual, company or other legal entity;
"land invasion"	means the illegal occupation of land or any settlement or occupation of people on land without the express or tacit consent of the owner of the land or the person in charge of the land, or without any other right in law to settle on or occupy such land;
"Land Invasion Reaction Unit"	means a group of officers or workers consisting of any combination of one or more of the following components: <ul style="list-style-type: none"> (a) Members of the South African Police Service; (b) members of the staff of the bailiff, sheriff or messenger of the court with jurisdiction in the area; (c) members of a private security company contractually engaged by the Municipality to perform certain duties on its behalf; and (d) any combination of employees of the Municipality, which group is designated by the Municipality to assist the Director: Public Safety in the execution of his or her duties and to execute any eviction order contemplated by section 5 to terminate an unauthorised informal settlement;
"Municipality"	means the Govan Mbeki Municipality;
"Municipal Council"	means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
"Municipal Manager"	means the person appointed by the Municipal Council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person – <ul style="list-style-type: none"> a) acting in such a position; b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;

"owner"	means the registered owner of land, irrespective of whether such owner is the National Government, the Provincial Government, the Municipality or a private individual, company or other legal entity;
"person in charge"	in relation to land, means a person who has the legal authority to give permission to another person to enter or reside on that land;
"shack"	means any temporary shelter, building, hut, tent, dwelling or similar structure which does not comply with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), the regulations promulgated under that Act:
"unauthorised informal settlement"	means any informal settlement which is not recognised by the Municipality as an authorised informal settlement and which will not be legalised and upgraded as a formal township in terms of the Municipality's existing housing policies, but will be demolished and removed in terms of this by-law.

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

3. Management and Control of the informal settlement

- (1) The Director: Community Services shall manage and control all the informal settlements in accordance with the provisions of this bylaw.

4. Duties of the Director

- (1) The Director must –
- (a) conduct regular surveys to determine the location, origin and extent of and the conditions prevailing in each informal settlement;
 - (b) monitor and control all informal settlements and take the necessary steps to prevent land invasion within the area of jurisdiction of the Municipality;
 - (c) undertake and promote liaison and communication with local communities with a view to obtaining their understanding and cooperation regarding the prevention of land invasion in the area of jurisdiction of the Municipality;
 - (d) keep a register of all the residents who are entitled to reside in each authorised informal settlement, and in such register the following details must be entered in respect of each shack in each authorised informal settlement:
 - (i) The number allocated to the stand or site on which the shack is constructed;

- (ii) the name and identity number of the head of the household who is entitled to occupy the shack;
 - (iii) the names, identity numbers and relationships to the head of the household of each and every other person occupying the shack as a member of the household;
 - (iv) the reference number of the file of the Director that contains a copy of the contractual agreement in respect of the shack;
 - (v) the number of the shack's rental account;
 - (vi) the number of the shack's municipal services account;
 - (vii) the previous address of the household that is entitled to occupy the shack; and
 - (viii) the names, addresses and telephone numbers, if any, of at least two family members of the head of the household who do not live at the same address as the household that is entitled to occupy the shack;
- (e) ensure that all the residents living in an authorised informal settlement are registered in the Municipality's Housing Waiting List;
- (f) submit written reports on the control and management of any informal settlement, or the conditions prevailing in the informal settlement, if and when required to do so by the Municipality;
- (g) for the purpose of informing residents of informal settlements and all other persons visiting informal settlements, ensure that –
- (i) the contents of this by-laws are communicated to all the residents of every informal settlement; and
 - (ii) a copy of this by-laws is posted and maintained in every informal settlement in a prominent place at the venue where the residents' committee contemplated in section 7 usually holds its meetings;
- (h) allocate to each site or stand in an authorised informal settlement a unique number as the temporary address of the site or stand and must ensure that such number is legibly painted or inscribed in a prominent place on the site or stand;
- (i) ensure that no new unauthorised shacks are erected in any informal settlement and that no new unauthorised residents take up residence in such an informal settlement; and
- (j) perform any other duty or function which may be necessary to ensure the proper management and control of an informal settlement.

5. Incidents of land invasion

- (1) The Director, shall within a period of 24 hours after he or she becomes aware of an incident of land invasion or the existence of a newly established informal settlement, irrespective of whether such informal settlement was established as a consequence of an incident of land invasion or not –
- (a) make a determination of the status of the informal settlement as an authorised or an unauthorised informal settlement in terms of the Municipality's existing housing policies; and

- (b) inform the residents of the informal settlement of the status of the informal settlement in accordance with section 6 or section 7, whichever is applicable in the circumstances.
- (2) In the event of the status of an informal settlement contemplated in subsection (1) being determined as an authorised informal settlement, the Director must deal with the matter in accordance with the provisions of section 6.
- (3) In the event of the status of an informal settlement contemplated in subsection (1) being determined as an unauthorised informal settlement, the Director must deal with the matter in accordance with the provisions of section 8.

6. Procedures relating to the management and control of authorized informal settlements

- (1) As soon as a determination of the status of an authorized informal settlement has been made and within the period contemplated in section 5(1), the Director must, personally or through a subordinate official designated by him or her for that purpose, visit the informal settlement and notify the residents of the status of the authorised informal settlement in the manner contemplated in section 7(2) or by means of a letter delivered to each shack in the informal settlement, whichever is appropriate in the circumstances.
- (2) The Director must compile a comprehensive register of all the residents who are entitled to reside in the authorised informal settlement contemplated in subsection (1), and the following details must be entered in respect of each shack in the authorised informal settlement:
 - (a) The number allocated to the stand or site on which the shack is constructed;
 - (b) the name and identity number of the head of the household who is entitled to occupy the shack;
 - (c) the names, identity numbers and relationships to the head of the household of each and every other person occupying the shack as a member of the household;
 - (d) the reference number of the file of the Director that contains a copy of the contractual agreement in respect of the shack;
 - (e) the number of the shack's rental account;
 - (f) the number of the shack's municipal services account;
 - (g) the previous address of the household that is entitled to occupy the shack; and
 - (h) the names, addresses and telephone numbers, if any, of at least two family members of the head of the household who do not live at the same address as the household that is entitled to occupy the shack.
- (3) The Director must ensure that the names, addresses and other relevant details of all the residents living in an authorised informal settlement contemplated in subsection (1) are registered in the Municipality's Housing Waiting List.
- (4) The Director must allocate to each site or stand in an authorised informal settlement contemplated in subsection (1) a unique number as the temporary address of the site or stand and must ensure that the number is legibly painted or inscribed in a prominent place on the site or stand.

- (5) The Director must ensure that no new unauthorised shacks are constructed in the authorised informal settlement contemplated in subsection (1) and that no new unauthorised residents take up residence in the authorized informal settlement by implementing appropriate measures to manage, monitor and control the occupancy of residents in the authorised informal settlement in general.
- (6) Any unauthorised occupancy in an authorised informal settlement contemplated in subsection (1) must be dealt with in accordance with the provisions of section 8.
- (7) In respect of an authorised informal settlement contemplated in subsection (1), the Director must ensure that –
 - (a) the Municipality's Finance Department institutes, operates and maintains an appropriate account for services rendered by the Municipality to each registered shack in the authorised informal settlement and for any charges levied for the right of occupation of a particular site or stand in the authorised informal settlement; and
 - (b) such an account is supplied to the head of the household of each registered shack in the authorised informal settlement.

7. Residents' committees

- (1) A meeting of residents in each authorised informal settlement must be convened annually on a date and at a venue determined by the Director to elect a residents' committee comprising of a chairperson, deputy chairperson, secretary and six ordinary members to represent the views and interests of the residents of the authorized informal settlement in all consultative processes between the Municipality and the residents of the authorised informal settlement.
- (2) A residents' committee contemplated in subsection (1) and the Director, or his or her delegated representative, must meet on a regular monthly basis, and at such meetings the Municipality must consult the residents' committee on all matters relating to the authorised informal settlement and communicate matters of general concern to the residents on a collective basis. After such meetings, it is the sole responsibility of the residents' committee to inform the individual residents of matters discussed at the meetings.
- (3) Special meetings of residents may be convened from time to time by a residents' committee contemplated in subsection (1) to communicate with and inform the individual residents of matters relating to the authorised informal settlement.
- (4) A residents' committee contemplated in subsection (1) must give notice of a meeting of the residents of the authorised informal settlement by placing the notice prominently on the official Notice board at a venue whose location has been determined by the residents' committee and communicated to the residents at an official meeting of the residents.

8. Procedures relating to the termination of unauthorised informal settlements

- (1) As soon as a determination of the status of an unauthorised informal settlement has been made and within the period contemplated in section 5(1), the Director must, personally or through a subordinate official designated by him or her for that purpose, visit the informal settlement and notify the residents of the status of the unauthorised informal settlement by means of a written notice hand-delivered to each shack in the informal settlement.
- (2) The written notice contemplated in subsection (1) must –
 - (a) notify the residents of a shack in the unauthorised informal settlement that their occupation of the shack and the site or stand on which it is situated is illegal; and

- (b) request the residents of the shack to vacate the shack and remove any building materials and other personal property from the unauthorised informal settlement within a period of 24 hours after receipt of the written notice.
- (3) If the residents notified in terms of subsection (1) cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorised informal settlement, the Director must take such steps as he or she may deem appropriate to prevent a recurrence of any incident of land invasion or illegal land occupation on that site, stand or unauthorised informal settlement and must regularly monitor the situation to ensure the non-recurrence of such land invasion or illegal land occupation.
- (4) If the residents notified in terms of subsection (1) fail to cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorised informal settlement, the Director must immediately institute the necessary legal procedures to obtain an eviction order contemplated in subsection (5).
- (5) Within a period of 24 hours after the expiry of the period stipulated in the written notice contemplated in subsection (1), the Director must lodge an application in a competent court to obtain an eviction order contemplated in section 4, 5 or 6 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act 19 of 1998), against any person or persons, jointly or severally, occupying or residing in a shack or on a site or stand in the unauthorised informal settlement.
- (6) The Director must, within a period of 24 hours after obtaining the eviction order referred to in subsection (5), deploy the Land Invasion Reaction Unit to execute the eviction order and to terminate the unauthorised informal settlement by –
- (a) evicting the residents of the unauthorised informal settlement;
 - (b) demolishing and removing all shacks and removing all building materials and other personal property from the unauthorised informal settlement; and
 - (c) disposing of the building materials and other personal property in accordance with the provisions of these bylaws.
- (7) Any costs incurred by the Director for the purposes of executing the provisions of this by-laws must be borne by the Municipality in accordance with its approved budget.

9. Disposal of building materials and personal property

- (1) In the execution of the provisions of section 8(6), any building materials and other personal property belonging to a resident or occupier of a shack in an unauthorised informal settlement must be removed and stored in a safe place by the Director.
- (2) If the building materials and other personal property contemplated in subsection (1) are not claimed by their owner within a period of three months after the date of the removal and storage, the building materials and personal property must be sold to the best advantage by the Director, or a person designated by him or her, who must, after deducting the amount of any charges due or any expenses incurred, deposit the net proceeds into the Municipality's Revenue Account, provided that –
- (a) subject to the laws governing the administration and distribution of estates, nothing in this subsection contained may deprive the heir of any deceased person of his or her right to the balance of the proceeds of the property; and

- (b) any building materials or other personal property which is, in the opinion of the Manager: Housing, valueless and unable to realise any meaningful amount may be destroyed, abandoned, dumped or otherwise disposed of by the Director.
- (3) The Director must compile and maintain a register in which is recorded and appears –
- (a) particulars of all building materials or other personal property removed and stored in terms of this by-law;
 - (b) the date of the removal and storage of building materials or other personal property in terms of subsection (1) and the name and site or stand number of the owner of the building materials or personal property; and
 - (c) the signature or left thumb print of the person who is claiming ownership and to whom delivery of building materials or other personal property has been made; or
 - (d) full details of the amount realised on the sale of building materials or other personal property in terms of subsection (2) and the date of the sale; and
 - (e) if building materials or other personal property has been destroyed, abandoned, dumped or otherwise disposed of in terms of subsection (2), a certificate by the Director to the effect that the building materials or personal property was valueless.
- (4) Neither the Municipality nor any of its officials acting within the reasonable scope of their authority are liable for any loss of or damage to property or injury to any resident or occupier of a shack in an unauthorised informal settlement or any other person for any reason whatsoever.

10. Prohibition of receipt or solicitation of consideration in respect of unlawful occupation of land

- (1) No person may directly or indirectly receive or solicit payment of any money or other consideration as a fee or charge for arranging or organising or permitting a person to occupy land without the consent of the owner or person in charge of that land.
- (2) Any person who contravenes the provisions of subsection (1) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.
- (3) The court that convicts any person of a contravention of this section must order any money or other consideration which was received by that person and which has been seized to be forfeited, and the money and the proceeds of the consideration may be paid to the person or persons from whom the money or consideration was received, and where such person or persons cannot be positively identified, such money or proceeds of the consideration must be paid into the Municipality's Revenue
- (4) If any money or other consideration has been received in contravention of subsection (1), but has not been seized or made available for purposes of confiscation, the court that convicts a person of a contravention of this section may order the amount proved to the satisfaction of the court to have been received by such person to be paid to the person or persons from whom the money or consideration was received, and where such person or persons cannot be positively identified, the money or proceeds of the consideration must be paid into the Municipality's Revenue Account. Such order has the effect of a civil judgment and may be executed against such person who received the money or consideration as if it were a civil judgment in favour of the person or persons from whom the money or other consideration was received or in favour of the Municipality.

- (5) Any person contravening or failing to comply with any provision of this by-law shall be guilty of an offence and shall on conviction thereof be liable to a fine not exceeding R 5 000.00 (five thousand) or imprisonment for a period not exceeding 6 (six) months.

11. Repeal of all By-laws relating to Control and Management of Informal Settlement

- (1) This By-Law repeals all By-Laws Relating to Control and Management of Informal Settlement

12. Short title

- (1) This By-law shall be called the Control and Management of Informal Settlement By-law.

LOCAL AUTHORITY NOTICE 222**GOVAN MBEKI MUNICIPALITY**

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000, as amended), made the following Bylaw:

ELECTRICITY BYLAW**TABLE OF CONTENTS**

1. Purpose of this By-law
2. Definitions
3. Application for and Conditions of Supply
4. Consumer's Agreement
5. Termination of Consumer's Agreement
6. Continuation of Supply to New Consumer
7. Deposits
8. Accounts
9. Prepayment Metering
10. Reading of Meters
11. Testing Accuracy of Meter
12. Failure of Meter to Register Correctly
13. Disconnection of Supply
14. Unauthorised Connection
15. Fraudulent Use
16. Resale of Electricity
17. Installation Diagram and Specifications
18. Inspection and Tests
19. Liability of Municipality and Contractor
20. Service Connections
21. Sealed Apparatus
22. Tampering
23. Liability for Damage to Service Connection
24. Type of Supply
25. Meter Cabinets
26. High-voltage Electrical Installations
27. Enclosures for Supply Installations
28. Permanently connected Appliances
29. Surge Diverters
30. Position of Cooking Appliances
31. Provision of Circuit Breakers
32. Maintenance of Installation
33. Control Apparatus
34. Obstructing Employees
35. Irregular Supply
36. Owner's and Consumer's Liability
37. Notices
38. Offences and Penalties
39. Application
40. Repeal
41. Short title

1. PURPOSE OF THIS BY-LAW

- (1) The purpose of the Public Participation By-law is to provide for mechanisms for the regulation of electrically related issues within the jurisdiction of Govan Mbeki Municipality.

2. DEFINITIONS

In this bylaw, unless the context indicates otherwise:

“Act”	means Electricity Act no 60 of 1997 as amended;
“approved”	means in relation to any article or practice, approved by the Municipality or the engineer as being suitable and satisfactory in respect of safety, design, performance, and the method of its application, regard being have to the recognised principles of electrical practice, and “approval” shall be interpreted accordingly;
“Chief Financial Officer”	means the officer in charge of the Financial Department or any other officer authorised to act on his/her behalf;
“consumer”	means any person who has entered into an agreement with the Municipality for the supply to him/her of electricity;
“consumer’s agreement”	means an agreement as referred to in section 3;
“contractor”	means an electrical contractor or a permit holder in terms of the Act;
“delivered”	means also when left at the place of residence or business of the consumer by handing it to a person older than 16 years, present as occupier or visitor at such place of residence or business, or if placed in the letter box or such other place that is reasonable conspicuous at such place of residence or business and includes the fixing of a notice to the fence or gate of such place of residence or business;
“electrical installation”	means an electrical installation as described in the Act;
“engineer”	means the head of the Municipality’s electricity undertaking or an official duly authorised by the Municipality;
“high-voltage enclosure”	means a chamber, compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at a voltage above 1 000 and the expression “high voltage” shall be interpreted accordingly;
“installation work”	means an installation or installing work as described in the Act;
“low-voltage enclosure” and	

“enclosure for a special supply at low voltage”	means enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at a voltage at or below 1 000 and the expression “low voltage” shall be interpreted accordingly
“meter-reading period”	means the period extending from one reading of a meter to the next;
“meter cabinet”	means an enclosure intended for the accommodation of a meter, circuit breaker or other associated electrical equipment determined by the engineer and designed to operate at low voltage;
"Municipality"	means the Govan Mbeki Municipality;
“Municipal Council”	means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
“Municipal Manager”	means the person appointed by the municipal council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person – <ul style="list-style-type: none"> a) acting in such a position; b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;
“occupier”	means any person in occupation of premises at any relevant time;
"owner"	means and includes the registered owner of the land or premises, or his/her authorized agent, or any person receiving the rent or profits issuing there from, or who would receive such rent or profit, if such land or premises were let, whether on his/her own account or an agent for any person entitled thereto or interested therein;
“pensioner”	means a person who received a pension or qualifies to receive a pension and who complies with all the following conditions: <ol style="list-style-type: none"> 1. The pensioner’s gross annual income may not exceed an amount of R18 400. 2. The pensioner must be at least 60 years old or has to be a pensioner due to medical reasons, which grounds has to be proven to the satisfaction of the Municipality. 3. The pensioner must be the owner of fixed property in Govan Mbeki Municipality, which property must be occupied by him or herself; with the provision that a pensioner or his/her

spouse who own more than one property, will not qualify.

4. The pensioner must be a resident of Govan Mbeki Municipality for a continuous period of at least 5 years.

The burden of proof shall be on the pensioner who claims to be a pensioner, to proof to the Municipality's satisfaction that he/she complies with all the above-mentioned conditions;

“points of consumption”	means the point of consumption as described in the Act;
“point of supply”	means the point of supply as described in the Act;
“premises”	means any land and any building, erection or structure, above or below the surface of any land and includes any aircraft, vehicle or vessel;
“service connection”	means the cable or conductor leading from the supply main to the point of supply of the electrical installation and includes any high voltage or other equipment connected to that cable or conductor, any meter; and any board, panel or other device to which the meter is fixed and all installation work and apparatus associated with the said equipment, meter or other device installed by the Municipality;
“service fuse” of “service circuit breaker”	means a fuse or service circuit breaker belonging to the Municipality and forming part of the electrical circuit of the service connection;
“skilled person”	means any person who in the opinion of the engineer is sufficiently skilled and qualified to execute, supervise and inspect work pertaining to high voltage regard being had to his/her experience and knowledge of electrical practice;
“special supply at low voltage”	means a supply of electricity exceeding 40 kVA at low voltage;
“supply”	means a supply of electricity from the supply main;
“supply main”	means any cable or wire forming that part of the Municipality's electrical distribution system to which service connections may be connected;
“tariff”	means the tariff of charges as determined from time to time by Municipality;
“the Act”	means the Machinery and Occupational Safety Act, 1983 (Act 6 of 1983) as amended, whichever is in force, and the regulations promulgated there-under;

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

3. APPLICATION FOR CONDITIONS OF SUPPLY

- (1) Application for a supply shall be made to and in a form prescribed by the engineer.
- (2) The engineer may, before granting a supply, inspect the electrical installation to which an application relates with a view to establishing that such installation is safe and proper and complies with this by-law or other applicable legislation.

4. CONSUMER'S AGREEMENT

- (1) No supply shall be given an electrical installation unless and until the owner or occupier of the premises or some person acting on his/her behalf has completed a consumer's agreement in a form prescribed by the Municipality.
- (2) The charge payable for the supply shall be in accordance with the tariff.
- (3) No person shall use a supply unless a consumer's agreement as contemplated in subsection (1) has been concluded with the Municipality.
- (4) The Municipality may decide whether a consumer's agreement shall be concluded by it with the owner or with the occupier of the premises or some person acting on his/her behalf.
- (5) No person shall, without first having obtained the engineer's permission in writing, lead electricity temporarily or permanently to any point of consumption or place not forming part of the electrical installation for which a supply has been agreed upon or given.

5. TERMINATION OF CONSUMER'S AGREEMENT

Subject to the provisions of subsections 7(6) and 12, any consumer's agreement may be terminated by the consumer, his/her authorised representative, or by the Municipality on giving 7 days notice in writing calculated from the date of service thereof: Provided that if such notice purports to terminate an agreement on a Saturday, Sunday or public holiday, such termination shall only take effect on the next ensuing day which is not a Saturday, Sunday or public holiday.

6. CONTINUATION OF SUPPLY TO NEW CONSUMER

- (1) The Municipality may, upon the termination of any consumer's agreement, enter into a new consumer's agreement with any prospective consumer providing for the continuation of the supply.
- (2) The consumer who is a party to the new consumer's agreement referred to in subsection (1) shall be liable to pay for the electricity consumed after a meter reading taken on the date of termination of the previous agreement.

7. DEPOSITS

- (1) (a) Except as determined by law, all classes of consumers approved by the Municipality and every applicant for a supply shall, before such supply is given, deposit with the Municipality a sum of money on the basis of the cost of the maximum consumption of electricity which the applicant is in the Chief Financial Officer's opinion likely to use during any two consecutive months: Provided that such sum shall not be less than is prescribed in the tariff.
- (b) Notwithstanding the foregoing provisions of this section the Chief Financial Officer may, in lieu of a deposit, accept from an applicant, a guarantee for an

amount calculated in accordance with paragraph (a) and in the form prescribed by the Municipality, as security for the payment of any amount that may become due by the applicant for, or in respect of, the supply of electricity.

- (2)
- (a) The Municipality may at any time when the deposit or guarantee is found to be inadequate for the purposes of subsection (1), require a consumer to increase the deposit made or guarantee furnished by him/her, in which event the consumer shall, within 30 days after being so required, deposit with the Municipality such additional sum or furnish such additional guarantee as the Municipality may require, failing which the Municipality may discontinue the supply. Any sum deposited by or on behalf of a consumer shall, on being claimed, be refunded within 30 days after the termination of the consumers' agreement after deducting any amount due by the consumer to the Municipality.
 - (b) An amount as determined by the Municipality from time to time by means of a Municipality resolution, shall be payable as a deposit for water consumption, when a pre-paid electricity meter is installed.
- (3)
- (a) Subject to the provisions of subsection (3), any person claiming a refund of a deposit or part thereof, shall either –
 - (i) surrender the receipt which was issued for payment of the deposit; or
 - (ii) if such receipt is not available, sign a receipt prescribed by the Municipality for the refund to him/her of such deposit or part thereof and satisfy the Municipality that he/she is the person entitled to such refund.
 - (b) If a deposit or part thereof has been refunded in accordance with paragraph (a), the Municipality shall be absolved from any further liability in respect thereof.
- (4) The consumer's agreement may contain a provision that any sum deposited by the consumer, a refund of which has not been so claimed within 1 year after either such agreement has been terminated or he/she has ceased for any reason to receive a supply in terms of such agreement, shall at the expiration of that period become forfeited to the Municipality.
- (5) Notwithstanding the provisions of subsection (5), the Municipality shall at any time pay –
- (a) to the person who paid the deposit on his/her satisfying the Municipality of his/her identity and the amount; or
 - (b) to any other person who has satisfied the Municipality that he/she is entitled to have the payment made to him/her, an amount equal to the forfeited deposit.
- (6) If a consumer applies to the Municipality for a supply of higher capacity than he/she is receiving, the Chief Financial Officer may require the consumer to make an increased deposit or furnish an increased guarantee in terms of subsections (1) and (2) before such supply is given.

7. ACCOUNTS

- (1) The engineer shall, in respect of each scale of the tariff governing a supply, provide such number of meters as he/she deems necessary.
- (2) The Municipality may, during any meter reading period, render to the consumer a provisional account in respect of a part of such period (which part shall nearly as practically possible be a period of 30 days and the amount of such account shall be determined as provided in subsection (4) and shall as soon as possible after the meter reading at the end of such period render to consumer an account based on the actual measured consumption and demand during that period, giving credit to the consumer for any sum paid by him/her on a provisional account as aforesaid.
- (3) An account may be rendered for fixed charges in terms of the tariffs as and when they become due.
- (4) The amount of a provisional account referred to in subsection (2) shall be determined by the Municipality by reference to such previous consumption, on the same premises as would in his/her opinion, constitute a reasonable guide to the quantity of electricity consumed over the period covered by the provisional account: Provided that where there has been no such previous consumption the Municipality shall determine the amount of the said account by reference to such consumption on other similar premises which, in his/her opinion, affords reasonable guidance.
- (5) A consumer's decision to dispute an account shall not entitle him/her to defer payment beyond the due date stipulated in the account.
- (6) In the event of the Municipality not being able to gain access to a meter for 2 consecutive meter readings the Municipality may forthwith discontinue the supply of electricity in respect of the premises to which that meter relates.
- (7) When it appears that a consumer has been wrongly charged for electricity due to the application of a wrong tariff or on any other grounds other than inaccuracy of a meter, the Municipality shall make such enquiries and tests as it thinks necessary and shall if satisfied that the consumer has been wrongly charged, adjust his/her account accordingly or if not so satisfied, charge him/her if the Municipality's actions are the result of a complaint by the consumer, in addition the cost to itself of making such enquiries and tests.

8. PREPAYMENT METERING

- (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of preciously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer.
- (4) The Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use of the abuse of, prepayment meters and/or tokens.
- (5) Where a consumer is indebted to the Municipality for electricity consumed or for any other service supplied by the Municipality (including rates) or for any charges

previously raised against him/her in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the Municipality, as set out in the section agreement for the supply of electricity.

- (6) The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

9. READING OF METERS

- (1) The amount of electricity supplied to any premises during any meter reading period shall be taken as the difference of the reading of the meter or meters thereon at the beginning and the end of such period and where maximum demand metering pertains, the demand shall also constitute a part of the meter reading.
- (2) The reading shown by a meter shall be prima facie proof of the electrical energy consumed and of the maximum demand during the meter reading period and an entry in the Municipality's books shall be prima facie proof that the meter showed the reading which the entry purports to record.

10. TESTING ACCURACY OF A METER

- (1) If a consumer or owner has reason to believe that a meter is not registering correctly, he/she may give written notice to the Municipality that he/she requires the meter to be tested, such notice to be accompanied by the fee prescribed in the tariff for the testing of meters, and the Municipality shall as soon as possible thereafter subject the meter to the test.
- (2) The Municipality's finding as to the accuracy of a meter after the test referred to in subsection (1) has been carried out shall be final, and a meter shall be deemed to be registering correctly if it is shown by that test to be over- or under-registering by not more than an average of 5% when tested in accordance with the code of practice of the South African Bureau of Standards for the testing of electricity meters or in accordance with procedure laid down by Municipality.
- (3) The fee payable in terms of subsection (1) shall be refunded if the meter is shown by the test to be registering incorrectly.
- (4) The engineer shall, immediately before removing a meter for testing, take a reading of that meter and the current meter-reading period shall be terminated at the time of such reading.
- (5) If after testing a meter the Municipality is satisfied that it is not registering correctly, it shall render to the consumer a statement of account adjusted in accordance with the consumption ascertained to have been over- or under-registered in respect of the period of 3 months prior to the date of termination of the current meter reading period in terms of subsection (4) and an adjusted account so rendered shall be paid within 10 days of the date thereof.

11. FAILURE OF METER TO REGISTER CORRECTLY

- (1) When the Municipality is satisfied that a meter has ceased to register correctly the reading shown thereby shall be disregarded and the consumer –
- (a) shall be charged in respect of the current meter reading period the same amount as he/she paid in respect of the corresponding period in the preceding year, subject to adjustment necessitated by any alteration to the electrical installation of the tariff; or

- (b) if he/she was not in occupation of the premises during the corresponding period referred to in paragraph (a), shall be charged on the basis of his/her consumption during the 3 months preceding the last date on which the meter was found to be registering correctly; or
 - (c) if he/she was not in occupation of the premises during the whole of the period referred to in paragraph (b), shall be charged on the basis of his/her consumption during the 3 months following the date from which the meter was again registering correctly.
- (2) If it can be established that the meter had been registering incorrectly for a longer period than the meter reading period referred to in subsection (1), the consumer may be charged with the amount determined in accordance with the said subsection or for a longer period: Provided that no amount shall be so charged in respect of a period in excess of 12 months prior to the date on which the meter was found to be registering incorrectly.

12. DISCONNECTION OF SUPPLY

- (1) When any charges due to the Municipality for or in connection with electricity supplied are in arrear, the Municipality may at any time without notice, disconnect the supply to the electrical installation concerned or any part thereof until such charges together with the reconnection fee laid down in the tariff are fully paid. Provided that electricity was unlawfully restored, the Municipality may terminate electricity supply by means of removal of the supply cable.
- (2) When conditions are found to exist in an electrical installation which in the opinion of the Municipality constitute a danger or potential danger to person or property or interfere with the supply to any other consumer, the Municipality may at any time without notice, disconnect the supply to that installation or any part thereof until such conditions have been remedied or removed.
- (3) The Municipality may without notice temporarily discontinue the supply to any electrical installation for the purpose of affecting repairs or making inspections or tests or for any other purpose connected with its supply main or other works.
- (4) The Municipality shall, on application by a consumer in a form prescribed by the engineer, disconnect the supply and shall reconnect it on payment of the fee prescribed in the tariff.

13. UNAUTHORISED CONNECTION

- (1) No person other than an employee of the Municipality or agent of the Municipality authorised thereto shall connect or reconnect or attempt to connect or reconnect any electrical installation with the service connection or the supply main.
- (2) If the supply to any electrical installation is disconnected in terms of subsection 12(1) or (2), the consumer concerned shall take all reasonable steps within his/her power to ensure that such supply is not reconnected in contravention of subsection (1).
- (3) If such supply is nevertheless so reconnected after it has been disconnected by the Municipality, the consumer concerned shall forthwith take all reasonable steps within his/her power to ensure that no electricity is consumed on the premises concerned and shall, in addition, forthwith notify the Chief Financial Officer of such reconnection.
- (4) If the consumer contemplated in subsection (2) or (3) is not in occupation of the premises concerned, then the occupier of those premises shall comply with the provisions of the mentioned subsections.

- (5) In any prosecution for a contravention of or failure to comply with subsection (2) or (3) or both, or of any or both of those subsections read with subsection (4), any contravention or failure to comply, whether intentional or negligent, shall be sufficient to constitute an offence and, unless the contrary is proved, it shall be deemed that –
- (a) reasonable steps contemplated in subsections (2) and (3) were not taken; and
 - (b) such contravention or failure was due to an intentional act or omission of the person charged.

14. FRAUDULENT USE

- (1) A supply for which a charge is laid down in the tariff and which is measured by a meter or set of meters shall not be used for any purpose for which a higher charge is laid down.
- (2) Unless the Municipality has granted permission in writing, no electricity supplied by it shall be used unless it has first passed through the meter connected to the electrical installation supplied by the Municipality.

15. RESALE OF ELECTRICITY

- (1) The resale by any person of electricity supplied by the Municipality to such person shall be only permitted in terms of legislation and the terms and conditions as resolved by the Municipality.

16. INSTALATION DIAGRAM AND SPECIFICATIONS

- (1) The Municipality may require a contractor to submit to him/her for approval a wiring diagram and specifications covering any proposed construction of, alteration, extension or repair to any electrical installation, and where the Municipality requires such a diagram and specifications the proposed work shall not be commenced until they have been submitted and approved.

17. INSPECTION AND TEST

- (1) The engineer may, at any reasonable time or in case of emergency at any time, enter any premises and inspect or test any part of the service connection or electrical installation thereon for any purpose including the purpose of ascertaining whether a breach of this by-law or other applicable legislation has been or is being committed and the owner or contractor, when called upon to do so, shall remove any earth, bricks, stone, woodwork, or other work obstructing or covering any part of the electrical installation.
- (2) Before any test or inspection in terms of this section is carried out the owner of the occupier shall be informed of the purpose thereof and if it is established that a breach of this by-law has been committed, the Municipality shall, notwithstanding the provisions of subsection (3), not be liable to restore and make good in terms thereof.
- (3) The Municipality shall, save as is provided in subsection (2), restore and make good any disturbance of, damage to, or interference with, the premises occasioned by any inspection or test made in terms of subsection (1).
- (4) While any electrical installation is in the course of construction, alteration, extension or repair the engineer may inspect and test any part of the work as often as he/she deems necessary, and if any work which the engineer requires to inspect or test has been covered up the engineer may require the contractor or the owner of the premises at no cost to the Municipality to uncover that work, to expose any joints or

wires and to remove any fittings, castings, trapdoors, floor boards, materials or other obstructions whatsoever, and any work or reinstatement rendered necessary shall likewise be carried out at no cost to the Municipality.

- (5) Every reasonable facility to carry out tests and inspections shall be afforded to the engineer by the contractor, the owner and the occupier of the premises and the aforesaid facilities shall in the case of a contractor include the provision of suitable ladders.
- (6) Where cables or conduits of an electrical installation are laid underground the trenches containing them shall be left open until the work has been inspected and approved,
- (7) Any contractor shall give the engineer at least 3 working days notice in a form prescribed in the Act that he/she requires the engineer to carry out an inspection or test of any electrical installation.
- (8)
 - (a) After receipt of notice in terms of subsection (7), the engineer shall forthwith make such inspection and test.
 - (b) Should an electrical installation require resetting according to regulation C177(4) of the Act, such a retest is subject to the payment of a charge laid down in the tariff.

18. INABILITY OF MUNICIPALITY AND CONTRACTORS

- (1) Neither the engineer's approval of an electrical installation after making any inspection or test thereof nor the granting by him/her of permission to connect the installation to the supply shall be taken as constituting for any purpose any guarantee by the Municipality that the work has been properly executed or the materials used in it are sound or suitable for the purpose or any warranty whatsoever or as relieving the contractor from liability, whether civil or criminal, for executing the work improperly or for using faulty material therein.
- (2) The Municipality shall not be under any liability in respect of any installation or other work or for any loss or damage caused by fire or other accident arising wholly or partly from the condition of an electrical installation.

19. SERVICE CONNECTIONS

- (1) The owner of the premises concerned shall make application for the installation or reinstatement of a service connection in a form prescribed by the engineer.
- (2) A service connection shall be installed at the expense of the owner and the cost thereof as determined by the Municipality shall be paid to the Municipality before supply is authorised.
- (3) Every part of the service connection shall remain the property of the Municipality.
- (4) Notwithstanding that the service connection to an approved electrical installation may already have been completed the Municipality may in its absolute discretion refuse to supply electricity to that installation until all sums due to the Municipality by the same consumer in respect of that or any other service connection, whether or not on the same premises, have been paid.
- (5) No owner shall be entitled to require more than one service connection for a supply for any premises even if it comprises or occupies more than one stand. The Municipality may, however, subject to such conditions as he/she thinks fit to impose upon the owner, provide more than one service connection to a premise and where

more than one service connection is so provided it shall be unlawful to interconnect them.

- (6) The applicant for a service connection shall, before work on its installation is commenced, furnish the Municipality with such indemnity as it may specify.
- (7) The Municipality may, notwithstanding any indemnity given in terms of subsection (6), refuse to install a service connection until he/she is satisfied that no person is entitled to object to such installation.

20. SEALED APPARATUS

- (1) Where any seal of lock has been placed by the Municipality on any meter, service fuse, service circuit breaker or other similar apparatus or cabinet or room in which such apparatus is accommodated whether or not belonging to the Municipality, no person other than an authorised employee of the Municipality shall for any reason whatsoever remove, break, deface or otherwise interfere, with any such seal or lock.

21. TEMPARING

- (1) No person shall in any manner or for any reason whatsoever paint, deface, tamper or interfere with any service connection and only an authorised employee or agent of the Municipality may make any adjustment or repair thereto.

22. LIABILITY FOR DAMAGE TO SERVICE CONNECTION

- (1) The owner of the premises or the consumer shall be liable to make good to the Municipality any damage that may occur to the service connection or any part thereof or to any other Municipality apparatus on the premises, unless such owner or consumer can prove negligence on the part of the Municipality.
- (2) If any damage occurs to the cable or any other part of a service connection the consumer shall inform the Municipality as soon as he/she becomes aware of that fact and the Municipality or a person authorised by Municipality shall repair the damage.

23. TYPE OF SUPPLY

- (1) The Municipality may in any particular case determine whether the supply shall be high or low voltage and the type of such supply.

24. METER CABINETS

- (1) Before a low voltage supply is given, the applicant or owner shall, if required to do so by the Municipality at no expense to the Municipality and in a position approved by the Municipality provide a cabinet of approved design and construction for the accommodation of the Municipality's service connection.

25. HIGH VOLTAGE ELECTRICAL INSTALLATIONS

- (1) All the apparatus used in connection with a high voltage electrical installation shall be of approved design and construction.
- (2) Before any work is commenced in connection with a new high voltage electrical installation or for the extension of an existing high voltage installation, a site plan and a drawing showing in detail to the Municipality's satisfaction the particulars and layout of all electrical apparatus which it is proposed to install together with full technical information concerning the apparatus shall be submitted to the Municipality and no

work as aforesaid shall be commenced until the proposed installation or extension has been approved.

- (3) No person other than a skilled person shall undertake the installation, repair, alteration, extension, examination or operation of or touch or do anything in connection with high voltage apparatus.
- (4) Notwithstanding any approval previously given by him/her the Municipality may at any reasonable time and in case of emergency at all times inspect any high voltage apparatus and subject it to such tests as may be deemed necessary and may, if such apparatus be found defective, disconnect the supply to the premises until the defect has been rectified to the Municipality's satisfaction.
- (5) The owner of the consumer shall be liable to the Municipality for the cost of carrying out any of the test referred to in subsection (4) if any defect in the high voltage or the low voltage electrical installation is revealed thereby.
- (6) Notwithstanding anything contained in section 25 no high voltage apparatus which has been newly installed, altered or extended shall be connected to the supply without the permission in writing of the Municipality, which permission shall not be given unless and until every requirement of this section has been complied with.

26. ENCLOSURE FOR SUPPLY EQUIPMENT

- (1) Where required by the Municipality, an owner shall at no expense to the Municipality provide and maintain an approved enclosure for accommodating the Municipality's and consumer's supply equipment in a position determined by the Municipality.
- (2) No person shall enter the enclosure accommodating the Municipality's supply equipment or touch or interfere with any apparatus therein, unless authorised thereto by the Municipality.
- (3) Every low voltage enclosure associated with a high voltage enclosure and every enclosure for a special supply at low voltage shall be kept locked by the consumer and a key thereto shall, if required by the Municipality, be deposited with him/her or provision made for the fitting of an independent lock by the Municipality who shall be entitled to access to the enclosure at all times.
- (4) The consumer or owner of premises shall at all time provide and maintain safe and convenient access to a low voltage enclosure or an enclosure for a special supply at low voltage and such enclosure shall at all times be kept clean and tidy by the consumer to the satisfaction of the Municipality and shall be used for no other purpose save the accommodation of equipment and apparatus associated with the supply.
- (5) The consumer or owner of the premises shall at all times provide and maintain safe and convenient access to a high voltage enclosure, such access to be direct to that part of the enclosure into which the high voltage supply is led and not through the low voltage enclosure or through any door or gate the lock of which is controlled by the consumer or the owner of the premises.
- (6) The Municipality may use any enclosure for supply equipment in connection with a supply to consumers on premises other than those on which that enclosure is situated.

27. PERMANENTLY CONNECTED APPLIANCES

- (1) Appliances permanently connected to an electrical installation shall be approved by the Municipality.

28. SURGE DIVERTERS

- (1) Every electrical installation connected to an overhead supply main shall be provided with one or more approved surge diverters in positions determined by the Municipality.

29. POSITION OF COOKING APPLIANCES

- (1) No heating or cooking appliance shall be installed, placed or nursed below any meter belonging to the Municipality.

30. PROVISION OF CIRCUIT BREAKERS

- (1) When required by the Municipality, the owner shall supply and install 1 or more approved supply circuit breakers in a manner and position as determined by the Municipality.

31. MAINTANANCE OF INSTALLATION

- (1) Any electrical installation on any premises connected with the supply shall at all times be maintained by the owner or consumer in good working order and condition to the satisfaction of the Municipality.
- (2) The Municipality may require a consumer who takes a multiphase supply, to distribute his/her electrical load, as approved by the Municipality, over the supply phases and may install such devices in the relevant service connection as he/she may deem necessary to ensure that this requirement is complied with.

32. CONTROL APPARATUS

- (1) The Municipality shall have the right to install a control relay on any water heater, space heater of the storage type or any other apparatus and thereafter at any time to switch off the said apparatus during periods of stress or peak load for such length of time as it may deem necessary.

33. OBSTRUCTING EMPLOYEES

No person shall –

- (a) hinder, obstruct or interfere with any employee of the Municipality or agent of the Municipality in the performance of any duty relating to this by-law; or
- (b) refuse to give such information as the Municipality may reasonable require; or
- (c) give to the Municipality any information which to his/her knowledge is false or misleading.

34. IRREGULAR SUPPLY

- (1) The Municipality shall not be liable for the consequences to the consumer or any other person of any stoppage, failure, variation, surge or other deficiency of electricity from whatsoever cause.

35. OWNER'S AND CONSUMER'S LIABILITY

- (1) The owner and the consumer shall be jointly and severally liable for compliance with any financial obligation, except as provided in subsection (2), or other requirement imposed upon them in the alternative by this by-law.

- (2) The liability for compliance with any financial obligation in respect of the consumption of electricity shall be the sole responsibility of the consumer.

36. NOTICE

- (1) Any notice or other document to be issued by the Municipality in terms of this by-law shall be deemed to have so issued if it is signed by an authorised official of the Municipality.
- (2) Where the by-law requires that a notice or other document be served on a person, it shall be deemed to be properly so served if delivered at the person's place of residence or business or if sent per registered mail to such person's last known resident or business address recorded in the Chief Financial Officer's records.

37. OFFENCES AND PENALTIES

- (1) Any person contravening or failing to comply with any provision of this by-law shall be guilty of an offence and shall on conviction thereof be liable to a fine not exceeding R 5 000.00 (five thousand rands) or imprisonment for a period not exceeding 6 (six) months.
- (2) The occupier or, if there be no occupier, the owner of any premises supplied with electricity, on which a breach of this by-law is committed, shall be deemed to be guilty of that breach unless he/she proves that he/she did not know and could not by the exercise of reasonable diligence have known that it was being or was likely to be committed and that it was committed by some other person over whose acts he/she has no control.
- (3) Any person who contravenes the provisions of section 13 and who is in consequence not charged for electricity which has been consumed or is charged for such electricity at a rate lower than that at which he/she should properly have been charged shall, notwithstanding any penalty which may be imposed in terms of this section, be liable to pay to the Municipality the sum which would have been paid to it had the said offence not been committed, and such sum shall be calculated in terms of the highest charge which could have been made according to the tariff applicable from the date when the contravention first took place.
- (4) Any person who uses electricity on a premise or allows electricity to be used in contradiction with subsection 12(3) shall reimburse the Municipality for such use at the tariff prescribed for the use of electricity as applicable.

38. APPLICATION

- (1) The Municipality may by notice in the *Provincial Gazette*, determine that the provisions of this By-law do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

39. REPEAL OF BY-LAW

- (1) The By-laws relating to the Electricity for the Govan Mbeki Municipality, are hereby repealed and replaced by this By-law, which are to become effective on promulgation hereof.

40. SHORT TITLE

- (1) This By-law shall be called the Electricity By-law 2014.

LOCAL AUTHORITY NOTICE 223**GOVAN MBEKI MUNICIPALITY**

The Municipal Council of Govan Mbeki Local Municipality has in terms of section 156 of the Constitution, 1996 read in conjunction with sections 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

FIRE BRIGADE SERVICES BY-LAW**TABLE OF CONTENTS*****Section***

1. Definitions
2. Organisation of service
3. Duty to assist
4. Procedure on the outbreak of fire
5. Closing of streets
6. Obstruction and damage
7. Wearing of uniform and insignia
8. Combustible material
9. Safety of premises and buildings
10. Exits
11. Gas-filled devices
12. Making of fires
13. Fires in chimneys, flues and duets
14. Attendance of firemen
15. Removal of liquid or other substances
16. Payment for attendance and service
17. Exemption from payment of charges
18. False information
19. Telephones, fire alarms and other apparatus
20. Offences and penalties
21. Repeal
22. Application

1. DEFINITIONS

(1) For the purpose of this By-law, unless the context otherwise indicates –

- “approved”** means approved by the Chief Fire;
- “Chief Fire”** means the person appointed by the Municipality in terms of section 3(1) of the Ordinance read with section 20 of that Ordinance 18 of 1977 (hereinafter referred to as ordinance) and includes any member of the service representing the Chief Fire in the administration of this By-law and any official representing the Chief Fire and in control of any section, station, substation, firefighting operation or other emergency operation, situation or inspection, as the case may be;
- “emergency situation”** means a situation or event which constitutes or may constitute a serious danger to any person or property;
- “He”** shall also include “she” where applicable
- “Municipality”** means the Govan Mbeki Municipality;
- “Municipal Council”** means the Council of the Municipality as referred to in section 157 of the Constitution of 1996:
- “Municipal Manager”** means the person appointed by the municipal council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person –
- a) acting in such a position;
 - b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;
- “occupier”** means any person in actual occupation or control of any land, premises, building, or motor vehicle or any portion thereof without regard to the title under which he occupies or controls such land, premises, building, or portion thereof;
- “Ordinance”** means the Fire Brigade Services Ordinance, 1977, (Ordinance 18 of 1977);
- “owner”** means in relation to land and premises, means the registered owner of the land or premises and includes also any person receiving the rent or profits of such land or premises from any tenant or occupier thereof, whether on his own account or as the agent for any person entitled thereto or interested therein, and in relation to a sectional title scheme, also the body corporate established in terms of the Sectional Titles Act, 1971 (Act 66 of 1971), and in relation to any vehicle it bears its ordinary meaning, and in the case of a deceased or

insolvent estate, it shall also include the executor or trustee respectively;

“service”

means a fire brigade service established in terms of section 2 of the Ordinance or deemed to have been established in terms of that section read with section 20 of the Ordinance.

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

2. ORGANISATION OF SERVICE

- (1) The Chief Fire may exercise control over any fire fighting organisation and any fire appliance which is at the scene of a fire whether owned by the Municipality or by any other person, and he shall be entitled to make such use of any fireman, volunteer and any fire appliance and other apparatus as he thinks fit.
- (2) The service may be divided into such sections as the Municipality may determine and each section shall be under the control of an official appointed by the Municipality or by the person appointed in terms of section 3 (1) of the Ordinance if such power is delegated to him.

3. DUTY TO ASSIST

- (1) Any member of a fire brigade service or fire service organisation whether it is controlled by the Municipality or not, shall when called upon to do so by the Chief Fire, render all assistance in his power in connection with the combating or containing of a fire or any other emergency situation.

4. PROCEDURE ON THE OUTBREAK OF FIRE

- (1) Where the service has been notified of or there is reason to believe that an outbreak of fire or other situation has occurred where the services of the service are required, the Chief Fire shall, together with such personnel and appliances as he thinks necessary, forthwith proceed to the place where the fire or other situation is taking place or where he has reason to believe that it is taking place.
- (2) The Chief Fire may assume command of, or interfere with, or put a stop to any existing situation or any operation being conducted in respect of a fire by any person not employed in the service, including the owner of the premises and his employee or agent and no person shall fail to comply with any order or direction given by the Chief Fire in pursuance of this subsection.

5. CLOSING OF STREETS

- (1) The Chief Fire or any traffic officer or any member of a police force may close off any street, passage or place for as long as he deems necessary for the effective fighting of a fire or dealing with any emergency situation.
- (2) Any person ordered to leave an area closed off in terms of subsection (1), shall forthwith obey such order.

6. OBSTRUCTION AND DAMAGE

- (1) No person shall interfere with, or hinder any official of the service, or any traffic officer or member of a police force or other person acting under the orders of such official, officer, or member in the execution of his duties under these By-laws or the Ordinance.
- (2) No person shall wilfully or negligently drive a vehicle over any hose, or damage, tamper with or interfere with any such hose or any appliance or apparatus of the service.

7. WEARING OF UNIFORM AND INSIGNIA

- (1) The Chief Fire and every member of the service shall wear the uniform, rank markings and insignia prescribed by the Ordinance.
- (2) No person other than a member of the service shall wear a uniform of the service or wear any uniform intended to convey the impression that he is such a member, or in any other manner represent himself to be a member of the service.

8. COMBUSTIBLE MATERIAL

- (1) Where the Chief Fire is of the opinion that any person -
 - (a) stores or causes or permits to be stored, whether inside or outside any building any timber, packing cases, forage, straw or other combustible material in such quantities or in such a position or in such manner as to create a danger of fire to any building; or
 - (b) in occupation or control of any premises permits any trees, bushes, weeds, grass or other vegetation to grow on such premises, or any rubbish to accumulate thereon in such a manner or in such quantities as to create a danger of fire to any building or any premises;

the Chief Fire may by notice in writing require such person or the owner or occupier or the person in charge of the premises to remove the said combustible material or grass, weeds, trees, other vegetation or rubbish, or to take such other reasonable steps to remove the danger of fire as he may prescribe in such notice by a specified date.

- (2) Where there has been no compliance with the requirements of the notice the Chief Fire may take such steps as he deems necessary to remove such danger and the cost thereof shall be paid to the Municipality by the person to whom the notice was directed.

9. SAFETY OF PREMISES AND BUILDINGS

- (1) The Chief Fire may, whenever he deems it necessary and at any time, which in his opinion is reasonable in the circumstances -
 - (a) enter any land, premises or building and inspect –
 - (i) such land, premises or building for the purpose of ascertaining whether any condition exists which may cause a fire or emergency situation, or which may increase the danger of, or contribute towards the spread of fire, or the creation of any emergency situation, or jeopardise or obstruct the escape of persons to a place of safety;
 - (ii) any fire-alarm, sprinkler system or other fire-fighting or fire-detecting appliance;

- (iii) any manufacturing process involving the danger of fire or explosion;
 - (iv) the method of storing of any flammable gas, chemicals, oils, explosives, fireworks or any hazardous substance; and
 - (v) any installation making use of the substances referred to in subparagraph (iv);
- (b) give such directions as he may deem necessary for lowering the risk of fire or for the protection of life and property.

(2) Where the Chief Fire finds on any premises –

- (a) any flammable, combustible or explosive matter is so stored or used as to increase the risk of fire or the danger to life or property;
- (b) any situation, or practise existing, which in his opinion is likely to cause or increase such danger or is likely to interfere with the operation of the service or the escape of persons to a place of safety; or
- (c) any defective, inferior or an insufficient number of fire appliances;

he shall subject to the provisions of subsection (3), direct the owner or occupier of such land, premises or building to forthwith take such steps as he may deem expedient for the elimination of the danger.

(3) Should the Chief Fire find in any building or on any premises -

- (a) any obstruction on or in any fire-escape, staircase, passage, doorway or window; or
- (b) a fire-escape or means of escape which, in his opinion would, in the event of fire be inadequate for the escape to a place of safety of the number of persons likely to be in such building or premises at any time; or
- (c) any other object or condition of a structural nature or otherwise, which, in his opinion, may increase the risk of fire or the danger to life or property; or
- (d) that a fire-alarm or other communication system is required;

the Chief Fire shall notify the owner or occupier of such building in writing of his findings, and require of him to take such steps at such owner or occupier's own cost to rectify the irregularity within such time as is stated in such notice.

- (3) Where the owner or occupier fails or refuses to comply within a reasonable time with a direction in terms of subsection (2), or to implement the requirements of a notice in terms of subsection (3) within the time specified in such notice, the Municipality may take such steps as are, in the opinion of the Chief Fire, necessary to remove such risk or danger and the Municipality may recover from such owner or occupier any expenditure incurred thereby.

10. EXITS

- (1) Every door which affords an escape route from a public building to a place of safety shall be kept unlocked and shall be clearly indicated with approved exist signs: Provided that such door may be locked by means of an approved device installed in such a manner as to enable such door at all times to be opened from the inside of such building.

11. GAS-FILLED DEVICES

- (1) No person shall fill any balloon, toy or other device with flammable gas without the prior written permission of the Chief Fire, who may impose such conditions as he may require having regard to all the circumstances of the case: Provided that such permission shall only be granted after the person concerned has furnished the Municipality with an indemnity in the form set out in the appropriate Schedule thereto.
- (2) No person shall keep, store, use or display or permit the keeping, usage, storage or display of any balloon, toy or other device filled with flammable gas on or in any land, building or premises to which the public has access or which is used as a club or any place of assembly.
- (3) Nothing contained in this section shall be so construed as to prevent the usage of balloons filled with hydrogen for meteorological or other *bona fide* scientific or educational purposes.

12. MAKING OF FIRES

- (1) No person shall make a fire, or cause, or permit a fire to be made in such a place or in such a manner as to endanger any building, premises or property.
- (2) Subject to the provisions of any other law, no person shall, without the prior written permission of the Chief Fire, burn any rubbish, wood, straw or other material in the open air or cause or permit it to be done, except for the purpose of preparing food.
- (3) Any permission granted in terms of subsection (2) shall be subject to such conditions as are imposed by the Chief Fire.

13. FIRES IN CHIMNEYS, FLUES AND DUCTS

- (1) No owner or occupier of a building shall wilfully or negligently allow soot or any other combustible substance to accumulate in any chimney, flue or duct of such building in such quantities or in such manner as to create a danger of fire.

14. ATTENDANCE OF FIREMAN

- (1) Wherein the opinion of the Chief Fire, the presence of a fireman is necessary on the grounds of safety, he may provide one or more firemen to be in attendance at any premises during the whole or part of any entertainment, recreational activities, meeting or any other event.
- (2) The person in control of such entertainment, recreational activities, meeting or any other event shall pay to the Municipality the charges as determined by Municipal Council.

15. REMOVAL OF LIQUID OR OTHER SUBSTANCES

- (1) The Chief Fire may at the request of the owner or occupier of any premises pump or otherwise remove any liquid or other substance, from such premises, subject to payment of the charges as determined by Municipal Council.

16. PAYMENT FOR ATTENDANCE AND SERVICE

- (1) Subject to the provisions of section 17, the owner or occupier of land or premises, or both such owner and occupier jointly and severally, or the owner of a vehicle, as the case may be, in connection with which the attendance of the service was requested or any services of the service was rendered, shall pay to the Municipality the charges determined by the Chief Fire to be due in accordance with the charges set out in the tariff of charges as approved by Municipality for such attendance or service, including the use and supply of water, chemicals, equipment and other means.
- (2) (a) Notwithstanding the provisions of subsection (1), the Chief Fire may assess the whole or portion only of the charges contemplated in subsection (1): Provided that such portion shall not be more than ninety percent (90%) lower than the aggregate of the charges which would have been payable in terms of subsection (7): Provided further that in assessing such charges or portion thereof, due regard shall, amongst other relevant factors, be had to –
- (i) the fact that the amount so assessed shall be commensurate with the service rendered;
 - (ii) the manner and place of origin of the fire; and
 - (iii) the loss which may have been caused by the fire to the person liable to pay the charges, if the services of the service had not been rendered.
- (b) Where charges are assessed in terms of paragraph (a) and the person liable to pay such charges is dissatisfied with such assessment, he may lodge an appeal with the Premier in the manner provided for in section (1) of the Ordinance.
- (c) An appeal in terms of paragraph (b) shall be lodged by forwarding within fourteen (14) days after receipt of an account for the assessed charges a notice of appeal, by registered post to the Director of Local Government, and by forwarding by registered post a copy of such notice to the Chief Fire, who shall forward his comments thereon to the said Director within fourteen (14) days of the receipt of such copy.

17. EXEMPTION FROM PAYMENT OF CHARGES

- (1) Notwithstanding the provisions of section 16, no charges shall be payable where -
- (a) a false alarm has been given in good faith;
 - (b) the services were required as a result of civil commotion, riot or natural disaster;
 - (c) the services were rendered in the interest of public safety;
 - (a) the Chief Fire is of the opinion that the services were of a purely humanitarian nature or were rendered solely for the saving of life;
 - (b) the owner of a vehicle furnishes proof to the satisfaction of the Chief Fire that such vehicle was stolen and that it had not been recovered by him at the time when the services of the service were rendered in respect thereof;

- (c) any person, including the State, has entered into an agreement with the Municipality in terms of section 14 of the Ordinance whereby the services of the service are made available to such person against payment as determined in such agreement.

18. FALSE INFORMATION

- (1) No person shall wilfully give any member of the service any notice or furnish any information relating to an outbreak of fire or any other emergency situation requiring the attendance of the service and which to his knowledge is false or inaccurate. Such person shall, notwithstanding the provisions of section 17 be liable to pay the turning out charge prescribed by the Municipality.

19. TELEPHONES, FIRE-ALARMS AND OTHER APPARATUS

- (1) The Municipality may affix to or remove from any building, wall, fence or other structure any telephone, fire-alarm or other apparatus for the transmission of calls relating to fire as well as any notice indicating the nearest fire-hydrant or other fire fighting equipment.
- (2) No person shall move, remove, deface, damage or interfere with anything affixed in terms of subsection (1).

20. OFFENCES AND PENALTIES

- (1) Any person who contravenes or fails to comply with any provision of these By-laws shall be guilty of an offence and liable on conviction to a fine not exceeding Five Thousand Rand (R5 000.00) or, in default of payment, to imprisonment for a period not exceeding six (6) months or to both such fine and imprisonment, and in the case of a continuing offence, to a fine not exceeding Fifty Rand (R500.00) for each day on which such offence continues, subject to a maximum fine of Five Hundred Rand (R2 500.00).

21. REPEAL

- (1) The By-laws relating to Fire Brigade Services for the Govan Mbeki Municipality, are hereby repealed and replaced by this By-law, which is to become effective on promulgation hereof.

22. APPLICATION

- (1) The Municipality may by notice in the *Provincial Gazette*, determine that the provision of this By-law do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

23. SHORT TITLE

- (1) This By-law shall be called the Fire Brigade Services By-law 2014.

SCHEDULE I

FORM OF INDEMNITY IN TERMS OF SECTION 11(1) OF THE FIRE BRIGADE SERVICES BY-LAWS

INDEMNITY

In consideration of the permission to be granted to me by the Chief Fire of Govan Mbeki Municipality on (date) to inflate certain balloons, toys or other devices as specified therein I, the undersigned hereby indemnify and safeguard against loss the Govan Mbeki Municipality and all its employees against all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made against it or be incurred or become payable by it arising out of or in connection with any damage, death or injury caused or alleged to have been caused by or as a result of such inflation, or by the use or mere possession by any person of any of the said toys, balloons or devices.

Signed at on this day of 20.....

.....
Applicant

Witnesses:

- 1.
- 2.

**DETERMINATION OF CHARGES FOR THE RENDERING
OF FIRE SERVICES**

Notice is hereby given in terms of the provisions of section 80 B(8) of the Local Government Ordinance, 1939, that the Council of Govan Mbeki Municipality determined the charges as set out hereunder, with effect from

1. Within the Govan Mbeki Municipality

- 1.1 When the fire brigade is summoned irrespective of the circumstances : R..... plus:
 - (a) for the first hour or part thereof that a machine is in use, per machine: R.....
 - (b) for each subsequent hour or part thereof: R.....
 - (c) where a service car is used, per hour or part thereof: R.....
 - (d) portable pump, per hour or part thereof (trailer pump included): R.....
 - (e) jaws of life: R.....
- 1.2 Chimney fire:
 - (a) First occurrence: R.....
 - (b) Second or subsequent occurrence within a period of twelve (12) months: R.....
- 1.3 For the services of the Chief Fire – per hour or part thereof: R.....
- 1.4 For the services of the Assistant Chief Fire – per hour or part thereof: R.....
- 1.5 For the services of a Divisional Officer – per hour or part thereof: R.....
- 1.6 For the services of the Station Officer – per hour or part thereof: R.....
- 1.7 For the services of a Fireman – per hour or part thereof: R.....
- 1.8 Attendance of a Fireman at theatres or other public functions: R..... per fireman per hour or part thereof.
- 1.9 For services of a retained fireman per hour or part thereof: R.....
- 1.10 In addition to the above charges the following be payable:
 - (a) such expenses for water as may be incurred (at departmental rate to the Municipality);
 - (b) the cost of actual damage to the Municipality's property and to the property of its officers or servants;
 - (c) such other actual expenditure as may necessarily be incurred by the Municipality.
- 1.11 Testing and charging of extinguishers, per extinguisher R..... plus cost of material used.
- 1.12 (a) Test of fire hose reels, per reel: R.....

- (b) Seal of fire hose, per reel: R.....
- 1.13 (a) Test of fire hoses: R..... each.
- (b) Binding of couplings: R..... each.
- 2. Outside the Govan Mbeki Municipality**
- 2.1 When the fire brigade is summoned, irrespective of the circumstance: R..... plus:
- (a) for the first hour or part thereof that a machine is in use, per machine: R.....
- (b) for each subsequent hour or part thereof: R.....
- (c) where use is made of a service vehicle, per hour or part thereof: R.....
- (d) where use is made of a portable pump per hour or part thereof (trailer pump included): R.....
- (e) jaws of life: R.....
- 2.2 For the services of the Chief Fire – per hour or part thereof: R.....
- 2.3 For the services of the Assistant Chief Fire - per hour or part thereof: R.....
- 2.4 For the services of a Divisional Officer – per hour or part thereof: R.....
- 2.5 For the services of a Station Officer – per hour or part thereof: R.....
- 2.6 For the services of a Fireman – per hour or part thereof: R.....
- 2.7 For the services of a retained Fireman – per hour or part thereof: R.....
- 2.8 In addition to the above charges the following also be payable:
- (a) such expenses for water as may be incurred (at departmental rate to the Municipality);
- (b) the cost of actual damage to the Municipal property and to the property of its officers or servants;
- (c) such other actual expenditure as may necessarily be incurred by the Municipality.
- 3.** For the purpose of determining the amount payable in terms of items 1 and 2 the period of use of a machine and the period during which an officer or fireman renders his services shall be calculated from the time of departure from the Municipality's Fire Station to the time of returning thereto.

LOCAL AUTHORITY NOTICE 224**GOVAN MBEKI MUNICIPALITY**

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, made the following By-law:

PUBLIC PARTICIPATION BY-LAW**TABLE OF CONTENTS**

1. Purpose of the By-law
2. Definition
3. Development of culture of community participation
4. Mechanism, processes and procedures
5. Communication of information concerning community participation
6. Methods for public participation
7. Public notices of meetings of the council
8. Venue for public meetings and hearings
9. Communications to the local community
10. Community participation in the intergrated development plan and buget
11. Offences and Penalties
12. Application
13. Repeal
14. Short title

1. THE PURPOSE OF THIS BY-LAW

- (1) The purpose of the Public Participation By-law is to provide for mechanisms by which the public may participate in the affairs of the municipality; openness, transparency and accountability on the part of the council, its political structures and its administration by providing for citizens to exercise their right to public participation.

2. DEFINITIONS

- (1) For the purpose of this By-law, unless the context otherwise indicates.

“Community” means the Residents of Govan Mbeki Municipality

“Municipality” means the Govan Mbeki Municipality;

“Municipal Council” means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:

“Municipal Manager” means the person appointed by the Municipal Council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act,32 of 2000 and includes any person –

- a) acting in such a position;
- B) to whom the Municipal Manager has delegated the power, function or duty in respect of such delegated power, function or duty;

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

3. DEVELOPMENT OF CULTURE OF COMMUNITY PARTICIPATION

- (1) In giving effect to section 16 of the Systems Act 32 of 2000 and as set out in the Schedule hereto, the Municipal Manager must ensure that for this purpose:-
- (a) all the staff members, including Councilors referred to in this Subsection are trained in the basic knowledge of the areas referred to;
 - (b) the Municipal Manager may establish a working group, consisting of Councilors and previously trained staff members, to administer the training of new staff members and Councilors under section 16 of the Systems Act.

4. MECHANISMS, PROCESSES AND PROCEDURES

- (1) As provided for in section 17 of the Systems Act 32 of 2000 and elsewhere in this By-law, the Municipal Manager must establish methods for public participation as set out in section 6 of this By-law.

- (2) The Municipal Manager must notify the public of all available methods for participation.
 - (a) Notification may take the form as provided for in section 9 of this By-law.
- (3) The Municipality must, when implementing methods for public participation, provide:-
 - (a) for a qualified person to help members of the community who cannot read or write;
 - (b) appropriate access to public meetings and hearings for people with physical disabilities; and
 - (c) a translator, after having assessed the language preferences and usage and where appropriate.

5. COMMUNICATION OF INFORMATION CONCERNING COMMUNITY PARTICIPATION

- (1) The provisions of section 4 (2) (a) and (b) of this By-law shall apply to this subsection.

6. METHODS FOR PUBLIC PARTICIPATION

- (1) The Municipal Manager must inform the community of any public comment procedures available through which the members of the community can voice their opinions and views on any other affairs of the Municipality on which the community's input is required, which may include, but are not limited to:-
 - (a) public meetings and hearings by the Municipality and other political structures and office bearers of the Municipality as provided for in subsection (4) hereunder
 - (b) consultative sessions with locally recognised community organisations and traditional authorities and the submissions of written public comment.
- (2) Petitions and Complaints
 - (a) Petitions and complaints lodged by the local community will be received by the Municipality and attended to in terms of the Petitions By-law of the Municipality.
 - (b) The Municipal Manager must notify the community of all important petitions and complaints lodged with it within 7 (seven) working days of having processed and considered the petitions and complaints referred to in this subsection.
- (3) Invitations for public comment and open sessions
 - (a) When the Municipality considers and deliberates on any of the issues set out hereunder, it must hold open sessions to which members of the public and interested organisations must be invited to submit their views and comments:-
 - (i) the identification of the needs of the community in the municipal area, including the prioritisation of those needs for the purpose of helping the Municipality;
 - (ii) the views of the public and interested organisations on strategies, programs and services to address priority needs through the integrated development plan for the purpose of helping the Municipality;

- (iii) the involvement of the community in the development, implementation and review of the Municipalities' performance management system, including the setting of appropriate key performance indicators and performance targets for the Municipality for the purpose of helping the Municipality;
 - (iv) the views and comments of the public and interested organisations on a proposed tariff policy as contemplated in section 74 of the Systems Act 32 of 2000 as well as its Credit Control and Debt Collection Policy;
 - (v) decisions on mechanisms for the provision of services through service delivery agreements.
- (b) In giving effect to subsection 6 (3) (a) of this By-law, the Municipal Manager, together with the Municipal Councilors and officials, must hold an open session on any of the issues referred to in subsection 6 (2) of this By-law when any issue arises, however, the open sessions should fall outside the framework of the sessions held in respect of the development of the Municipality's integrated development programme and its performance management system and as required by the Systems Act.
- (c) The Municipal Manager must, after the Municipality has held an open session on any of the matters contemplated in subsection 6 (3) (a) of this By-law, and after the conclusion of the session concerned:-
- (i) formulate a full report thereon together with any advice or recommendations the Municipality may deem necessary or desirable;
 - (ii) make copies of the report available to the community in one or more of the following manners:-
 - (aa) by application in the local newspaper;
 - (bb) leaving a copy at all the libraries in their municipal area;
 - (cc) posting a copy on the notice board on the council's offices;
 - (dd) providing every Councilor of each ward, where wards exist, with copies for distribution to the Communities; and
 - (ee) Sending the message in the website.
 - (d) the Municipal Manager must ensure that the report is published according to the Municipalities language policy for the municipal area.
- (4) Public meetings and hearings by the Municipality:
- (a) Notwithstanding the provisions of section 6 (2) of this By-law, the Municipal Manager must, on appropriate notice and in a manner provided for in this By-law, notify the community of any public meeting and/ or hearing arranged to discuss and consider any of the petitions and complaints lodged by members of the local community under subsection (2).
 - (b) Any such public meeting and/ or hearing must take place within 14 (fourteen) days of the Municipal Manager having notified the community of the important issues raised and considered by the Council and after it has called for any comment under subsection 6.3.
- (5) Comments via electronic mail at Records@govanmbeki.gov.za

- (a) The Municipal Manager, if it is in the confines of the Municipality's resources and capacity, provide the public with a central e-mail address, whereby members of the local community may submit written comment directly to the Municipality on any matter referred to in this By-law and/ or other relevant legislation.
 - (b) The Municipal Manager must ensure that the comments are accessed regularly and collated by a staff member specifically allocated to this task.
- (6) Referenda and opinion polls
- (a) To gain the local community's input on any issue provided for in this By-law, the Municipal Manager may call for a referendum or opinion poll, if the local community is notified in the manner provided therefor, of the following:-
 - (i) the specific issue that calls for a referendum or opinion poll;
 - (ii) the manner in which the referendum or opinion will take place;
 - (iii) where and when the referendum or opinion poll will take place;
 - (iv) the date on which the result of the referendum or opinion poll will be made public to the community.
 - (b) The date referred to in subsection 6.6(iv) of this By-law may not be later than 2 (two) working days after referendum or 7 (seven) working days after the opinion poll itself.
- (7) Notification
- (a) Whenever the Municipality:-
 - (i) holds a public meeting as provided under this By-law;
 - (ii) holds a session about any matter contemplated in subsection 6.3 of this By-law; or
 - (iii) holds a public meeting on any other matter decided by the Council that warrants notification to the community, the aforesaid matters must be advertised once in two of the daily newspapers as well as community newspapers circulating in the municipal area according to the Council's language policy for a reasonable period before the event.
 - (c) Copies of all notices contemplated in subsection 6.7 (a) of this By-law must be posted at:-
 - (i) the notice board at the Council's offices;
 - (ii) all libraries in the municipal area;
 - (iii) other places as may be available.
 - (iii) website of the Municipality

7. PUBLIC NOTICE OF MEETINGS OF THE COUNCIL

- (1) The Municipal Manager must give notice to the public in the manner provided for in section 19 of the Systems Act 32 of 2000 of the time, date and venue whenever there is a scheduled:-
 - (a) ordinary meetings of the Municipal Council; and

- (b) special urgent meeting of the Municipal Council, except when time constraints make this impossible.

8. VENUE FOR PUBLIC MEETINGS AND HEARINGS

- (1) The Municipal Manager must ensure that the Municipality makes use of an appropriate venue for any public meeting and/ or hearing as provided for in these By-law in terms of :-
 - (a) the size of the venue after gauging and taking into consideration the approximate number of people who might be attending;
 - (b) the location of the venue and access to it for people with physical disabilities via public and private transport;
 - (c) the number of staff members of the Municipality to be made available to ensure the smooth administration of the meeting; and
 - (d) the provision of security for both members of the Municipality as well as members of the local community attending the meeting and the vehicles.

9. COMMUNICATIONS TO LOCAL COMMUNITY

- (1) When notification by the Municipality must be done through the media to the Local community under this By-law of any other applicable legislation, it must be done through one or more of the following:-
 - (a) in the local newspaper or newspapers of its area and in the appropriate language for its area;
 - (b) in a newspaper or newspaper circulating in its area and decided by the Council as a newspaper of record;
 - (c) by means of radio broadcasts covering the area of the Municipality;
 - (d) by means of the distribution of flyers and pamphlets; or
 - (e) by means of sending a message in a website, provided the letter is not used as the only form of communication.
 - (f) by means of a loud hailer
- (2) When the Municipality invites the local community to submit written comments or representations on any matter before the Council, it must be stated in the invitation that any person who cannot write may come during office hours to a place where a staff member of the Municipality named in the invitation, will help that person to transcribe that person's comments or representations.

10. COMMUNITY PARTICIPATION IN THE INTERGRATED DEVELOPMENT PLAN AND BUDGET

- (1) Once the Municipality has formulated a process set out in writing to guide the planning, drafting, adoption and review of its integrated development plan, the Municipal Manager must through appropriate mechanisms, processes and procedures set out in this By-law, consult the local community before adopting the process.

- (2) The notification to the local community may take place in a suitable manner provided for in this By-law.
- (3) The notification carrying the written process as referred to in section 10 (1) (a) and (b) must inform the community about their rights and duties for input required on the integrated development plan as well as how the community may go about commenting on such a process.
- (4) The notice should also include the particulars of the process which the Municipality intends to follow.
- (5) The Municipal Manager must ensure that the publication setting out the process, specifies a date, time and/ or place or where input from the community may be submitted.
- (6) Once the Municipality has finalised its integrated development plan under Chapter 5 of the Systems Act 32 of 2000, it must within 14 (fourteen) days of the adoption of such a plan give notice to the public in a manner provided for in these By-laws as well as make available copies of or extracts of the plan for public inspection at specified places and publicised in the local newspaper a summary plan.

11. OFFENCES AND PENALTIES

- (1) Any person contravening or failing to comply with any provision of this By-law or a notice issued in terms of this By-law shall be guilty of an offence and shall on conviction thereof be liable to a fine not exceeding R 5 000.00 (five thousand rand) or imprisonment for a period not exceeding 6 (six) months.

12. APPLICATION

- (1) The Council may by notice in the *Provincial Gazette*, determine that the provision of this By-law do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

13. REPEAL

- (1) The By-laws relating to the regulation of Public Participation within Govan Mbeki Municipality, are hereby repealed and replaced by this By-law, which are to become effective on promulgation hereof.

15. SHORT TITLE

- (1) This By-law shall be called the Public Participation By-law 2014.

LOCAL AUTHORITY NOTICE 225**GOVAN MBEKI MUNICIPALITY**

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

REGULATION OF STORM WATER MANAGEMENT BY-LAW**TABLE OF CONTENTS****INTERPRETATION, PURPOSE AND APPLICATION AND RESPONSIBILITY FOR COMPLYING WITH BY-LAWS**

1. Definitions
2. Purpose of By-laws
3. Application of By-laws and Manual
4. Responsibility for complying with By-laws

CHAPTER 2**SITE DEVELOPMENT ACTIVITY PERMITS**

5. Permits required
6. Exceptions to permit requirement
7. Applications for permits
8. Expiry of permits
9. Professional engineer required
10. Site development activity plan
11. Storm water drainage plan
12. Off-site storm water analyses
13. Geotechnical reports
14. Soils investigations reports
15. Permit modifications

CHAPTER 3**EROSION AND SEDIMENT CONTROL***Part 1**Minor developments*

16. Control of minor developments
17. Requirements for minor developments

*Part 2**Major developments*

18. Provisions applicable to major developments
19. Storm water control measures
20. Control of off-site erosion
21. Stabilisation of temporary conveyance channels and outlets

22. Storm water drain inlet protection
23. Trenches for municipal services
24. Constructed access routes
25. Removal of temporary facilities
26. Dewatering of development sites
27. Control of pollution other than sediment
28. Maintenance of erosion and sediment control facilities
29. Erosion control design storm event
30. Installation of rain meter

CHAPTER 4

GRADING

31. Grading plans
32. Drainage
33. Change in topography of development site
34. Maintenance

CHAPTER 5

STORMWATER MANAGEMENT

Part 1

Major developments

35. Application
36. Development activities
37. Approved hydrological methods for design
38. Storm water quality control
39. Combination of quality and quantity control facilities
40. Quality control requirements

Part 2

Major and Minor developments

41. Application
42. Storm water drainage facilities
43. Servitudes
44. Wetlands
45. Regional storm water facilities
46. Planning of catchment areas

CHAPTER 6

OPERATION AND MAINTENANCE

47. Application
48. Duty to maintain storm water facilities
49. Acceptance by Agency of duty to maintain new storm water facilities
50. Agency acceptance of duty to maintain existing storm water drainage facilities
51. Inspections of privately maintained storm water facilities
52. Inspection Schedule

CHAPTER 7**CRITICAL DRAINAGE AREAS**

53. Additional requirements

CHAPTER 8**STORMWATER POLLUTION**

54. Prohibition of pollution

55. Maintenance of pollution control device

56. Exemptions

57. Test procedures

58. Storm water quality: not addressed

CHAPTER 9**MISCELLANEOUS**

59. Experimental best management practices

60. Deviations and exemptions from By-laws

61. Deviations and exemptions from manual

62. Progress of work

63. Compliance notices

64. Stop work orders

65. Serving of notices

66. Inspections

67. Appeals

68. Offences and penalties

69. Short title

CHAPTER 1

INTERPRETATION, PURPOSE AND APPLICATION AND RESPONSIBILITY FOR COMPLYING WITH BY-LAWS

Definitions

1. For the purpose of this By-law, unless the context otherwise indicates –

- “adjacent property”** means a property which has one or more common boundaries with another property regardless of whether such properties have separate owners, were acquired in ownership at different times, are situated in different catchment areas or municipal areas or are separated from each other by a private road or private right-of-way;
- “attenuation facility”** means any drainage facility designed to store storm water for gradual release of that storm water by infiltration into the soil or into an existing drainage system;
- “authorised official”** means any official of the Council or the Agent who has been authorised by the Council, as the case may be, to administer, implement and enforce the provisions of these By-laws, acting within the scope of such authorisation;
- “best management practice”** means any physical, structural or managerial practice that, when used singly or in combination with any other such practice, prevents or reduces pollution of storm water, erosion or sedimentation which may be caused by storm water, and which has been approved by the Council;
- “bio-filtration facility”** means a storm water filtration system based on an appropriate best management practice which treats storm water by filtration through vegetation, and includes any grassed or vegetated marshy area and any land through which storm water is filtered by means of vegetation;
- “buffer”** means an area or strip of land on a development site or property which is to be or is utilised for the management of storm water or conservation of the riparian habitat as defined in section 1 of the National Water Act, 1998 (Act No 36 of 1998);
- “catchment area”** means an area of land in its natural state, from which storm water runoff originates;
- “catchment area plan”** means a plan and all implementing rules and procedures relating to such plan, including land use management for managing surface water and storm water quality, any facility for managing the quantity of such water and any drainage feature within a catchment area;
- “certificate of occupancy”** means a certificate issued in terms of section 14 of the National Building and Building Standards Act, 1977 (Act No 103 of 1977);
- “clearing”** means the removal of vegetation from the surface of any property or a portion of a property;
- “closed depression”** means any low-lying area of land, either natural or man-made, which receives storm water;

- “completion certificate”** means the written acknowledgement by the Agent of the satisfactory completion of all work on a construction site approved by the Council, including any work shown on the approved building plans or approved plans of a township concerning the provision of municipal infrastructure, and any revision of such plans and field change approved by the Council;
- “comprehensive drainage plan”** means a plan for a catchment area adopted by the Agency containing a detailed analysis which deals with-
- (a) the capacity of any storm water drainage system and the need to embellish that capacity due to various combinations of development, land use and available structural and non-structural storm water management possibilities;
 - (b) the form, location and extent of storm water quantity and quality control measures which would satisfy the requirements of the National Water Act, 1998, and any other applicable law;
 - (c) storm water quality standards; and
 - (d) the funding requirements for the implementation of such plan.
- “construction”** means –
- (a) in relation to a township, the construction or provision by the developer of a township of any municipal infrastructure or service; and
 - (b) in relation to a property, other than a township, the erection of any immovable structure on a property, excluding the erection of a boundary wall, and **“construct”** has a corresponding meaning;
- “critical drainage area”** means an area contemplated in Chapter 7;
- “design storm event”** means a theoretical storm event which generates storm water, of a given frequency interval and duration, used in the analysis and design of a storm water facility;
- “detention facility”** means a storm water facility designed to store storm water, gradually releasing it at a pre-determined controlled rate, and includes any appurtenance associated with its designed function, maintenance or security;
- “developed property”** means the condition of a property following completion of a development, or if a property is developed in phases, any phase of development on that property;

“developer”	means any person undertaking or proposing to undertake a development and includes a developer of a township;
“development”	means any construction or proposed construction as contemplated in paragraph (a) and (b) of the definition of “construction” and “develop” has a corresponding meaning;
“development site”	means the whole or a portion of any property or township which it is proposed to develop or is in the process of being developed;
“diversion”	means the routing of storm water in a direction other than its natural discharge direction and “divert” has a corresponding meaning;
“floodplain”	means an area of land adjacent to a watercourse, or water body, with a catchment area exceeding 30 ha that will be inundated by floodwater on average once in a 100 years as determined by a professional engineer, on the basis that the minimum width of a floodplain is 32m on each side of the centre line of the water course or water body;
“geotechnical engineer”	means a practicing professional engineer who has at least four years of professional experience in geotechnical and landslide evaluation;
“geotechnical report”	means a written report prepared by a geotechnical engineer based on a study of the effects of storm water drainage and drainage facilities on soil characteristics, geology and groundwater;
“grading”	means any excavation, filling or embankment building with earth materials on any property;
“grubbing”	means the removal from any property, or portion of a property, of subsurface vegetative matter including sods, stumps, roots, buried logs, or other debris, and the incidental removal of topsoil to a depth not exceeding 300 mm;
“hydrograph”	means a graph indicating storm water runoff rate, inflow rate and discharge rate of storm water , past a specific point over a time period;
“hydrograph method”	means a method of estimating a hydrograph, using a mathematical simulation;
“impervious surface”	means – <ul style="list-style-type: none"> (a) a hard surface area on a property which prevents or retards the entry of storm water into the soil; and (b) a hard surface area on a property which causes storm water to run off its surface in a greater quantity or at an increased rate of flow, compared to the pre-development condition of that property, and includes any roof, walkway, patio, driveway, parking lot, storage area, concrete or asphalt paving, gravel road with compacted subgrade, compacted earth material, naturally

- compacted earth surface such as a path or swept garden, an oiled or macadamized surface and any other surface which may similarly impede the natural infiltration of storm water, and any open uncovered attenuation or detention facility;
- “land disturbing activity”** means any activity on a property that results in a change in the existing soil cover, vegetative or non vegetative, or both, or the existing soil topography and includes demolition, construction, paving, clearing, grading and grubbing;
- “maintenance”** means any activity which is necessary to keep a storm water facility in good working order so as to function as designed and includes –
- (a) complete reconstruction of a storm water facility if reconstruction is needed in order to return the facility to good working order; and
 - (b) the correction of any problem on the property concerned which may directly impair the functioning of a storm water facility;
- “maintenance manual”** means a manual adopted by the Agent in terms of section 51;
- “major development”** means any development which results in –
- (a) the creation or cumulative addition of 500 m² or greater of impervious surface; or
 - (b) land disturbing activity of 4000 m² and greater; or
 - (c) grading involving the movement of 5,000 m³ or more of earth material;
- “manual”** means the storm water design manual contemplated in section 3(3)(a), adopted by the Council, as amended or substituted from time to time ;
- “minor development”** means any development which results in –
- (a) the creation or addition of less than 500 m² of new impervious surface area; or
 - (b) land disturbing activity of less than 4 000 m²; or
 - (c) grading involving the movement of less than 5 000 m³ of earth material;
- “municipality”** means Govan Mbeki Municipality
- “municipal manager”** means the person appointed by the municipal council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government:

Municipal Systems Act, 32 of 2000 and includes any person –

- a) acting in such a position;
- b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;

“municipal council”

means the Council of the Municipality as referred to in section 157 of the Constitution Act, Act No.108 of 1996:

“oil/water separator”

means a structure or device used to remove suspended, floating or dispersed oil and greasy solids from storm water;

“operation and maintenance manual”

means a written manual contemplated in section 49(f), containing a description of operation and maintenance procedures for a specific storm water facility, for use by operation and maintenance personnel of the Agency;

“owner”

means in relation to –

- (a) immovable property, subject to paragraph (b), the person registered as the owner or holder thereof and includes the trustee in an insolvent estate, or judicial manager of a company or a close corporation which is an owner, and the executor of any owner who has died or the representative recognised by law of any owner who is a minor or of unsound mind or is otherwise under disability, provided such trustee, liquidator, executor or legal representative is acting within the authority conferred on him or her by law;
- (b) immovable property –
 - (i) which is in the name of both spouses in a marriage in community of property, either one or both of the spouses;
 - (ii) which is registered in the name of only one spouse and which forms part of the joint estate of both spouses in a marriage in community of property, either one or both of the spouses;
 - (iii) which is registered under section 17 of the Deeds Registries Act, 1937 (Act No 47 of 1937), in the name of both spouses in a marriage in community of property to which the provisions of Chapter III of the Matrimonial Property Act, 1984 (Act No 88 of 1984), are not applicable, the husband;

- (iv) which is registered in the name of only one spouse and which form part of the joint estate of both spouses in a marriage in community of property to which the provisions of Chapter III of the Matrimonial Property Act, 1984, are not applicable, the husband; and
- (c) a township, the township owner, and includes an owner of land or a unit under a sectional title deed or a deed of transfer as contemplated in the Sectional Titles Act, 1986 (Act No 95 of 1986);
- “permit”** means a site development activity permit contemplated in sections 7 and 8(4);
- “pollution”** means contamination, or other alteration of the physical, chemical, or biological properties, of surface water or storm water and includes any change in temperature, taste, colour, turbidity or odour of the water and the discharge of any liquid, gaseous, solid, radioactive or other substance into any watercourse or storm water system, and “pollute” and “pollutant” have corresponding meanings;
- “post-development condition”** means the condition of any property after the conclusion of development thereon and “post development” has a corresponding meaning;
- “pre-development condition”** means the condition of any property or portion of a property as it existed in its unaltered natural state prior to any development on that property and “pre-development” has a corresponding meaning;
- “professional engineer”** means any person who is registered with the Engineering Council of South Africa as a professional engineer or a professional engineering technologist, who is qualified in the engineering field concerned and who is considered competent by the Agent and who has been approved by it;
- “property”** means any land registered as a separate entity of land in the Deeds Office and includes any township and any land or unit contemplated in the Sectional Titles Act, 1986;
- “public road”** means a road, street or thoroughfare or any other right of way to which the public or a section of the public has a right of access or which is commonly used by the public or a section of the public and includes any portion of a public road between the road edge and the boundary of the land reserved for such road including a sidewalk;
- “retention facility”** means a storm water facility designed to store storm water runoff for an indefinite period with the volume of stored water being reduced by evaporation, infiltration or pumped out for the irrigation of land, and which may be combined with a detention facility;
- “site development activity”** means any land disturbing activity associated with the preparation of a property or portion of a property, for development;

“site development activity plan”	means a plan contemplated in section 10, depicting all site development activities which it is proposed to implement on a development site;
“stabilise”	means the application of a best management practice, sufficient to protect soil from the erosive force of raindrop impact and flowing storm water and includes the establishment of vegetation, mulching, plastic covering, the application of a compacted gravel base and the protection of any channel or ditch conveying storm water or outlet for storm water so as to prevent any sedimentation resulting from storm water from leaving a development site and “stabilisation” has a corresponding meaning;
“storm water”	means the surface storm water runoff that results from any natural form of precipitation of water or moisture in any form;
“storm water drainage facility”	means any facility installed or constructed for the purpose of the conveyance or retention of storm water;
“storm water drainage feature”	means any natural or man-made structure, facility, conveyance or topographic feature which has the potential to concentrate, convey, detain, retain, infiltrate or affect the flow rate of storm water;
“storm water drainage system”	means every storm water drainage facility and storm water drainage feature forming part of a system that combines to lead storm water from a higher lying area;
“storm water facility”	means a component of a man-made drainage feature for dealing with storm water, designed or constructed to perform a particular function or multiple functions, and includes any pipe, marshy area, ditch, culvert, street gutter, detention facility, attenuation facility, wet pond, constructed wetland, infiltration device, catch basin, oil/water separator and sediment basin, but excludes any building gutter, downspout and storm water drain serving one single family residence, or such residence and one or two additional residential units permitted by an applicable town planning scheme or other applicable law, on the same property;
“storm water quality control”	means the control of the introduction of any pollutant into and the process of separating any pollutant from storm water, and includes any source control, biofiltration facility, wet pond, wetland, litter trap, oil/water separator, constructed wetland and any facility to control erosion or sedimentation;
“storm water quantity control”	means the control of the rate and volume of storm water released from a development site, and includes any attenuation, detention and retention facility;
“storm water system”	means any natural or man-made system which functions independently or together with another such system to

collect, convey, store, purify, infiltrate and discharge storm water, including any storm water facility and water course;

“township”

means a township approved in terms of the Town-planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986) or any other law;

“watercourse”

means –

- (a) a river or spring;
- (b) a natural channel in which water flows regularly or intermittently;
- (c) a wetland, lake or dam into which, or from which, water flows; and
- (d) any collection of water which the Minister concerned may, in terms of the National Water Act, 1998 by notice in the *Government Gazette*, declare to be a watercourse, and a reference to a watercourse includes, where relevant, its bed and banks;

“water quality sensitive area”

means any area that is sensitive to a change in water quality and includes any lake, ground water management area, aquifer as defined in the National Water Act, 1998, and a closed depression;

“ wetland”

means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil, and any area where the soil shows evidence of water-logging, and includes the flood plain of any watercourse and any area which is defined as a wetland by any law, irrespective of whether such conditions exist naturally or are manmade;

“wetpond”

means a natural or man-made basin for the receipt of storm water with the intention of maintaining a permanent quantity of storm water.

2 Purpose of By-laws

- (1) The purpose of this By-law is to manage, control and regulate the quantity, flow and velocity of storm water runoff from any property which it is proposed to develop or is in the process of being developed or is fully developed, in order to prevent or mitigate –
- (a) erosion and degradation of watercourses;
 - (b) sedimentation in ponds and watercourses;
 - (c) degradation of water quality and fish habitat; and

(d) excess storm water runoff onto a public road which may pose a danger to life or property or both.

3 Application of By-laws and manual

- (1) Subject to the provisions of subsection 2, this By-law does not apply in respect of any activity, structure, matter or thing on a property which has been authorised by the approval of building plans in terms of the National Building Regulations and Building Standards Act, 1977, or authorised under the National Water Act, 1998;
- (2) The provisions of subsection (1) are not applicable in respect of any structure, matter or thing appearing on an approved building plan, if that structure, matter or thing did not require approval under the National Building Regulations and Building Standards Act, 1977, and any regulations made thereunder.
- (3) In order to ensure that the latest and best technology is utilized in the area of jurisdiction of the Council, this By-law must be read with the manual, the provisions of which must be complied with.
- (4) If an irreconcilable conflict arises between any provision of this By-laws and any provision of the manual, the provision of the By-laws prevails.

4 Responsibility for complying with By-laws

- (1) A developer who proposes to undertake or undertakes any work or action contemplated in this By-law, is responsible for compliance, and for ensuring compliance, with any provision of this By-law relating to such work or action.
- (2) A contractor or agent appointed by a developer to carry out any work or action contemplated in this By-law, is jointly and severally responsible with that developer for compliance, and for ensuring compliance, with any provision of this By-law relating to such work or action.
- (3) A owner of property which has been developed is responsible for compliance, and for ensuring compliance, with any provision of this By-law which is applicable in respect of that property after conclusion of that development.

CHAPTER 2

SITE DEVELOPMENT ACTIVITY PERMITS

5 Permits required

- (1) A permit is required for any of the following site development activities:
 - (a) Any site development activity in respect of a major development;
 - (b) any site development activity that will require connection to the Council's storm water drainage system;
 - (c) any grading activity that will result in the movement of 100m³ or more of earth;
 - (d) any grading activity that will result in a temporary or permanent slope with a steepness exceeding 3m horizontal to 1m vertical and with a total slope height, measured vertically from bottom to top of the slope, exceeding 1,5 m;

- (e) any grading activity that will include the construction of an embankment or berm which will result in the impoundment of water to a depth exceeding 450 mm or with a maximum volume exceeding 50 m³ of water;
- (f) any grading activity that will result in the diversion of any existing storm water drainage feature from its natural point of entry to or exit from a development site;
- (g) any clearing or grading on a slope steeper than 3 m horizontal to 1 m vertical; and
- (h) any clearing within a floodplain.

6 Exceptions to permit requirements

(1) The provisions of section 5 do not apply –

- (a) in respect of any property used for commercial agriculture unless it is wholly or partially situated in a floodplain;
- (b) to any of the following grading activities :
 - (i) The excavation for any Council services or tunnel authorized under any law;
 - (ii) any excavation for a basement or footing for a building, retaining wall or other structure authorised by an excavation permit issued under the National Building Regulations made under the National Building Regulations, and Building Standards Act, 1977, or any other law:

Provided that the provisions of this paragraph do not apply in respect of –

- (aa) the placement of any fill material removed from such excavation; or
- (bb) any excavation beyond the limits of a basement or footing for a building;
- (iii) agricultural crop management outside any critical drainage area but limited to the preparation of soil by turning, discing, or other means approved by the Agent ;
- (iv) excavation for graves, provided the excavated material is placed on the uphill side of the grave on any slope exceeding 100 m horizontal and 3 m vertical;
- (v) landscape installation if fill is confined to less than 250 mm of topsoil and land disturbing activity is limited to less than 500 m²; and
- (vi) any exploratory excavation for soil investigation or for determining the location of any service relating to infrastructure for the public benefit.

7 Applications for permits

(1) No person may commence any site development activity specified in section 5, on any property unless a site development activity permit has been issued for that activity by the Council.

- (2) Application for the issue of a permit must be made by the developer concerned on a form prescribed by the Council.
- (3) An application in terms of subsection (2) must be accompanied by –
 - (a) if the developer is not the owner of the property concerned, an authorisation in writing by the owner to the developer to lodge the application;
 - (b) a site development activity plan prepared in terms of section 10;
 - (c) a storm water drainage plan prepared in terms of section 11;
 - (d) the documents required by sections 11, 12, 13, 14, 31 and 37(3) to the extent that those sections are applicable to the application concerned; and
 - (e) the fee prescribed by the Council .
- (4) The Agent must within a reasonable time, consider an application in terms of subsection (2) and may refuse or grant it and the applicant must forthwith in writing be notified of the decision and be furnished with reasons for a refusal of an application.
- (5) Upon the granting of a permit in terms of subsection (4), a permit must be issued by the Council subject to site development standards specified in the manual and applicable at the time of the issue of a permit.
- (6) Approval for the issue of a permit in terms of this section also signifies approval by the Council of all plans and other documentation submitted in terms of subsection (3).
- (7) A developer must at all times display and maintain an easily legible permit notice in a form prescribed by the Council at a conspicuous place on the development site concerned, until completion of the site development activities contemplated in the permit concerned.

8 Expiry of permits

- (1) An expiry date, not exceeding three years, or in the case of a permit for grading not exceeding six months, from the date of issue of a permit, must be specified in every permit.
- (2) A permit expires upon the issue of a certificate contemplated in section 82 (1) (b) (ii) (cc) of the Town-planning and Townships Ordinance, 1986, or a certificate of occupancy, as the case may be, in respect of the development concerned or upon the expiry date specified in terms of subsection (1), whichever is the earlier.
- (3) If a permit expires prior to the completion of construction on the development site concerned, all site development activities contemplated in that permit, must, subject to the provisions of subsection (6), cease immediately until such permit is renewed.
- (4) Application for the renewal of a permit may be made by a developer on a form prescribed by the Council, at any time from a date 30 days prior to the expiry of the permit and must be accompanied by a new storm water drainage plan as contemplated in section 11 and such other documentation and information as may be required in writing by an authorized official.
- (5) The Council must within 30 days of receipt of an application in terms of subsection (3) consider the application and may either refuse or grant it and the applicant must forthwith in writing be notified of the decision and be furnished with reasons for a (6) If construction on a development site concerned has commenced but is not completed when a permit expires, the developer must, within seven days after such expiry submit a plan for approval by the Council, temporarily to

stabilise the site from storm water damage or sediment runoff until the permit is renewed and must within seven days of the approval of the plan by the Council, implement that plan.

9 Professional engineer required

- (1) Any document contemplated in section 7(3)(b), (c) and (d) must be prepared by a professional engineer, if any of the following conditions exists :
 - (a) The proposed development on the property concerned constitutes a major development;
 - (b) if the site development activity incorporates any storm water facility or other improvement relating to storm water in a public road for which facility or improvement the Council will assume responsibility for maintenance;
 - (c) if a site development activity is to take place within a floodplain or within 100 m from the centre line of any water course;
 - (d) if a site develop activity is to take place on a property shown by a 15 000 scale geological map to be underlain by, or within 500m of, dolomitic geology; or
 - (e) in respect of any other site development activity, if the Agency considers it to be in the public interest to require that the documents concerned be prepared by a professional engineer.

10 Site development activity plan

- (1) A developer must in respect of any development site in respect of which a permit is required in terms of section 7, prepare a site development activity plan.

11 Storm water drainage plan

- (1) A developer must in respect of any development site for which a permit is required in terms of section 7, prepare a storm water drainage plan.
- (2) A plan contemplated in subsection (1), must relate to the collection, transportation, treatment and discharge of storm water from the development site concerned and must include a profile view of the property concerned and construction details and notes relevant to such plan.
 - (a) A plan contemplated in subsection (1) must contain an analysis of the impact of storm water quantity up to 500 m or a greater distance required by a notice in writing by an authorised official served on the developer concerned, downstream from the property on which the development site concerned is situated, which may result from the proposed development on that site and must contain features to mitigate such impact.
 - (b) For the purposes of paragraph (a), any existing and potential impact of storm water, including
 - (i) increased sedimentation and streambank erosion and discharge;
 - (ii) flooding;
 - (iii) overcharging of any existing closed storm water conveyance facility;
 - (iv) discharge to a closed depression;
 - (v) discharge to an existing off-site storm water runoff control facility;
 - (vi) infiltration to groundwater or any area of land with the ability to contribute to, or recharge, ground water;
 - (vii) deterioration of storm water quality; and

- (viii) any spill and discharge of a pollutant into storm water, must be evaluated and mitigated.

12 Off-site stormwater drainage analyses

- (1) For the purposes of an application for a permit in terms of section 7 a written off-site stormwater drainage analysis must be prepared by a professional engineer, based on a study of the existing and predicted impact of stormwater runoff from the development site concerned on to any property and on a field investigation at the development site concerned, relating to any drainage area from which stormwater is received from any adjacent property and any other area contributing to stormwater being discharged on to any such property.
- (2) The extent of the analysis contemplated in subsection (1), is limited to information that can be supplied by the Council or can be obtained from ground level by opening manhole covers giving access to any stormwater drainage system, which can be opened manually, other than such covers that can only be opened by using mechanical lifting equipment.

13 Geotechnical reports

- (1) The Council may require a geotechnical report prepared by an geotechnical engineer, to accompany an application for a permit in terms of section 7 in respect of a development if –
- (a) grading or the provision of any attenuation facility, detention facility or other stormwater facility is proposed within 50 m of a slope steeper than 3 m horizontal to 1 m vertical; or
 - (b) the development site is underlain by, or within 500 m of dolomitic geology shown on a 1:50 000 scale geological map; or
 - (c) an authorised official considers that the proposed development on the property concerned poses a potential stormwater hazard due to its proximity to a slope in the topography on that property either natural or man-made.
- (2) The report required in terms of subsection (1) must include the effects of interception and infiltration, seepage, potential slip planes, changes in soil bearing strength and any other factor required by an authorised official.

14 Soils investigations reports

- (1) For the purposes of an application for a permit in terms of section 7, if section 9 applies in respect of that application, a soils investigation report must be prepared by a geotechnical engineer or an employee employed and supervised by such engineer, if –
- (a) the soils underlying the proposed development have not been mapped;
 - (b) existing soils maps of soils contemplated in paragraph (a), are inconsistent; or
 - (c) an authorised official considers that existing soils maps are not of sufficient resolution to allow proper engineering analysis.

15 Permit modifications

- (1) A developer may on a form prescribed by the Council, apply for a modification of a permit contemplated in sections 7 or 8(5), issued to him or her.

- (2) An application in terms of subsection (1) must be accompanied by the fee prescribed by the Council.
- (3) For the purpose of considering an application in terms of subsection (1), an authorised official may require the applicant to furnish any document and information.
- (4) The Council must consider an application in terms of subsection (1) and may refuse or grant it and the applicant must forthwith in writing be notified of the decision and be furnished with reasons for a refusal of an application.

CHAPTER 3

EROSION AND SEDIMENT CONTROL

PART 1

Minor developments

16 Control for minor developments

- (1) In respect of any minor development, erosion and sedimentation must be controlled during construction and any soil exposed or disturbed during construction must be permanently stabilised in compliance with the provisions of section 17.

17 Requirements for minor developments

- (1) Access to a development site for vehicles must, if reasonably possible, be limited to one route.
- (2) Any access route contemplated in subsection (1) must be stabilised with crusher dust, quarry spall or crushed rock to minimise the depositing of soil and other debris onto any public road.
 - (a) Any exposed loose soil on a development site must be stabilised by utilising an appropriate best management practice and be maintained in accordance with the manual.
 - (b) During any period from 1 October to 30 April, no soil contemplated in paragraph (a), may remain unstabilised for more than two days and during any period from 1 May to 30 September for more than seven days.
 - (c) Sufficient material, equipment and labour must at all times be available on a development site to stabilise any exposed soil within 12 hours, if continuous rainy weather or any other occurrence necessitates it.
- (3) Any adjacent property must be protected from sediment deposition by the use of a vegetated buffer, sediment barrier or filter, dike or mulching, or by a combination of these measures or by utilising any other appropriate best management practice.
- (4) Any adverse effect of increased stormwater runoff resulting from any land disturbing activity or land development activity, on a development site must be controlled by the application of an appropriate best management practice.
- (5) Any measure taken in terms of this section must be inspected daily and maintained to ensure continued effective performance of its intended function.

PART 2**Major developments****18 Provisions applicable to major developments**

- (1) If a proposed development on any property constitutes a major development, the requirements of sections 19 to 30 inclusive, apply, in respect of the development site concerned.

19 Stormwater control measures for major developments

- (a) Any soil which is exposed or disturbed during construction and any material stockpile on a development site must be stabilized utilising an appropriate best management practice and be maintained in accordance with the manual.
- (b) During any period from 1 October to 30 April, no soil or material stockpile contemplated in paragraph (a) may remain unstabilised for more than two days and during any period from 1 May to 30 September for more than seven days.
- (c) Sufficient materials, equipment and labour must at all times be available on a development site to stabilise any exposed soil or material stockpile within twelve hours, if continuous rainy weather or other occurrence necessitates it.
- (2)
- (a) Any clearing limit, setback, buffer and other area sensitive to stormwater, such as a steep slope, wetland or riparian corridor, on a development site determined by an environmental impact assessment in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998), or any regulation made thereunder, must be clearly marked on the development site by visible pegs or other effective means and may at any time be inspected by an authorised official.
- (b) For the purpose of this subsection –
- (i) “clearing limit” means that portion of a development site cleared from vegetation or on which any structure has been demolished to prepare the site for a proposed development; and
- (j) means any portion of a development site where the erection of a building is prohibited by the determination of building lines in terms of an applicable town planning scheme or any other law.
- (3) Any property adjacent to a development site must be protected from sediment deposition by the use of a vegetated buffer, sediment barrier, or filter, dike or mulching, or by a combination of these measures or by utilising an appropriate best management practice.
- (4) Any measure contemplated in subsection (3), must be effected prior to the commencement of any grading, and must be functional before any other land disturbing activity takes place, on a development site.
- (5) Every structure such as a dam, dike or diversion, whether temporary or permanent, must be stabilised in terms of subsection (1).
- (6)(a) Any cut and fill slope resulting from an excavation on a development site must be stabilised in accordance with subsection (1), and must be constructed with a roughened soil surface instead of a smooth surface, in a manner that will minimise erosion.
- (b) A stormwater drainage facility to regulate stormwater flow must be constructed at the top of a slope 3m horizontal to 1 m vertical or steeper, which has an area above it that contributes to stormwater runoff.
- (c) Concentrated stormwater must not be allowed to flow down the face of a cut and fill slope unless contained within a channel or pipe, adequate to deal with the volume of water.

- (d) If a cut and fill slope face crosses a water seepage plane, drainage or other erosion protection facility to deal adequately with the volume of stormwater, must be provided.

20 Control of off-site erosion

- (1) Any property and watercourse downstream from a development site must be protected from erosion due to an increase in the volume, velocity, and peak flow rate of stormwater from that site by the utilisation of an appropriate best management practice to minimise any adverse downstream stormwater impact.

21 Stabilisation of temporary conveyance channels and outlets

- (1) Any temporary on-site stormwater conveyance channel on a development site must be designed, constructed and stabilized to prevent erosion from an expected flow velocity from a 2-year frequency design storm event of any duration, for the post development condition.
- (2) tabilisation in terms of subsection (1) must be adequate to prevent erosion of any outlet, adjacent stream-bank, slope and downstream area and must be provided at the outlet of every stormwater drainage system.

22 Stormwater drain inlet protection

- (1) Any stormwater drain inlet made operable during construction on a development site must be protected so that stormwater runoff does not enter a municipal stormwater drainage system without first being filtered, or otherwise treated effectively to remove sediment.
- (a) Subject to a developer lodging an application on a form prescribed by the Agency, the requirement of subsection (1) may be waived by an authorised official if any stormwater drainage system downstream of the inlet referred to in subsection (1), discharges to an on-site sediment control facility based on an appropriate best management practice, including but not limited to, a sediment pond or trap;
- (b) A drainage system contemplated in paragraph (a) must be adequately cleaned at the conclusion of the development concerned so that it operates to its best potential.

23 Trenches for municipal services

- (1) The construction of any trench for municipal services on a development site must be limited, if practically possible, to no more than 100 m of open trench at any one time.
- (2) If consistent with safety and space considerations, material excavated from a trench contemplated in subsection (1), must, if practically possible, be placed on the uphill side of the trench.
- (3) Any device for pumping water out of a trench contemplated in subsection (1), must discharge to an effective sediment trap or pond, and the velocity of such water must be sufficiently lowered prior to its leaving a development site so as to prevent erosion and sedimentation.

24 Constructed access routes

- (1) If any vehicle access route to a development site intersects a paved road, either public or private, steps must be taken to minimise the deposit of matter such as mud and other debris onto such road by utilising an appropriate best management practice such as a stabilised entrance to the site.
- (2) If matter is deposited onto the surface of a road contemplated in subsection (1), the road must be thoroughly cleaned, at least at the end of each working day.

- (3) Matter deposited on a road contemplated in subsection (1), must be removed from such road by shovelling or sweeping and be deposited in a disposal area on the development site capable of accommodating the quantity concerned, or at a municipal solid waste disposal site.
- (4) Washing of a road contemplated in subsection (1), may only be done after any matter deposited thereon has been removed in the manner required in terms of subsection (3).

25 Removal of temporary facilities

- (1) Any temporary stormwater facility for erosion and sediment control relating to a development site must be removed within 30 days after the date of issue of a completion certificate in respect of the development concerned or after any such facility is no longer required, whichever is the earlier.
- (2) Sediment trapped by a facility contemplated in subsection (1), must be removed from or stabilised on the development site concerned.
- (3) Any disturbed soil area resulting from the removal of any facility contemplated in subsection (1), must be permanently stabilised.
- (4) An authorised official may in writing, exempt a developer from any requirement of subsection (2) in respect of a specified development site.

26 Dewatering of development sites

- (1) Any stormwater facility on a development site transporting stormwater from that site must discharge into an appropriate sediment trap or sediment pond designed to accept the discharge of stormwater which must be preceded by a measure to reduce the velocity of stormwater to not more than 3 m per second before it leaves that site.

27 Control of pollution other than sediment

- (1) Any pollutant, other than sediment, that occurs on a development site due to construction and related activities, must be disposed of in a manner that prevents pollution of any surface water or underground stormwater system.
- (2) Pollutants contemplated in subsection (1), include any lubricant, solvent, concrete by-product, construction material, and organic debris from clearing and grubbing on a development site.

28 Maintenance of erosion and sediment control facilities

- (1) Any temporary or permanent stormwater facility for erosion and sediment control must be maintained and repaired by the owner of the property concerned to ensure its continued effective performance of its intended function.
- (2) Any maintenance and repair in terms of subsection (1), must be conducted in accordance with the manual.
- (3) If any stormwater facility contemplated in subsection (1), is damaged during any flood, storm or other adverse weather condition, it must forthwith be returned to its normal operating condition by the owner of the property concerned.

29 Erosion control design storm event

- (1) Any stormwater facility designed for the control of erosion and sediment, must be designed for a 2-year recurrence interval design storm event of any duration from 0.25 hours to seven days.

30 Installation of rain meter

- (1) For the purpose of ensuring compliance with the relevant provisions of this Part, an authorised official may, by notice in writing, require a developer to install and maintain a rain meter, of a kind required by that official, on a development site and to furnish the Agency with a written statement within two days after the conclusion of every week, specifying the quantity of rainfall that fell on that site during the previous week.

CHAPTER 4**GRADING****31 Grading plans**

- (1) A grading plan in respect of any proposed grading on a development site must, subject to the provisions of section 9, be prepared.
 - (a) A plan contemplated in paragraph (a), must incorporate a plan of every retaining structure which is greater than 1,5m in height which is to hold graded soil in place, if such structure has not been included in building plans approved under the National Building Regulations and Building Standards Act, 1977.
- (2) A grading plan contemplated in subsection (1), must –
 - (a) indicate both temporary and permanent erosion and sedimentation stormwater control facilities on the development site concerned for a period from the commencement of site development activities, continuing without interruption to the completion of the development on that site;
 - (b) specify the construction sequence for the establishment of every such facility; and
 - (c) conform to every applicable requirement and standard for erosion and sedimentation control specified in Chapter 3.

32 Drainage

- (1) The requirements of Chapter 5 relating to stormwater management must be complied with prior to the commencement of any grading on a development site.
- (2) The characteristics of all stormwater from a development site with regard to quality, flow rate, velocity and frequency must be the same as the stormwater runoff which would have flowed from the development site in its natural condition prior to commencement of any site development activity.
- (3) Any stormwater runoff which would have flowed onto a development site naturally, must be accepted onto that site, and must be discharged from that site to a natural watercourse or a municipal stormwater drainage system.

33 Change in topography of development site

- (1) The maximum surface gradient resulting from any grading activity on a development site may not exceed 3 m horizontal to 1 m vertical : Provided that such gradient may be exceeded, subject to the prior approval in writing by an authorised official if he or she is satisfied on the basis of engineering calculations prepared by a professional engineer, that surface erosion on the

development site concerned can be controlled to an erosion rate equal to a stabilised gradient under the same conditions as those existing on the development site in its predevelopment condition.

(2)

- (a) Any property, public road or other municipal infrastructure which is adjacent to a development site must be protected from stormwater damage occurring during grading operations.
- (b) If any damage contemplated in paragraph (a) occurs, an authorised official may, by written notice served on the developer concerned, require him or her to take the steps specified in the notice to restore such damage within a time so specified and to prevent a recurrence of such damage.
- (c) Any damage contemplated in paragraph (a), must irrespective of whether a notice has been served in terms of paragraph (b), forthwith be restored by the developer concerned at his or her own cost.
- (d) If there is a failure to comply with paragraph (b) or (c), the Council may take the steps necessary to restore the damage and may recover the cost thereof from the developer concerned.

34 Maintenance

- (1) Any erosion and sediment control, and stormwater facility and drainage facility relating to grading, must be maintained in good operating condition at all times, as required by section 28.

CHAPTER 5

STORMWATER MANAGEMENT

PART 1

Major developments

35 Application

- (1) If a proposed development on any property constitutes a major development, the requirements of this Part apply in respect of the development site concerned.

36 Development activities

- (1) If one or more of the following conditions exist on a development site, the requirements of this Part apply to the maximum extent practically possible in respect of that site, and in respect of any adjacent property which is part of the development:
 - (a) a development site greater than 4000 m² in area in size with 40 per cent or more impervious surface, prior to commencement of the development;
 - (b) a development site from which stormwater is discharged to a watercourse or water body which has a water quality problem documented in the records of the Council or the Agent, and includes, but is not limited to, a watercourse and water body –
 - (i) listed in a report required under the National Water Act, 1998, and designated as not being beneficially used; or
 - (ii) listed under the National Water Act, 1998, as not expected to meet water quality standards or water quality goals contemplated in that Act ; and

- (c) a development site in respect of which the need for stormwater control measures additional to those applicable to that site has been identified by an authorised official.

37 Approved hydrological methods for design

- (1) For the purposes of any estimation of peak stormwater runoff rate used in the design of any stormwater quantity control facility, a hydrograph method of analysis approved by the Agent must be utilised.
- (2) Any storage facility that forms a part of a stormwater quality control facility, must be designed by using a method approved by the Agent.
- (3) Any calculation method used for a design contemplated in subsection (1), must be described, the value of any parameter and variable must be stated, and the reason for selecting a specific range of values must be set out in a design report for a proposed stormwater management strategy for the property concerned, prepared on behalf of a developer and such report must be submitted to the Agent for approval.

38 Stormwater quantity control

- (1) Subject to the provisions of subsection (2), the following requirements for stormwater quantity control apply :
 - (a) All stormwater entering a development site in its predevelopment state from a depression or conduit, must be received on that site at a naturally occurring or otherwise legally existing location;
 - (b) all stormwater leaving a development site must at all times during and after development, be discharged at a naturally occurring or otherwise legally existing discharge location so as not to be diverted onto or away from any adjacent downstream property : Provided that a diversion which will correct an existing downstream stormwater problem, may, on written application by a developer on a form prescribed by the Council, be permitted in writing by an authorised official;
 - (c) for the purpose of this paragraph "naturally occurring location" means the location of any watercourse, channel, depression or marshy area existing as an established system, identifiable on a topographic representation of the property in the records of the Council, either from a map, photograph, site inspection, decision of a court of law or other means approved in writing by the Council;
 - (d) the post-development peak stormwater discharge rate from a development site for a 5- to 25-year recurrence interval design storm event of any duration from 0.25 to 24 hours, or any other design storm event stipulated by the Council up to and including a 50-year design storm event, may not at any time exceed the pre-development peak stormwater runoff rate from that site for the same design storm event;
 - (e) any closed depression which receives stormwater discharge from a development site must be analysed using a hydrograph method for routing stormwater, and infiltration relating to such depression must be addressed, if relevant;
 - (f) if a proposed development will result in a discharge of stormwater to a closed natural depression that has a water surface area greater than 500 m² at overflow elevation, the following requirements must be complied with for the purpose of an analysis contemplated in paragraph (c) :

- (i) the stormwater runoff hydrograph from a 100-year design storm event, of any duration from 24 hours to seven days from the pre-development catchment area draining to a closed depression contemplated in paragraph (c), must be routed into that depression using only infiltration as outflow from the depression;
 - (ii) if a portion of such closed depression is located off the development site concerned, the impact of stormwater on any adjacent property must be taken into account;
 - (iii) if overflow of such closed depression occurs, the closed depression must be analysed as a detention or infiltration pond, to determine whether the depression can safely cope with the expected quantity of stormwater;
 - (iv) no discharge from a closed depression may exceed the discharge rate from that depression immediately prior to the development, resulting from a 2, 10, 25 and 100-year design storm event of any duration from 0.25 hours to seven days and a control structure to regulate outflow from such depression, an emergency overflow spillway and an access road must be provided and other design criteria required in writing by the Agency must be complied with;
 - (v) if a closed depression will be maintained by the Council, a servitude in respect thereof must, subject to the provisions of section 43(1), be registered in favour of the Council to protect the Council's rights; and
 - (vi) if a development will create a stormwater runoff from the property concerned to a closed depression located off the development site, the volume of runoff discharged may not be increased beyond the effect of a 2, 10, 25 and 100-year design storm event of any duration from 0,25 hours to seven days;
- (g) any stormwater quantity control facility to be provided, must be designed to meet, as a minimum performance standard, the requirements of this section, unless –
- (i) stormwater from a development site will discharge to a Council stormwater system approved by an authorized official to receive stormwater from that site; or
 - (ii) stormwater from a development site discharges to a receiving body of water and it can be demonstrated by the developer, to the satisfaction of an authorised official, that stormwater quantity control is not warranted;
- (h) if the conditions downstream from a development site are determined by an authorised official to be exceptionally sensitive to potential stormwater discharges from that site compared to the situation immediately prior to the development, that official may, by notice in writing, require a factor of safety to be applied in respect of the total storage volume of any attenuation and detention facility and a reduction of the stormwater released from the site concerned;

- (i) no attenuation facility or open stormwater quantity control facility may be located –
 - (i) in a public road;
 - (ii) on any land zoned as public open space under an applicable town planning scheme, without written approval of the Council ;
 - (iii) in any floodplain below the 50-year floodline; or
 - (iv) in any wetland without approval of the Department of Water Affairs and Forestry;
 - (v) reasonable access to any stormwater facility to enable ease of maintenance, as determined by an authorised official, must be provided;
 - (vi) if conditions on a development site are appropriate for infiltration of stormwater and ground water quality on that site is protected, streambank erosion control must be implemented, utilizing infiltration to the fullest extent practicable; and
 - (vii)
 - (j) any quantity control facility contemplated in paragraph (g), must be selected, designed and maintained according to the manual, and may not be built within a vegetated buffer, except for a stormwater conveyance system approved in writing by an authorised official and subject to the provisions of the National Environmental Management Act, 1998 (Act No 107 of 1998).
- (2) The Agent may, if it considers that circumstances relating to stormwater management in respect of any development so requires, by notice in writing, require the developer concerned to comply with any additional requirement relating to control of the peak discharge or quantity of stormwater, specified in the notice.
- (3) No person may do anything which may interfere with the proper functioning and the ease of maintenance of any structure or facility contemplated in this section.

39 Combination of quality and quantity control facilities

- (1) Any quality control stormwater facility may be incorporated into the design of a stormwater quantity control facility if such combination will facilitate water quality control.

40 Quality control requirements

- (1) Subject to the provisions of subsection (2), the following requirements for stormwater quality control apply :
- (a) A best management practice concerning stormwater quality control must be utilised in respect of any stormwater facility relating to stormwater quality in respect of a development site, to the maximum extent practically possible;
 - (b) a stormwater facility for any treatment relating to the quality of stormwater must be of a size sufficient to hold and treat stormwater runoff from a 2-year recurrence interval design storm event of any duration;
 - (c) no structure relating to stormwater quality control may be built within a vegetated buffer, other than a conveyance system approved in writing by an authorised official;
 - (i) treatment of stormwater discharge must be provided by utilising a wetpond or biofiltration or both, based on a best management practice : Provided that another best management practice may be

utilised subject to the granting of a deviation or exemption from the provisions of the manual in terms of section 61;

- (ii) a wetpond is required for a development site on which an impervious surface greater than 2 ha for use by motor vehicles, will be created by the development from which stormwater will discharge –

(aa) directly to a municipal or private regional stormwater facility or closed depression without providing stormwater quantity control on the development site concerned ; or

(bb) directly or indirectly to a water course or wetland within 1 km downstream of the development site concerned;

- (d) all stormwater must, prior to its discharge to a stormwater facility based on an appropriate best management practice and designed to utilise infiltration, pass through a stormwater treatment facility designed to remove suspended solids; and
- (e) all stormwater from a development site on which heavy construction equipment is used, maintained or stored or on which any petroleum product is stored or transferred to such equipment or any vehicle, and from any vehicle washing bay, must be treated by an oil/water separator of a size effectively to prevent pollution of such stormwater.

- (2) The Agent may, if it considers that circumstances relating to stormwater quality control in respect of any development so require, or that the requirements of subsection (1) do not afford adequate protection for any water quality sensitive area on site or within the catchment area where the property concerned is situated, by notice in writing, require the developer concerned to comply with any additional requirement, relevant to such control, specified in that notice.

Part 2 :

Major and minor developments

41 Application

- (1) If a proposed development on any property constitutes a major or minor development, the requirements of this part apply in respect of the development site concerned.

42 Stormwater drainage facilities

- (1) An on-site stormwater drainage facility must be provided on every development site and must be of sufficient capacity to convey –
- (a) stormwater without flooding or otherwise damaging any existing or proposed structure;
- (b) any post-development peak stormwater runoff from a development site resulting from a 5-year recurrence interval design storm event, of any duration from 0.25 to 24 hours; and
- (c) any existing stormwater runoff upstream from a development site that will be conveyed through that site, taking potential development upstream from the site into account.

- (2) In estimating a peak stormwater runoff rate used in the design of a stormwater drainage facility contemplated in subsection (1), either the rational method as described in the manual, or a hydrograph method of analysis approved by the Agency in writing, must be used.
- (a) The selection method, and all parameters or variables used in estimation in terms of paragraph (a), must be stated and explained in a design report contemplated in section 37(3).
- (3) Any existing stormwater facility and any other conveyance facility up to 500 m downstream from a development site that falls within the downstream portion of an off-site stormwater drainage analysis, contemplated in section 12 must have sufficient capacity to convey, without flooding or otherwise damaging any existing or proposed structure, on or off site, a post-development peak stormwater discharge contemplated in subsection (1)(b).
- (a) Any pipe stormwater drainage system must have capacity to convey stormwater runoff from a 5-year recurrence interval design storm event of any duration and any such system that conveys stormwater on the surface of land must be capable of conveying the runoff from a 25-year recurrence interval design storm event of any duration.
- (4) No stormwater drainage facility utilising a closed conveyance structure such as pipes, may discharge directly onto the surface of a public road.

43 Servitudes

- (1) If the Council at any time decides to accept responsibility for the maintenance of any stormwater conveyance system, on any development site or property, the owner of that site or property must, prior to commencement of such maintenance, register a servitude acceptable to and in favour of the Council for the protection of the Council's rights of inspection and maintenance of and its right of access to such system.
- (2) Any stormwater facility that is to be maintained by the Council and any vehicular access to such facility must be located in a servitude contemplated in subsection (1), in favour of the Council, or located in any open space on Council property designated by the Agent in consultation with the Council.
- (3) Any conveyance pipe for stormwater that is to be maintained by the Council must be located within a servitude contemplated in subsection (1), and an access structure to such pipe must be positioned in a public road reserve so that it can be accessed for purposes of inspection, without entering the property on which such pipe is situated.

44 Wetlands

- (1) The following requirements must, in addition to the requirements of section 38, be complied with if stormwater from any development site discharges directly, or indirectly across any intervening property, into a wetland:
- (a) The quantity and velocity of any stormwater discharge must be controlled and treated to the extent that such discharge attains a quality in compliance with the requirements of the National Water Act, 1998, the National Environmental Management Act, 1998 and any other applicable law;
- (b) a stormwater discharge must maintain the frequency and flow of pre-development conditions, to the extent necessary to protect the characteristic functions of the wetland;

- (c) prior to discharging to a wetland, any alternative discharge location and any natural water storage infiltration opportunity outside the wetland, must be evaluated by a professional engineer and utilised for the stormwater discharge if reasonably practically possible;
- (2) A man-made wetland which is intended to mitigate for the loss of a natural wetland area may, subject to the provisions of paragraph (e), be designed and used to treat stormwater;
- (3) an authorised official may, after consideration of an evaluation in terms of subsection (1)(c) in writing allow a wetland, contemplated in subsection (2) to be constructed and utilised for the discharge of stormwater, provided it is –
 - (a) constructed in an area which is not designated as a wetland or wetland buffer under the National Environmental Management Act, 1998 or any other law; and
 - (b) utilised in an area where it will not detrimentally affect any such designated wetland or buffer;
- (4) if a wetland contemplated in subsection (3), is not maintained in accordance with the manual for a period of three years, its status as a wetland terminates; and
- (5) no stormwater facility relating to the discharge of stormwater to a wetland may be constructed within a naturally vegetated buffer, unless that facility has been approved in writing by an authorized official.
- (6) The Agency may, if it considers that in any particular case the provisions of subsections (1) to (5) do not afford adequate protection in respect of wetlands and buffers contemplated in that subsection, by notice in writing, require the developer concerned to comply with any additional requirement relevant to such wetland or buffer, specified in that notice.

45 Regional stormwater facilities

- (1) If the Council considers that the public would benefit by the establishment of a regional stormwater facility which would serve as an alternative to the construction of separate on-site stormwater drainage facilities on various properties, it may construct such facility to provide stormwater quantity and quality control for more than one development.
- (2) A regional stormwater facility must be located outside the 50-year floodline of any water course.
- (3) A developer of a property who agrees in writing to such property being served by a regional stormwater facility must prior to the time of issue of a permit in respect of such property, contribute a reasonable pro rata amount determined by an authorised official, based on the contribution to stormwater runoff from the development site or property concerned to the regional stormwater facility in relation to the total stormwater discharge to that facility, taking into account the cost of the land purchased for, and the design and construction of such facility to, the Council.
- (4) If a proposed regional stormwater facility is not in operation at the time of completion of a development on a property that is to be served by that facility, temporary stormwater quantity and quality control facilities must be constructed to the satisfaction of an authorised official.
- (5) Any temporary quantity and quality control facilities contemplated in subsection (4), must be subject to the terms and conditions of a written agreement on a form prescribed by the Council, entered into between the Council and the owners of the properties to be served by a regional stormwater facility established in terms of subsection (1).

46 Planning of catchment areas

- (1) A policy, adopted by the Council concerning the management of stormwater in any catchment area, must be used by the Agency to develop requirements for a catchment area for the control at source of stormwater, stormwater treatment and erosion control at any water course and requirements relating to any wetland or other water quality sensitive area.
- (2) The Council may for the purposes of subsection (1), on the basis of a policy contemplated in that subsection, by written notice served on a developer or owner of property, require him or her to comply with any requirement stipulated in that notice, in addition to any requirement of these By-laws.
- (3) Any requirement of a policy contemplated in subsection (1), may by notice in terms of subsection (2), be made applicable to the owner of a property on which a development was completed prior to date of commencement of these By-laws, if any stormwater facility or other measure to manage stormwater or to prevent pollution at the time of that development, did not comply with Part D – Urban Stormwater Management of the Guidelines for the Provision of Engineering Services in Residential Townships issued by the national Department of Community Development in 1983, commonly referred to as the Blue Book.

CHAPTER 6**OPERATION AND MAINTENANCE****47 Application**

- (1) The provisions of this Chapter apply in respect of any stormwater drainage facility in existence at the date of commencement of these By-laws and any such facility constructed after that date.

48 Duty to maintain stormwater facilities

- (1) Any owner of a property on which any stormwater drainage facility or other measure based on a best management practice has been constructed or provided, before or after the date of commencement of these By-laws, is responsible for the continual effective operation, maintenance and repair of such facility or measure, in accordance with the provisions of these By-laws and the manual.
- (2) The provisions of subsection (1) do not apply in respect of any property to the extent that the responsibility to maintain any stormwater drainage facility has been taken over by the Agent in terms of section 49 or 50.
- (3) An authorised official may, if he or she considers it appropriate, provide any owner of property contemplated in subsection (1), with a maintenance manual, setting out the duty of the owner to maintain as contemplated in subsection (1), and the steps to be taken by the owner to comply with that duty.

49 Acceptance by Agent of duty to maintain new stormwater facilities

- (1) The Council may in writing accept the responsibility for the maintenance of the stormwater drainage facilities on any property zoned residential 1, 2 or 3 under any applicable town planning scheme, in respect of which a permit had been issued in terms of section 7, or otherwise approved by the Council, subject to the following requirements:

- (a) At least 80 percent of the construction must have been completed on the development site concerned, unless this requirement is waived in writing by an authorised official;
- (b) every stormwater drainage facility must have been inspected and approved in writing by an authorised official and must have been in operation for at least one year to the satisfaction of such official;
- (c) every stormwater drainage facility reconstructed during the maintenance period contemplated in the contract of construction concerned, must have been approved by an authorised official;
- (d) every stormwater drainage facility, as designed and constructed, must conform to the provisions of these By-laws;
- (e) written proof of registration of any servitude required in terms of section 43 must have been furnished to the Council;
- (f) in respect of any stormwater drainage facility purpose-designed for a specific situation in respect of which requirements for maintenance are not specified in the manual, an operation and maintenance manual and a maintenance schedule prepared by a professional engineer, containing a description of the operation and maintenance procedures for every stormwater drainage facility concerned, must have been submitted to, and approved by, the Council; and
- (g) a complete and accurate set of record drawings capable of being reproduced, relating to every stormwater drainage facility concerned, must have been furnished to the Agency.

50 Agency acceptance of duty to maintain existing stormwater drainage Facilities

- (1) The Council may upon receipt of a written petition signed by at least fifty percent of the owners of properties in the area which is the subject of such petition, accept responsibility for the maintenance of the stormwater drainage facilities on any property in that area zoned residential 1, 2 or 3 under an applicable town planning scheme, which was in existence on the date of commencement of this By-law, subject to the following requirements :
 - (a) at least 80 percent of the construction must have been completed on the development site concerned;
 - (b) every stormwater drainage facility must have been inspected by an authorised official and found to be functioning as designed;
 - (c) every stormwater drainage facility must, in the opinion of an authorised official, have had at least one year of satisfactory operation and maintenance, unless this requirement is waived by that official in writing;
 - (d) written proof of registration of any servitude required in terms of section 43 must have been furnished by the petitioners contemplated in this section, to the Council and the Agency; and
 - (e) every stormwater drainage facility under consideration, must have been inspected for defects by an authorised official and the owner concerned or in the case of a sectional title development, the body corporate, must have satisfied an authorised official that any defect revealed by such inspection has been effectively remedied.

51 Inspections of privately maintained stormwater facilities

- (1) The Council must for the purpose of ensuring that stormwater facilities are being properly maintained, that stormwater quality control is not detrimentally affected and that pollution is curtailed, develop and adopt a maintenance manual applicable to all stormwater facilities which must be maintained by the owner of the property concerned.
- (2) A manual contemplated in subsection (1), must contain requirements relating to –
 - (a) the frequency of inspections;
 - (b) what has to be checked in carrying out an inspection; and
 - (c) what action needs to be taken to properly maintain stormwater facilities.
- (3) An authorised official may, if he or she is satisfied that any requirement of a manual contemplated in subsection (1), has not been complied with, by written notice served on the owner of the property concerned require such owner to take the steps specified in that notice within a period so specified.

52 Inspection schedule

- (1) The Agency must for the purpose of ensuring regular and effective inspection of stormwater facilities by an authorised official, adopt an inspection schedule in respect of stormwater facilities which are not maintained by it, dealing with the frequency and extent of inspections.
- (2) Any authorised official must comply with the requirements of the schedule adopted in terms of subsection(1).

CHAPTER 7**CRITICAL DRAINAGE AREAS****53 Additional requirements**

- (1) In order to mitigate or eliminate any potential stormwater –related impact on any critical drainage area, the Council may by notice in writing served on a developer or owner of property, require any stormwater drainage facility in excess of those required in terms of this By-law, to be provided by that developer or owner.
- (2) For the purposes of subsection (1), “critical drainage area” means –
 - (a) any area underlain by, or shown on a 1:50 000 scale geological map to be within 500 m of any dolomitic geology;
 - (b) land with a slope of 3 m horizontal to 1 m vertical or greater, as determined –
 - (i) from a topographic survey of the site prepared by a qualified land surveyor;
 - (ii) from a topographic map maintained by the Council, if other topographic survey information is not available;
 - (iii) from a contour map generated from a 25 m grid digital elevation data obtainable from the Chief Director : Surveys and Mapping appointed

in terms of section 2A of the Land Survey Act, 1997 (Act No 8 of 1997); or

- (iv) by an authorised official based on a field investigation of the area concerned;

(c) any geologic area hazardous to life or property, historically documented as an unstable slope in the records of the Council;

(d) land within 50 m of the high water mark of any body of water where fish spawn and which contains a rearing habitat for fish, reflected in the records of the Council;

(e) land designated a critical drainage area in a comprehensive stormwater drainage plan adopted by the Council;

(f) any refuse disposal site or land fill site of the Council;

(g) land which is a wetland for the purpose of any National or Provincial legislation or policy;

(h) land in respect of which requirements for the management of ground water or any aquifer as defined in the National Water Act, 1998, or sole source ground water aquifer exist under the National Environmental Management Act, 1998, or any other law;

(i) land which drains to a natural closed depression;

(j) land used for the protection of wildlife habitat and designated by the Council as a critical drainage area;

(k) land designated by or under any law as a conservation or protected area, a nature reserve or a protected environment; and

(l) land determined by the Council to have a high potential for stormwater drainage, and stormwater quality, problems, or to be sensitive to the effects of stormwater runoff.

(4) If, for the purpose of considering the applicability of subsection (2) to any land, a conflict is found to exist between a map and any other available source of information contemplated in that subsection, the decision as to whether or not land is a critical drainage area must be made by the Council.

(a) For the purposes of subsection 4, an authorised official may by written notice require a developer or owner of property to furnish him or her with a site inspection survey and any other topographic data specified in that notice.

CHAPTER 8

STORMWATER POLLUTION

54 Prohibition of pollution

(1) No person may –

- (a) discharge any substance other than unpolluted stormwater runoff and other unpolluted natural surface water runoff into a stormwater system or on to a public road or other area from which such substance will be conveyed to a stormwater system;
- (b) make or allow any connection to be made to a stormwater system which could result in the discharge to it of any pollutant; or
- (c) make any connection to a stormwater system from the interior of any building or other structure.

55 Maintenance of pollution control device

- (1) Any owner or user of an oil/water separator, wet pond, bio-filtration facility, erosion and sediment stormwater control facility, filtration system and any other device to control pollution of stormwater, must operate and maintain such device to ensure that the performance thereof meets the level of pollutant removal intended by the manufacturer, in accordance with the maintenance schedule for such device supplied by the manufacturer.

56 Exemptions

- (1) The following discharges are exempt from the provisions of section 54:
 - (a) Regulated effluent from any commercial or municipal facility if the discharge of such effluent is authorised in terms of the National Water Act, 1998 or any other law;
 - (b) any discharge resultant upon an act of God or natural occurrence not compounded by human negligence;
 - (c) any discharge from a properly operating on-site domestic sewage system approved by the Department of Water Affairs and Forestry and the Council; and
 - (d) any discharge from land on which agricultural chemicals and materials have been applied.

57 Test procedures

- (1) If for the purposes of this Chapter the quality of stormwater is tested, the test procedures specified in the South African Water Quality Guidelines, volumes 1 to 5 inclusive, issued by the Department of Water Affairs and Forestry in 1996, as amended or substituted from time to time, must be complied with.

58 Stormwater quality: not addressed

- (1) In any circumstances or conditions relating to stormwater quality which are not specifically addressed in Chapter 5 and this Chapter, the preferred method for selection, design, and implementation of any stormwater best management practice, must be in accordance with the manual.

CHAPTER 9**MISCELLANEOUS****59 Experimental best management practices**

- (1) If no appropriate best management practice which must be utilised for the purpose of complying with any relevant provision of these By-laws is contained in the manual, an experimental best management practice may be prepared by a developer and submitted to the Agency for approval.
- (2) An experimental best management practice approved in terms of subsection (1) may be utilised by the developer concerned.
- (3) The Council may, by notice in writing addressed to a developer contemplated in subsection (1), require the operation of an approved experimental best management practice to be monitored by that developer for a period specified in that notice, in order to ascertain the effectiveness of its operation with a view to the future use of such practice.
- (4) A developer must during the period specified in a notice in terms of subsection (3) submit a written report to the Council on the effectiveness of the operation of the experimental best management practice concerned at the intervals specified in that notice.

60 Deviations and exemptions from this By-law

- (1) The Council may, on written application by the owner or a developer of a property, permit a deviation, or grant an exemption, from any provision of this By-law concerning the requirements for stormwater facilities.
- (2) The Council may on receipt of an application in terms of subsection (1), by written notice, require the applicant to furnish the Council with any documentation and other information relevant to the application.
- (3) The Council must within a reasonable time grant an application received in terms of subsection (1), subject to any condition which it considers appropriate or refuse it, and the applicant must forthwith in writing be notified of the decision and be furnished with reasons for a refusal of an application.
- (4) In granting an application in terms of subsection (3), the Council must ensure that –
 - (a) the granting of the application will not produce a result which is contrary to the purpose of these By-laws as specified in section 2; and
 - (b) the granting of the application will meet the objectives of safety, function, appearance, environmental protection and maintainability based on sound engineering judgment.

61 Deviations and exemptions from the manual

- (1) An authorised official may on written application from an owner or developer of a property, in writing permit a deviation, or grant an exemption, from any requirement contained in the manual.
- (2) The provisions of sections 60(2) and (3), read with the necessary changes, apply to an application in terms of subsection (1).
- (3) In granting an application in terms of subsection (1) the authorized official concerned must ensure that –
 - (a) no contravention of any provision of this By-law will result;

- (b) no non-compliance with any provision of, or any condition relating to the development of the property concerned imposed in terms of, an applicable town planning scheme or any other law will result;
- (c) the granting of the application will not produce a result which is contrary to the purpose of this By-law as specified in section 2; and
- (d) the granting of the application will meet objectives of safety, function, appearance, environmental protection and maintainability based on sound engineering judgment.

62 Progress of work

- (1) Any work required or permitted to be done under these By-laws, must proceed in an expeditious manner and continuously to its completion :

Provided that an authorised official may on written application by an owner or developer of property, in writing grant authority that such work may be interrupted for a period specified in that notice.

- (2) Notwithstanding the provisions of subsection (1), work contemplated in that subsection may be interrupted due to inclement weather or an act of God or the need to co-ordinate such work with construction activities on the development site concerned.

63 Compliance notices

- (1) An authorised official who becomes aware that any provision of this By-law has been contravened or not complied with may, on a form prescribed by the Agency, issue a compliance notice to an owner, developer or other person who is in contravention of or has not complied with such provision .
- (2) A compliance notice issued in terms of subsection (1) must set out –
- (a) the provision which has been contravened or not complied with;
 - (b) details of the nature and extent of the contravention or noncompliance;
 - (c) any steps that are required to be taken to remedy the contravention or non-compliance and the period within which those steps must be taken; and
 - (d) the provisions of section 67 to the extent relevant to the contravention or non-compliance.
- (3) An authorised official who is satisfied that the person to whom a compliance notice was addressed has complied with the terms of that compliance notice, must issue a compliance certificate to that effect to that person on a form prescribed by the Council.
- (4) A compliance notice issued in terms of subsection (1) remains in force until an authorised official has issued a compliance certificate in respect of that notice, in terms of subsection (2).
- (5) If any person fails to comply with a compliance notice within the period contemplated in subsection (2)(c), the Council may, if in the opinion of an authorised official, such non-compliance may result in a danger to life or property, after having served a written notice of its intention on the person to whom the compliance notice was addressed, enter the property concerned, do any work that is necessary to prevent such danger and recover the cost thereof from that person.

64 Stop work orders

- (1) If an authorised official reasonably believes that there has been a contravention of or failure to comply with any provision of this Bylaw, he or she may by notice on a form prescribed by the Council, served on an owner or developer concerned, instruct that owner or developer, immediately to cease all site development activities on the property concerned, except for erosion and sedimentation control activities authorised in writing by such an official, until further notice.
- (2) A notice in terms of subsection (1) –
 - (a) must contain the particulars specified in section 63(2)(a) and (b); and
 - (b) may be issued in conjunction with a compliance order in terms of section 63(1).

65 Serving of notices

- (1) Any notice that is required to, or may, be served, delivered or given in terms of, or for the purposes of these By-laws, must be served in any of the following ways :
 - (a) By handing a copy of the notice at the person to whom it is addressed;
 - (b) by leaving a copy of the notice at the person's place of residence or business with any other person who is apparently at least 16 years old and in charge of the premises at the time;
 - (c) by faxing a copy of the notice to the person, if the person has in writing furnished a fax number to the Council or an authorized official;
 - (d) by handing a copy of the notice to any representative authorized in writing to accept service on behalf of the person concerned;
 - (e) if the person concerned has chosen an address or fax number for service, by leaving a copy of the notice at that address or by faxing it to that fax number;
 - (f) by sending a copy of the notice by prepaid registered or certified post to the last-known address of the person concerned, and, unless the contrary is proved, it is deemed that service was effected on the seventh day following the day on which the document was posted;
 - (g) if the person is a company or other body corporate, by serving a copy of the notice on an employee of the company or body corporate at its registered office or its place of business or, if there is no employee willing to accept service, by affixing a copy of the document to the main door of the office or place of business;
 - (h) if the person is a partnership, firm or voluntary association, by serving a copy of the notice on a person who at the time of service is apparently in charge of the premises and apparently at least 16 years of age, at the place of business of such association has no place of business, by serving a copy of the notice on a partner, the owner of the firm or the chairman or secretary of the managing or other controlling body of such association, as the case may be.

66 Inspections

- (1) In addition to any power of inspection which an authorised official may have in terms of this By-law, he or she may for any purpose relating to the implementation and enforcement of this By-

law, between 8:00 and 17:00, enter any property and carry out an inspection for the purposes of this By-law.

- (2) An authorised official must, before the commencement of, or during an inspection in terms of subsection (1) or other provision of this Bylaw, at the request of the owner or developer concerned or any other person involved with the development on the property concerned, produce written confirmation of his or her appointment as an authorized official empowered to carry out inspections for the purposes of this By-law.
- (3) An authorised official carrying out an inspection in terms of this Bylaw, must conduct himself or herself with strict regard to decency and orderliness and with due regard to any person's rights contained in the Bill of Rights set out in Chapter 2 of the Constitution of the Republic of South Africa, 1996.

67 Appeals

- (1) Any person whose rights are affected by a decision by an authorized official or any other employee of the Council, in terms of or for the purposes of this By-law, may appeal against that decision to the Council by lodging written notice of appeal to the Municipal Manager, within 21 days of the date on which he or she was notified of that decision.
- (2) The Council, or a committee appointed by the Council, must within 30 days of the lodging of an appeal in terms of subsection (1), commence consideration thereof and must within a reasonable time, take any decision in respect of the appeal which it considers appropriate.
- (3) The Municipal Manager referred to in subsection (1), must forthwith after a decision has been taken in terms of subsection (2), in writing notify the appellant thereof and furnish the applicant with reasons for the decision.

68 Offences and penalties

- (1) Any person who –
 - (a) contravenes or fails to comply with any provision of these Bylaws;
 - (b) refuses or fails to comply with any notice addressed to him or her in terms of or for the purposes of this By-law;
 - (c) refuses or fails to comply with the terms or conditions of any permit issued in terms of section 7;
 - (d) obstructs, hinders or interferes with an authorised official in the exercise of any power or the performance of any duty under this By-law;
 - (e) fails or refuses to furnish to an authorised official with any documentation or information required for the purposes of this By-law or furnishes a false or misleading document or false or misleading information;
 - (f) fails or refuses to comply with any instruction given for the purposes of this By-law ;
 - (g) pretends to be an authorised official , is guilty of an offence and –
 - (i) liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 36 months;
 - (ii) in the case of a continuing offence, to a further fine not exceeding R5 000, 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 served on him or her by the Council requiring the discontinuance of such offence.

69 Short title

(1) This By-law shall be called the Stormwater Management By-laws, 2014.

LOCAL AUTHORITY NOTICE 226**GOVAN MBEKI MUNICIPALITY**

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000, as amended), made the following Bylaw:

INFORMAL TRADING BYLAW**TABLE OF CONTENTS**

1. Definitions
2. Notices
3. General conduct of street traders on predetermined areas
4. Cleanliness
5. Obstruction of pedestrian
6. Obstruction of vehicle traffic
7. Trading restricted to specified hours in certain places
8. Trading restricted to specified goods or services in certain places
9. Trading restricted to demarcated stands or areas in certain places
10. Trading in stands or areas which have
11. Offences and Penalties

1. DEFINITIONS

(1) For the purpose of this by-law, unless the context indicates otherwise:

- "Authorized official"** means an official of the Council authorized to implement the provisions of the by-law and "officer" shall have a corresponding meaning;
- "Building"** means normal brick structures and includes informal structures such as "shanties or movable such as caravans";
- "foodstuff"** means any article or substance [except a drug as defined in the Drugs and Drugs Trafficking Act, (Act 140 of 1992)], ordinarily eaten or drunk by persons or purporting to be suitable, or manufactured or sold, for human consumption, and includes any part or ingredient of any such article or substance, or any substance used or intended or destined to be used as a part or ingredient of any such article or substance;
- "Garden or park"** means a garden or park to which the public has a right of access;
- "Goods"** means any transferable interest but excludes any living thing and hazardous substances;
- "litter"** means any waste materials and includes any container or other matter which has been discarded, abandoned or left behind by a person trading or his/her customers;
- Municipality"** means the Govan Mbeki Municipality;
- "Municipal Council"** means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
- "Municipal Manager"** means the person appointed by the Municipal Council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person -
- a) acting in such a position;
 - b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;
- "national monument"** means a building declared to be a national monument under the National Monuments Act, 1969 (Act No. 28 of 1969);
- "Nuisance"** means any action or behavior by anyone which constitutes a disturbance or causes discomfort to anyone;
- "Pavement"** means a sidewalk or that portion of a road reserved for the use of pedestrians;
- "Perishables"** means milk, meat, fish, fruit and vegetables as well as products which require special storage facilities;
- "Premier"** means the Premier of Mpumalanga Province or Member of the Executive Council who is charged with the responsibility of the administration of the Business Act (Act No. 2 of 1996);

"Prohibited area"	means any place declared or to be declared under subsection 6A(2) of the Act by resolution of the Council to be an area in which street trading may be prohibited;
"property"	means in relation to a person carrying on the business of street trading, means any article, receptacle, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he/she trades;
"Public building"	means a building occupied solely by the State or the Council or any organs or state;
"Public place"	means any square, park, recreation ground, sport ground, sanitary lane or open space which has- <ul style="list-style-type: none"> (a) in connection with any subdivision or layout of land into erven, lots of plots, been provided, reserved or set apart for use by the public or the owner or occupiers of such erven, lots of plots, whether or not it is shown on a general plan, plan of subdivision or diagram; (b) at any time been dedicated to the public; (c) Been used without interruption by the public. (d) at any time been declared or rendered such by a Council or other competent authority;
"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- <ul style="list-style-type: none"> (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;
"informal trader"	means a person that is mobile and sells goods for own profit whether such goods are the product of his/her own labour or not;
"Sell"	means alienation for value and includes supply to and also- <ul style="list-style-type: none"> (a) exchange or hire; (b) store, expose, offer or prepare for sale, and "sale" has a corresponding meaning;
"Services"	means and includes any advantage or gain for consideration or reward;
"The Act"	means the Business Act, 1996 (act No. 2 of 1996);
"Trade"	means the lawful sale of goods or services in a public road or public place, and "trading" has a corresponding meaning;
"Verge"	means a verge as defined in section 1 of the Road Traffic Act, 1989 (Act No. 29 of 1989), and any word or expression to which a meaning has been assigned in the Business Act, 1996 (Act No, 2 of 1996).

- (2) For the purpose of this by-law a single act of selling in a public place shall constitute trading.

2. RIGHT TO TRADE

Subject to the provisions of sections 3 and 4 and any other law, street trading is permitted except in so far as such trading is restricted or prohibited by sections 5 to 13 inclusive, provided further that no person who is not a South African resident shall be entitled to operate as a street trader unless he/she is in possession of a valid work permit authorizing such street trading.

3. GENERAL CONDUCT OF STREET TRADERS ON PRE-DETERMINED AREAS

A person shall -

- (a) not place his/her property on a verge or public place except for the purpose of commencing to trade;
- (b) ensure that his/her property does not cover an area of a public road, public place or pavement which is greater in extent than three square metres (3m²) unless written permission for a greater area is obtained from the Council ;
- (c) not trade on pavements narrower than 2,5m
- (d) not place or stack his/her property in such a manner that it constitutes a danger to any person or property or is likely to injure any person or damage property;
- (e) not erect any structure for the purpose of providing shelter or sleep overnight at the place of business without the prior written approval of the Council provided that where approval is given for a shelter to protect goods he/she shall not erect an unsightly structure from which to conduct business;
- (f) not obstruct access to a fire hydrant or area demarcated solely for the use of emergency vehicles and/or services;
- (g) on concluding business for the day, remove his/her property, except any permanent structure permitted by the Municipality , to a place which is not part 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/her property so as to permit the carrying out of any work in relation to a public road, place or any such service;
- (i) not attached any object or goods by any means to any building structure, pavement, tree, parking meter, lamp post, electricity pole, telephone booth, post box, traffic sign, fence, bench or any other street furniture in or on a public road or public place;
- (j) not make an open fire at a place of trading or in circumstances where it could harm a person or damage a building or vehicle;
- (k) not store his/her property in manhole or storm water drain, bus shelter, public toilet or tree;
- (l) not sell his/her goods in a street by constantly using megaphones, radios, loudspeakers, or constantly shouting or singing in a manner which shall constitute a nuisance or disturbance in the area;
- (m) not commence street trading unless he/she registers with the Municipality and pay such fees or costs for services reasonably required including the costs of leasing any trading space or structure provided by the Municipality

4. CLEANLINESS

(1) A Person trading shall-

- (a) keep his/her property and the area or site occupied by him/her for the purpose of such business in a clean and sanitary condition.
- (b) dispose of litter generated by his/her business in whatever receptacles provided therefor by the Municipality , including recycling and dumping sites, and not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;

- (c) ensure that on completion of business for the day the area or site occupied by him/her for the purpose of trade is free of litter.
- (d) take such precautions as may be necessary or prescribed by the Municipality to prevent the spilling onto a public road or public place of any fat, oil, grease or any hazardous substances in the course of conducting his/her business and prevent any smoke, fumes, odour or noise emanating from his/her activities from becoming a nuisance.

(2) The Municipality shall-

- (a) ensure that the site on which the informal traders are trading are cleaned and sanitized on a regular basis;
- (b) provide receptacles on the sites in order to facilitate the disposal of litter by the informal traders; and
- (c) ensure that the receptacles are emptied on a regular basis in order to facilitate clean trading sites.

5. OBSTRUCTION OF PEDESTRIANS

No person shall trade at a place where such trading-

- (a) obstructs access to or use of street facilities such as a bus passenger bench or shelter or queuing line, refuse disposal bin or other facility intended for the use of the general public;
- (b) obstructs the visibility of a display window, signboard or premises, if the person carrying on business in the premises concerned objects thereto;
- (c) obstructs access to a building in width, automatic bank teller machine, pedestrian crossing or motor vehicle;
- (d) leaves less than 1,5m in width of a sidewalk clear for pedestrian use, or in any manner substantially obstructs pedestrians in their use of a sidewalk.

6. OBSTRUCTION OF VEHICLE TRAFFIC

No person shall trade at a place where such trading-

- (a) cause an obstruction on a roadway;
- (b) limits access to parking or loading bays or other facilities for vehicular traffic;
- (c) obscures any road traffic sign or any marking, notice or sign displayed or made in terms of this or any other by-law; or
- (d) interferes in any way with any vehicle that may be parked alongside such place;
- (e) Obscures or impedes the view of any user of the road, any traffic sign or any other road user.

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 in Schedule A, compiled according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Act, outside the hours so specified in relation to each garden, park, 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;
- (b) in a restricted area, which is specified in Schedule B, compiled according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Act, other than the goods or services so specified in relation to each such garden, park, verge or area; or
- (c) on a verge contiguous to that part of a building in which business is being carried on by a person other than a department store or supermarket or other large supplier of many different lines of goods of the same nature as or of a similar nature to goods being sold by the first-mentioned person without the consent of the second-mentioned person.

9. TRADING RESTRICTED TO DEMARCATED STANDS OR AREAS 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 in Schedule C, compiled according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Act outside a stand or area set apart for trading purposes as contemplated in subsection 6A(3)(b) of the Act.

10. NO TRADING IN STANDS OR AREAS WHICH HAVE BEEN LET EXCEPT BY THE LESSEE

- (1) If the Municipality has let or otherwise allocated any stand or area set apart or otherwise established for informal trading purposes, as contemplated in subsection 6A (3) (c) of the Act, no person may trade in such area if he/she is not in possession of proof that he/she has hired such stand or area from the Council of that it has otherwise been allocated to him/her.

11. NO TRADING NEAR CERTAIN PUBLIC BUILDINGS, PLACES OF WORSHIP AND NATIONAL MONUMENTS

- (1) No person shall trade on a verge contiguous to any place of worship, national monument or public building which is specified in Schedule D, compiled according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Act, unless he/she obtains written consent from the Council, which consent shall not be unreasonably withheld.

12. NO TRADING IN PROHIBITED AREA

- (1) No person shall trade in any prohibited area, prohibited for that purpose by the Council.

13. TRADING NEAR RESIDENTIAL BUILDINGS

- (1) No person shall, outside an area specified in Schedule E, compiled according to the consultation process outlined in subsections 6A(a) to (j) of the Act, trade in that half of a public road contiguous to a building used exclusively for residential purpose if-
 - (a) the owner, person in control or occupier of any part of the building facing onto such road has objected thereto in writing; and
 - (b) The fact that such objection was made has been made known in writing to the first mentioned person by an authorized official.

14. SIGNS INDICATING RESTRICTIONS AND AREA

The Municipality may-

- (a) by resolution, after consultation with all interested parties, prescribed signs, markings or other devices indicating-
 - (i) specified hours, places, goods or services in respect of which informal trading is restricted;
 - (ii) the location or boundaries of a restricted area;
 - (iii) the boundaries of a stand or area set apart for the purpose of the carrying on of the business of informal trading.
 - (iv) the fact that any such stand or area has been let or otherwise allocated;
 - (v) any restrictions or prohibition against trading in terms of this by-law;
 - (vi) the location of boundaries of a prohibited area; and
- (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.

15. REMOVAL AND IMPOUNDMENT

- (1) An officer may remove and impound any goods, articles, receptacle, vehicle or structure-
 - (a) which he/she reasonable suspects is being used or has been used in or in connection with informal trading; and
 - (b) which he/she finds at a place where informal trading is restricted or prohibited in terms of sections 5 to 13 inclusive and which, in his/her opinion, constitutes an infringement of any such section; or
 - (c) which constitutes an infringement of subsection 3(d) hereof.
- (2) Any officer acting in terms of these provisions shall-
 - (a) except in the case of goods which have been left or abandoned, issue forthwith to the person carrying on the business of informal trader a detailed receipt for any property so removed and where the property will be impounded and the procedure for reclaiming such property; and
 - (b) forthwith deliver any such property to the Municipality.
- (3) Any property removed and impounded as contemplated by subsection 6A of the Act-
 - (a) may, in the case or perishable property, be sold or destroyed by the Municipality concerned within a reasonable time after the impoundment thereof, provided that such property shall subject to the provisions of 15 (4) hereunder, at any time prior to the disposal thereof, be returned to the owner on request and proof ownership by such owner to the Municipality concerned provided such perishables are still fit for human consumption;
 - (b) shall, subject to the provisions of 15(4) hereunder, in the case of property other than perishable property, be returned to the owner thereof on request and proof of ownership by such owner to the Municipality concerned within a period of one month of the date of impoundment?
- (4) The Municipality concerned shall be entitled to keep the property concerned until all reasonable expenses have been paid to it, failing which the property may be sold by public auction upon 14 days' notice being given to the owner or in the case of perishable goods either be sold or destroyed by Municipality
- (5) In case of a sale of impounded property by a Municipality, the proceeds of such shall be paid onto a special fund created by Municipality dedicated to the development of the informal sector.

16. OFFENCES

- (1) Any person who-

- (a) contravenes or fails to comply with any provision of this by-law;
- (b) ignores, disregards or disobeys any notice, sign or marking displayed or erected for purpose of this by-law;
- (c) contravenes or fails to comply with any approval or conditions granted or imposed in term this by-law;
- (d) fails to comply with a written instruction to move or remove his/her property;
- (e) deliberately furnishes false or misleading information to an officer or an employee of the Municipality ; or
- (f) threatens, resists, interferes with or obstructs an officer or employee of the Municipality the performance of his/her powers, duties or functions under this by-law; shall be guilty of an offence.

17. PENALTIES

- (1) Any person who is guilty of an offence in terms of this by-law shall on conviction be liable to a fine not exceeding R5 000 00 (five thousand rand) or to imprisonment for a period not exceeding three months.

18. RESPONSIBILITY OF PERSONS CARRYING ON BUSINESS

- (1) When an employee of a person conducting the business of informal trading does or omits to do anything which would be an offence in terms of this by-law for that person to do or omit to do, that person shall be deemed himself/herself to have done or omitted to do the act, unless he/she satisfies the court that-
 - (a) he/she neither connived at nor permitted the act or omission by the employee concerned;
 - (b) he/she 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 no circumstances fell within the scope of the authority or employment of the employer concerned, and the fact that the said person issued instructions whereby an act or omission that nature is prohibited shall not in itself be sufficient proof that he/she took all reasonable steps to prevent the act or omission.

19. RESPONSIBILITY OF EMPLOYEES

- (1) When a person carrying on the business of informal trading is by virtue of section 18 liable for an act of omission by an employee of that person, that employee shall also be liable as if he/she was the person carrying on the business concerned.

20. APPEALS

- (1) Any person who feels him/herself aggrieved by the decision of the Municipality may appeal against such decision to an appeal committee in accordance with the provisions set out herein.
- (2) Any person who feels him/herself aggrieved by a decision of the Municipality shall notify the Municipality of his/her intention to appeal the decision in writing within 10 days of having received notification of the Council's decision.

21. CONSTITUTION OF AN APPEAL COMMITTEE

- (1) The Member of Mayoral Committee responsible for Planning and Development shall be the Chairperson.
- (2) Representatives of the informal traders association and designated persons as members and alternate members of the Appeal Committee as appointed by Council.

- (3) The Appeal Committee shall consist of a maximum of 7(seven) members with at least 1(one) member from the relevant sector.
- (4) When the chairperson is unable to perform the function of Chairperson, the Deputy Chairperson shall perform the function of Chairperson.
- (5) If the Chairperson is of the opinion that a particular person is able to assist the Appeal Committee, he/she may co-opt that person for that purpose.
- (6) A person so co-opted shall not be entitled to vote at any meetings of the Committee.
- (7) The chairperson shall notify the aggrieved person of the date, time and place of the meeting of the Appeal Committee at which his/her presence is required within 10 days of receipt of one Notice of Appeal.
- (8) The aggrieved person who has received notice in terms of provision 21 (7) shall personally appear at the meeting or appoint a legal representative or any other person to appear on his/her behalf.
- (9) An authorized official or a legal representative may represent the Council concerned.

22. PROCEDURE AT APPEAL MEETINGS

- (1) The Chairperson shall determine the procedure of the meeting, provided-
 - (a) such procedures adhere to the *Audi alter am partum* principle; and
 - (b) All parties are advised seven days prior to the hearing and the procedures to be observed.
- (2) All members shall be present at the meeting of the Appeal Committee.
- (3) Any person present at the meeting may-
 - (a) be called upon by the Chairperson to give evidence;
 - (b) be called upon by the Chairperson to produce to the Committee any document or any other property which is in his/her possession or under his/her control; or
 - (c) Be questioned by the Committee on the matter before it.
- (4) The Appeal Committee shall review the decision of the Municipality and make a finding having regard to the following considerations;
 - (a) Whether the decision of the Municipality was fair and equitable in the circumstances;
 - (b) The effect of the decision on the ability to trade of the aggrieved person; and
 - (c) Whether alternative measures may be adopted to facilitate the continued business of the aggrieved person.
- (5) A decision of the Committee shall be taken by a majority of votes of the members present at the meeting and in the event of an equality of votes; the Chairperson shall have a casting vote in addition to his/her deliberative vote.
- (6) The Appeal Committee may after consideration by it of the evidence presented-
 - (a) refuse the appeal;
 - (b) uphold the appeal; or
 - (c) Take such other steps as it may think fit.
- (7) The Appeal Committee shall as soon as it is practicable-
 - (a) Notify the aggrieved person of its decision in writing; and
 - (b) Furnish the aggrieved person with written reasons for its decision.

23. REPEAL OF BY-LAWS

- (1) Any by-laws adopted by the Municipal Council or any Municipal Council of any Municipality now forming an administrative unit of the Municipality and relating to informal trading are hereby repealed.

24. SHORT TITLE

- (1) This by-law shall be called the Informal Trading By-law 2014.

SCHEDULE A**PLACES WITH RESTRICTED TRADING HOURS****PLACES****TRADING HOURS**

- A. Gardens and parks.
- B. Verges contiguous to the following: places of worship, national monuments and public buildings.
- C. Restricted areas:
(With number and date of notice of declaration thereof).

With regard to A, B and C above, the hours determined by Municipality after receiving specific applications.

SCHEDULE B

PLACES WHERE GOODS OR SERVICES ARE RESTRICTED

PLACES

PERMITTED GOODS OR SERVICES

A. Gardens and parks.

B. Verges contiguous to the following: places of worship, national monuments and

public buildings.

C. Restricted areas:
(With number and date of notice of declaration thereof).

A. Townships and portions of townships.

B. Public roads and portions of public roads.

LOCAL AUTHORITY NOTICE 227**GOVAN MBEKI MUNICIPALITY**

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, made the following Bylaw:

LIQUIFIED PETROLEUM BY-LAW**TABLE OF CONTENTS**

1. Purpose of the By-law
2. Definitions
3. Permit to keep liquefied gas
4. Application for permit
5. Plan for location to accompany application for permit
6. Quality stated on permit not to be exceeded
7. Fire extinguishers
8. General
9. Storage vessel at bulk deposit
10. Stores
11. Decanting
12. Conveyancing in road tank wagons
13. Conveyancing of liquefied petroleum gas in portable containers
14. Fire precautions
15. Warning notices
16. Carcases
17. Seizure and removal of liquefied gas
18. Forges, blowlamps and welding or other spark producing apparatus
19. Power to inspect and take samples
20. Accidents to be reported
21. Offences and Penalties
22. Application
23. Repeal of the By-Law
24. Short title

1. THE PURPOSE OF THIS BY-LAW

(1) The purpose of the Public Participation By-law is to provide for mechanisms for the maintenance of Liquefied Petroleum within the jurisdiction of Govan Mbeki Municipality.

2. DEFINITIONS

For the purpose of this by-law, unless the context indicates otherwise:

“approved”	means approved by the engineer;
“bulk depot”	means any premises used or intended to be used for the storage of liquefied petroleum gas, whence liquefied petroleum gas is to be broken down from bulk into portable containers or road tank wagons;
“carcase”	means any distribution system used for the handling of liquefied petroleum gas, together with any fittings pertaining thereto;
“consumer premises”	means any premises on which liquefied petroleum gas is consumed for approved domestic consumption; provided that the number of containers in which such gas is kept for this purpose shall not exceed six, subject to a total nett mass of 300kg; and provided further that a maximum of three containers may be linked together;
“container” or “cylinder”	means any vessel or bottle used for the storage of liquefied petroleum gas under pressure;
“decanting equipment”	means any equipment used for the purpose of decanting liquefied petroleum gas;
“keep”	in addition to its ordinary meaning also means “ to have in possession”;
“liquefied petroleum gas”	means any product which is comprised of or is a mixture of hydro-carbons and shall include propane, butane, butylene, ethane, ethylene, isopentane, normal pentane and methane;
"Municipality"	means the Govan Mbeki Municipality;
“Municipal Council”	means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
“Municipal Manager”	means the person appointed by the Municipal Council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person – <ul style="list-style-type: none"> a) acting in such a position b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;

“motor vehicle”	means any vehicle self-propelled, and includes a trailer;
“permit”	means a permit issued in terms of this by-law;
“person” or “occupier”	includes any individual, partnership, association or body, whether incorporate or not;
“road tank wagon”	also include a vehicle used for conveying liquefied petroleum gas in bulk for distribution and especially designed and constructed for this purpose;
“S.A.B.S. Specification” or “S.A.B.S. Code”	means the existing specification or code, as the case may be, as laid down by the South African Bureau of Standards, and any amendments thereto, and
“store”	means any building or structure or part thereof which is used or intended to be used for the storage of liquefied petroleum gas in portable containers but shall exclude consumer premises.

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

3. PERMIT TO KEEP LIQUIFIED GAS

- (1) No person shall store or keep liquefied petroleum gas on any premises, except consumer premises, unless such person has obtained a permit from the Municipality to do so; provided that this provision shall not apply to a person to whom a certificate of registration has been granted in terms of previous legislation in terms of which he/she is authorised to store or keep inflammable substances on such premises.

4. APPLICATION FOR PERMIT

- (1) Any person desiring to obtain a permit in terms of section 2 (1) (above) shall make application to the Municipality on the prescribed form and supply such information as the Municipality may require.
- (2) The prescribed fees as determined from time to time by Municipality are payable with the application.

5. PLAN FOR LOCATION TO ACCOMPANY APPLICATION FOR PERMIT

- (1) Every application for a permit shall be accompanied by a plan in triplicate, showing the location where the liquefied petroleum gas is to be kept, in relation to adjacent buildings, drains, basements, wells, manholes, door openings, windows, public thoroughfares, existing liquefied petroleum gas storage and other hazardous storage. Every plan shall be on a scale of 1:2 000 in respect of the site plan and 1:100 in respect of the building plan.

6. QUALITY STATED ON PERMIT NOT TO BE EXCEEDED

- (1) No quantity of liquefied petroleum gas shall be kept on any premises in respect of which a permit has been issued in excess of any quantity stated in such permit.

7. FIRE EXTINGUISHERS

- (1) There shall be fixed in a permanent position adjacent to any place where liquefied petroleum gas is kept, such number of approved fire extinguishers as may from time to time be required by the Council.
- (2) Such fire extinguishers shall be tested by an approved person at least once annually.
- (3) Immediately after a fire extinguisher has been used, it shall be recharged.

8. GENERAL

- (1) Liquefied petroleum gas shall only be kept in containers manufactured in accordance with the S.A.B.S. Specification 219.
- (2) No lights other than electric lights or approved lightning installations manufactured in accordance with S.A.B.S. Specification 549 shall be used where liquefied petroleum gas is kept.
- (3) No cylinder shall be used to store liquefied petroleum gas after the expiry of a period of five years reckoned from the date endorsed thereon by the manufacturer thereof, unless such cylinder be hydraulically tested by an approved person who certifies that such cylinder is fit for the storage of liquefied petroleum gas, and likewise no cylinder shall be used to store liquefied petroleum gas after the expiry of a period of five years reckoned from the date of the last test by an approved person referred to above, unless such cylinder again be tested by an approved person, who certifies that it is fit for such use.
- (4) No person shall smoke, light a match or bring a naked flame within 15 cm of any place wherein liquefied petroleum gas is kept, or within 15m of the fuel tank of a motor vehicle into which liquefied petroleum gas is being conveyed.
- (5) All containers or cylinders shall be labelled or marked with the words *Liquefied petroleum gas*.
- (6) No person shall keep any liquefied petroleum gas under any staircase or in any such position as is likely to create a fire hazard.
- (7) Any pipes connected to any container shall be coloured to an approved code.
- (8) No container or decanting equipment shall be installed in or under any portion of a public thoroughfare or public place.
- (9) No alterations, additions or repairs shall be made to any premises in respect of which a permit has been issued or carcass, unless the Council's permission thereto has first been obtained.

9. STORAGE VESSEL AT BULK DEPOTS

- (1) The construction, installation and initial testing of storage vessels at bulk depots shall be carried out in accordance with the S.A.B.S. Code of Practice 087, Part III, Section (3), and 089, Part I, Section 12.1 to 12.6 inclusive.
- (2) Filling ratios and volumes of storage in industrial vessels at bulk depots shall be in accordance with the S.A.B.S. Code of Practice 087, Part III, Section 4.
- (3) Storage vessels at bulk depots shall be located in accordance with the S.A.B.S. Code of Practice 087, Part III, Section 5.

- (4) The installation of storage vessels at bulk depots shall be in accordance with S.A.B.S. Code of Practice 087, Part III, Section 6.
- (5) The construction and location of vaporisers at bulk depots shall be in accordance with the S.A.B.S. Code of Practice 087, Part III, Section 7.
- (6) Container filling sheds, containers and filling of containers at bulk depots shall comply with the requirements of the S.A.B.S. Code of Practice 089, Part I, Section 12.7 and 12.8.
- (7) Precautions for hoses, static electricity and lightning shall be taken in accordance with the S.A.B.S. Code of Practice 089, Part I, Section 12.9 and 12.10.

10. STORES

Every store shall be constructed of the following materials and shall comply with the following requirements: -

- (1) All foundations shall be of approved concrete.
- (2) All external and internal walls shall be built of approved concrete, reinforced concrete, brick or stone of an approved thickness, regard being had to the situation and dimensions of the store.
- (3) All floors shall be of approved brick, concrete, cement, mortar, granolithic cobblestones, granite sets or other incombustible materials.
- (4) Adequate ventilation shall be provided to the open air at ceiling and floor levels by air bricks measuring 230mm by 150mm, the internal and external surfaces of which shall be covered by a closely-woven copper or bronze wire gauze with at least 28 meshes for every 25mm of its length. All gauze shall be held in position by metal strips, metal frames or cement.
- (5) The roofs shall be of approved incombustible materials.
- (6) The glass of all windows shall be of heat-resistant, wire-woven glass, reinforced with netting mesh.
- (7) Doors and windows shall be constructed of approved fire-resistant materials and all doors shall be so constructed that they can only open outwards and all windows shall be fixed in a closed position.
- (8) No lights other than approved electric lights or installations shall be used.
- (9) The store shall not communicate with any other building and shall only be entered directly from the open air, and no store shall abut any building unless the nearest point of any such store is at least 6 m away from any opening in such building.
- (10) All doors of any store shall be kept locked when not in use.
- (11) Only liquefied petroleum gas may be stored or kept in any store.

11. DECANTING

No person shall decant liquefied petroleum gas unless the following requirements are complied with:-

- (1) All decanting equipment shall be located at ground level in an area which is free from any combustible materials.
- (2) Any site where liquefied petroleum gas is decanted shall not be enclosed so as to impede the free movement of air at ground level but decanting equipment may be located under a small canopy or weather shelter which is fire-resistant and of such design that vented or escaped gas shall not collect under such canopy or weather shelter.
- (3) All decanting equipment shall be located at least –
 - (a) 15 m from any flame or source of ignition;
 - (b) 6 m from any opening to a basement;
 - (c) 5 m from any window which is capable of being opened;
 - (d) 3 m from any entrance to a public street, public place, open drain, manhole, well, air brick, ventilation system or any window which is not capable of being opened, and
 - (e) 6 m from any door which is the only door providing means of entrance or exit to or from any enclosed room or space, or otherwise at least 3 m from any other door.
- (4) No decanting equipment shall be located in any building or on any site which is accessible to the general public.
- (5) No decanting cylinder shall be mounted inverted.
- (6) Where a decanting cylinder exceeds a capacity of 20 kg the cylinder's valve protecting the cap must be firmly screwed on until such time as the cylinder is safely in the decanting position.
- (7) All sites where liquefied petroleum gas is decanted shall be supplied with at least one approved fire extinguisher.
- (8) Decanting of liquefied petroleum gas shall only be carried out under the direct supervision of an adequately trained person.
- (9) Liquefied petroleum gas shall not be decanted continuously for a period of more than two hours, unless a 30 minute break in decanting is observed to allow the accumulation of vented gas to dissipate.
- (10)
 - (a) The instructions of the manufacturer of cylinders of less than 20 kg capacity shall be carried out regarding the decanting thereof, and such instructions shall be displayed next to any decanting equipment which is decanting such a cylinder.
 - (b) The filling of such cylinders shall be carried out in accordance with the S.A.B.S. Code of Practice 091/1951.
 - (c) A label shall be affixed to such cylinder by the person filling it, at the time it is filled, warning the user thereof not to place the cylinder near any source of heat or flame.

12. CONVEYANCING IN ROAD TANK WAGONS

- (1) All road tank wagons shall be constructed in accordance with the S.A.B.S. Code of Practice 089, Part IV, Section 5 to 9 inclusive, and all liquefied petroleum gas therein shall be conveyed in accordance with the said Code of Practice.

- (2) Before any person may use a road tank wagon to convey liquefied petroleum gas he/she shall –
- (a) be in possession of a certificate of roadworthiness of fitness in respect of such motor vehicle;
 - (b) be in possession of a certificate by the Municipality stating that such motor vehicle complies with the provisions of this by-law, and
 - (c) ensure that all requirements of the Road Traffic Act, 1989, whenever applicable to the said motor vehicle, have been complied with.

13. CONVEYING OF LIQUEFIED PETROLEUM GAS IN PORTABLE CONTAINERS

All motor vehicles other than road tank wagons which are used to convey liquefied petroleum gas shall comply with the following requirements: -

- (a) Be provided with sides on the carrying space of the motor vehicle of at least 1 m height.
- (b) Be provided with an approved fire extinguisher.
- (c) Not carry more than 75% of the tare of such motor vehicle.
- (d) Have no containers conveyed which are not adequately secured.
- (e) Be provided with warning notices as laid down by the S.A.B.S Code of Practice 087, Part IV, Section 5.3.

14. FIRE PRECAUTIONS

- (1) All storage vessels at bulk depots shall be equipped with a water spray system fitted with approved no-clogging spray nozzles, which when in operation, must be capable of enveloping the entire storage vessel in water spray.

15. WARNING NOTICES

- (1) There shall be conspicuously exhibited on all premises in respect of which a permit has been issued, a notice in red letters of not less than 100mm high and in 25mm stroke lettering on a white background, with the words "*No smoking – No naked lights*" in both official languages and Such notice shall not be more than 3m above the ground and shall be maintained in a clear and legible condition.

16. CARCASSES

- (1) All carcasses shall be constructed and maintained in such a condition as to be reasonably safe from damage and to prevent any leakage of liquid or vapour there from.
- (2) All carcasses shall be manufactured, maintained and tested in accordance with the S.A.B.S. Code of Practice 087, Part I, Section 3,4,5,6 and 7.
- (3) No carcass shall be installed within 1 m of any opening, door, window, air brick or vent or within 2 m of any manhole, basement or storm water drain.

17. SEIZURE AND REMOVAL OF LIQUEFIED GAS

- (1) Where any duly authorised officer of the Municipality has reasonable cause to believe that any liquefied petroleum gas found by him/her is being kept or stored in contravention of

this by-law or any other law he/she may seize and retain the same and may require the occupier of the place in which it is seized to retain the liquefied petroleum gas either in that place or in any other place as will, in his/her opinion, least endanger the public safety and there retain it until arrangements to the satisfaction of the Municipality have been made for the disposal of storage of the liquefied petroleum gas.

18. FORGES, BLOWLAMPS AND WELDING OR OTHER SPARK PRODUCING APPARATUS

- (1) No forges, blowlamps or welding or other spark-producing apparatus shall be used in any place where liquefied petroleum gas is kept, or within such distance thereof as may be considered unsafe by the Municipality.

19. POWER TO INSPECT AND TAKE SAMPLES

- (1) Any duly authorised officer of the Municipality may at all reasonable hours and on producing, if demanded, either a copy of his/her authority certified by the Municipal Manager or some other sufficient evidence of his/her authority, enter and inspect –
- (a) any premises where liquefied petroleum gas is kept or is reasonably suspected of being kept, and
 - (b) any place (which for the purpose of this by-law includes any vehicle) in which any liquefied petroleum gas is or has been or is intended to be or is reasonably suspected to be stored or kept for the purpose of conveyance.
- (2) During such inspection such officer may make enquiries as to the observance of this by-law and may further require the occupier or person in charge for the time being –
- (a) to show him/her all liquefied petroleum gas containers, which for a time being are stored, kept or had on the premises or place and the storage tanks, installations, cases or vessels in which the same or any of them are kept or are likely to be kept, and
 - (b) to permit him/her, on tendering a receipt therefore, to take one cylinder of a lot for the purpose of sample, which the officer has reasonable cause to believe to contain liquefied petroleum gas, the keeping of which may be regulated by this by-law.
- (3) When a duly authorised officer of the Municipality has obtained any cylinders for the purpose of sample and intends same to be tested, he/she shall declare his/her intention to the occupier of the premises or other person present on his/her behalf and shall, if required, mark and seal the cylinder to the satisfaction of the occupier and retain same for the purpose of ascertaining if the liquefied petroleum gas or substance falls within any of the definitions prescribed in section 1.
- (4) Any person who resists or hinders such officer when such officer is entering or attempting to enter or is inspection or attempting to inspect such premises, or who refuses or fails without lawful excuse to comply with any lawful requirements of such officer in terms of this by-law or who refuses or fails without lawful excuse to give such officer such assistance as he/she may require for the purpose of this by-law or who obstructs or interferes with such officer in the carrying out of his/her powers and duties under this by-law or who aids, incites or encourages any person so to resist, hinder, obstruct or interfere with such officer, shall be guilty of an offence and liable to the penalties prescribed in section 20.

20. ACCIDENTS TO BE REPORTED

any liquefied petroleum gas and resulting in fire, explosion, personal injury or abnormal spillage or loss of any liquefied petroleum gas the occupier or owner of the premises or vehicle shall immediately report the occurrence to the Municipality.

21. PENALTIES

- (1) Any person who contravenes or fails to comply with any of the provisions of this by-law or who contravenes or fails to comply with the conditions subject to which any permit has been granted, or fails to comply with any lawful instruction even in terms of this by-law shall be guilty of an offence and liable, upon conviction, to a fine not exceeding R 5000.00 (five thousand rand) and or prison imprisonment of not exceeding six (6) months.

22. APPLICATION

- (1) The Municipality may by notice in the *Provincial Gazette*, determine that the provision of this By-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

23. REPEAL OF BYLAW

- (1) The By-laws relating to the Liquefied Petroleum for the Govan Mbeki Municipality, are hereby repealed and replaced by this Bylaw, which are to become effective on promulgation hereof.

24. SHORT TITLE

- (1) This Bylaw shall be called the Liquefied Petroleum By-Law 2014.

LOCAL AUTHORITY NOTICE 228**GOVAN MBEKI MUNICIPALITY**

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, , as amended, made the following By-law:

NUISANCE BY-LAW**TABLE OF CONTENTS**

1. Definitions
2. Disturbance of peace
3. Prior written approval of council
4. Offences against decency and morality
5. Offences against public health
6. Offences and Penalties
7. Application
8. Repeal
9. Short title

1. DEFINITIONS

(1) For the purpose of this By-law, unless the context otherwise indicates

- “Act”** means the National Building regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
- "building"** means the meaning attached to the word by the Act and dwelling shall have a corresponding meaning;
- "Environmental Health Officer"** means the Municipal Official appointed by the Municipality with authority delegated in terms of Section 59 of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000) to enforce this By-law and shall include any officer authorised by Council resolution to administer this By-law;
- "Municipality"** means the Govan Mbeki Municipality;
- “Municipal Council”** means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
- “Municipal Manager”** means the person appointed by the municipal council as the Municipal Manager of the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, Act No. 117 of 1998 and includes any person –
- a) acting in such a position;
 - b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;
- "Nuisance"** means any act or circumstance which is a public nuisance including but not limited to any:
- (a) activity, condition, premises or thing which, on account of effluent, smoke, vapours, gas, dust, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper hygiene, ventilation, lightning, design situation or any other cause or practice whatsoever, is dangerous to health or which is offensive;

(b) other hazard or condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, order, peace or health of residents of the Municipal area; or

(c) activity, condition or premises or thing which adversely affects the rights or reasonable comfort convenience or peace and quiet of any neighbourhood in the Municipal area; and

(d) private nuisance which effects persons within the Municipal area.

"Public Place"

shall mean and include all public streets and places, public conveyances and places of public entertainment or resort or open to public view and includes any area, owned by or vesting in the Municipality to which the public has access.

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

2. DISTURBANCE OF THE PEACE

- (1) No person shall disturb the public peace in any public place by making unseemly noises or by shouting, roaring, wrangling or quarrelling, or by collecting a crowd, or by fighting or challenging to fight, or by striking with or bandishing or using in a threatening manner any stick or other weapon, or by any other riotous, violent or unseemly behaviour, at any time of the day or night.

3. SUBJECT TO OBTAINING PRIOR WRITTEN APPROVAL OF THE COUNCIL

- (1) No person shall advertise any wares or services in any public place by means of any megaphone, loudspeakers or other similar device, or ringing of bells in such manner to constitute a public nuisance in the neighbourhood.
- (2) No person, being in or on any private premises, shall disrupt the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noise, shouting, quarrelling, wrangling or singing or the continuous playing of musical instruments, radios or the like or by the continuous or over-loud use of loudspeakers, or the like.
- (3) Any itinerant vocalist or musician performing in any public place shall, when so required by any protection officer or police officer or by any person residing in the neighbourhood where such vocalist or musician is performing, depart from such neighbourhood.
- (4) No person shall discharge fireworks or light any bonfire in any public space, without prior written permission of the Council.
- (5) No person shall, without lawful cause, discharge any firearm or air gun within the

Municipality, provided that this By-law shall not apply to any persons engaged in authorised target practice in places set aside for that purpose or to any person to whom written permission to do so has been given by the Council.

- (6) No person shall carry any knife, dagger or other dangerous weapon or any other lethal weapon in any public place, provided that this By-law shall not apply to the following:
- (a)
 - (i) Any person in the Military or Police service when on duty.
 - (ii) Any security officer or police officer.
 - (iii) Any person who shall have obtained from the police a written exemption from the operation of this By-law, which exemption the police are hereby authorised to grant.
 - (b) No persons armed with lethal weapons shall be permitted to congregate in any part of the Municipality for any purpose or in any manner liable or calculated to cause a breach of the peace.
- (7) No person shall, in any public place, use any abusive or threatening language or commit any act which is liable or calculated to cause a breach of the peace.

5. OFFENCES AGAINST DECENCY AND MORALITY

- (1) No person shall, in any public place, commit any indecent or immoral gesture or act or willfully and obscenely expose his person.
- (2) No person shall appear in any public place without being decently clothed.
- (3) No person shall be or appear in any public place in a state of intoxication.
- (4) No person shall write, print, or draw any obscene or indecent words or figures in any public place or upon any wall, door, window or other part of premises in or within sight of any public place, nor use any foul, obscene or indecent language in any public place within the hearing of any person therein.
- (5) No person shall litter upon any street or footpath, which might in any way endanger the safety of pedestrians, or pollute the environment.
- (6) No person shall allow any goods or other articles, whether they be his own property or in his charge or custody, to be or remain in or on any street or footpath so as to cause obstruction or inconvenience to the passage of any person for a longer time than may be necessary for loading and unloading, and in no case after receipt of a notice requiring him to remove same given by any security officer, police officer or authorised official.
- (7) No person shall, for trading or any other purpose, place any goods, wares or articles on any stand or support on or overhanging or protruding over any pavement or street, nor place such goods, wares or articles upon any pavement, nor place, fix or hang such goods, wares or articles upon any verandah post, stays or ceiling on or over any public footpath or street.
- (8) No person shall carry on or take part in any trade or calling nor open, unpack or pack any cases, furniture, goods, materials or merchandise in any street.
- (9) No person shall place any flower pot or box or other heavy article in any window

or upon any window sill in any building abutting on any street or pavement unless proper precautions are taken to prevent such flower pot box or other heavy article from being blown or falling into or on to such street or pavement.

- (10) No person shall hold any auction sale in any street or in or from any doorway, window or other opening of any premises abutting on any street without the written consent of the Municipality and then only subject to such conditions as may be imposed in such consent.
- (11) No person shall place or deposit any slops, trimmings of hedges, fences or trees or any garden or other refuse or waste material of any kind on any street or pavement unless same is placed in approved boxes or receptacles for the purpose of removal by the Municipality's employees or contractors.
- (12) (a) No person, other than a person appointed for the purpose by a registered welfare organisation which has been authorised by the Municipality to cause a collection of money to be taken or to hold a cake sale on its behalf in any public place, shall collect or attempt to collect money or hold such cake sale in any public place.
- (b) Every welfare organisation desiring to obtain the authority of the Council for any such collection or cake sale on his behalf shall, make a written application to the Municipality therefor, and shall, if required by the Municipality, forward the following documents:
- (i) A certificate of registration.
- (ii) A copy of its balance sheet for the preceding financial year.
- (c) The Council upon receipt of any such application may either grant the application or refuse it. If granted, the authority shall be subject to such conditions as the Council may prescribe.
- (13) (a) No person, being the owner or occupier of any premises abutting on any street or footpath shall permit any tree, branch or shrub growing on such premises to overhang or extend onto such street or footpath in such manner as to cause an obstruction or discomfort to the public, or to come into contact, or to be likely to come into contact with any wire, pole or public work in or over such street or footpath, nor permit the roots of any such tree or shrub to grow to such an extent that they cause or are likely to cause, any damage to the surface of any footpath or street or to any drain, sewer, water main, underground cable or pipe laid in or under the surface of such footpath or street.
- (b) The owner or occupier of any such premises shall upon receipt of a notice signed by the Municipal Manager requiring him to cut down or back or remove any such tree or shrub or the roots thereof within a time specified; and if such owner or occupier shall fail to comply with such notice within such time specified therein the Council may cause such tree or shrub or the roots thereof to be cut down or back or removed, and may recover the cost of executing such work from such owner or occupier.

6. OFFENCES AGAINST PUBLIC HEALTH

- (1) No person shall keep or deposit on any premises owned or occupied by him, or of which he is in charge, any matter or thing, solid or liquid, which is or is liable to become offensive or dangerous or injurious to health.
- (2) No person shall:-
- (a) throw, deposit or drop or cause or suffer to flow any solid waste or waste water or rubbish whether liquid or solid, in or onto any street, highway, lane or other public place, or in or onto any vacant land, whether publicly or privately owned, or in or into any river, stream or watercourse;
 - (b) leave any hay, paper, straw, forage, reeds or any such like materials in or on any such street, highway, lane or other public place, or in or into any such river, stream or watercourse;
 - (c) allow any such materials as are described in (a) and (b) above to obstruct any gutter, drain or watercourse;
 - (d) throw, deposit or drop or cause to be thrown, deposited or dropped any litter, handbills, placards, notices, pamphlets or books in or onto any street, highway, lane or other public place, or in or onto any vacant land, whether publicly or privately owned, or in or into any river, stream or watercourse, or allow any such materials as aforesaid to obstruct any gutter, drain or watercourse; provided always that this By-law shall prevent any person handing or distributing any handbills or other things aforesaid to persons in any street, highway, lane or public place;
 - (e) carry on convey or cause or permit to be carried or conveyed through or in any public place or through or in any vacant land, whether publicly or privately owned, any matter or thing, liquid or solid, which is or is liable to become offensive or dangerous or injurious to public health unless such matter or thing is carried or conveyed in receptacles closed and covered with a lid or other material approved by the Environmental Health Officer or the health to prevent the cause of any nuisance;
 - (f) No person shall permit the carcass of any animal, being his property or of which he is in charge, and which has died on his premises or elsewhere in the Municipality, to remain on his premises for a longer period than is necessary to arrange for the removal of the carcass in an approved manner without causing a health nuisance;
 - (g) No person shall cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, earth closet, privy, urinal, cesspool or ash pit on any land or premises owned or occupied by him or of which he is in charge to be or become so foul or in such a state or to be so situated or constructed as to be offensive or to be dangerous or injurious to health;
 - (h) No person shall cause or permit any foul or polluted water or any foul liquid or matter to run or flow from any premises owned or occupied by him, whether occupied for trade, business, manufacturing, dwelling or

any other purposes, into any street or on to any land so as to be offensive or dangerous or injurious to public health;

- (i) No person shall commit or cause or permit to be committed, either within or without the Municipality, any act tending to the pollution of any water which the inhabitants of the Municipality have the right to use or provided or reserved for the use of such inhabitants;
- (j) No person shall cleanse or wash any vehicle or any offensive article or utensil in any street;
- (k) No person shall commit a nuisance, by depositing human excrement or urine, in any place which is not set aside or appointed for the purpose.
- (l) No person shall spit in any public place.
- (m) No person shall foul or misuse any public convenience or any convenience provided in any public building or place of public entertainment.
- (n) Every person, who is the occupier or in charge of any premises or the owner of any vacant land in the Municipality shall take all possible precaution to prevent conditions favouring 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 a notice signed by the Environmental Health Officer and served upon him, comply with any requirements in regard to the prevention or eradication of any such vermin or pest within a time to be specified in such notice.
- (o) No person shall permit any noxious or rank weeds or invader or alien vegetation to grow upon any premises or vacant land owned or occupied by him, and any person shall, when served with a notice signed by the Municipal Manager requiring him to do, destroy or cut down and remove or cause to be removed any such noxious or rank weeds or invader or alien vegetation within a time to be stated in such notice.
- (p) No person shall burn any rubbish or refuse on any premises in the Municipality or create any offensive smells or any smoke nuisance thereon.
- (q) Any person who burns sugar cane as part of harvesting shall comply with the provisions of the burning requirements of the Forestry Act 1984 and the Code of Burning practice of the South African Sugar Association as issued for the South African sugar industry from time to time.
- (r) No person shall make any fire which causes a nuisance due to the omission of smoke in the jurisdiction of the Municipality unless such fire is intended to be used for the preparation of food. In all other areas within the Municipal area of jurisdiction fires may only be lit if:

- (i) it remains attended at all times;
 - (ii) it does not pose a danger to any property or traffic;
 - (iii) it does not cause a nuisance to anyone.
- (s) No person, being the owner or occupier of any vacant land or of any premises within the Municipality, whether such premises or land are fenced or not, shall deposit or store within the public view thereon any disused vehicles or machinery or parts thereof or any second-hand building materials or any rubbish or refuse or any other like thing unless he shall have obtained the written consent of the Municipality.

7. OFFENCES AND PENALTIES

Any person who:

- (1) contravenes or fails to comply with any provision of this By-law or of any term, condition, restriction, requirement notice or order imposed or issued in terms thereof;
- (2) resists, hinders, obstructs, molests, or interferes with any officer or employee of the Municipality in the performance of his duties or the exercise of his powers under this By-law; or
- (3) causes or permits any other person to commit any of the aforesaid acts -

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand (R 5000.00) rand, or in default of payment of any fine imposed, imprisonment for a person not exceeding six months.

8. APPLICATION

(1) The Municipal Council may by notice in the *Provincial Gazette*, determine that the provision of this By-law do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

10. REPEAL

- (1) Any by-law adopted by the Municipal Council or the Municipal Council of any municipality now forming an administrative unit of the Govan Mbeki Municipality and relating to Nuisance are hereby repealed.

11. SHORT TITLE

- (1) This By-law shall be called the Nuisance By-law 2014.

LOCAL AUTHORITY NOTICE 229**GOVAN MBEKI MUNICIPALITY**

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000, as amended), made the following By-law:

PARKS AND OPEN SPACS BY-LAW**TABLE OF CONTENTS**

1. Definitions
2. Control of Parks
3. Entrance to parks
4. Personal behaviour
5. Damage
6. Entertainment
7. Animals
8. Vehicles
9. Trading
10. Meeting and ochestral performances
11. Camping
12. Lake and Dam waters
13. Angling
14. Closing of parks to the public
15. Offences and Penalties
16. Repeal
17. Short title

1. DEFINITIONS

(1) For the purpose of this By-law, unless the context otherwise indicates –

“authorised official”	means an official of the Municipality who is authorised to do, or to cause to be done any act or function in terms of these By-laws;
“lake/dam” stream or river;	means body of water impounded on a
“mini-bus”	means a motor vehicle designed or adapted, solely or principally, for the conveyance of more than nine (9) persons, but not more than sixteen (16) (including the driver);
“municipality”	means Govan Mbeki Municipality
“municipal manager”	means the person appointed by the municipal council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person – a) acting in such a position; b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;
“municipal council”	means the Council of the Municipality as referred to in section 157 of the Constitution Act, Act No.108 of 1996:
“notice”	means an official notice drawn up by the Municipality and displayed by order of the Council at entrances to or at conspicuous places in or on a park and to which the Municipality shall make known provisions and directives by it in terms of a By-law;
“park”	means parks, open spaces, pleasure resorts, recreation areas, gardens, squares, reserves and bird sanctuaries within the Municipality and being held by the Municipality, and includes all buildings, grounds and spaces situated in such areas;
“passenger bus”	means a motor vehicle designed or adapted for the conveyance of more than sixteen (16) persons (including the driver);

- “public holidays”** means all public holidays, declared as public holidays by the Republic of South Africa
- “refundable deposit”** means the deposit mentioned in the tariff, determined by the Municipality from time to time and which shall be refunded, on demand, provided, that no damage has been caused to any facility of the Municipality, its environment or the recreation grounds during the period within which the facilities, environment, or recreation grounds are used;
- “swim”** means the entering into the water for the purpose of swimming, or to windsurf or participate in other similar water activity or the accidental contact with the water while participating in such water sport;
- “motor cycle”** means a motor vehicle which has two (2) wheels and includes any such vehicle having a side-car attached;
- “motor quadracycle”** means a motor vehicle other than a tractor, which has four (4) wheels and which is designed to be driven by the type of controls usually fitted to a motor cycle;
- “motor tricycle”** means a motor vehicle, other than a motor cycle or tractor which has three (3) wheels and which is designed to be driven by the type of controls usually fitted to a motor cycle;
- “motor vehicle”** means any self-propelled vehicle and includes –
- (a) a trailer; and
 - (b) a vehicle having pedals and an engine or an electric motor and an internal part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include –
 - (i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
 - (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed and not merely adapted for the use of any person suffering from some physical defect or disability and used solely by such person.
- (2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. CONTROL OF PARKS

- (1) All land laid out or which may hereinafter be laid out or proclaimed as public parks, within the Municipality shall, be maintained and used solely for the purpose for which it was laid out or otherwise reserved.

3. ENTRANCE TO A PARK

- (1) No person shall be present in a park outside the hours indicated on a notice at or within the vicinity of the park.
- (1) No person shall enter or leave a park except through the gates provided for that purpose.
- (2) No person shall on any day on which an entrance fee is charged enter the park unless he has paid the entrance fees determined by the Municipality from time to time.
- (3) Any person being present in the park shall on the request of an authorised official produce proof of payment of the entrance fee if such entrance fee applies.
- (4) The Municipality may suspend the payment of entrance fees on any specific day whereon a public function is being held.
- (5) The Municipality may suspend the payment of an entrance fee on any specific day or days as it may deem fit.

4. PERSONAL BEHAVIOUR

- (1) In keeping with Chapter 2 of the Bill of Rights of the Constitution of the Republic of South Africa, 1996, no person shall -
 - (a) fire any fire-arm or pellet gun, discharge any firework, catapult or sling, throw any stone, stick or other missile, use any squirt, syringe or other instrument, or do anything which may endanger or be deemed a nuisance, objectionable or an annoyance to the public;
 - (b) brawl, fight, use profane, indecent or improper language, be intoxicated, bet, gamble, beg, lie on any seat or behave in an indecent or offensive manner, or commit any nuisance or stay in a park overnight;
 - (c) use, intrude upon or attempt to intrude upon any water closet, urinal or other place of convenience provided for the opposite sex;
 - (d) deliver, utter or read aloud any public speech, prayer, book or address of any kind, or sing any song or hold or take part in any public meeting or assemblage, except with the prior written consent of the Municipality;
 - (e) contrary to a prohibitory notice, prohibiting smoking exhibited on a conspicuous place at or near the entrance of any place or building on a square or other open space, park or other enclosed space, smoke in such place or building;
 - (f) obstruct, disturb, interrupt or annoy any person in the proper use of any park;
 - (g) refuse to leave any park or any other enclosed space at, or after the time of closing the gates, when requested to do so by any authorised officer of

the Municipality, or unlawfully remain therein after the gates or fences or railings have been closed, or enter or leave other than through one of the authorised means of ingress or egress;

- (h) refuse to give his or her name and address when asked to do so by a duly authorised officer of the Municipality during his or her presence in a park;
- (i) make a nuisance of himself by the consumption of alcohol or other intoxicating substance to any other users of a park.

5. DAMAGE

- (1) No person shall –
 - (a) remove, mark, damage any fountain, statue, monument, bust, post, chain, railing, fence, seat barrier, gate lamp post, notice board or plate, watch box, house, building, shed, urinal, water closet, flag or other matter or thing, or deface or disfigure the same by pasting or affixing in any way any bills, placard or notice, or by cutting, writing, stamping, printing, drawing, or marking thereon;
 - (b) cut, remove, dig up, fell, burn, pluck, break, climb up or upon or cause damage to timber or to any tree, shrub, brushwood, fencing post, pole, fern, turf, grass, fruit, flower or plant;
 - (c) take, dig, cut, break, damage or remove any gravel, sand, sod, clay, mould, soil, water or other substance;
 - (d) light any fire, except at braai facilities, or burn or do any act, which may cause any timber, brushwood, plant, paper, rubbish or other substance to burn;
 - (e) go into, or attempt to go into any enclosed place, plantation or garden or any temporary enclosure, or walk on any flowerbed or any grass plots, on which walking may be prohibited;
 - (f) commit any encroachment or make or attempt to make any encroachment;
 - (g) erect or place any post, railing, fence, pole, peg, spike, tent, booth, screen, stand, swing or other building, erection or obstruction of any kind whatsoever without the consent of the Municipality in writing;
 - (h) deposit or leave any refuse, rubbish, paper, dead or other matter or thing in the park, other than in the place provided for such matter;
 - (i) wash clothes or other things in any pond, fountain or ornamental water feature, stream, river or otherwise pollute any water therein;
 - (j) bathe in any pond, fountain, lake, stream, river or ornamental water feature.

6. ENTERTAINMENT

- (1) No person shall -

- (a) sell or offer or expose for sale or hire any commodity or article or distribute any pamphlet, book, handbill, or other printed or written matter without prior written consent of the Municipality;
- (b) play or make preparations to play cricket, football, or any other game, except on the allocated places and at the time set apart for such games by the Municipality;
- (c) use the entertainment apparatus such as swings, round-a-bouts, seesaws, slides or any other apparatus in a park, which has been supplied for the entertainment of children if he or she is over the age of sixteen (16) years;
- (d) play or make sounds on any musical instrument, except with the prior written consent of the Municipality.

7. ANIMALS

- (1) No person shall –
 - (a) take any dog into or have any dog or other animal in any park or other enclosed public place in contravention of a notice exhibited in such park, or other enclosed public place;
 - (b) bathe or wash any dog or other animal, or allow any dog or other animal to be in any pond, fountain, stream or river or ornamental water feature;
 - (c) catch or snare birds or lay or place any net, snare or trap for the catching of birds without a permit and the written consent of the Municipality;
 - (d) take birds' eggs or nests, or shoot or chase or attempt to shoot any bird or animal, or throw any stone or stick or other missile, with intent to injure or catch any bird or animal, or in any way interfere with any fish, water-fowl or other animal;
 - (e) bring into a park or ride in a park on a horse, mule, donkey or any other farm animal except with prior written permission of the Municipality which written permission shall be produced on request by any authorised official.
- (2) In any park where dogs are allowed, such dogs should be kept on leashes.
- (3) The owner of a dog or other animal or the person who has a dog or other animal in his custody or under his supervision shall take care that such a dog or other animal does not attack or terrify any person, animal or bird in a park without reasonable cause.
- (4) Except in the event of a blind person being led by a guide dog, any person in charge of a dog in a park, shall remove any faeces left by such dog.
- (5) The Municipality may impound any dog or other animal found wandering at large and uncontrolled in a park.

8. VEHICLES

- (1) No person shall –
 - (a) drive, draw or propel any cycle, or vehicle other than a wheeled chair, or a perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or invalid, in any park, except in the places and at the times which shall be defined by the Municipality's By-laws or by notices affixed or set up at or near the entrance to any such park;
 - (b) drive any motor cycle, motor quadracycle, motor tricycle or motor vehicle, that may be set aside by notice at a specific rate;
 - (c) draw, propel, stand or place any wheeled motor vehicle, motor cycle or cycle or any machine whatsoever upon any part of a flower-bed or lawn;
 - (d) use any part of any park for the cleaning of any motor cycle, motor quadracycle, motor tricycle or motor vehicle, clothes or other articles;
 - (e) carry out repairs or maintenance to any motor vehicle in a park or other area;
 - (f) park a motor vehicle or motor cycle, motor quadracycle or motor tricycle in a park at any other place than at the parking areas specially set aside for motor vehicles;
 - (g) drive any motor cycle, motor Quadra cycle, motor tricycle or motor vehicle, in a park while he is under the influence of alcohol or any other drug.
- (2) The Municipality reserves the right to permanently or temporarily close any road or walkway in a park.

9. TRADING

- (1) No refreshments or drinks shall be hawked or offered for sale in a park except in the rooms, buildings and places assigned by the Council and by persons or bodies properly authorised thereto by the Council.
- (2) No peddler or street vendor shall be allowed to trade in a park without prior written permission from the Council.
- (3) No person shall beg in a park.
- (4) No person shall gamble, participate or present gambling or games of chance in a park.

10. MEETINGS AND ORCHESTRAL PERFORMANCES

- (1) No person shall –
 - (a) present or participate in an orchestral performance in a park without the written permission of the Municipality and on such conditions as it may determine;

- (b) present or participate in a sermon, lecture, public discussion or a meeting without the written permission of the Municipality.

11. CAMPING

- (1) No person shall camp in a park or erect any structure without the permission of the Municipality in terms of its tariffs.

12. LAKE AND DAM WATERS

- (1) No person shall –
 - (a) swim in a lake, dam, stream or river except with the permission of the Municipality on special occasions, nor shall he wash himself, his clothes or any other item in a lake, dam, stream or river;
 - (b) launch a boat, canoe, raft or any other floating object, irrespective of its propulsion mechanism, onto a lake or dam except from those sections of a lake shore specifically set apart by the Municipality for that purpose in consultation with existing aquatic clubs;
- (2) The use of a lake or dam surface shall be subject to such conditions as the Municipality or the bodies to whom the Municipality relinquished the control determines.

13. ANGLING

- (1) No person shall –
 - (a) angle without a legal permit to angle;
 - (a) angle in a lake or dam except from such portions of the lake shore that the Municipality from time to time specifically sets aside for the purpose;
 - (b) angle in a lake or dam before or after times specified by the Municipality.
- (2) The Municipality reserves the right to temporarily close the angling areas or any part thereof at its own discretion.
- (3) The Municipality reserves the right to delegate the control of angling to a third party at its discretion.

14. CLOSING OF PARKS TO THE PUBLIC

- (1) The Municipality reserves the right to close a park or part thereof or to limit the use thereof to a particular group or organisation temporarily or permanently.
- (2) The Municipality shall, by notices posted at or near the entrance gates, indicate the hours during which any park or enclosed space is closed to the public and may, for any special purpose close any park or closed space, or any part thereof, or any building therein, to the public for such time as it may from time to time consider necessary or expedient.

- (3) The Municipality shall be entitled to limit the number of visitors to a park or any portion thereof.

15. PENALTIES

- (1) A person contravening a provision of this By-law shall be guilty of an offence and be punishable on conviction by imprisonment for a period not exceeding six (6) months, or to a fine not exceeding Two Thousand Rand (R2 000.00), or to both such fine and imprisonment, and in the case of continuing offences, be liable to such fine and imprisonment for each such offence, or to both such fine and imprisonment.
- (2) In addition to the fines mentioned in subsection (1), a person convicted of a contravention of this By-law must compensate the Municipality for any loss or damage it may have incurred as a result of the contravention. The Municipality may institute a claim in the appropriate court for the amount of such loss or damage.
- (3) The Municipality may refuse entrance to a park to a person who repeatedly contravened this By-law in which case the authorised official may forthwith remove such a person found in a park from the park notwithstanding the provisions of subsection (2).

16. APPLICATION

- (1) The Municipality may by notice in the *Provincial Gazette*, determine that the provision of this By-law do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

17. REPEAL

- (1) The By-law relating to the Regulation of Parks and Open Spaces for the Govan Mbeki Municipality or its successor in title, are hereby repealed and replaced by this By-law, which are to become effective on promulgation hereof.

18. SHORT TITLE

- (1) This By-law shall be called the Parks and Open Spaces By-law 2014.

LOCAL AUTHORITY NOTICE 230**GOVAN MBEKI MUNICIPALITY**

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000, as amended), made the following By-law:

PRIVATELY OWNED SWIMMING POOLS BY-LAW**TABLE OF CONTENTS**

1. Definitions
2. Registration and application for permit
3. Protective safety barrier
4. Gates
5. Alarm devices
6. Existing privately owned swimming pools
7. Notices
8. Offences and Penalties
9. Repeal of By-law
10. Short title

1. DEFINITION

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

“authorised official”	means an official of the municipality who has been authorized by the municipality to administer, implement and enforce the provisions of this By-law;
“exit alarm”	means a device that makes an audible, continuous alarm sound when any door or gate or floor glide system, that permits access to the pool area is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building;
“fence”	means an enclosure, wall or other structure, including doors and gates, surrounding the swimming pool to restrict access thereto;
“floor glide system”	means a portion of the floor that retracts under the adjoining floor to reveal the pool;
“floating pool alarm devices”	means a device that is installed in the pool and once it is activated, any motion detected will set off a siren in the pool area in the house;
“gate”	shall mean a part of the swimming pool fence which opens on hinges and includes a door located in the wall of an attached or detached garage or carport which forms part of the swimming pool fence;
Inspection”	means an assessment of a swimming pool and the area in the immediate vicinity of the swimming pool by an authorized official, as well as any other area which may reasonably need to be assessed by the authorized official in order for a proper inspection to be done;
“immediate vicinity of the swimming pool”	means the land in which the pool is situated and so much of the surrounding area as is used for activities or purposes carried on in conjunction with use of the pool.
“indoor pool”	means a privately owned excavation, structure, or product that is used or is capable of being used for the purpose of swimming, wading, padding, or bathing and includes any such excavation, structure, or product that is a spa pool which is internally contained within the confines of a building structure.
"Municipality"	means the Govan Mbeki Municipality;
“Municipal Council”	means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:

“Municipal Manager”	means the person appointed by the Municipal Council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act. 32 of 2000 and includes any person – <ol style="list-style-type: none">a) acting in such a position;b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;
“outdoor swimming pool”	means a privately excavation, structure, or product that is used or product that is used or is capable of being used for the purpose of swimming, wading, paddling, or bathing, and includes any such excavation, structure, or product that is a spa pool and is situated outside any building.
“pool cover”	means a manually or safety operated pool cover that meets all of the performance standards prescribed by the National Spa and Pool Institute of South Africa, which requirements shall be available from the municipality.
“permit”	means a document that states the registration number of the swimming pool, as well as the relevant details of the owner of the swimming pool, and the document must state that the safety standards as set by the Municipal Council have been complied with.
“protective safety barrier”	means a structure including, but not limited to, a removable fence, that isolates the pool from the home and eliminates all unauthorized access to the pool, and a poll net.
“removable fence”	means a transparent, polyester mesh mounted on aluminum or fibre glass support poles placed into aluminum or plastic sleeves installed flush into the deck, and includes a self locking gate.
“registration”	means the listing of a privately owned swimming pool in the register of privately owned swimming pools, of the Municipal Council.
“swimming pool”	means an indoor swimming pool or an outdoor swimming pool.
“self latching device”	means a mechanical device or latch which is engaged each time the swimming fence gate is secured to its closed position, which will not allow the swimming pool fence gate is secured to its closed position, which will not allow the swimming pool fence gate to be re-opened by pushing or pulling, and which will ensure the swimming pool fence gate remains closed until unlatched by either lifting or turning the device itself directly or by a key.

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

2. REGISTRATION AND APPLICATION FOR PERMIT

- (1) No person, being the owner of any swimming pool, shall keep, use, operate and maintain any swimming pool unless he/she has a permit issued by the Municipality in which the pool is registered.
- (2) The municipality shall establish and maintain a register of all swimming pools in the Municipality, and that register shall note, in respect of each pool, its compliance or otherwise with this By-law.
- (3) No person, being the owner of any swimming pool, shall keep, use operate and maintain any swimming pool unless he or she is complaint with this By-law.
- a. An application for registration of any swimming pool shall be made to the Municipality.
 - b. Once an application for registration is received, the Municipality shall, within two weeks of such receipt, mandate an authorized official to inspect the applicant's swimming pool, and based on the authorized official's report, decide whether a permit should be issued or not.
 - c. The Municipality shall not unreasonably refuse to issue a permit.
 - d. The owner of a swimming pool will be responsible for any fees and fines in terms of this By-law.

3. PROTECTIVE SAFETY BARRIER

- (1) No person shall have an outdoor swimming pool unless the area is completely enclosed by fencing in compliance with this by-law, the National Building Regulations and Building Standard Act 1977 (Act 103 of 1977) as amended.
- (2) Every owner of an outdoor swimming pool must ensure that there is at least a removable fence surrounding the pool.
- a. Such fencing, including self locking gates therein, shall extend from the ground to a height of not less than 1.4 meters high, and shall fulfill the intent of prohibiting unauthorized trespass into the pool area.
 - b. The fence shall meet any further requirements set down by the National Spa and Pool Institute of South Africa, which requirements shall be available from the Municipality.
 - c. Every indoor swimming pool must be fitted with a floor glide system of which the floor has to be suitable for light pedestrian traffic.
 - d. Every outdoor swimming pool shall be secured with a pool cover at all times during which the pool is not in use

- e. Every indoor swimming pool shall be secured with a floor glide system at all times during which the pool is not in use.

4. GATES

- (1) Gates shall be of the same construction and height as that required for the fence.
- (2) Gates shall be supported on substantial hinges.
- (3) All gates shall contain a self locking device
- (4) The swimming pool area must be secured at all times, except when actually used by the owner or by adults authorized by the owner to use the pool.

5. ALARM DEVICE

- (1) All swimming pools must have a floating alarm device installed.
- (2) All protective safety barriers must have an exit alarm incorporated within.
- (3) All floor glide systems must have an exit alarm incorporated within.

6. EXISTING PRIVATELY OWNED SWIMMING POOLS

- (1) Existing outdoor swimming pools which are already fenced at the passing of this By-law, shall be inspected by an authorized official, to determine whether the existing fence is adequate to protect against safety hazards that this By-law seeks to combat.
- (2) Where a swimming pool fence has been installed prior to the passing of this By-law, and it is determined by the authorized official to be fenced in such a way as to provide adequate safety, it shall be deemed to comply with this By-law.
- (3) If the existing fence does not meet the requirements of this By-laws then such fence shall be modified by the owner to comply within the requirements herein.
- (4) Existing floor glide systems which are already in existence at the passing of this By-law shall be inspected by the authorized official to determine whether the existing floor glide system is adequate to protect against the safety hazards that this By-law seeks to combat.

7. PENALTIES AND OFFENCES

- (1) Any person who;
 - a. contravenes or fails to comply with any provision of these By-laws; or
 - b. fails to comply with any notice issued in terms of or for the purposes of this By-law; or
 - c. fails to comply with any lawful instruction given in terms of or for the purposes of the this By-law; or
 - d. obstructs or hinders any authorized official or representative or employee 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 (6) months and in a continuing offence, to a

further fine not exceeding R500.00, 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.

8. REPEAL OF BY-LAW

- (1) Any By-laws adopted by the Municipal Council or any Municipal Council of any Municipality now forming an administrative unit of the Municipality and relating to privately owned swimming pools are hereby repealed.

9. SHORT TITLE

- (1) This By-law shall be called Privately Owned Swimming Pool By-laws 2014.

LOCAL AUTHORITY NOTICE 231**GOVAN MBEKI MUNICIPALITY**

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000, as amended), made the following By-law:

PUBLIC AMENITIES BY-LAW**TABLE OF CONTENTS**

1. Definitions
2. Maximum number of visitors
3. Admission to and sojourn in a public amenity
4. Entrance fees
5. Nuisance
6. Health matters
7. Structures
8. Animals
9. Use of public amenities
10. Safety and order
11. Water
12. Laundry and crockery
13. Vehicles
14. Games
15. Offences and Penalties
16. Repeal
17. Short title

1 Definitions

- (1) For the purpose of this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates: -

"Municipality" means the Govan Mbeki Municipality;

"Municipal Council" means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:

"Municipal Manager" means the person appointed by the municipal council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person –

- a) acting in such a position;
- b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;

"notice" means an official notice displayed at every entrance to or at a conspicuous place at or on a public amenity and in which the municipality shall make known provisions and directions adopted by it in terms of these by-laws;

"public amenity" means –

- (a) any land, square, camping site, swimming bath, river, public resort, recreation site, nature reserve, zoological, botanical or other garden, park or hiking trail which is the property of the municipality, including any portion thereof and any facility or apparatus therein or thereon;
- (b) any building, structure, hall, room, or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission fees or not but excluding:
 - (i) any public road or street;
 - (ii) any public amenity contemplated aforesaid if it is lawfully controlled and managed in terms of an agreement concluded by any person with the municipality, and
 - (iii) any public amenity hired from the municipality;

2 Maximum number of visitors

- (1) The municipality may determine the maximum number of visitors who may be present at a specific time in or at a public amenity;
- (2) The number contemplated in subsection [1] shall be made known by the municipality by means of a notice.

3 Admission to and sojourn in a public amenity

- (1) A public amenity is, subject to the provisions of these by-laws, open to the public during the times determined by the municipality and made known in a notice;

- (2) No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.

4 Entrance fees

- (1) A visitor to a public amenity shall pay entrance fees determined from time to time by the municipality and such entrance fees shall be made known by means of a notice.
- (2) Different entrance fees may be determined in respect of visitors of different ages and the municipality may exempt certain groups of persons from the payment of an entrance fee.

5 Nuisances

- (1) No person shall perform or permit any of the following acts in or at a public amenity –
- (a) the use of language or the performance of any other act which disturbs the good order;
 - (b) the firing of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults without the municipality's written consent;
 - (c) the burning of rubble or refuse;
 - (d) the causing of unpleasant or offensive smells;
 - (e) the production of smoke nuisances;
 - (f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments; or by the use of loudspeakers, radio reception devices, television sets, or similar equipment;
 - (g) the begging for money, food, work or the offering of services, or
 - (h) in any other manner cause a nuisance, obstruction, disturbance or annoyance to the public.

6 Health matters

- (1) No person shall in or at a public amenity-
- (a) dump, drop or place any refuse, rubble, material or any object or thing or permit it to be done, except in a container provided for that purpose in or at the amenity;
 - (b) pollute or contaminate in any way the water in any bath, swimming-bath, dam, spruit, river or water-course;
 - (c) enter any bath or swimming bath while suffering from an infectious or contagious disease or having an open wound on his body;
 - (d) perform any act that may detrimentally affect the health of any visitor to a public amenity.

7 Structures

- (1) No person shall without the written consent of the municipality having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything similar, except the parking of a caravan or tent erected for camping purposes on a site specifically set aside therefor by notice;

8 Liquor and food

- (1) No person shall, contrary to a provision of a notice, bring into a public amenity any alcoholic or any other liquor or any food of whatever nature.
- (2) No person shall on, in or at a public amenity, contrary to a provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice; provided that the preparation and cooking of food in or at a public amenity shall be done in a clean and hygienic manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health; provided further that no live animals, poultry or fish may be killed or skinned on, in or at a public amenity.

9 Animals

- (1) No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the municipality.
- (2) The directions contemplated in subsection [1] shall be made known by means of a notice.

10 Use of public amenities

- (1) No person shall without the consent of the municipality or contrary to any condition which the municipality may impose when granting such consent –
 - (a) arrange or present any public entertainment;
 - (b) collect money or any other goods for charity or any other purpose from the general public;
 - (c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
 - (d) arrange, hold or address any meeting;
 - (e) arrange or hold a public gathering or procession, exhibition or performance;
 - (f) conduct any trade, occupation or business;
 - (g) display, sell or rent out or present for sale or rent any wares or articles;
 - (h) hold an auction;
 - (i) tell fortunes for compensation;
- (2) For the purposes of this by-law “public gathering or procession” shall mean a procession or gathering of 15 or more persons and which is not regulated by national or provincial legislation.

11 Safety and order

- (1) No person shall, subject to subsection [2], in or at a public amenity-
 - (a) damage or disfigure anything within such amenity;
 - (b) use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;
 - (c) light a fire or prepare food, except at a place indicated for that purpose by notice;
 - (d) throw away any burning or smouldering object;
 - (e) throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;
 - (f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;
 - (g) behave himself in an improper, indecent, unruly, violent or unbecoming manner;
 - (h) cause a disturbance;
 - (i) wash, polish or repair a vehicle;

- (j) walk, stand, sit or lie in a flower bed;
- (k) kill, hurt, follow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;
- (l) walk, stand sit or lie on grass contrary to the provisions of a notice;
- (m) lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;
- (n) play or sit on play park equipment, except if the person concerned is a child under the age of 13 years;
- (o) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond;.

- (2) The municipality may by way of notice and subject to such conditions as the municipality deems necessary and mentioned in a notice, authorise any of the actions contemplated in subsection [1].

12 Water

- (1) No person may misuse, pollute or contaminate any water source or water supply or waste water in or at any public amenity.

13 Laundry and crockery

- (1) No person may in or at a public amenity wash any crockery or laundry or hang out clothes, except at places indicated by notice for that purpose.

14 Vehicles

- (1) No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the municipality;
- (2) The municipality shall determine the speed limit applicable in a public amenity;
- (3) The directions contemplated in subsection [1] and the speed limit contemplated in subsection [2] shall be made known by the municipality by way of notice.

15 Games

- (1) No game of any nature whatsoever shall be played or conducted in or on a public amenity by any person or persons except at places set aside for that purpose by notice and in accordance with the directions of the municipality and which is made known by way of notice.

16 Penalties

- (1) Any person who contravenes or fails to comply with a provision of this by-law, a notice issued in terms of this by-laws or a condition imposed under this by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in this by-law, shall be guilty of an offence and liable upon conviction to:
 - (a) a fine or imprisonment for a period not exceeding six months or either such fine or such imprisonment or both such fine and such imprisonment;
 - (b) in the case of a continuing offence, an additional fine or an additional period of imprisonment of 10 days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and

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

17 Repeal of by-laws

- (1) Any other by-laws adopted by the municipality relating to public amenities are, from the date of promulgation of this by-law, repealed.

18 Short title

- (1) This By-law shall be called the Public Amenities By-law, 2014.

LOCAL AUTHORITY NOTICE 232**GOVAN MBEKI MUNICIPALITY**

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, made the following Bylaw:

THE PUBLIC SWIMMING POOLS BY-LAW**TABLE OF CONTENTS**

1. Definitions
2. Council's rights
3. Admission to pools
4. Use of swimming pools
5. Use of changing and other rooms
6. Order and behaviour
7. Offences and Penalties
8. Repeal of by-law
9. Short title

1 Definitions

For the purpose of this By-law, unless the context indicates otherwise indicate

- “Adult”** means a person of the age of eighteen (18) years and older;
- “Authorised official”** means an official of the Council or the official of another municipality or another organ of state with which the Council has concluded an agreement for the rendering of services in terms of this by-law and to whom the Council has delegated a duty, function or power under this by-law;
- “Child”** means any person younger than eighteen (18) years;
- “Month”** means calendar month;
- “Municipality”** means the Govan Mbeki Municipality;
- “Municipal Council”** means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
- “Municipal Manager”** means the person appointed by the Municipal Council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person –
 - a) acting in such a position
 - b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;
- “Season”** means the period during which the pool shall be opened to the public for use only determined by the municipality;
- ‘superintendent’** means any officer of the council duly authorized to be in control of the swimming pool and includes any such officer duly appointed or authorized to act in the place of the superintendent or to assist in the execution of his or her duties;
- “swimming pool”** a structure with a controlled water supply used for swimming or bathing, including children` swimming and paddling pools, but excluding a tidal swimming pool or a swimming at a private home that is not used for commercial purposes;
- “Swimming pool keeper”** means any person who controls the operation of a Swimming pool.

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

2. COUNCIL RIGHTS

(1) The council reserves the right to –

- a. determine the season, when the swimming pool shall be open to the public ; provided that the commencement and termination of such season as well as the times , be brought to the attention of the public by means of notices affixed in advance by the Council at each swimming pool.
- b. Reserves the right to close any swimming pool or any part thereof for special purposes and to charge special admission fee during such period; provided that seasonal and monthly ticket fees shall be issued subject to these conditions and that this by-law shall remain applicable in all respect to a swimming pool reserved or closed in terms of this paragraph and to persons visiting it and
- c. refuse admission to a swimming pool to any person at any time should the rules and regulations applicable at the swimming pool be transgressed by such person.

3. ADMISSION TO POOLS

(1) No person, other than the superintended or a duly authorised officer of the Council shall –

- a. enter or be admitted to any part of the swimming pool except through an entrance provided for this purpose and after having paid the charge determined from time to time by the Council in terms of the Local Government: Municipal Finance Management, 2004, Act No. 56 of 2004.

4. USE OF SWIMMING POOLS

- (1) any person visiting the swimming pool or using any facilities or equipment thereat shall do so at his or her own risk and the Municipality shall not be liable for any personal injury suffered by him or her or any loss or damage to his or her property or possessions.
- (2) only children under the age of six shall be allowed to use the paddling pool and such use shall only be under personal supervision by an adult
- (3) no children under the age of six, except in the paddling pool, shall be allowed in the water unless accompanied by an adult.
- (4) All bathers shall leave the swimming pool at the prescribed closing time
- (5) No person, except the supervising teacher of a group of scholars visiting a swimming pool during times prescribed by the Municipality may use the swimming pool for the purpose of instructing or training, unless such person has obtained the Municipality's written permission to do so.

5. USE OF CHANGING AND OTHER ROOMS

- (1) Bathers shall not change in any place other than the appointed changing rooms.
- (2) No person shall –

- a. occupy a room, cubicle, dressing room, and toilet or bathroom for longer than is necessary.
- b. enter or try to enter a bathroom, dressing room, toilet or room which has been reserved or allocated for the use of the opposite sex, or
- c. enter or seek admission to a cubicle, dressing room or the room without the consent of the person legally occupying it at the time, except where a duly authorised officer deems it necessary during the investigation of a complaint: provided that the privacy of persons involved in such investigation shall not be encroached upon.

6. ORDER AND BEHAVIOUR

(1) No person shall -

- a. appear in public at the swimming pool unless he or she is clothed in decent bathing apparel
- b. willfully or negligently leave any litter, glass or other objects which may create a danger or adversely affect the neatness of swimming pool.
- c. willfully or negligently destroy, deface or damage any property of the municipality, urinate, spit or blow his or her nose in the swimming pool.
- d. by any disorderly conduct, disturb any other person in the use of the swimming pool or a bathroom, cubicle or room, or interfere with an official in the execution of his or her duties.
- e. use indecent, offensive or improper language or behave in an indecent, offensive or improper manner.
- f. allow any dog or other pet belonging to him or her under his or her control to enter or remain at a swimming pool, unless it is a guide dog guiding a blind person;
- g. willfully or negligently pollute or render the water in swimming pool unfit for the use by bathers.
- h. use a swimming pool whilst suffering from any contagious or other contagious disease or whilst appearing obviously dirty.
- i. play any game likely to cause injury or discomfort to bathers or visitors at a swimming pool.
- j. whilst in possession of or under the influence of intoxicating liquor or drugs enter a swimming pool or remain therein after having been instructed by a duly authorised official to leave the swimming pool.
- k. take into a swimming pool any surf board, canoe, boat, floating mattress, motor vehicle tube or other object: provided that the pupils of coaches who have paid the prescribed charges may use approved practice boards or
- l. without the prior written consent of the Municipality, affix or display any advertisement, poster or notice at a swimming pool.

7. PENALTIES AND OFFENCES

(1) Any person who;

- a. contravenes or fails to comply with any provision of these by-laws; or
- b. fails to comply with any notice issued in terms of or for the purposes of this by-law; or
- c. fails to comply with any lawful instruction given in terms of or for the purposes of the this by-law; or
- d. obstructs or hinders any authorized official or representative or employee 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 (6) months and in a continuing offence, to a further fine not exceeding R500.00, 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.

8. REPEAL OF BY-LAWS

(1) Any by-law adopted by the Municipal Council or the Municipal Council of any municipality now forming an administrative unit of the Govan Mbeki Municipality and relating to swimming pools and spa-baths are hereby repealed.

9. SHORT TITLE

(1) This By-law shall be called The Public Swimming Pools By-law, 2014.

LOCAL AUTHORITY NOTICE 233**GOVAN MBEKI MUNICIPALITY**

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000, as amended), made the following By-law:

MUNICIPAL TAXI RANKS BY-LAW**TABLE OF CONTENTS**

1. Definitions
2. Establishment and maintenance of taxi ranks
3. Parking permit discs
4. Application for parking permits
5. Presumption of driver
6. Seizure and impoundment of taxis
7. Delegation
8. Offences and Penalties
9. Repeal
10. Short title

1. DEFINITIONS

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

- “Bus”** means a bus as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- “Chief of Traffic”** means the municipal traffic officer appointed by the Municipality as head of the component of the Municipality responsible for the administration of road traffic matters;
- “Financial year”** means a year starting on the first day of July of any year and ending on the last day of June of the following year;
- “Motor vehicle”** means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- “Municipality”** means the Govan Mbeki Municipality;
- “Municipal Council”** means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
- “Municipal Manager”** means the person appointed by the municipal council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person –
- a) acting in such a position;
 - b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;
- “Municipal taxi rank”** means an area demarcated in terms of section 2(2) to be used by taxis displaying valid parking permit discs to park and load and off-load passengers and shall include the waiting area of such taxi rank;
- “Municipal traffic officer”** means a traffic officer appointed by the Municipality in terms of the provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996), or an Act repealed by that Act, as the case may be;
- “Parking permit disc”** means a disc issued in terms of section 4 to be displayed by a taxi making use of a municipal taxi rank;
- “Taxi”** means any motor vehicle, except a bus, used for the conveyance of passengers and luggage, for hire or reward; and

“This By-law” shall include the rules to be observed at Municipal taxi ranks as contemplated in section 2.

2. MUNICIPALITY MAY ESTABLISH, MAINTAIN AND MANAGE MUNICIPAL TAXI RANKS

- (1) The Municipality may, within its area of jurisdiction, establish, maintain and manage municipal taxi ranks.
- (2) A municipal taxi rank must be demarcated by notice in the Provincial Gazette.
- (3) At the entrance of each municipal taxi rank, as well as at the entrance of its waiting area, a signboard must be displayed setting out the rules to be observed at that rank or area, respectively, by –

- (a) taxi drivers;
- (b) taxi owners; or
- (c) members of the public,

who enters into, parks at or makes use of taxi services at that rank or area.

- (4) Rules contemplated in subsection (3) must be adopted by the Municipality and promulgated in the Provincial Gazette.

3. TAXIS TO DISPLAY PARKING PERMIT DISCS WHEN BEING DRIVEN INTO OR PARKED AT MUNICIPAL TAXI RANKS.

- (1) No taxi shall be driven into or parked at a municipal taxi rank without displaying a valid parking permit disc attached in the manner set out in subsection (2).
- (2) The parking permit disc referred to in subsection (1), shall be displayed on the left side of the front windscreen of the taxi, in such a manner that the face thereof may be clearly visible to, and the inscriptions thereon easily legible by a person standing in front of or to the left front of the taxi.
- (3) A parking permit disc shall –
 - (a) be of the design and contain the particulars set out in the Schedule; and
 - (b) Be of a colour or made up of a combination of colours determined by the Municipality for the financial year concerned.

4. APPLICATION FOR, ISSUE AND DURATION OF A PARKING PERMIT DISC

- (1) The owner of a taxi, desirous to make use of the municipal taxi ranks, must apply to the Municipality in writing for the issue of a parking permit disc for each taxi to make use of any such rank.
- (2) An application for the issue of a parking permit disc must –
 - (a) be in the form determined by the Municipality;
 - (b) be directed to the Municipal Manager;
 - (c) be accompanied by the fees determined by the Municipality;

- (d) in respect of the next ensuing financial year, be made no later than the last day of April of each year.
- (3) On receipt of the application, the Municipal Manager must consider the application and, no later than the last day of May of the year concerned –
- (a) issue the parking permit disc to the applicant; or
 - (b) in writing, notify the applicant that the application was not successful, stating the reasons for his or her decision.
- (4) If an application was turned down by the Municipal Manager –
- (a) because of a shortcoming in the application that can be rectified by the applicant, the applicant may rectify the shortcoming and, without the payment of any further fee, submit the application again;
 - (b) for any other reason, a new application for the same period may not be brought for the same taxi, but the applicant may appeal against the decision of the Municipal Manager, in which case the provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall mutatis mutandis apply.
- (5) In the case where application for the issue of a parking permit disc is made during a financial year for the remainder of that financial year, the Municipal Manager shall process and finalise the application within a reasonable time.
- (6) The owner of a taxi making use of a municipal taxi rank must –
- (a) at all times keep written record of the identity of the driver of such taxi at any specific time, if he or she is not the driver of the taxi concerned;
 - (c) keep such records for at least one year after the end of the financial year in which it was made; and
 - (d) on request by a municipal traffic officer, make the records available for inspection by the Municipality.
- (7) A parking permit disc shall lapse at the end of each financial year.

5. PRESUMPTION THAT OWNER DROVE OR PARKED TAXI

- (1) Notwithstanding the provisions of section 4(6), the provisions of section 73 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), shall, mutatis mutandis apply to a taxi making use of a municipal taxi rank.

6. SEIZURE AND IMPOUNDMENT OF TAXIS AT MUNICIPAL TAXI RANKS

- (1) Over and above any prosecution in terms of this By-law, a municipal traffic officer may seize and impound a taxi at a municipal taxi rank for a period of 7 days –
- (a) If the taxi is driven into or parked at that taxi rank without displaying a valid parking permit disc in the manner set out in section 3(2);

- (b) if the taxi is parked and left unattended in contravention of any rule to be observed at that taxi rank by the owner or driver of a taxi making use of the taxi rank; or
 - (c) if an owner or driver of a taxi contravenes any rule to be observed at that taxi rank and after a direction by a municipal traffic officer to terminate such contravention, persists in his or her actions.
- (2) A taxi impounded by the Municipality in terms of subsection (1), must be returned to its owner on payment of the impoundment fees determined by the Municipality in respect of municipal taxi ranks, if the taxi is to be released before the 7-day period has expired.
 - (3) No person may hinder, impede or obstruct a municipal traffic officer in the execution of his or her duties in accordance with subsection (1).

7. DELEGATION

- (1) The Municipal Manager may, in writing, delegate the powers and functions vested in him or her by section 4, to the Chief: Traffic Services.

8. OFFENCES AND PENALTIES

- (1) Any person contravening or failing to comply with any provision of this by-law shall be guilty of an offence and shall on conviction thereof be liable to a fine not exceeding R 5 000.00 (five thousand) or imprisonment for a period not exceeding 6 (six) months.

9. REPEAL

- (1) The By-laws relating to the Municipal Taxi Rank By-law for the Govan Mbeki Municipality or its successor in title, are hereby repealed and replaced by this By-laws, which are to become effective on promulgation hereof.

10. SHORT TITLE

- (1) This By-law shall be called the Municipal Taxi Ranks By-law 2014.

SCHEDULE

(Section 3(3) (a))

1. A parking permit disc shall be circular in form, with a diameter of 75 millimeter.

2. The words "**PARKING PERMIT**"

shall be printed on the disc and provision shall be made on the disc for inscriptions indicating –

- (a) the name of the owner of the taxi;
- (b) the registration number of the taxi;
- (c) the financial year in respect whereof the permit was issued; and
- (d) the number of the permit

LOCAL AUTHORITY NOTICE 234**GOVAN MBEKI MUNICIPALITY**

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, made the following By-law:

WATER SUPPLY BY-LAW**TABLE OF CONTENTS****CHAPTER I****GENERAL PROVISIONS**

- 1 Definitions
- 2 *Domicilium*
- 3 Infringement of the By-law
- 4 Liability of Consumer
- 5 Entry and Inspection by officers

CHAPTER II**PROVISIONS RELATING TO THE SUPPLY OF WATER BY THE MUNICIPALITY**

- 6 Connections by the Municipality only
- 7 Connections to other Water Supply Systems
- 8 Unauthorised Use of Water
- 9 Damage to Water Supply Systems
- 10 Pollution of Water Supply

CHAPTER III**CONDITIONS OF SUPPLY OF WATER**

- 11 Application for Supply of Water
- 12 Deposits
- 13 Special Conditions of Provisions relating to the Supply of Water
- 14 Cutting off Supply of Water
- 15 Termination of Agreement
- 16 Disconnection of Supply of Water on Termination of Agreement
- 17 Special Restrictions
- 18 Failure to Supply Water
- 19 Water Pressure
- 20 Sale of Water by Consumers
- 21 Special Provisions Governing the Supply of Water by Portable Meters
- 22 Water Supply for Building Purposes

CHAPTER IV**GENERAL PROVISIONS RELATING TO METERED SUPPLIES**

- 23 Provision of Communication Pipe by the Municipality
- 24 Separate Communication Pipes for Individual Premises
- 25 Each Premise to have one Communication Pipe Only
- 26 Provision of Meters
- 27 Fixing and Position of Meters
- 28 Provision and Position of Stop Cock
- 29 Cost of Installing Meter
- 30 Ownership of Meters
- 31 Safe-Keeping of Meters
- 32 Interference with or Damage to Meters
- 33 Repairs to Meters
- 34 Cost of Maintenance and Repair to Meters
- 35 Substitution of other Meters
- 36 Quantity of Water Registered and Payment Therefore
- 37 Entry in Books of Municipality Binding

- 38 Dissatisfaction with Meter Reading
- 39 Failure of Meter to Register

CHAPTER V

PROVISIONS RELATING TO CONSUMER'S WATER INSTALLATION

- 40 Pipes across Street
- 41 Provision of Water Installation
- 42 Covering of Water Installation
- 43 Notice to Inspect
- 44 Inspection and Approval of Water Installation and Alteration Thereto
- 45 Preparation of Water Installation for and Installation of Meter
- 46 Joints
- 47 Taps, Ball Valves and Flushing Valves
- 48 Depth of Water Installation Pipes Below Ground
- 49 Laying of Pipes in Places where Pollution might Result
- 50 Leakage of Taps or Pipes
- 51 Pipes and Standpipes to be Securely Fixed
- 52 Cistern or Tank in Ground
- 53 Taps for Domestic Use
- 54 Connection of Sundry Apparatus
- 55 Cistern or Tank
- 56 Overflow of Pipes to Cistern or Tank
- 57 Capacity of Cistern
- 58 Water Heating Apparatus
- 59 Material of Circulating or Supply Pipes
- 60 Distance between Water Installation and Electric Wires

CHAPTER VI

SPECIAL PROVISIONS RELATING TO FIRE EXTINGUISHING SERVICES

- 61 Special Provisions
- 62 Payment for Services
- 63 Communication Pipes for Fire-Extinguishing Services
- 64 Valves in Communication Pipes
- 65 Extension of System
- 66 Extension of System to other Premises
- 67 Inspection and Approval of Fire Extinguishing System
- 68 Connection to be at Pleasure of the Municipality
- 69 Meters in Fire-Extinguishing Communication Pipes
- 70 Provisions of Pressure Gauge
- 71 Installation of Reflux Valve
- 72 Sprinkler Extinguishing Installation
- 73 Header Tank or Double Supply from Mains
- 74 Annual Charges for Sprinkler and Drencher Installation
- 75 Annual Charges for Private Hydrant Installations
- 76 Sealing of Private Fire Hydrants

CHAPTER VII

SPECIFICATIONS, REPEAL OF BY-LAW AND PENALTIES

- 77 Diameter of Pipes
- 78 Material of Water Installation Pipes
- 79 Iron Pipes
- 80 Lead Pipes
- 81 Copper Pipes
- 82 Pipes and fittings to withstand 2 000 kPa Pressure
- 83 Taps, Ball Valves and Flushing Valves
- 84 Offences and Penalties
- 85 Application
- 86 Repeal of By-law
- 87 Short title

CHAPTER I**GENERAL PROVISIONS****1. DEFINITIONS**

(1) For the purpose of this By-law, unless the context indicates otherwise:

“Chief Financial Officer”	means the officer in charge of the finance department or any other officer authorised to act on his/her behalf;
“Communication pipe”	means any pipe leading from a main to the premises of any consumer as far as the street boundary of such premises situated near to such main, or in the cases where the meter installed inside the premises of any consumer in terms of this By-law, as far as the inlet of the meter;
“Consumer”	means the occupier of any premises which the Municipality has contracted to supply with water or the owner thereof, or any person who has entered into a contract with the Municipality for the supply of water or who is lawfully obtaining water from the Municipality;
“Domestic purpose”	includes every kind of household purpose, but shall not include the use of water for any engine or machine, or for any mining or quarrying operations, or for the flushing of any sewer or drain, or for any purpose connected with any trade, manufacture or business, or for the cleansing of any road, path or pavement, or for garden purposes or for the watering of any tennis court, bowling green or any other ground used in connection with public sporting purposes;
“Engineer”	means the engineer of the Municipality or any other officer authorised to act on his/her behalf;
“Main”	means any pipe, aqueduct or other work under the exclusive control of the Municipality and used by it for the purpose of conveying water to consumers, but shall not include any communication pipe;
“Municipality”	means the Govan Mbeki Municipality;
“Municipal Council”	means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
“Municipal main”	means a principal pipe in an arrangement of pipes for the distribution of water.
“Municipal Manager”	means the person appointed by the Municipal Council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person –

- a) acting in such a position;
to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;

“Normal flow”	means two-thirds of the maximum flow capacity of the meter.
“Tariff”	means the tariff of charges approved by the Municipality;
“Water installation”	means all pipes and apparatus used or intended to be used for or in connection with the use of water supplied by the Municipality and situated on the premises occupied or owned by the consumer;
“Water installation pipe”	means any pipe included in any water installation;
“Public notification”	means publication in each of the official languages in one or more issues of a newspaper circulating in the area of supply.

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

2. DOMICILIUM

- (1) For the purpose of the service of any notice, order or other document in terms of this By-law, the address of the consumer registered in the books of the Chief Financial Officer shall be deemed to be the *domicilium citandi et executandi* of the consumer.

3. INFRINGEMENT OF THIS BY-LAW

- (1) Any owner or occupier having or using upon his/her premises, and any person providing, installing, laying down or connecting, or causing or permitting to be provided, installed, laid down or connected, upon any premises any water installation or part thereof or any meter or apparatus which fails to comply with the requirements of this By-law, shall be guilty of an offence in terms of this By-law.

4. LIABILITY OF THE CONSUMER

- (1) Any breach of this By-law committed on the premises of any consumer shall be deemed to be a breach by such consumer unless and until he/she shall prove to the contrary. The duty to report the incident is with the consumer.

5. ENTRY AND INSPECTION BY OFFICERS

- (1) The engineer or any other duly authorised officer of the Municipality may for any purpose connected with the carrying out of this By-law at all reasonable times or at any time in an emergency and without previous notice enter upon any premises and make such examination and enquiry thereon as he/she may deem necessary: Provided that upon entry on any premises such officer, if required, shall state the reason for such inspection, examination and enquiry.
- (2) Should such officer consider it necessary for the purpose of examination or inspection or of carrying out any other work in terms of this By-law, he/she may at the expense

of the consumer after having given 24 hours' notice, or at once without giving any notice if in his/her opinion immediate action is necessary, move any earth, concrete, brick, wood or metal work or any part of such premises.

- (3) The Municipality shall not be liable to pay any compensation in respect of work carried out by its officers in terms of subsection (2) above: Provided that where any such inspection is made for the sole purpose of establishing a breach of this By-law and no such breach is discovered, the Municipality shall bear the expense connected with such inspection, together with that of restoring the premises to their former condition.

CHAPTER II

PROVISIONS RELATING TO SUPPLY OF WATER BY THE MUNICIPALITY

6. CONNECTIONS BY MUNICIPALITY ONLY

- (1) No connection shall be made to any main or communication pipe except by an authorised officer of the Municipality: Provided that the connecting up of the water installation to the communication pipe or in the case of a meter installed inside any premises, to the outlet pipe from the meter as provided by the Municipality, may be carried out by the owner or consumer.

CONNECTION TO OTHER WATER SUPPLY SYSTEMS

- (1) No water installation pipe, tank, cistern or other apparatus for storing or conveying water supplied by the Municipality shall be directly connected with any system or source of water supply other than that of the Municipality.

8. UNAUTHORISED USE OF WATER

- (1) No person who has not entered into a contract with the Municipality for the supply of water and otherwise complied with the requirements of this By-law, shall take any water from or make or cause to be made any connection with any main, communication pipe, reservoir, hydrant, conduit pipe, cistern or other place containing water belonging to the Municipality except with the prior written permission of the Municipality first had and obtained.

9. DAMAGE TO THE WATER SUPPLY SYSTEMS

- (1) No person shall willfully or negligently damage or cause to be damaged any main, communication pipe, meter or other plant or apparatus belonging to the Municipality and use or intended to be used by it in connection with the supply of water.

10. POLLUTION OF WATER SUPPLY

No person shall –

- (a) bathe in any stream, reservoir, aqueduct or other place which contains water belonging wholly or partly to the Municipality or is under the control or management of the Municipality and which is used for or in connection with the supply of water to the inhabitants of the area of supply or wash, throw, or cause or permit to enter therein any animal, unless stated to the contrary;
- (b) throw any rubbish, dirt, filth or other deleterious matter into such stream, reservoir, aqueduct or other place, or wash or cleanse therein any, wool, leather or skin of any animal, clothes or other matter;

- (c) Cause or permit the water of any sink, sewer, drain, steam engine, boiler or other unclean water or liquid for the control of which he/she is responsible, to run or be brought into any such stream, reservoir, main, aqueduct or other place or do any other act whereby the water of the Municipality, intended for the supply to the inhabitants of the area of supply, may be polluted.

CHAPTER III

CONDITIONS OF SUPPLY OF WATER

11. APPLICATION FOR THE SUPPLY OF WATER

- (1) Application for the supply of water for any purpose whatsoever shall be made to and in a form prescribed by the Municipality from time to time and in which the applicant shall state for what purpose the water is required.
- (2) No supply of water shall be given unless and until the owner or occupier of the premises or some person acting on his/her behalf has completed a consumer's agreement in a form prescribed by the Municipality.
- (3) Upon the Municipality agreeing to supply water, an agreement in the form as prescribed by the Municipality shall be signed by the applicant, and no water shall be supplied unless and until such agreement is so signed.
- (4) The charge payable for water consumed shall be as prescribed in the tariff and it shall be a condition of the supply of water in terms of every agreement entered into in terms of subsection (3) above that payment therefore by the consumer to the Municipality shall be effected in the manner prescribed in terms of subsection (5) below, read with subsection (6) below.
- (5) The Municipality may during the period between meter readings render service to the consumer on a provisional account in respect of part of such period, which part shall as nearly as practically possible be a period of 30 (thirty) business days, and the amount of such account shall be determined as provided in subsection (6) below and shall as soon as possible after the meter reading at the end of such period render to the consumer an account based on his/her actual read consumption during that period, giving credit to the consumer for any sum paid by him/her on a provisional account as aforesaid: Provided that an account may be rendered for fixed charges in terms of the tariff as and when the same becomes due.
- (6) The amount of a provisional account referred to in subsection (5) shall be determined by the Chief Financial Officer by reference to such previous consumption, if any, on the same premises as would constitute a reasonable guide to the quantity of water consumed over the period covered by the provisional account: Provided that where there has been no such previous consumption, the Chief Financial Officer shall determine the amount of the said account by reference to such consumption on other similar premises as would constitute the reasonable guide referred to.

12. DEPOSITS

- (1)
 - (a) Except in cases as prescribed in law, all class of consumers approved by the Municipality and every applicant for a supply shall, before such supply is given, deposit to the Municipality a sum of money on the basis of the cost of the maximum consumption of water which the applicant is in the Chief Financial Officer's opinion likely to use during any two consecutive months: Provided that such sum shall not be less than the sum prescribed in the tariff.
 - (b) Notwithstanding the foregoing provisions of this section the

Chief Financial Officer may, in lieu of a deposit, accept from an applicant a guarantee for an amount calculated in accordance with paragraph (a) above and in the form prescribed by the Municipality, as security for the payment of any amount that may become due by the applicant for, or in respect of, the supply of water: Provided that no such guarantee shall be accepted unless the estimated monthly account in respect of the supply to the premises concerned amounts to at least five hundred Rands.

- (2) The Chief Financial Officer may at any time when the deposit or guarantee is found to be inadequate for the purposes of subsection (1) above, require a consumer to increase the deposit made or guarantee furnished by him/her, in which event the consumer shall, within (30) thirty business days after being so required, deposit to the Municipality such additional sum or furnish such additional guarantee as the Chief Financial Officer may require, failing which the Municipality may discontinue the supply.
- (3) Any sum deposited by or on behalf of a consumer shall, on being claimed, be refunded within (30) thirty business days after the termination of the consumer's agreement after deducting any amount due by the consumer to the Municipality.
- (4) (a) Subject to the provisions of subsection (3), any person claiming a refund of a deposit or part thereof, shall either –
 - i) surrender the receipt which was issued for payment of the deposit; or
 - ii) if such receipt is not available, sign a receipt prescribed by the Municipality for the refund to him/her of such deposit or part thereof; and satisfy the Chief Financial Officer that he/she is the person entitled to such refund.
- (b) If a deposit or part thereof has been refunded in accordance with paragraph (a) above, the Municipality shall be absolved from any further liability in respect thereof.
- (5) The consumer's agreement may contain a provision that any sum deposited by the consumer, a refund of which has not been so claimed within (1) one year after either such agreement has been terminated or he/she has ceased for any reason to receive a supply in terms of such agreement, shall at the expiration of that period become forfeited to the Municipality.
- (6) Notwithstanding the provisions of subsection (5), the Municipality shall at any time pay –
 - (a) to the person who paid the deposit upon him/her satisfying the Municipality of his/her identity and the amount; or
 - (b) to any other person who has satisfied the Municipality that he/she is entitled to have the payment made to him/her, an amount equal to the forfeited deposit.
- (7) If a consumer applies to the Municipality for a greater supply of water than he/she is receiving, the Chief Financial Officer may require the consumer to make an increased deposit or furnish an increased guarantee in terms of subsections (1) and (2) above before such supply is given.

13. SPECIAL CONDITIONS OR PROVISIONS RELATING TO THE SUPPLY OF WATER

- (1) The Municipality shall have the right to attach special conditions or make special provisions relating to the supply of water to any person or consumer or premises in any case where, by reason of the purpose for which the supply is desired, the nature

or situation of the premises, the quantity to be supplied, the availability of supply or the method of supply, it is in the opinion of the Municipality necessary or desirable to attach special conditions or make special provisions relating to the supply.

- (2) Notwithstanding anything to the contrary in any other section contained in this By-law, it shall be lawful for the Municipality in making such special provisions to stipulate any or all of the following:
- (a) Where a supply in bulk is given to any consumer outside the Municipality, such consumer may be permitted by the Municipality to re-sell the water to other consumers resident outside the municipality.
 - (b) Where the Municipality permits any consumer to re-sell water, it may impose conditions fixing the maximum and minimum price at which the water may be resold by such consumer and may require that plans of any proposed water supply system and reticulation be submitted to the Municipality from time to time for approval as a condition precedent to authority to re-sell being given.
 - (c) Where any consumer is given a supply by means of more than one connection from the Municipality's mains, the Municipality may stipulate the manner in which and the times during which the supply from any one or each of such connections may be used by the consumer.
 - (d) The Municipality may stipulate the maximum quantity to be supplied to any consumer and may fix the hours or periods during which any consumer shall be entitled to supply.
- (3) Save as is provided in subsection (2) above, the terms of any special conditions or provisions shall otherwise conform with the provisions of this By-law.

14. CUTTING OFF SUPPLY OF WATER

- (1) Without paying compensation and without prejudice to its rights to obtain payment for water supplied to the consumer, the Municipality may cut off the supply of water to any consumer where such consumer has –
- (a) failed to pay any sum due to the Municipality in terms of this By-law;
 - (b) wilfully or negligently damaged or caused or permitted damage to be inflicted upon any main, communication pipe, meter or other plant or apparatus belonging to the Municipality and used or intended to be used by it in connection with the supply of water;
 - (c) committed a breach of any of the provisions contained in this By-law;
 - (d) tampered or interfered with or caused or permitted any tampering or interference with any plant or apparatus under the Municipality's control and used or intended to be used by it in connection with the supply of water: Provided that in cases falling under paragraphs (b), (c) and (d) not less than (7) seven business days' notice shall be given to any consumer prior to the cutting off of the supply of water.
- (2) The Municipality shall not be liable for damages to any consumer where it cuts off the supply of water in the *bona fide* belief that any of the circumstances set out in subsection (1) above apply.
- (3) The consumer shall pay to the Municipality a fee as prescribed in the tariff for cutting off the supply of water in terms of this section.
- (4) In the event of the Municipality at any time resuming the supply of

water to such consumer, the consumer shall pay to the Municipality such charges as are prescribed in the tariff, unless he/she establishes that the Municipality was not entitled in terms of subsection (1) above to cut off the supply of water.

- (5) The cutting off supply of water or the limitation of water supply must be in terms of sections 4 (3)(b) and (c) of the Water Services Act (No.108 of 1997.)

15. TERMINATION OF AGREEMENT

- (1) The Municipality or the consumer may at any time terminate any agreement entered into in terms of this By-law by giving not less than (7) seven business days' notice in writing to the other party thereto of the intention to do so.

16. DISCONNECTION OF THE SUPPLY OF WATER ON TERMINATION OF AGREEMENT

- (1) Where an agreement for the supply of water between the Municipality and the consumer has been terminated, the Municipality shall be entitled to disconnect such supply: Provided that no such disconnection shall be carried out where the new consumer accepts liability for payment for water consumed as from the date of the previous ordinary reading of the meter or for a special reading of the meter at the charge fixed in the tariff.

17. SPECIAL RESTRICTIONS

- (1) The Municipality may at any time restrict the supply of water to the whole or any portion of the area of supply to such hours as it may decide, and it may prohibit the use of water for any specific purpose or for any purpose other than specified, as the case may be.
- (2) Any person using water during prohibited hours or for prohibited purposes other than those specified, as the case may be, after notification of such prohibition by the Municipality, shall be guilty of an offence in terms of this By-law.

18. FAILURE TO SUPPLY WATER

The Municipality shall not be liable for any failure to supply water or for any defect in the quality of the water supplied, or for the consequences thereof.

WATER PRESSURE

- (1) Subject to the provisions of this By-law, no undertaking or guarantee shall be presumed on the part of the Municipality to maintain any specified pressure of water at any time or at any point in the Municipality's water supply system.
- (2) Where application is made for a supply of water to or where a supply is required for any premises or part thereof situated above a level that can be served by the normal pressure in the Municipality's main, it shall be the duty of the applicant or consumer to provide and maintain a supply to such premises or part thereof: Provided that, subject to the provisions of this section, the Municipality may grant a supply to such premises from its main where such supply is available on such conditions as the Municipality may impose.
- (3) (a) Where in the circumstances set out in subsection (2) above it is necessary for the consumer to pump water to maintain the supply, any pump installed for the purpose shall not be connected to the Municipality's main.
(b) The suction pipe of any such pump shall be connected to a storage tank supplied with water from the Municipality's main.

- (c) Such tank shall be constructed in accordance with the requirements of paragraph (d) below and shall have a minimum capacity of not less than one-eighth of the average daily requirement of the consumer, as determined by the engineer, or one hour's capacity of the pumping system, whichever is the greater.
- (d) Such tank shall be fitted with an inlet control valve of the correct size so set as to admit water to the tank from the Municipality's main at a rate equal to the average hourly requirement of the premises.
- (e) The said pump shall be self-priming, float or electrode controlled and fitted with electrical safety devices for the protection of the pump or pump drive motors, or both in the event of stoppage of the supply of water from the Municipality's main.
- (f) Before the installation of any such pumping system, full details thereof shall be submitted to the engineer for approval and authorisation.

20. SALE OF WATER BY CONSUMERS

No consumer shall –

- (a) sell any water supplied to him/her by the Municipality, except as provided in terms of section 3.3 subsection (2) above; or

21. SPECIAL PROVISIONS GOVERNING THE SUPPLY OF WATER BY POTABLE METER

- (1) In addition to the provisions laid down in this By-law, the following special provisions shall apply to the supply of water by portable meter and shall be deemed to have been included in every agreement for such supply:
 - (a) Where water is to be supplied by the Municipality from hydrants, the Municipality shall supply a portable meter for measuring such supply together with a stand pipe, hydrant coupling, hose pipes and necessary unions for connection to the meter.
 - (b) The consumer shall pay to the Municipality in advance the charge prescribed in the tariff in respect of each portable meter supplied, which charge shall be held by the Municipality as security for the due fulfilment of all provisions of any agreement relating to the supply of such meter and the payment by the consumer to the Municipality of the cost for all water supplied to him/her and all other charges due by him/her to the Municipality in terms of such agreement.
 - (c) The charge for water so supplied and for the use of the portable meter shall be at the rate prescribed in the tariff.
 - (d) All accounts for water so supplied shall be paid by the consumer to the Municipality within (7) seven business days from the date of rendition by the Municipality.
 - (e) Where water is taken by the consumer from a hydrant without such water passing through a portable meter, the charges prescribed in the tariff shall be paid by the consumer to the Municipality for every day during which water is so taken or such waste continues.
 - (f) The consumer shall –

- i) upon taking delivery of the portable meter, sign a receipt of acknowledgement, acknowledging such meter to be in good order and condition; and
 - ii) maintain and return such meter in the same good order and condition, fair wear and tear excepted.
- (g) If the consumer fails to return the portable meter, he/she shall pay to the Municipality the cost of a new meter, or if he/she returns such meter in a damaged condition, he/she shall pay to the Municipality the cost of a new meter or the cost of repairs if such damaged meter can be satisfactorily repaired.
- (h) The consumer shall take delivery of and shall return the portable meter to the Municipality at such place as the engineer may deem fit from time to time.

22. WATER SUPPLY FOR BUILDING PURPOSES

- (1) Where, upon the application of any owner, builder or other person, a supply of water for building purposes is laid on to any premises, the cost of providing and fixing the communication pipe and the meter shall be borne by such owner, builder or other person in accordance with the prescribed tariff.
- (2) Such owner, builder or other person shall pay for water so supplied according to the tariff.
- (3) If suitable for the purpose, the same communication pipe as is supplied in terms of this section may be used for the permanent supply to the premises, but no connection in respect of such permanent supply shall be made with the water installation until all the provisions of this By-law have been complied with.

CHAPTER IV

GENERAL PROVISIONS RELATING TO METERED SUPPLIES

23. PROVISION OF COMMUNICATION PIPE BY MUNICIPALITY

- (1) Upon an agreement having been entered into between the Municipality and any owner in regard to the supply of water to their respective premises and after the relevant provisions of this By-law have been complied with, the Municipality shall provide, lay down and maintain a communication pipe to serve such premises: Provided that the position of the communication pipe shall be as determined by the engineer.
- (2) The sum payable by such owner in respect of such communication pipe shall be as prescribed in the tariff: Provided that in respect of any size or length of communication pipe not provided for in the tariff or in the cases where the tariff charge is insufficient to cover the cost of providing such communication pipe, the owner shall pay such sum as may be determined by the Municipality, having regard to the circumstances of the case.
- (3) Any amount due in terms of this section, shall be paid to the Chief Financial Officer in advance by the owner or consumer, as the case may be.

24. SEPARATE COMMUNICATION PIPES FOR INDIVIDUAL PREMISES

- (1) For the purpose of supplying water thereto, a separate communication pipe shall be provided in respect of each and every premises or portion thereof in separate occupation: Provided that –
- (a) one communication pipe only shall be permitted by the Municipality for the supply of water to a group or block of dwellings, flats, shops, offices or other buildings in single ownership where the owner or occupier thereof undertakes to pay for the water supplied to each of the buildings comprising such group or block;
 - (b) where, in terms of paragraph (a), more than one building is supplied from one communication pipe, a stop tap shall be fixed on each branch pipe leading there from to each such building for the purpose of turning off the supply of water to each such premises without interrupting the supply to the others;
 - (c) where a tap is fixed to a stand pipe from which water is intended to be supplied to more than one premises, such tap shall be an approved type of a self-closing tap.

25. EACH PREMISES TO HAVE ONE COMMUNICATION PIPE ONLY

No premises in single ownership shall be entitled to obtain a supply of water by means of more than one communication pipe: Provided that –

- (a) where it appears to the Municipality that hardship or grave inconvenience or other similar circumstance would otherwise result, the Municipality may permit such supply by means of more than one communication pipe;
- (b) where more than one communication pipe is permitted in terms of paragraph (a) above, a charge shall be made in accordance with the tariff for each additional communication pipe and meter.

26. PROVISION OF METERS

- (1) All meters shall be supplied by the Municipality: Provided that the size of the meter to be installed is within the sole discretion of the engineer.

27. FIXING AND POSITIONING OF METERS

- (1) The Municipality shall fix in the communication pipe a meter of a size to be determined by the engineer.
- (2) If so required by the Municipality, the consumer shall provide suitable and safe place within his/her premises in which to fix the meter and the Municipality may install the meter in such place.
- (3) Any maintenance necessary in that portion of the communication pipe between the street boundary and the meter within the premises shall be carried out by the Municipality at the consumer's expense.

28. PROVISION AND POSITIONING OF STOP COCK

- (1) The Municipality shall, for its exclusive use, install a stop cock between the meter and the water main.
- (2) The consumer shall, at his/her own expense, or the Municipality may in its discretion and at the consumer's expense and for his/her exclusive use, provide and install a stop cock at a suitable point on the communication pipe immediately inside the boundary of the property in the case of a meter installed outside the

boundary, and in the case of a meter installed on the premises at a suitable point on the consumer's side of the meter.

29. COST OF INSTALLING METERS

- (1) The consumer shall pay all charges in connection with the installation of any meter on his/her water installation as are prescribed in the tariff.

30. OWNERSHIP OF METERS

- (1) Any meter provided and installed by the Municipality in terms of this By-law, together with the fittings connected therewith, shall be and remain the absolute property of the Municipality, and such meter shall at all times be under the sole control of the Municipality.

31. SAFE KEEPING OF METERS

- (1) The consumer shall be responsible to the Municipality for the safe-keeping and condition of any meter installed upon his/her premises and shall be liable to the Municipality for any damage or injury which may be done to or sustained by such meter.

32. INTERFERENCE WITH OR DAMAGE TO METERS

- (1) No person other than a municipal engineer or his/her duly authorised representative shall disconnect, interfere with or cause or permit any other person to disconnect or interfere with any meter or fittings connected therewith.
- (2) No person shall wilfully damage any meter or fittings connected therewith.
- (3) No person shall use or permit to be used on any water installation any fitting, machine or appliance which may cause damage or is in the opinion of the Municipality likely to cause damage to any meter.

33. REPAIRS TO METERS

- (1) In the event of repairs to any meter being found necessary, the Municipality shall effect such repairs to such meter as soon as possible.

34. COST OF MAINTANANCE AND REPAIR TO METERS

- (1) The Municipality shall, at its own cost and expense, maintain and repair any meter provided to the extent of ordinary wear and tear.
- (2) Where any repairs have become necessary in consequence of such meter having been wilfully or accidentally damaged by the consumer, the consumer shall be liable for the cost of such repairs, including the cost of removal and re-installation thereof, or substitution if necessary, and such cost shall be payable by the consumer on demand by the Municipality.

35. SUBSTITUTION OF OTHER METER/S

- (1) The Municipality may at any time, at its own expense disconnect and remove any meter and install and substitute any other meter in its discretion.

36. QUANTITY OF WATER REGISTERED AND PAYMENT THEREFOR

- (1) The quantity of water which shall be registered by the meter as having been supplied to any consumer shall be deemed to be the quantity actually so supplied.

- (2) A consumer shall pay to the Municipality the amount of any account rendered to him/her in terms of subsection 3.2(1)) within the period stipulated in the tariff account.
- (3) If the consumer fails to make payment within the period referred to in subsection (2), the Municipality may without further notice discontinue the supply of water to him/her.

37. ENTRY IN BOOKS OF MUNICIPALITY BINDING

- (1) In the absence of evidence showing either that the entry in the books of the Municipality has been incorrectly made or that the meter was at a time of such reading in default, every consumer shall be bound by the entry in the books of the Municipality, and it shall not be necessary to produce the person who read the meter, or the person who made any particular entry, in order to prove such reading or entry.

38. DISSATISFACTION WITH METER READING

- (1) If any consumer is at any time dissatisfied with any particular reading of a meter supplied by the Municipality and is desirous of having such meter tested, he/she shall give prior written notice to the Municipality within (7) seven business days after receipt of notice from the Municipality of such reading, and shall at the same time deposit with the Municipality the amount prescribed in the tariff, and thereupon the meter shall be tested forthwith by the Municipality.
- (2) If such meter is found to be registering correctly, the Municipality shall retain the amount deposited with it.
- (3) If such meter is found to be registering incorrectly, the Municipality shall refund the deposit to the consumer and shall reaffix a meter in good working order without charge to the consumer, and the charge for water consumed during the three months preceding the reading in dispute, shall be adjusted in accordance with the degree of error found: Provided that, where such meter has been installed for a period of less than (6) six months, such adjustment shall be over half such lesser period.
- (4) The meter shall be considered to be registering correctly if no error of more than the percentage over or under registration, prescribed in tariff, is found at the rate of normal flow. Normal flow shall mean two-thirds of the maximum flow capacity of the meter.

39. FAILURE OF METER TO REGISTER

- (1) Where any meter is found to have ceased to register or is found to be faulty in any other respect, the Municipality shall repair or replace such meter as soon as possible.
- (2) Unless it can be proved to the satisfaction of the engineer that a lesser or greater quantity of water has been consumed, the quantity of water to be paid for by the consumer from the date of reading of the meter prior to its failure to register or to register correctly up to the time of its repair or replacement shall be estimated by the Municipality on the basis of-
- a) the average monthly consumption of water upon the premises served by the meter during the (3) three months prior to the last registration, or if this is not possible;

- b) the corresponding months' consumption of water upon the premises in the previous year; or if this is also not possible;
- c) the average monthly consumption of water upon the premises served by the meter over a period of (3) three months after repair or replacement of the meter has been effected.

CHAPTER V

PROVISIONS RELATING TO CONSUMER'S WATER INSTALLATION

40. PIPES ACROSS THE STREET

- (1) No person shall, without having received prior written permission of the Municipality first and except under such conditions as the Municipality may prescribe, lay, fix, alter, construct or cause to be laid, fixed, altered or constructed any pipe, channel or conduit on, in or under any street, public place or lands vested in or under the control of the Municipality for the purpose of conveying water, whether such water is derived originally from a municipal supply or from private sources of supply.
- (2) Any person receiving such permission from the Municipality shall, where a municipal supply is available for the premises, pay to the Municipality such rental for the pipe line as is prescribed in the tariff, no additional charge shall be made for the pipe line.
- (3) Where no municipal supply is available, any permission given shall be conditional upon the payment of the charges referred to in subsection (2) immediately upon a municipal supply becoming available.
- (4) Any such permission may be withdrawn by the Municipality on not less than (1) one month's notice in writing under the hand of a municipal engineer.

41. PROVISION OF WATER INSTALLATION

- (1) Every owner or consumer shall, at his/her own expense, provide, install, lay down and maintain his/her own water installation.

42. COVERING OF WATER INSTALLATION

- (2) When any water installation is being or has been installed or any alteration or extension of any existing water installation is being or has been carried out, no person shall cover any part of such installation, alteration or extension, or cause, permit or suffer it to be covered, until it has been inspected and approved by the Municipality.

43. NOTICE TO INSPECT

- (1) When any work as referred to in section 5.3 has been carried out, it shall be the duty of the owner or of any other person occupying or in control of the premises to notify the Municipality in writing of the fact that the work is ready for inspection by it in terms of the former section.

44. INSPECTION AND APPROVAL OF WATER INSTALLATION AND ALTERATIONS THERETO

- (1) No water installation shall be placed in use unless and until it has been inspected and a certificate of approval has been issued by a municipal engineer or his/her duly authorised representative.

- (2) Every additional fitting or alteration to an existing water installation already connected to the Municipality's supply system, shall be subject to inspection by and approval of a municipal engineer or his/her duly authorised representative, and shall in the event of a certificate of approval not being issued, be altered to comply with this By-law or be removed immediately.

45. PREPARATION OF WATER INSTALLATION FOR AND INSTALLATION OF METER

- (1) Where the Municipality agrees to supply water by meter to any premises not previously so supplied, the consumer shall, at his/her own expense, prepare his/her water installation for the installation of the communication pipe and meter.
- (2) After the water installation has been prepared and approved by the engineer or his/her duly authorised representative, and after payment of the charges prescribed in the tariff, the Municipality shall connect the water installation to the communication pipe.

46. JOINTS

- (1) No joints except standard screwed joints, wiped plumbing or other joints approved by the Municipality, shall be used on any water installation.

47. TAPS, BALL VALVES AND FLUSHING VALVES

- (1) No tap, valve, water-mixer or other device for controlling or regulating the flow, pressure or temperature of water or other article shall be installed in any water installation unless:
 - (a) it has been tested, approved and stamped by the Municipality; or
 - (b) it bears the appropriate standardisation mark of the South African Bureau of Standards; or
 - (c) where for any reason not connected with the quality thereof, the said Bureau is unable or unwilling to place its standardisation mark thereon but the Municipality is satisfied by means of tests carried out by the Municipality or any other competent authority that it complies with the requirements of the relevant standard specification of the Bureau notwithstanding that it does not bear the mark of the Bureau, and the Municipality has accordingly placed its stamp of approval thereon; or
 - (d) it is certified or approved by the Agreement Board of South Africa and the Municipality has accordingly placed its stamp of approval thereon.

48. DEPTH OF WATER INSTALLATION PIPES BELOW THE GROUND

- (1) All water installation pipes laid in the ground shall have a minimum cover of 400 millimeters.

49. LAYING OF PIPES IN PLACES WHERE POLLUTION MIGHT RESULT

- (1) No person shall lay or install any pipe which is to be supplied with water by the Municipality, through, in or into a sewer, drain, ash pit, manure hole or other place where, in the event of the pipe becoming unsound, the water conveyed through such pipe would be liable to become polluted or to escape without observation, or make use for the above purpose of any pipe so laid or installed: Provided that where it is impractical to lay or install such pipe in any other manner than aforesaid, the part thereof so laid or installed shall be carried through a cast iron tube or box of sufficient

length and strength and of such construction as will afford proper protection to the pipe in the interior thereof and render any leakage or waste therefrom readily perceptible.

50. LEAKAGES OF TAPES OR PIPES

- (1) No person shall cause or permit any pipe, tap or fitting to leak, and no tap or fitting shall be installed in such position that any leakage cannot be readily detected.
- (2) No consumer shall be entitled to any rebate in respect of the wastage of water due to faulty fittings or undetected leakage in any part of the water installation.
- (3) Any work or repair, digging or replacement, or any other operation which the Municipality undertakes to, or in respect of, its mains, including stop cocks, in order to enable a consumer to carry out repairs or other work to his/her own water installation, shall be undertaken by the Municipality at the consumer's expense.

51. PIPES AND STAND PIPES TO BE SECURELY FIXED

- (1) All pipes, except those laid in the ground, shall be securely fixed at frequent intervals to that portion of the wall or other rigid portion of the structure along which they pass.
- (2) All stand pipes or other pipes projecting above the ground and not otherwise secured to any structure shall be securely fixed to a stake securely driven into the ground, or by other means approved by the engineer, in such a manner as to prevent undue movement of such stand pipe or pipes.

52. CISTERN OR TANK IN GROUND

- (1) No cistern or tank buried or installed in any excavation in the ground shall be used for the storage or reception of water supplied by the Municipality and intended for human consumption.

53. TAPS FOR DOMESTIC USE

- (1) Other than those discharging from the hot water system, taps to supply water for domestic purposes in dwelling houses or residential buildings or for drinking purposes or any other type of premises shall be connected to a water installation pipe at a point before such pipe enters a cistern or tank and shall not be supplied from any cistern or tank: Provided that in buildings where a water supply is required above the level at which a regular and adequate supply is available from the mains, it may be taken from a tank or cistern which shall be constructed in accordance with the provisions of this By-law.

54. CONNECTION OF SUNDRY APPARATUS

- (1) No person shall cause or permit any water installation pipe to be connected directly to any water closet, urinal, steam boiler or trade vessel or apparatus.
- (2) Every water closet, urinal, steam boiler, trade vessel or apparatus shall be fed separately and directly from a cistern installed solely for that purpose: Provided that the Municipality may approve of any such figment being connected directly to the water installation without the interposition of a cistern or break-pressure tank, where adequate means for the prevention of reverse flow or re-entry or water from such figment to the water installation are provided.

55. CISTERN OR TANK

- (1) No person shall install, fit, use or cause or permit to be installed, fitted or used upon any premises a cistern or tank for the reception or storage of water, other than a cistern used for flushing water closets or other sanitary fittings, unless:
 - (a) the cistern or tank is constructed of a material which in the opinion of a municipal engineer is sufficiently strong for the purpose and capable of resisting corrosion;
 - (b) the cistern or tank is watertight, vermin proof and properly covered and ventilated;
 - (c) the cistern or tank is provided with access covers which shall be bolted down or locked in position at all times, except when opened for inspection;
 - (d) the inlet pipe to the cistern or tank is provided with a ball, tap or check valve of a type approved by a municipal engineer;
 - (e) the cistern or tank is so placed that it may be readily drained and inspected and cleansed inside and outside;
 - (f) a stop-cock is fitted to the outlet pipe near to each cistern or tank so that repairs to any pipe leading from or to apparatus fed by the cistern or tank can be effected without emptying the latter;
 - (g) a brass sampling cock is fitted to the cistern or tank to enable a municipal engineer to draw samples of the water stored therein when necessary for testing purposes;
 - (h) the cistern or tank is provided with an adequate drainage system to ensure that the premises are not flooded in the event of leakage or accidental overflow, the capacity of such drainage system to be such that it will be capable of discharging water at a rate at least equal to the rate of flow of the incoming supply and the outlet of the drainage discharge pipe to be so situated that the discharge of water may be readily detected.
- (2) In the event of water stored in the cistern or tank becoming contaminated in any way, the consumer shall on instructions from the municipal engineer take immediate steps to drain the cistern or tank, cleanse it and disinfect it to the standards set by the municipal engineer before re-filling and replacing in service.
- (3) When a cistern or tank on account of age or deterioration or for any other reason, no longer complies with the requirements of this section, the consumer shall adequately repair or entirely replace the tank or cistern within 60 days of receipt or written notice from the engineer to do so.
- (4) When a continuous supply of water to the premises is required, the required cisterns or tanks shall be provided in duplicate.

56. OVERFLOW PIPE TO CISTERN OR TANK

- (1) Every cistern or tank shall be provided with an overflow or waste pipe, the situation of which shall admit of the discharge of water being readily detected.

57. CAPACITY OF CISTERN

- (1) Every steam boiler and any premises which require, for the purpose of the work undertaken on the premises, a continuous supply of water, shall have a cistern holding not less than half a days supply calculated according to the average daily consumption.

58. WATER – HEATING APPARATUS

- (1) Every boiler, hot-water tank or other water-heating apparatus connected to a water installation pipe shall be of a type, design and material tested and approved by the Municipality and shall be provided with an unobstructed outlet or expansion pipe, safety valve or other pressure releasing device which is adequate for the release of excess pressure, and the design, specification and position of which have been approved by the Municipality and which releases either into the open air in a position where water discharging can easily be detracted, or into the cistern supplying the water heating apparatus with water at a level above the level of the water in the cistern.
- (2) No person shall obstruct or perform any act which prevents or is likely to prevent the effective operation of any outlet of expansion pipe, safety valve or device referred to in subsection (1) above.
- (3) A permanent notice shall be displayed in a conspicuous position on every such water heating device directing attention to the danger of obstructing the outlet or other pipe or devise, as the case may be.

59. MATERIAL OF CIRCULATING OR SUPPLYING PIPES

- (1) Circulating or supplying pipes for hot water may be of lead, galvanised iron or copper, except that where used for heating purposes only the pipes may be of black iron.

60. DISTANCE BETWEEN DN INSTALLATION AND ELECTRIC WIRES

- (1) No portion of the water installation shall, except where it is part of a specifically approved water installation, be laid, installed or maintained within 300 millimeters of, or be in metallic contact with, any electrical apparatus: Provided that this requirement shall not be taken as preventing electrical bonding as required by any By-law or regulations for the supply and use of electrical energy and for the wiring of premises.
- (2) No tap, valve or similar apparatus shall be laid, installed, fixed or maintained within 2 meters of an electrical socket outlet, appliance or distribution board without the prior written approval of the head of the Municipality's electricity department.

CHAPTERS IV**SPECIAL PROVISION RELATING TO FIRE EXTINGUISHING SERVICES****61. SPECIAL PROVISIONS**

- (1) Notwithstanding anything to the contrary contained in this Chapter, the provisions contained in the preceding Chapters shall *mutatis mutandis* apply to the supply of water for fire extinguishing service and shall be deemed to have been included in every agreement for such supply.

62. PAYMENT FOR SERVICES

- (1) The consumer and the owner of premises shall be jointly and severally liable to pay the charges prescribed in the tariff in respect of any fire-extinguishing installation or appliance use or installed upon such premises.

63. COMMUNICATION PIPES FOR FIRE- EXTEGUISHING SERVICES

- (1) All communication pipes which are intended for preventive or automatic use in case of fire shall be laid by the Municipality as far as the boundary of the consumer's property.
- (2) Such communication pipes shall be used only for fire-extinguishing purposes.
- (3) No take-off of any kind from any such communication pipe shall be made nor shall any water therefrom be used other than in connection with automatic sprinklers and drenchers, hydrant connections or for the pressure tank connected therewith and such tank shall be controlled by a suitable ball tap.
- (4) A separate communication pipe shall be laid and used for every sprinkler, hydrant and domestic supply installation.

64. VALVES IN COMMUNICATION PIPES

Every communication pipe shall be fitted with a proper sluice valve which shall be:

- (a) supplied by the Municipality at the expense of the consumer;
- (b) installed between the consumer's property and the main;
- (c) of the same diameter as the communication pipe; and
- (d) installed in such position as may be determined by the municipal engineer.

65. EXTENSION OF SYSTEM

- (1) Without the prior written consent of the Municipality no further sprinklers shall be added or connected to any existing fire-extinguishing system after such system has been connected to the main.

66. EXTENSION OF SYSTEM TO OTHER PREMISES

- (1) No extension or connection from any fire-extinguishing system to other premises shall be made, and in the event of any such connection or extension being made, the Municipality shall be entitled to enter upon such premises and take all steps necessary to remove such connection or extension at the cost of the person responsible for such extension or connection.

67. INSPECTION AND APPROVAL OF FIRE- EXTINGUISHING SYSTEM

- (1) No water shall be supplied to any fire-extinguishing system until it has been inspected and the municipal engineer or his/her duly authorised representative has certified in writing that such water installation complies to the requirements of this By-law and the work has been carried to his/her satisfaction.

68. CONNECTION TO BE AT THE PLEASURE OF THE MUNICIPALITY

- (1) The Municipality shall be entitled in its absolute discretion to grant or refuse an application for the connection of a fire-extinguishing installation to its main.
- (2) If in its opinion a fire-extinguishing installation which it has been allowed to be connected to its main is not being kept in proper working order or in otherwise not being properly maintained, the Municipality shall be entitled either to require the installation to be disconnected from the main or itself to carry out the work of disconnecting it at the consumer's expense.

69. METERS IN FIRE- EXTENGUISHING COMMUNICATION PIPES

- (1) The Municipality shall be entitled to install a water meter in the fire-extinguishing communication pipe and the owner of the premises shall be liable for the whole of the cost in so doing if it appears to the Municipality that water has been drawn from the pipe otherwise than for the purpose of extinguishing a fire.

70. PROVISION OF PRESSURE GAUGE

- (1) A pressure gauge indicating the water pressure in kPa shall be fixed on all fire-extinguishing systems inside the premises of the consumer.

71. INSTALLATION OF REFLUX VALVE

- (1) When a fire-extinguishing installation includes a fire-pump connection, a reflux valve of a type approved by the Municipality shall be fitted on the premises in an accessible position permitting of its ready inspection, repair and removal.
- (2) The said reflux valve shall be used to shut off the domestic supply from the Municipality's main whenever or for so long as the fire-pump connection is in use.
- (3) The said reflux valve shall be serviced as least once annually by a registered *bona fide* firm approved by the municipal engineer as being capable of undertaking such work.
- (4) When called upon to do so by the municipal engineer, the consumer shall produce a certificate from the said firm that the service has been done.

72. SPRINKLER EXTINGUISHING INSTALLATION

- (1) A sprinkler installation may be installed in direct communication with the main, but the Municipality shall not be deemed to guarantee any specified pressure of water at any time.

73. HEADER TANK OR DOUBLE SUPPLIES FROM THE MAINS

- (1) Unless a duplicate supply from a separate main is provided for the sprinkler installation, the consumer shall install a header tank at such an elevation as will compensate for any cessation or reduction of pressure in the Municipality's main.
- (2) The main pipe leading from the header tank to the sprinkler installation may be in direct communication with the main: Provided that in such case it is fitted with a reflux valve which will close against the main and open to that of the tank should the pressure in the main not be available for any reason.
- (3) An overflow pipe shall be fitted to such tank, which pipe shall discharge in such a position as to be readily observable, and shall not be led away by any downpipe to any drain.
- (4) Where a duplicate supply from a separate main is provided, each supply pipe shall be fitted with a reflux valve situated on the premises.
- (5) The reflux valves installed in terms of subsections (2) and (4) above shall be serviced annually as prescribed in subsection 6.11(3) above.

- (6) The header tank shall be drained and refilled at least once per annum and the municipal engineer shall be advised at least 48 hours before the tank is due to be drained to enable an inspection to be arranged and made, if necessary.

74. ANNUAL CHARGES FOR SPRINKLER AND DRENCHER

- (1) The annual charges prescribed in the tariff for the inspection and maintenance of the communication pipes leading from the Municipality's main to the boundary of a stand, erf or other area of land shall be payable in advance and shall become due in respect of every such pipe as soon as the Municipality has notified the owner of the land that the pipe has been laid and is ready for connection to a fire-extinguishing installation on the land.
- (2) The charges in terms of subsection (1) above shall cover also the emptying and refilling of any tanks which may be necessary.
- (3) The charges to be paid in terms of subsection (1) above shall be calculated according to the volume of the tank, regards being had to the level to which the tank is filled.

75. ANNUAL CHARGES FOR PRIVATE HYDRANT INSTALLATION

- (1) The annual charges in terms of the tariff for the maintenance of connections and the inspection of private hydrant installations, other than sprinklers, shall be paid in advance.

76. SEALING OF PRIVATE FIRE HYDRANTS

- (1) All private hydrants shall be sealed by the Municipality and such seals shall not be broken by any person other than the Municipality's officers in the course of testing, except for the purpose of opening the hydrant in case of fire.
- (2) The cost of resealing such hydrants shall be borne by the consumer except when such seals are broken by the Municipality's officers for testing purposes.
- (3) Any water consumed after the breaking of the seal, other than in the course of testing by the Municipality or in case of a fire, shall be paid for by the consumer at the rates prescribed in the tariff for domestic purposes. The quantity thus consumed shall be determined by the engineer.

CHAPTER VII

SPECIFICATIOIS AND PENALTIES

77. DIAMETER OF PIPES

- (1) All diameters of pipes referred to in this Chapter relate to internal dimensions.
- (2) No water installation pipe shall be less than 12 millimeter in diameter.

78. MATERIAL OF WATER INSTALLATION PIPES

All water installation pipes shall be of galvanised iron, lead or copper:
Provided that:

- (a) piping of other suitable material may be used subject to the prior written permission of the municipal engineer first being obtained;

- (b) piping of not less than 75 millimeter diameter may be or iron or steel coated internally and externally with Dr Angus Smith's or other suitable coating approved by the municipal engineer.

79. IRON PIPES

- (1) All steel or iron pipes shall be in accordance with the relevant South African Bureau of Standards Specification for medium or heavy pipes or other recognised standard specification approved by the Municipality.

80. LEAD PIPES

- (1) All led pipes shall be in accordance with the relevant South African Bureau of Standards Specification or other recognised standard specification approved by the Municipality for a working pressure of 750 kPa and shall, in addition, comply with the requirements of section 79 above.

81. COPPER PIPES

- (1) All copper piping shall be in accordance with the relevant South African Bureau of Standards Specification or other recognised standard specification approved by the Municipality.

82. PIPES AND FITTINGS TO WITHSTAND 2000 kPa PRESSURE

- (1) All communication pipes, water installation pipes and fittings shall be capable of withstanding an internal pressure of 2 000 kPa.

83. TAPS, BAL VALVES AND FLUSHING VALVES

- (1)
 - (a) Unless otherwise specified the component parts of flushing valves shall be of brass or gunmetal, or if hot pressings, of brass or manganese bronze, or in either case of an equally suitable corrosion-resisting alloy or other approved material.
 - (b) All flushing valves shall be of a waste-preventing type, shall have a flushing capacity as provided and, subject to the provisions of section 5.4 above, shall be connected to the flush pipe.
 - (c) Parts of flushing valves intended for screwing shall have standard metric right hand threads and parts of all fittings of the same size and intended for the same purpose shall be interchangeable.
 - (d) All flushing valves shall be tested to withstand a pressure of 2 000 kPa without leaking or sweating.
 - (e) The name or registered trade-mark of the makers shall be stamped on all flushing valves.
 - (f) Self-closing taps which are of a non-concussive type approved by the Municipality and which will not cause damage to the meter and fittings and which have been tested, approved and stamped may be installed.
 - (g) The external form of bath or wash hand basin taps shall be optional to suit any particular style of bath or wash hand basin.
- (2) Without prejudice to the provisions of section 5.8 above, the fees prescribed in the tariff shall be payable for the testing and stamping of taps, ball valves, flushing valves and other fittings.

84. OFFENCES AND PENALTIES

- (1) Any person contravening or failing to comply with any provision of this By-law shall be guilty of an offence and liable on conviction to a fine not exceeding R5000 or to imprisonment for a period not exceeding 6 months.

85. APPLICATION

The Council may by notice in the *Provincial Gazette*, determine that the provision of this By-law do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

86. REPEAL OF BY-LAW

- (1) The By-law relating to the Water for the Govan Mbeki Municipality, are hereby repealed and replaced by this By-laws, which are to become effective on promulgation hereof.

87. SHORT TITLE

- (1) This By-law shall be called the Water By-law 2014.

LOCAL AUTHORITY NOTICE 235**GOVAMN MBEKI LOCAL MUNICIPALITY**

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 2000, (Act No. 32 of 2000, as amended), made the following Bylaw:

ADVERTISING SIGNS BY-LAW**TABLE OF CONTENTS**

1. Definitions
2. Approval of advertisements and signs
3. Exempt advertisement and signs
4. Application, assessment and appeal procedure
5. Withdrawal or amendment of approval
6. Structural requirements
7. Electrical requirements
8. Maintenance of signs
9. Offences and removal of signs
10. Prohibitions
11. Discretionary powers
12. Signs on Council property and temporary advertisements
13. Presumptions
14. Savings in respect of existing signs
15. Offences and Penalties
16. Areas of control
17. Application
18. Repeal
19. Short title

1. DEFINITIONS

- (1) For the purpose of this By-law, the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:

“advertisement”	means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any sign or symbol, or any light which is not intended solely for illumination or as a warning against any danger, which has its object the furthering of any industry, trade, business undertaking, event, or activity of whatever nature and which is visible from any street or public place;
“advertising signage structure”	means any physical structure built to display advertising;
“advertising vehicle”	means a vehicle which has been constructed or adapted for use primarily for the display of advertisements;
“aerial advertisement”	means any advertisement displayed in the air by the use of a balloon, kite, inflatable object, aircraft or any other means;
“affix”	includes to paint onto and “affixed” shall have a corresponding meaning;
“animated advertisement”	means an electric advertisement that contains variable messages in which representation is made by the appearance of movement through an electric light source or beam;
“applicant”	means the person/s by whom an application for permission to erect a sign or display an advertisement is made, which application shall be endorsed by the owner of the premises upon which such advertisement or sign is to be located;
“application”	in relation to advertising sign/s may include all proposed advertising signs per business per site;
“appropriate”	means that the dimensions, installation, materials, place and/or supports are, in the opinion of the Council, suitable for, and appropriate in, all circumstances of the case;
“approval”	means approval by the Council or its delegated officials;
“banner sign”	is a temporary or permanent sign painted or embossed on flexible material suspended by ropes or other means;
“bill-sticking”	means an advertisement or poster pasted directly onto an existing surface which is not intended specifically for the display of a poster or advertisement;
“building”	means any structure whatsoever with or without walls, having a roof or canopy and a normal means of ingress and egress thereunder, covering any area in excess of 5m ² and having an internal height of more than 1,7m;
“canopy”	means a rigid roof-like projection from the wall of a building;

“cantilever”	means a projecting feature that is dependant for its support on the main structure of a building without independent vertical or other supports;
“change of face”	means an alteration to the content of the advertisement displayed on an approved signage structure;
“clear height”	in relation to a sign means the vertical distance between the lowest edge of the sign and the level of the ground, footway or roadway immediately below the sign;
“cluster sign”	means a number of signs, all of the same size, erected symmetrically on one or more standards or pylons;
“combustible”	means will burn or ignite at or below a temperature of 750°C when tested for combustibility in accordance with British Standard 476: 1932: Definitions of fire-resistance, incombustibility and non-inflammability of building materials and structures (including methods of test);
“Council property”	includes all property, whether movable or immovable, which is owned by, vests in or is under the control of the Council;
“curtilage”	is the whole of the area of land within the boundaries of the subdivision/s forming the site of any building;
“depth of a sign”	means the vertical distance between the uppermost and lowest edges of the sign;
“deemed to comply”	means that if an advertising signage structure meets certain specified criteria it may be deemed to satisfy the requirements of the Council for consent purposes;
“designated areas”	are areas of maximum, partial or minimum control that have been specifically designated in the policy for the display of various types of advertising signs;
“display”	means the display or erection of an advertising sign or structure;
“electronic sign”	means a sign that has an electronically controlled, illuminated display surface which allows the advertisement to be changed, animated or illuminated in various ways;
“election advertisement”	means an advertisement used in connection with any national, provincial or municipal election, by-election or referendum;
“environmental impact assessment”	in relation to outdoor advertising means an assessment of the impact that an advertising sign or structure may have on the environment;
“estate agents’ board”	means an advertisement that is temporarily displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale or to let;
“flag”	means a piece of cloth (or similar material) upon which an

advertisement is displayed which is attached to a single rope, pole or flagstaff projecting vertically in such a way that its contents are normally not readable in windless conditions. Flags exclude—

- (a) national flags that do not carry advertisement in addition to the design of the flag or flagstaff; and
- (b) flags carried as part of a procession;

“flashing advertisement”	means an electric advertisement which intermittently appears and disappears;
“flat sign”	means any wall sign, other than a projecting sign, which is directly attached to the face of an external wall of a building or on a wall external to and not part of a building;
“gore”	means the area immediately beyond the divergence of two roadways bounded by the edges of those roadways;
“ground sign”	is a self-supporting sign erected on the ground and which is not attached to a building or a wall;
“illuminated advertisement”	means an advertising signage structure which has been installed with electrical or other power for the purpose of illuminating the message of such sign;
“lawfully displayed”	means displayed within the public view in accordance with the By-laws applicable at the time of the erection of the sign;
“main wall”	means any external wall of a building but shall not include a parapet wall, balustrade or railing of a veranda or balcony;
“mobile sign”	means a sign mounted on a vehicle or trailer and used specifically for advertising purposes;
Municipality”	means the Govan Mbeki Municipality;
“Municipal Council”	means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
“Municipal Manager”	means the person appointed by the municipal council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person – <ul style="list-style-type: none"> a) acting in such a position; b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;
“non-profit body”	is a body established to promote a social goal without the personal financial gain of any individual or profit-making commercial organisation involved;
“occupier”	includes any person in actual occupation of land or

	premises without regard to the title under which he/she occupies;
“on-show sign”	means a temporary sign erected to indicate that a property is on view for sale;
“on site or directional”	in relation to any advertisement, means that such advertisement conveys only the name and the nature of the industry, trade, business, undertaking or activity which is carried on within the building or premises on which the advertisement is displayed;
“outdoor advertising”	means any form of advertising as defined, visible from any street or public place and which takes place out of doors;
“overall height”	in relation to a sign, means the vertical distance between the uppermost edge of the sign and the level of the ground, pathway or roadway immediately below it;
“portable board”	is any self-supporting sign or any other collapsible structure which is not affixed to the ground and which is capable of being readily moved;
“posters”	are placards intended to be temporarily displayed in a street or public place as an announcement of a meeting, function or event relating to an election, activity or undertaking;
“premises”	means any building together with the land on which such building is situated;
“projected sign”	means any sign projected by a cinematograph or other apparatus, but does not include a sign projected onto the audience’s side of a drive-in cinema screen during a performance;
“projecting sign”	means any wall sign which is affixed to a building and protrudes more than 300mm from the wall of such building;
“public place”	means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in the Council and to which the public has access;
“remote or third party advertising”	means that the content of such advertisement is unrelated to anything being undertaken on the premises on which such advertisement is displayed;
“return wall”	means any external wall of a building or any other wall, which faces any boundary other than a street façade.
“road reserve”	means the area contained within the statutory width of a road;
“Road Traffic Act”	means the National Road Traffic Act, 1996 (Act No. 93 of 1996) and the Regulations promulgated in terms of this Act, as amended from time to time;
“road traffic sign”	means any road traffic sign as defined in the Road Traffic

	Act, 1996;
“roof sign”	means a sign painted or affixed directly onto the roof covering of a building;
“SAMOAC”	means the South African Manual for Outdoor Advertising Council;
“sandwich board”	is a portable, double-sided, freestanding, vertically splayed sign standing on the ground or carried by a person or vehicle;
“sign”	means any physical structure or device intended for the display of an advertisement;
“signalised traffic intersection”	means an intersection controlled by traffic lights;
“sky sign”	means a sign that is placed or erected on or above the roof, parapet wall or eaves of a building;
“specific consent”	means the written approval of the Council which is required on submission of a formal application;
“street furniture”	means public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, sidewalk litter bins, pole-mounted bins, bus shelters, sidewalk clocks and drinking fountains, but excludes road signs, traffic lights, street lights, or any other road-related structures;
“street name signs”	means pole-mounted, double-sided, internally illuminated advertisements displayed in combination with street naming;
“street line”	means the boundary of a public street;
“temporary sign”	means a sign, not permanently fixed and not intended to remain fixed in one position, which is used to display an advertisement for a temporary period;
“tri-vision”	means a display which, through the use of a triangular louvre construction, permits the advertising of three different copy messages in a predetermined sequence;
“under-awning sign”	means a sign suspended or attached to the soffit or a canopy or veranda;
“veranda”	is a roofed structure attached to or projecting from the façade of a building and supported along its free edge by columns or posts;
“visual zone”	means the road reserve of a road and any area that is visible from any spot on such road reserve, but does not include an area situated at a distance of more than 250m from the road reserve boundary of a freeway in an urban area; and
“zone”	means the use of zone as defined in the Town Planning Schemes of former Highveld ridge, Leandra Town Council

or Bethal in course of preparation.

- (2) For the purpose of the application of the measurements, dimensions or areas specified in this By-law in relation to signs, the same shall be applied to the sign as a whole, inclusive of any space between letters, words, figures, symbols, pictures, drawings and the like appearing thereon, and also any space between the perimeter of the sign and the actual advertisement appearing thereon.
- (2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

2. APPROVAL FOR ADVERTISEMENTS AND SIGNS

- (1) Subject to the provisions of this By-laws, no person shall erect or cause or allow to be erected, altered, displayed or maintained any advertisement or sign which is visible from any street or public place or on any Council property without first having obtained the written approval of the Council or its duly delegated officials.
- (2) Temporary or portable signs being posters or bills or the like temporarily displayed solely for or in connection with the particular occasion, function or event to which they relate, including directional signs to such an event, signs relating to an election or referendum held or conducted under the authority of any law, and signs carried through the streets, shall only be displayed with the prior written consent of the Director: Technical Services and subject to such conditions as he may impose. Such signs shall not exceed 0,5m² in area.

3. EXEMPT ADVERTISEMENT AND SIGNS

- (1) Subject to the provisions of this By-laws, advertisements or signs for which no approval is required are as follows:
 - (a) Any advertisement or sign not exceeding 2m² which is required to be displayed in terms of any national, provincial or municipal legislation; i.e. company, close corporation, co-operative, licensed premises or professional offices, or any security sign limited to one per street frontage or premises.
 - (b) Any advertisement or sign over or near the main entrance to any premises in which a business is carried on and which bears only the name of the business.
 - (c) One advertisement or sign per street frontage indicating only the name and nature of an enterprise, practice, accommodation facility and place of residence as well as the name of the proprietor, partner or practitioner with a maximum area of 1,5m² per sign; or indicating the name and nature of institutions and other community facilities with a maximum area of 3m² per sign.
 - (d) Any non-illuminated advertisement displayed inside a building or on a display- or shop front window.
 - (e) Any advertisement not exceeding 4,5m², displayed with the curtilage of the premises relating to the accommodation being offered to let or purchase in the building, limited to one advertisement per advertising agent per street frontage and not displayed for longer than 30 (thirty) days after the date of sale or lease.
 - (f) Project boards advertising only the builders and professional consultants involved in a project, not exceeding 18m² and with a maximum erected height of 6m, displayed within the curtilage of the premises whilst building work is in progress, limited to one per street frontage and to be removed within 30 (thirty) days of completion of the

project.

- (g) A national flag of any country except when, in the Council's opinion, more than one national flag is used to promote, advertise or identify an economic activity, in which case the provisions of these By-laws shall apply.
- (h) Any change of face to any remote advertisement displayed or erected if approval has already been granted by the Council for the advertising signage structure.
- (i) Aerial advertising by means of an aircraft: Provided that the necessary approval has been obtained from Civil Aviation, including any conditions and requirements as prescribed.
- (j) Signs not exceeding 0,25m² in area affixed to the wall of a building or erected within the boundary line indicating that the property can be leased and by whom it is maintained.
- (k) Signs relating to the immediate sale of newspapers and the like within a public street.
- (l) Signs required to be displayed By-law.
- (m) Signs which, on merit, are exempted by the Municipal Manager in consultation with the Planning and Building Plan Portfolio Committee.

4. APPLICATION, ASSESSMENT AND APPEAL PROCEDURE

- (1) Every person intending to display, erect, alter or maintain any advertisement or sign, for which the prior written permission of the Council is required, shall submit a written application to the Council on the prescribed form, together with the prescribed fee in accordance with the Schedule of advertising sign charges (Schedule A). The application shall be signed by the owner of the proposed advertising sign and by the registered owner of the land or building on which the advertising sign is to be erected or displayed or, on behalf of the owner of the land or building, by his/her agent authorised in writing by such owner and shall be accompanied by the following plans drawn in accordance with the following requirements:
 - (a) A locality plan drawn to scale showing the sign in relation to surrounding roads and structures within a 500m radius, where applicable.
 - (b) A site plan showing the position of the sign or advertisement on the premises, drawn to a minimum scale of 1:500 and giving all dimensions, showing the position of the sign in relation to the boundaries, other buildings, structures, services and features on the site and showing the streets and buildings on properties abutting the site.
 - (c) Detailed dimensioned drawings sufficient to enable the Council to consider the appearance of the sign or advertisement including materials, construction and illumination details.
 - (d) Detailed dimensioned drawings showing the full text and graphic details of the advertisement to a scale of minimum 1:20 where applicable.
 - (e) Detailed dimensioned elevations and sections to a scale of minimum 1:100 showing the position of the advertisement or sign in relation to the buildings, structures, features and other existing advertising signs on the site and in the surrounds.
 - (f) Coloured photographs to illustrate the position of the sign in relation to the buildings, structures, features and other existing advertising signs on the site and in the surrounds.

- (g) Such other additional drawings, environmental impact assessments and/or photographs as are necessary, in the opinion of the Council, to explain the true nature and scope of the application.
- (2) In certain circumstances, the Council may use discretion to accept drawings that show only a portion of the plan or elevation of a building/s, or drawings to a smaller scale, or computer generated graphics drawn to scale to illustrate the proposal where certain drawings may be difficult to provide or even photographs where this is considered sufficient.
- (3) In addition, where required, the applicant shall submit additional structural and other drawings and certifications as required giving full details of the calculations, size and materials used in the supporting framework, its fixings, securing and anchorage as well as for the structure and its advertisement to ensure this sign's stability, fire and safety compliance with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) as well as the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); as amended from time to time.
- (4) In addition, the applicant shall indemnify the Council against any consequences arising from the erection, display or mere presence of such advertising sign.
- (5) All signs to be erected or displayed must comply with the applicable Town Planning Scheme Regulations, as well as other relevant legislation, as amended from time to time.
- (6) In considering applications, in addition to any other relevant factors, the Council shall ensure that the design and display of all advertising signs conforms to the Council's policy and to SAMOAC's guidelines for control in terms of the general conditions and principles as set out in these documents, as amended from time to time.
- (7) The Council may refuse an application or grant its approval, subject to such conditions as it may deem expedient but not inconsistent with the provisions of these By-laws or the Council's policy on outdoor advertising.
- (8) An approval or refusal of an application by the Council shall be made in writing with reasons provided within 60 (sixty) days of a complete application having been submitted in terms of these By-laws.
- (9) On approval, a complete copy of the application as submitted shall be retained by the Council for record purposes.
- (10) Any advertisement or sign erected or displayed shall be in accordance with the approval granted and any condition or amended condition imposed by such approval; and the person who erects an approved sign shall notify the Council within 7 (seven) days of such sign or advertisement being erected.
- (11) The person/s to whom permission has been granted for the display of any advertisement or sign which extends beyond any boundaries of any street or public place shall enter into a written encroachment agreement with the Council, indemnify the Council in respect of the sign and be liable to the Council for the prescribed annual encroachment rental.
- (12) Approval of all advertising signs shall be at the pleasure of the Council and will endure for a period as may be determined by the Council either in relation to the advertising structure or to the advertising content or both, whereafter a new application for consideration must be submitted to the Council for approval in terms of these By-laws.
- (13) The applicant may appeal in writing against any refusal, lack of decision or condition imposed by the duly authorised official/s.

- (14) The appeal referred to in subsection (13) shall be lodged within 30 (thirty) days of the date of the notice and will be submitted, together with a report, to the relevant committee of the Council for consideration.

5. WITHDRAWAL OR AMENDMENT OF APPROVAL

- (1) The Council may, at any time, withdraw an approval granted or amend any condition or impose a further condition in respect of such approval if, in the opinion of the Council, an advertising sign does not conform to the guidelines for the control of signage in terms of the Council's policy and/or SAMOAC, as amended from time to time, or for any other reason Council may deem fit.
- (2) The Council may, at any time, revoke its approval for the display of an encroaching sign and cancel the encroachment agreement referred to in section 4(11), giving notice in writing to the owner/applicant of such decision. The owner/applicant shall also advise the Council in writing giving details of any intent to transfer ownership of any encroaching sign.
- (3) An approved sign shall be erected within 6 (six) months from the date of approval whereafter such approval shall lapse unless written application for extension is made, which may only be granted for a maximum period of 2 (two) months.
- (4) Any application which has been referred back to the applicant for amendment shall be resubmitted within 2 (two) months of the date of the referral notice, failing which the application shall lapse.
- (5) Permission for an advertising sign is granted to the applicant only and shall lapse if he ceases to occupy the premises, provided that written approval may be granted by the Council to transfer this right to the new occupier of the premises if such approval is sought within 30 (thirty) days from the date of the new occupation.
- (6) An electronic or illuminated advertisement which, in the opinion of the Council, causes a disturbance to the occupants of any affected premises shall be altered in such a manner as prescribed by the Council in writing, or be removed by the applicant/occupier within such period as may be specified.
- (7) The permission granted in respect of an advertisement or sign shall lapse if any alteration or addition is made to such advertisement or sign, provided that Council may approve minor alterations at its discretion by means of an endorsement on the original application.

6. STRUCTURAL REQUIREMENTS

- (1) Every sign shall be neatly and properly constructed, executed and finished in a workmanlike manner.
- (2) Every sign attached to or placed on a building, fence or wall, shall be rigidly and securely attached thereto so that it is safe and that movement in any direction is prevented. The method of attachment shall be such that it is capable of effectively securing, supporting and maintaining not less than twice the weight of the sign in question, with the addition of any force to which the sign may be subjected. The use of nails or staples for the purpose of anchorage and support is prohibited.
- (3) Every projecting sign or suspended sign shall, unless the Director Technical Services otherwise approves, have not less than four supports –
- (a) which shall be of metal;
 - (b) any two of which shall be capable of carrying the weight of the sign;
 - (c) the designed strength of which, acting together, shall be calculated on a weight of

the sign with a horizontal wind pressure of 1,5kPa;

- (d) which shall be neatly constructed as an integral part of the design of the sign or otherwise concealed from view.
- (4) All signs and supports thereof, which are attached to brickwork, masonry or concrete shall be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side. The bolts shall be of such size and strength as will ensure effective compliance with paragraphs (2) and (3) hereof.
- (5) Glass
- All glass used in signs (other than glass tubing used in neon or similar signs) shall be safety glass at least 3,5mm thick. Glass panels in signs shall not exceed 2m² in area, each panel being securely fixed in the body of the sign independently of all other panels.
- (6) Electrical requirements
- Every illuminated sign and every sign in which electricity is used shall -
- (a) be constructed of material which is not combustible;
- (b) be provided with an external switch in an accessible position whereby the electricity supply to such a sign may be switched off;
- (c) be connected according to statutory regulations.
- (7) All exposed metalwork in a sign, or its supports, shall be painted or otherwise treated to prevent corrosion and all timber shall be similarly treated to prevent decay.
- (8) No sign shall be constructed in whole or in part of cloth, canvas, cardboard, paper or like material, except where the sign relates solely to current or forthcoming programmes of public entertainment displayed upon a cinema or theatre, or is a sign on a sunblind.

7. ELECTRICAL REQUIREMENTS

Every electronic and illuminated advertising sign including its supports and framework shall be constructed entirely of non-combustible materials and shall be installed in accordance with the provisions of the Council's Standard Tariffs and Procedures and the Code of Practice for the wiring of premises in accordance with the SABS or applicable legislation/regulations.

8. MAINTENANCE OF SIGNS

- (1) The person having possession, or control of any sign, while such sign is erected and constructed in contravention of the provisions of this By-law, shall be guilty of an offence.
- (2) (a) No sign, which exists or extends beyond the street line shall remain, except during the pleasure of the Council. The Council may by written notice served on the person having possession or control of any such sign, require such person to remove such sign within a period of time specified in such notice, except where in the opinion of the Council the sign constitutes a potential source of danger to the public, or will or is likely to damage or interfere with any existing or proposed works of the Council or upon the public street, the Council shall have the right to remove such sign forthwith.
- Any such person who fails to comply with such notice shall be guilty of an offence.
- (b) The person having possession or control of any sign extending or existing beyond

the street line, shall at all times indemnify the Council against all actions or claims which may be brought against it by any person for loss, injury or maintenance, repair or removal of the sign, and shall also reimburse the Council in respect of all expenses incurred in defending any action or resisting any claim.

- (c) The person having possession or control of any sign extending or existing beyond the street line shall pay to the Council the fee prescribed in the schedule of tariffs and charges in respect of the sum total of the surface area containing any advertisement (inclusive of any space between lettering and the like and any space between the actual advertisement and the perimeter of the sign).
- (i) The above charges shall be payable to the municipality or its duly appointed agents upon application in advance, and thereafter annually on the anniversary of the date of application for the time the sign is in place.
- (ii) No charge shall be payable unless the sign projects, or is more than 100mm, beyond the street line.
- (iii) Where during the course of the period of 12 (twelve months) referred to in paragraph (i) hereof, any sign is lawfully replaced by another sign, no additional charge in respect of that period shall be made unless the sign substituted has a greater surface area than the former sign, in which event a further charge calculated as above in respect of the excess area shall become immediately due and payable to the Council.
- (iv) Where any sign is removed voluntarily, or at the instance of the Council, no refund of any charges paid shall be made by the Council.
- (v) The payment of any charges as herein provided shall not in any way prejudice or affect the provisions of paragraph (a) of this By-law.
- (c) The person having possession or control of any sign extending, or existing beyond the street line, shall when required in writing by the Director Technical Services, enter into a written agreement with the Council in respect of such sign, undertaking the obligations contained in paragraphs (b) and (c) of this By-law; provided that the absence of any such agreement shall in no way affect the provisions of these By-laws. Whenever any change occurs in the identity of the person having possession or control of any such sign, such change shall forthwith be notified to the Director Technical Services in writing by the person formerly having such possession or control.

9. OFFENCES AND REMOVAL OF SIGNS

- (1) Any person who displays or erects any advertisement or sign for which no approval has been granted by the Council in terms of section 2, or which approval has expired, or has been withdrawn, or which advertisement or sign does not conform with the approved application or any of its conditions, or does not comply with or is contrary to any provision of this By-law or to any other applicable Act or Regulation, shall be guilty of an offence.
- (2) Any person who erects or continues to display any advertisement or sign which ceases to be relevant to the premises on which it is displayed by virtue of a change in use, ownership or occupancy of the premises to which it relates or for any other reason, shall be guilty of an offence.
- (3) Any person who displays or erects any advertisement or sign which contravenes or fails to comply with any provision, requirements or conditions as set out in any notice issued and served in terms of this By-law or other applicable legislation, or who knowingly makes any false statement in respect of any application in terms of this By-law, shall be guilty of an offence.

- (4) The Council may serve notice on the person/s who is displaying the advertisement or who has erected the sign or cause the advertisement or sign to be displayed or erected, or the owner or occupier of the premises upon which such advertisement or sign is being displayed or erected or upon both such persons, directing those persons to remove such advertisement or sign or to do such other work as may be set forth in the notice, within a time frame specified therein which shall not be less than 14 (fourteen) days from the date of receipt of the notice, so as to bring the advertisement or sign into conformity or compliance.
- (5) If any person/s to whom any notice has been given in terms of subsection (3) fails to comply with a direction/instruction contained in such notice within the specified period, the Council may remove or arrange for the removal of the advertisement or sign, or affect any of the alterations prescribed in the notice.
- (6) The Council may recover the expenses incurred as a result of any removal, action taken, repairs to Council property or for any other costs incurred from any person(s) to whom the notice was issued in terms of subsection (3). No compensation shall be payable by the Council to any persons in consequence of such removal, repairs or action taken.
- (7) Any person who fails to remove any poster, banner, flag or election advertisement within the prescribed period shall be guilty of an offence. The Council shall be entitled to remove any such advertisement and deduct the prescribed amount from any deposit made in respect of the advertisement(s) so removed by the Council: Provided that if the amount of money to be deducted exceeds the amount of the deposit made, the Council shall be entitled to recover such excess amount from such person(s); Provided further that when any such poster, banner or election advertisement is removed in terms of these By-laws, the Council shall be entitled to destroy any such advertisement without giving notice to anyone.
- (8) Any person/s who, having displayed or caused to be displayed any portable board in respect of which approval has been granted in terms of these By-laws, fails to remove such board within 2 (two) hours of the time as specified in section 9, shall be guilty of an offence and the Council shall be entitled to remove any such portable board and to recover from such person/s the fee prescribed: Provided that any portable board so removed by the Council may be destroyed without giving notice to anyone.
- (9) Any advertisement or sign, other than those referred to in subsections (6) and (7), which were removed or confiscated by the Council in terms of this By-laws, may be reclaimed within 60 (sixty) days from the date of removal or confiscation and on payment of the charges due, failing which the Council shall have the right to use, dispose of or sell such sign at its discretion.
- (10) If, in the opinion of the Council, the advertising sign constitutes a danger to life or property and in the event of the applicant/owner and/or occupier failing to take the necessary action with immediate effect, the Council may carry out or arrange for the removal of such sign and recover the expenses so incurred.
- (11) Any person who, in the course of erecting or removing any advertising sign, causes damage to any natural feature, electric structure or service, or any other Council installation or property, shall be guilty of an offence and punishable in terms of section 15 of these By-laws and shall be liable for damages so incurred.
- (12) The Council is entitled to summarily remove any unauthorised advertising signs on its own property without giving notice to anyone.

10.

PROHIBITIONS

- (1) The following advertisements and signs are prohibited:

- (a) Any advertisement or sign, other than an exempted sign, for which neither a permit nor approval has been obtained or which does not comply with the requirements of, or which is not permitted by these By-laws or any other law.
- (b) Any advertisement which, in the opinion of the Council, is indecent, obscene or objectionable or of a nature which may produce a pernicious or injurious effect on the public or on any particular class of person/s or on the amenity of any neighbourhood.
- (c) Any advertisement or sign that is painted onto or attached in any manner to any tree, plant, rock or to any other natural feature.
- (d) Any advertisement or sign which obstructs any street, fire escape, exit way, window, door or other opening used as a means of egress or for ventilation or for fire fighting purposes.
- (e) Any illuminated sign whether laser, animated, flashing or static, which disturbs or is a nuisance to the residents and/or occupants of any building and/or to any member/s of the public affected thereby.
- (f) Any advertisement or sign which is prohibited in terms of any Town Planning Scheme Regulation or other legislation.
- (g) Any advertisement or sign not erected in accordance with these By-laws or not in accordance with the specifications approved by the City Council, or the terms or conditions attached by the Council to any such approval.
- (h) Any advertisement or sign which may obstruct or interfere with any traffic sign or signal for traffic control, or which is likely to interfere with or constitute a danger to traffic, shipping or aircraft or to the public in general.
- (i) Any advertisement or sign which may inhibit or obstruct the motorists' vision or line of sight thus endangering vehicular and pedestrian safety.
- (j) Any form of bill-sticking by means of posters or placards to any existing structure without the approval of the Council.

11. DISCRETIONARY POWERS

- (1) The Council or its delegated officer/s shall exercise discretionary powers to permit or not to permit advertising signs in terms of the provisions of this By-laws in the following cases:
 - (a) Any advertisements on a portable board displayed on a street pavement.
 - (b) Any mobile advertising vehicles and their designated positions of display.
 - (c) Advertisements or signs painted on or in any way affixed to the surface of any window other than a display window.
 - (d) Advertisement or signs on top of a canopy or veranda.
 - (e) Advertisements painted on roofs or displayed or erected as a sky sign in an area other than industrial or harbour zone.
 - (f) Advertisements or signs displayed or erected in an area other than industrial or general business zone.
 - (g) Advertisements or signs made of certain materials not considered by the Council to be suitable or appropriate for the intended purpose.

- (h) Banners and flags affixed to flagpole/s as a ground sign or attached to an existing building or structure.
- (i) Any remote or third party advertising signs, sponsored signs and signs for non-profit organisations and institutions.
- (j) Any advertisements or signs of dimensions not in accordance with the provisions of these By-laws.

12. SIGNS ON THE COUNCIL PROPERTY AND TEMPORARY ADVERTISEMENTS

- (1) Temporary advertisements and signs on the Council property are subject to the Council's specific consent as set out in this By-laws. Permanent advertisements and signs on the Council property; i.e. street furniture, street name signs, dustbins, bus shelters, suburban and community advertisements and any other remote advertising signs are subject to the Council's specific authority and/or tender procedure. The Council shall be obliged to set out and agree to the specifications and required performance standards for these signs prior to calling for proposals.

(2) **Billboards**

- (a) Every person who wishes to display or cause to display a billboard advertisement shall submit to the Council a written application on the prescribed form and pay the prescribed fee. Such applications shall be accompanied by an environmental impact assessment in the case of billboards in excess of 36m² and/or for smaller billboards at the Council's discretion.
- (b) This type of sign shall be permitted only in urban areas of minimum control and in urban areas of partial control at the Council's discretion, subject to specific consent and assessment of their environmental impact as required, which shall include the visual, social and traffic safety aspects.
- (c) The name of the owner of the billboard or sign must be clearly displayed on all boards together with the identification number approved by Council.
- (d) Any billboard so displayed shall –
 - (i) comply with all legal requirements of the South African National Roads Agency Limited and Road Traffic Act where applicable;
 - (ii) comply with any other applicable National, Provincial or Local Government legislation and policy, including these By-laws and the Council's policy on outdoor advertising;
 - (iii) not be erected within an area of maximum control, unless, after an environmental impact assessment and public participation process, the Council identifies that such area, subject to such terms and conditions as it may impose, may be reclassified as an area of lesser control, which may not be relaxed further than the control type in the area adjacent to the site in question;
 - (iv) not be detrimental to the nature of the environment in which it is located by reason of abnormal size, intensity of illumination or design;
 - (v) not be, in its content, objectionable, indecent or insensitive to any sector or member of the public;

- (vi) not unreasonably obscure partially or wholly any approved sign previously erected and legally displayed;
 - (vii) not constitute a danger to any person or property;
 - (viii) not encroach over the boundary line of the property on which it is erected; and
 - (ix) not be erected if considered by the Council to be a distraction to drivers, cyclists or pedestrians which could contribute to unsafe traffic conditions.
- (e) The positioning of billboards shall –
- (i) be spaced at least 120m, 200m or 250m apart when in view of each other on the side of the road/s to which they are directed or aimed with up to 60 km/h, 80 km/h or 100 km/h+ speed limit respectively;
 - (ii) not be erected within 100m from the ramp gore of public roads and from overhead traffic directional signs;
 - (iii) not be permitted within a radius of 100m from the centre of an intersection on any arterial road and within a radius of 50m from the centre of an intersection on any lower order road;
 - (iv) not have an overall height in excess of 12m above the surface of the road level to which it is aimed;
 - (v) not have an overall dimension which exceeds 64m² in the case of ground signs and 54m² in the case of wall signs;
 - (vi) not have as main colours, red or amber or green when located at signalised traffic intersections and shall not obscure or interfere with any road traffic light or sign;
 - (vii) not constitute a road safety hazard or cause undue disturbance or permitted to be illuminated if such illumination, in the opinion of the Council, constitutes a road safety hazard or causes undue disturbance;
 - (viii) ensure that the traffic flow is not impeded during their erection and servicing on public roads, unless prior permission from the Council has been obtained and the necessary precautions taken and arranged;
 - (ix) in the case of wall signs, be attached only to the side and back walls of buildings which do not fulfil the function of a street or front façade of the building.

(2) **Ground signs**

- (a) Only one on-site, locality bound, freestanding ground sign per premises shall be permitted either where such a sign is necessary to facilitate the location of the entrance or access to a business premises; or where it is not reasonably possible to affix appropriate signs to the building; or where the business premises is so set back as to make proper visibility of signs on the building not feasible, or where the existence of a freestanding composite sign may prevent the proliferation of signage.
- (b) On-site, locality and non-locality bound freestanding ground signs in the form of business signs and tower structures may not exceed 7,5m in overall height and 6m² in total area. In addition, they may not exceed 4,5m² in total area in respect of any individual advertisement thereon and have a clear height of less than 2,4m. Where

a more solid structure is used, the maximum area per sign may be increased to 9m² and where the sign incorporates a combination sign, the maximum area per signage structure may be increased to 12m². Only one sign or advertising panel on a combination sign shall be allowed per enterprise per street frontage.

- (c) A remote, non-locality bound ground sign which does not have an overall height in excess of 7,5m above the ground at any point nor dimensions which exceed 6m in length and 3m in height, a total area of 18m², shall be deemed to be of appropriate dimensions: Provided that a ground sign which has greater dimensions shall not be erected unless, in the opinion of the Council, such sign will be or is deemed to be erected or displayed in an appropriate place.
- (d) All signs erected on a monopole shall be appropriately designed so that the height of the support is proportionally not too long in relation to the size of the sign.
- (e) A maximum of 2 pylon signs per tower, bridge or pylon shall be permitted. The maximum sign area per tower may not exceed 36m². The sign must be wholly contained within the structure and must have no projections.
- (f) Every ground sign or sign on towers, bridges and pylons shall be independently supported and properly secured to an adequate foundation and be without the aid of guys, stays, struts, brackets or other restraining devices and/or be entirely self-supporting and not dependant upon any existing structure for its support in any way.

(3) **Wall signs**

(a) Flat signs

- (i) Unless otherwise stipulated, flat signs shall, at no point, project more than 300mm from the surface of the wall to which they are attached. The maximum projection of any part of a flat sign shall be 100mm where the underside of such sign measures less than 2,4m from a footway or pathway immediately below it and the maximum projection shall be 300mm where the underside of such sign measures more than 2,4m above such footway or ground level.
- (ii) On-site, locality bound flat signs shall be permitted to be attached to the front, side and back walls of buildings; remote, non-locality bound flat signs shall only be permitted to be attached to the side and back walls of buildings which do not fulfil the function of a building façade and to construction site boundary walls and fences.
- (iii) No more than two locality bound flat signs per enterprise shall be permitted and no more than one non-locality bound flat sign per wall shall be permitted.
- (iv) Flat signs shall not cover any windows or other external openings of a building or obstruct the view from such openings.
- (v) Flat signs shall not exceed 54m² in total area and shall not exceed 30% of the overall area of the wall surface to which they are attached, affixed or painted, whichever is the lesser, provided that in urban landscapes of maximum control the signs may not exceed 20% of the wall surface area.
- (vi) An environmental impact assessment shall be required for all flat signs in excess of 36m².

(b) Projecting signs

- (i) The minimum clear height of a projecting sign shall be in excess of 2,4m.

- (ii) Projecting signs shall be 300mm in maximum thickness.
- (iii) Projecting signs shall not be allowed to extend within 600mm of the edge of a roadway.
- (iv) The maximum projection shall be 1,5m in the case of a projecting sign which has a clear height of more than 7,5m; and 1m where the sign has a clear height of less than 7,5m.
- (v) Projecting signs shall be installed perpendicular to the street façade or to the direction of oncoming traffic.
- (vi) All projecting signs shall be locality bound

(4) Roof signs

- (a) The maximum permitted size of a roof sign shall be 18m² or 6m² per face for three-sided units: Provided that only one sign per building shall be allowed.
- (b) Roof signs shall not project in front of a main wall of a building so as to extend beyond the roof of such building in any direction.
- (c) Roof signs shall not obstruct the view or affect the amenity of any other building.
- (d) Roof signs shall be placed in such a manner so as not to interfere with the run-off of rainwater from the roof of the building.
- (e) Roof signs shall be thoroughly secured and anchored to the building on or over which they are to be erected and all structural loads shall be safely distributed to the structural members of the building without the use of guys, stays or other restraining devices.
- (f) A roof sign, including all its supports and framework, shall be constructed entirely of non-combustible materials approved by the Council or its duly authorised official/s and if illuminated, shall not be placed on or over the roof of any buildings unless such sign, as well as the entire roof construction, is of non-combustible material.

(5) Veranda, balcony, canopy and under-awning signs

- (a) Signs may be affixed flat onto or painted on a parapet wall, balustrade or railing of a veranda or balcony, and beam or fascia of a veranda or balcony. Such signs may not exceed 1m in height, project beyond any of the extremities of the surface to which it is affixed, or project more than 300mm in front of the surface to which it is affixed or extend within 600mm of the edge of a roadway.
- (b) Signs may be affixed flat onto or painted on supporting columns, pillars and posts. Such signs may not project more than 50mm in front of the surface to which it is affixed and shall not extend beyond any of the extremities of such column, pillar or post. Sign affixed flat onto cylindrical supporting structures shall be curved to fit the form of such structure and only one sign shall be allowed per column, pillar or post.
- (c) Subject to the provisions of subsections (a) and (b), signs shall not be allowed on or over architectural features of buildings nor shall they be allowed to cover any window or obstruct the view from any such opening.
- (d) Under-awning signs suspended below the roof of a veranda, canopy or balcony shall have a maximum sign area of 1m² per face with a maximum of 2m² in total sign area and shall not exceed 1,8m in length or 600mm in height. The allowable thickness of

such signs is between 100mm and 300mm. Every such sign shall be perpendicular to the building line and fixed at a clear height of not less than 2,4m. Only one sign per enterprise façade shall be allowed with a minimum spacing of 3m centre to centre between signs. Such signs shall not extend beyond the external edges of the canopy or veranda to which it is attached.

- (e) Signs on the roof of a veranda, canopy or balcony, excluding the main roof of a building, shall be composed of a single line of freestanding, individual, cut out logos and/or letter without visible bracing or support. Signs shall only be placed on top of veranda roofs where such veranda does not have an appropriate wall, railing or beam to which the sign may be affixed. All such signs shall not extend beyond the extremities of the veranda roof, canopy or balcony and only one sign per enterprise façade shall be allowed with a maximum height of 1 m.
- (f) Sunblinds and awnings shall be so made and fixed as to be incapable of being lowered to less than 2m above the footway or pavement directly beneath it. Such signs shall be parallel to the building line and placed in a manner so as not to interfere with vehicular or pedestrian traffic, traffic lights or traffic signs in any way.
- (g) Signs on adjacent buildings shall be aligned as far as possible in order to achieve a straight line or parallel configuration.

(6) Posters, banners and flags

- (a) Every person intending to display or cause or permit to be displayed any advertisement relating to an election or advertising any meeting, function or event of a sporting, civic, cultural, social, educational, religious, charitable, political or other similar character in any street or public place or on Council property shall first obtain the written permission of the Council.
- (b) Every application for permission shall be made on the prescribed form and be accompanied by the prescribed fee and deposit as contain in the Schedule of Advertising Sign Charges (Schedule A); such deposit shall be refunded when all the advertisements have been removed to the satisfaction of the Council. The applicant shall, on application, submit a copy of all the posters to which the application relates and written details of the streets in which the posters are to be displayed.
- (c) Any person who displays or causes a poster, banner or flag advertisement to be displayed shall comply with the following requirements to the Council's satisfaction;
 - (i) Any advertisement relating to an election, meeting, function or event shall be a maximum size of 600mm high x 450mm wide; shall have a clear height of minimum 2m; and shall be securely fixed to durable hardboard or other approved backing board.
 - (ii) In the case of banners or flags, the maximum size shall be 3m², suspended between non-corrosive pole/s or other approved support/s; and which shall be placed and fastened in such a manner so as not to constitute a danger to any vehicular traffic, pedestrian, person/s or property in any street, public place or Council property.
 - (iii) Any person/s or, in the case of election advertising, each political party displaying or causing to display any poster advertisement relating to the same meeting, function or event shall only be permitted one poster per electricity lamppost. No posters are permitted to be displayed on bridges, traffic lights, traffic signs, natural features, freeways and/or national routes.
 - (iv) Any advertisement relating to an election, meeting, function or event shall not be placed in such a manner that the content of separate advertisements when

read in succession, forms a continuous relative legend.

- (v) Any advertisement relating to a meeting, function or event other than an election, shall not be displayed for longer than 14 (fourteen) days before the day on which it begins or longer than 3 (three) days after the day on which it ends. Election advertisements may be displayed from the beginning of the day of declaration of an election to the end of the third day after the election.
 - (vi) The total number of posters displayed at any one time relating to any meeting, function or event may not exceed 100, except in special circumstances and with the consent of the Council. In the case of election advertisements, no limitation will be placed on the number of posters displayed.
 - (vii) Any advertisement relating to an election shall be on the basis of a written agreement between the Independent Electoral Commission and the relevant political party.
 - (viii) Banners approved in terms of this section may not be larger than 6m².
 - (ix) Auction posters approved in terms of this section may not be larger than 2m².
 - (x) Banners and flags may be applied for as directional advertising for streetscaping urban areas such as pedestrian malls and gateways or for displaying only the name, corporate symbol and nature of enterprises.
- (d) Every poster for which permission is granted shall be provided with a Council sticker or marking which shall be visibly displayed to indicate the Council's approval and the Council shall be entitled to retain one such poster for identification purposes.

(7) Estate agents' boards and portable boards

- (a) Every agent or person intending to display, cause or permit to be displayed any portable board, shall annually submit the prescribed, written application to the Council and pay the prescribed fee for approval of the number of portable boards specified in such application.
- (b) Any person who displays or causes any such portable board to be displayed on any Council property other than a road reserve, unless specific approval has been granted for the display on other property of the Council, shall comply with the following requirements to the Council's satisfaction:
 - (i) Portable boards are only to be used for the purpose of indicating the route to the property or premises to be sold or advertised.
 - (ii) Portable boards are to be of appropriate structure and size, not exceeding 600mm², and collectively the number of boards displayed may not, in the opinion of the Council, detract from the amenities of the streetscape or environment.
 - (iii) Subject to the provisions of the Road Traffic Act and other applicable legislation, portable boards are not to be positioned nearer than 1,8m from the edge of the roadway, and placed at such height that the lower edge of the board does not exceed 600mm above the ground.
 - (iv) Portable boards are not to be positioned nearer than 10m from any road intersection, entrance or exit from a dual carriage way or freeway as defined in the Road Traffic Act or other applicable legislation.
 - (v) Portable boards are not to be positioned so as to obstruct the view of any

road traffic sign or street name sign from any portion of roadway as defined in the Road Traffic Act or other applicable legislation.

- (vi) Portable boards are not to be positioned so as to hinder or obstruct pedestrians' right of way on a sidewalk or to unfairly prejudice other traders.
- (vii) The display of portable boards for show-houses will only be permitted on Saturdays, Sundays and public holidays. Other approved portable boards advertising services may only be displayed during normal trading hours, hereafter they shall be removed.
- (viii) Only one portable board per street frontage per enterprise shall be allowed to advertise services and such signs shall be placed directly in front of the advertiser's premises.
- (ix) Applicants will be required to indemnify the Council against any claims that may arise from the placement of such signs within the road reserve or on Council property and shall be required to procure third party insurance for this purpose.

(8) Aerial advertisement

- (a) Every person who wishes to display or cause to display an aerial advertisement, except by means of an aircraft, shall submit to the Council a written application on the prescribed form and pay the prescribed fee and such application shall be accompanied by -
 - (i) particulars of the content of dimensions of the aerial advertisement and of the aerial device by means of which the advertisement is to be displayed as well as the materials used and method of construction and anchorage;
 - (ii) particulars of the intended location with a description of the premises to which the aerial device will be anchored or tethered and details of electricity and telephone poles and cables and other structures within 30m of the point of anchorage;
 - (iii) the name and address of the person/s or contractor/s displaying the aerial advertisement and the name and address of the approved competent person in attendance of the aerial device and of its owner;
 - (iv) the period and times of intended display;
 - (v) where the applicant is not the owner of the premises to which the aerial device is to be anchored or tethered, the written consent of the owner for such anchoring;
 - (vi) proof of the provision of an automatic deflation device;
 - (vii) adequate public liability insurance to the Council's satisfaction; and
 - (viii) approval and any conditions and requirements prescribed by the National Civil Aviation Authority.
- (b) No aerial advertisement shall be displayed or caused to be displayed on, from or over Council property, including any street or public place, unless approval has been granted by the Council who may impose such conditions as it deems fit.

(9) Advertising vehicles

- (a) Every person who wishes to display or cause to display any advertisement on an advertising vehicle shall annually submit to the Council a written application on the prescribed form and pay the prescribed fee, and such application shall be accompanied by -
- (i) particulars of the materials of which the advertising sign is made, its dimensions, and the manner of its construction and the method by which it is secured to the advertising vehicle;
 - (ii) the name, address and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside the boundaries of the Council, of the person having control over the vehicle at all times; and
 - (iii) a copy of the current vehicle license issued in respect of such vehicle as well as the registration as required in terms of the Road Traffic Act.
- (b) No advertising vehicle shall be placed or caused to be placed on private property or Council property, including any demarcated parking bay, in a public road or within a road reserve -
- (i) unless the prior written approval of the Council has been obtained in terms of this By-law and designated display site(s) have been approved in terms of this By-law; and
 - (ii) provided that, if no approved designated site(s) exists, advertising vehicle signs shall only be permitted to be displayed if they are mobile at all times and comply with legislation and conditions imposed by the Council.
- (c) Advertising vehicles parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place.
- (d) The advertising panel or portion of the vehicle used for transit advertising shall not exceed a cumulative total of 6m².
- (e) Notwithstanding any provisions of these By-laws, the Council or its authorised officials may, without prior notice, remove an advertising vehicle from Council property, and in the case of an unauthorised advertising vehicle on private property, the Council may serve notice instructing the immediate removal thereof.
- (f) Unless an advertising vehicle impounded by the Council in terms of paragraph (e) has been reclaimed within a period of three (3) months from the date of notification, such vehicle shall be disposed of by the Council to defray any costs involved. Impounded advertising vehicles shall only be released by the Council after all removal costs and fines have been paid in full and a copy of the current licence registration papers have been submitted for verification.

13.**PRESUMPTIONS**

- (1) If any person is charged with an offence in terms of this By-law, it shall be presumed that—
- (a) any person/s who erects or displays or who causes to be erected or displayed any advertisement or sign, whether such person/s be the applicant, the owner or the occupier of the premises, the manufacturer of any part of the signage structure or the proprietor of the undertaking or activity to which such an advertisement relates and any of their agents, shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved;
 - (b) any person/s, club, body or political party responsible for organising, sponsoring,

promoting or in control of any meeting, function or event to which a sign, poster, election or aerial advertisement relates, shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved;

- (c) any person/s whose name appears on the advertisement or sign or whose product or services are advertised on such sign shall be deemed to have displayed, caused, allowed or consented to such advertisement or sign being displayed until the contrary is proved;
- (d) an advertisement displayed upon the exterior wall or fence constituting the apparent boundary of any premises and fronting any street or public place shall be deemed to be displayed in a street or public place;
- (e) where any notice or other document is required by this By-law to be served on any person, it shall be deemed to have been properly served, within 5 (five) working days of dispatch, if served personally on him/her or any member of his household apparently over the age of sixteen years at his/her place of residence, or on any person employed by him at his place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the Council, or if such person is a company, closed corporation or a trust, if served on any person employed by that company, closed corporation or trust at its registered office, or if sent by registered post to such office;
- (f) any advertisement or sign lawfully in existence prior to the date of promulgation of this By-law shall be presumed to have been lawfully displayed or erected in terms of this By-law: Provided that it is continuously displayed or kept in position without any alteration other than a minor alteration approved in writing by the Council; and
- (g) anything done under or in terms of any provision repealed by this By-law shall be deemed to have been done under the corresponding provisions of this By-law and such repeal shall not affect the validity of anything done under the By-law so repealed. Any application lodged and pending before the Council at the time of commencement of the policy and/or promulgation of this By-law, shall be dealt with in terms of these By-laws.

14. SAVINGS IN RESPECT OF EXISTING SIGNS

The following provisions shall apply in respect of the existing signs lawfully displayed at the date of promulgation of this By-law:

- (1) Where any such sign complies with the provisions of this By-law such sign may be continued to be displayed, subject to the provisions of this By-law and shall be deemed to be a sign approved by the Council in terms of this By-law.
- (2) Where any such sign does not comply with the provisions of this By-law such sign may be continued to be displayed, subject otherwise to the provisions of this By-law: Provided that -
 - (a) if the sign is a sign to which the provisions of section 8 of this By-law are applicable, the Council may, without in any manner detracting from its right to require the removal of such sign, by notice in writing require the person having possession or control of such sign, to alter, modify or adjust such sign within a period of 90 (ninety) days from the date of receipt of such notice, or such longer period as the Council may specify, in order that it may be made to comply with this By-law.

Any such person who fails to comply with such notice, shall be guilty of an offence.

- (b) No such sign shall be repainted, renovate or reconstructed, unless it is first made to comply with the provisions of this By-law, and the approval of the Council thereto has

been obtained in terms of section 2 of this By-law. Any person who repaints, renovates or reconstructs any such sign in contravention of the provisions hereof, shall be guilty of an offence.

- (c) The Council may, at any time after the expiration of a period of 3 (three) years from the date of the promulgation of this By-law by notice in writing, require the person having possession or control of any such sign (not being a sign to which the provisions of section 8 of this By-law are applicable) to alter, modify or adjust such sign in order that it may be made to comply with this By-law; or alternatively, to remove such sign, within a period of 30 (thirty) days from the date of receipt of such notice or such longer period as the Council may specify.

Any such person who fails to comply with such notice shall be guilty of an offence.

- (3) Any existing sign not lawfully displayed at the date of promulgation of this By-law shall be removed by the owner or person having possession or control thereof.

15. PENALTIES

- (1) Any person who contravenes any provision of these By-laws shall be guilty of an offence and liable, upon conviction, to a fine of R 5 000.00 (five thousand rands) or imprisonment for a period not exceeding six months or both the fine and the imprisonment.

16. AREAS OF CONTROL

* Refer to Schedule B.

17. APPLICATION

- (2) The Council may by notice in the *Provincial Gazette*, determine that the provision of this By-law do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

18. REPEAL OF BY-LAWS

- (1) The By-laws relating to the Control of Outdoor Advertising for the Govan Mbeki Municipality or its successor in title, are hereby repealed and replaced by this By-law, which are to become effective on promulgation hereof.

19 SHORT TITLE

- (1) This By-law shall be called the Control of Outdoor Advertising By-law, 2014.

SCHEDULE A :**A. Application fees and deposits for a licence/permit for outdoor advertising**

Every person who applies to the Council for its approval or permission shall, on making application, pay to the Council the charge determined therefore and no application shall be considered until such charge has been paid; the charges are set out below:

1. A non-refundable application fee of R150.00 (One Hundred and Fifty Rand) must be tendered with each application for sign types 2 (ground signs), 3 (wall signs), 4 (roof signs) and 5 (veranda, balcony, canopy and under-awning signs). Any minor amendment to an application, considered by the duly authorised official of Council to be a minor amendment, may be submitted at a reduced application fee of R50.00 (Fifty Rand) each.
2. A non-refundable application fee of R450.00 (Four Hundred and Fifty Rand) must be tendered with each application for sign type 1 (billboards) and all non-locality bound signs in excess of 12m².
3. The approval fee for 1 and 2 is R40.00 (Forty Rand) per square metre of advertising display or part thereof with a minimum fee of R40.00 (Forty Rand) per application.
4. A non-refundable application fee of R50.00 (Fifty Rand) must be tendered with each application for advertisements for sign types 6 (posters, banners and flags).
5. On approval of posters, the applicant must purchase non-refundable stickers from the Council which are to be clearly visible on all posters displayed as follows:
 - (a) R1.00 (One Rand) per sticker to be paid for each poster to be displayed for non-profit bodies only. These posters must display the fundraising numbers of the bodies or a formal constitution has to be submitted to the Council. No commercial advertising and logos of sponsors will be permitted to appear on such posters;
 - (b) R2.50 (Two Rand and Fifty Cents) per sticker to be paid for each poster to be displayed for religious, sporting, social, cultural, political and other events. A subordinate percentage of commercial advertising and logos of sponsors is permitted to appear on such posters; or
 - (c) R5.00 (Five Rand) per sticker to be paid for each poster to be displayed for events considered by the Council or its duly authorised officials to be primarily of a commercial nature.
6. A non-refundable application fee of R600.00 (Six Hundred Rand) per annum or part thereof must be tendered with the annual application for sign type 7 (estate agents' boards); the maximum number of boards required at any given time to be specified in such application.
7. A non-refundable application fee of R50.00 (Fifty Rand) each per annum must be tendered with the annual application for sign type 7 (portable boards or any other collapsible structure).
8. A non-refundable application fee of R200.00 (Two Hundred Rand) must be tendered with each application for sign type 8 (aerial advertisements); adequate public liability insurance for the duration of display will also need to be furnished to Council's satisfaction.
9. A non-refundable application fee of R1 200.00 (One Thousand Two Hundred Rand) per annum or part thereof must be tendered with each annual application for any sign type 9 (advertising vehicles); a certified copy of the current vehicle licence will also need to be

furnished.

10. An encroachment fee of R45/m² to be paid on approval of an application for each sign type that encroaches over Council property.

Note: The duration of approval for all advertising signs shall be at the Council's discretion.

B. Fines and penalties for offences and removal of advertising signs in terms of sections 9 and 14

1. Upon conviction of a first offence, the offender shall be liable to a fine or imprisonment for a period not exceeding 3 (three) months, or both the fine and imprisonment.
2. In the case of a continuing offence, the offender shall be liable to a further fine not exceeding R100.00 (One Hundred Rand) for every day during the continuance of such offence.
3. Upon conviction of a second or subsequent offence, the offender shall be liable to a fine or imprisonment for a period not exceeding 6 (six) months, or both the fine and imprisonment.
4. For the unauthorised display of sign types 6 (posters, banners or flags), the offender shall be liable to a fine or imprisonment for a period not exceeding 3 (three) months.
5. For the unauthorised display of sign types 7 (estate agents boards, portable boards or any other collapsible structure), the offender shall be liable to a fine or imprisonment for a period not exceeding 6 (six) months.
6. Any person contravening sections 9 and/or 14 shall upon conviction be liable to a fine or imprisonment for a period not exceeding 6 (six) months, or both the fine and imprisonment.

Note: Any advertising sign which has been removed and confiscated but not destroyed by the Council, as a result of non-compliance with these By-laws, may be repurchased by the original owner/applicant at the cost incurred as a result of such removal and/or storage.

Furthermore, any sign/s removed and not repurchased within 60 (sixty) days of confiscation, or 3 (three) months in the case of advertising sign type 9 (advertising vehicles), shall be disposed of by the Council to defray expenses.

SCHEDULE B :

Maximum			Partial	Minimum
Natural landscape	Rural landscape	Urban landscape	Urban landscape	Urban landscape
National parks Game reserves Nature reserves Forestry areas Natural environments Marine reserves Beaches and sea shores Oceans Extensive agriculture Scenic corridors Scenic landscapes River corridors Wetlands open spaces	Municipal parks Horticultural areas Rural smallholdings Private open spaces Public open spaces Intensive agriculture Scenic drives Scenic routes Scenic features Peri-urban and Traditional areas	Metropolitan Open Space Systems Urban smallholdings All residential zones Private open spaces Public open spaces Pedestrian malls Pedestrian squares Community facilities Scenic features Scenic drives Gateways River corridors Wetlands Conservation areas Heritage sites Historic or graded buildings and areas	Central Business Districts Commercial and office components of residential amenities Commercial enclaves in residential areas Commercial nodes and ribbon Development Entertainment districts or complexes Educational institutions Sports fields and stadia Municipal/government Mixed use and interface areas Visual zones along urban roads/freeways	Industrial areas Industrial zones Transport nodes Traffic corridors Transportation terminals

LOCAL AUTHORITY NOTICE 236**GOVAN MBEKI MUNICIPALITY**

The Municipal Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996 , read in conjunction with sections 11 and 98 of the Local Government : Municipal Systems Act, 2000, (Act No. 32 of 2000), made the following By-laws:

BY-LAW RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES
INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS

TABLE OF CONTENTS**CHAPTER I****GENERAL**

1. Definitions
2. Application of this By-law
3. Premises for the keeping of livestock and kennels
4. Keeping of animals, poultry and birds
5. Permits for keeping of animals and poultry

CHAPTER II**KEEPING OF CATTLE, HORSES, MULES AND DONKEYS**

6. Requirements for premises
7. Duties of keeper of cattle, horses, mules and donkeys

CHAPTER III**KEEPING OF PIGS**

8. Requirements for premises
9. Duties of keeper of pigs

CHAPTER IV**KEEPING OF GOATS AND SHEEP**

10. Requirements for premises
11. Duties of keeper of goats and sheep

CHAPTER V**KEEPING OF POULTRY**

12. Requirements for premises
13. Duties of keeper of poultry

CHAPTER VI

KEEPING OF RABBITS

- 14. Requirements for premises
- 15. Duties of keeper of rabbits

CHAPTER VII

KEEPING OF BIRDS

- 16. Requirements for premises
- 17. Duties of keeper of birds

CHAPTER VIII

**DEALER IN LIVESTOCK AND OTHER BUSINESSES INVOLVING
THE KEEPING OF ANIMALS OR POULTRY**

- 18. Requirements for conducting business

CHAPTER IX

DOG KENNELS AND CATTERIES

- 19. Requirements for premises
- 20. Duties of person in control of kennels or catteries

CHAPTER X

PET SHOPS AND PET SALONS

- 21. Requirements for premises
- 22. Duties of trader

CHAPTER XI

HAWKING OF POULTRY AND RABBITS

- 23. Requirements for hawking
- 24. Duties of hawkers

CHAPTER XII

MISCELLANEOUS

- 25. Draining
- 26. Discharge of taps
- 27. Nuisance
- 28. Illness attributable to animals
- 29. Inspection
- 30. Offences and Penalties
- 31. Repeal
- 32. Application

SCHEDULE 1 : PERMIT

SCHEDULE 2 : APPLICATION FOR PERMIT

CHAPTER I**GENERAL****1. DEFINITIONS**

(1) For the purpose of this By-laws, unless the context otherwise indicates –

“adequate”	means adequate in the opinion of the Municipal Council;
“animal”	means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, cat and dog;
“approved”	means approved by the Health Officer regard being had to the reasonable public health requirements of the particular case;
“aviary”	means a roofed or unroofed enclosure used for the keeping of birds, other than a portable cage;
“battery system”	means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;
“bird”	means a feathered vertebrate other than poultry;
“cattery”	means premises in or upon which boarding facilities for cats are provided or cats are kept and bred for commercial purposes;
“dwelling”	means any building or part thereof used for human habitation;
“enclosure”	in relation to animals, means any kraal, pen, paddock or other such fenced or enclosed area used for accommodating, keeping or exercising animals;
“Health Officer”	means a medical officer of health appointed in terms of section 22 or 25 of the Health Act, 1977 (Act No. 63 of 1977), and includes a health inspector appointed by a local authority in terms of section 24 of that Act;
“kennels”	means premises in or upon which – <ul style="list-style-type: none"> (a) boarding facilities for dogs are provided; (b) dogs are bred for commercial purposes; or (c) dogs are kept for the purposes of being trained or hired out with or without handlers;
“livestock”	means horses, cattle, sheep, goats, pigs, mules, and poultry;
“Municipality”	means the Govan Mbeki Municipality;

“Municipal Council”	means the Council of the Municipality as referred to in section 157 of the Constitution, 1996
“Municipal Manager”	means the person appointed by the Municipal Council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person – (a) acting in such a position; (b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;
“nuisance”	means a nuisance as defined in the Health Act, 1977 (Act No. 63 of 1977);
“permit holder”	means the person to whom a permit has been issued by the Health Officer in terms of these By-laws;
“person in control”	means the person actually managing or actually in control of a premises or a business;
“pet”	means any domestic or other animal which may be lawfully kept as a pet and includes any bird and non-poisonous reptile;
“pet salon”	means any premises in or upon which beauty treatment is given to dogs or cats by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;
“pet shop”	means the business of keeping and selling pets on premises;
“pigsty”	means a building, structure or enclosure in which pigs are kept;
“poultry”	means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;
“poultry house”	means any roofed-over building or structure, other than one in which a battery system is operated, in which poultry is kept;
“poultry run”	means any unroofed wire mesh or other enclosure, whether or not an addition to a poultry house, in which poultry is kept;
“premises”	means any land, building or structure or any portion of land, building or structure on or in which any of the activities regulated by this By-law are carried on;
“public place”	means any road, street, pavement, side-walk, park or other place to which the public has authorised and unimpeded access;

“rabbit hutch”	means any roofed-over building or structure, other than one in which a battery systems is operated, in which rabbits are kept;
“rabbit run”	means any unroofed wire mesh or other enclosure, whether or not an addition to a rabbit hutch, in which rabbits are kept;
“stable”	means any building or structure or any part thereof used for accommodating or keeping any cattle, horses, mules or donkeys.

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

2. APPLICATION OF THIS BY-LAW

- (1) The provisions of this By-law shall not apply to –
- (a) the keeping of cows for commercial milk production;
 - (b) any agricultural show where animals, poultry or birds are kept on a temporary basis;
 - (c) any laboratory where animals, poultry or birds are kept for research purposes:

Provided that the Health Officer may, if he is satisfied that the application of one or more provisions of these By-laws is essential in the interest of public health, by notice to the person concerned require such provision be complied with.

- (2) The provisions of sections 4, 5, 10 and 11 shall not apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons: Provided the prior approval of the Health Officer is obtained and no nuisance arises from the keeping of such goat.
- (3) The provisions of section 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 shall apply only to the premises newly constructed, reconstructed or converted after the commencement of this By-law: Provided that the Health Officer may, if he is satisfied that the application of any one or more of the said requirements is essential in the interests of public health, give notice in writing to the owner or person in control of such premises, to comply with such requirements as he may specify and within a reasonable period stated in the notice.

3. PREMISES FOR THE KEEPING OF LIVESTOCK AND KENNELS

- (1) No person shall –
- (a) keep any livestock, other than poultry, or maintain kennels within any area defined by the Municipality as unsuitable for the keeping of livestock and the maintenance of kennels: Provided that the foregoing shall not apply in respect of a veterinary clinic or veterinary hospital operating within the Municipal area of consent;
 - (b) keep any livestock, other than poultry, on premises situated on land less than 1 hectares in extent: Provided that in the case of a dealer or speculator in livestock the land shall not be less than 2,5 hectares in extent.

4. KEEPING OF ANIMALS, POULTRY AND BIRDS

- (1) No person shall keep any animal, poultry or bird in or upon any premises -
- (a) which does not comply with the provisions of this By-law;
 - (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the Health Officer, likely to cause a nuisance or injury to health.

5. PERMITS FOR KEEPING OF ANIMALS AND POULTRY

- (1) No person shall –
- (a) keep any animal, other than a cat, dog, rabbit or poultry in excess of two, unless he is the holder of a permit issued by the Municipality in the form set out in Schedule 1 hereto: Provided that such permit shall not be required for the keeping of any animal or poultry in connection with the business of a pet shop;
 - (b) keep any animal or poultry in excess of the number specified in such permit: Provided that progeny of any mammal still suckling, shall not be taken into account.
- (2) Application for such a permit shall be made to the Municipality in the form set out in Schedule 2 hereto.
- (3) A permit shall not be transferable and shall expire on the date on which the permit holder ceases to keep the animals or poultry for which the permit was issued.
- (4) A permit holder shall in writing notify the Health Officer if he ceases to keep the animals or poultry in respect of which a permit was issued or of any increase in the number of animals or poultry kept in excess of the number specified in the permit concerned, within ten days of any such occurrence.
- (5) The Municipality may cancel a permit issued in terms of subsection (1)(a), if –
- (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of this By-law, or the permit holder contravenes, or fails to comply with any such provision, and the permit holder fails to comply with a written notice from the Health Officer requiring him to make such premises comply with the By-law or to cease such contravention or failure within a period specified in such notice;
 - (b) any disease, which in the opinion of the Health Officer or a veterinarian, is of such a nature that it is likely to constitute a danger to the public health or to other animals or poultry, breaks out amongst the animals or poultry kept under such permit;
 - (c) the permit holder or person in control of the premises at the time, personally or through his employee obstructs the Health Officer in his execution of his duties under this By-law;
 - (d) the permit holder has been found guilty in a competent court of a contravention of this By-law;
 - (e) in the opinion of the Health Officer, a public nuisance exists due to the keeping of the animals.

- (6) The Health Officer shall as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (7) The Municipality may, subject to the foregoing provisions of this section, issue a new permit if she is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

CHAPTER II

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

6. REQUIREMENTS FOR PREMISES

- (1) For the keeping of any cattle, horse, mule or donkey a stable or enclosure complying with the following requirement shall be provided -
 - (a) every wall and partition of the stable shall be constructed of brick, stone, concrete or other durable material.

7. DUTIES OF KEEPER OF CATTLE, HORSES, MULES AND DONKEYS

- (1) Every person keeping any cattle, horse, mule or donkey shall –
 - (a) ensure that any such animal is kept within a stable or enclosure;
 - (b) maintain the premises, any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair;
 - (c) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin.

CHAPTER III

KEEPING OF PIGS

8. REQUIREMENTS FOR PREMISES

- (1) For the keeping of pigs, a pigsty complying with the following requirements shall be provided -
 - (a) every wall shall be constructed of brick, stone, concrete or other durable material not less than 1,5 m in height and shall have a smooth internal surface;
 - (b) the pigsty shall have a floor area of at least 3 m² for each pig to be accommodated therein, with an overall minimum floor area of 6 m².

9. DUTIES OF KEEPER OF PIGS

- (1) Every person keeping pigs shall –
 - (a) ensure that every pig is kept within a pigsty;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping, in a clean and sanitary condition and in good repair;

- (c) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER IV

KEEPING OF GOATS AND SHEEP

10. REQUIREMENTS FOR PREMISES

- (1) For the keeping of any goat or sheep, premises complying with the following requirement shall be provided -
- (a) an enclosure with an area of at least 1,5 m² for every goat or sheep to be accommodated therein with an overall minimum floor area of 30 m².

11. DUTIES OF KEEPER OF GOATS AND SHEEP

- (1) Every person keeping any goat or sheep shall –
- (a) ensure that every such animal is kept within an enclosure, building or shed;
- (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair;
- (c) take effective measures for the prevention of harbouring and breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER V

KEEPING OF POULTRY

12. REQUIREMENTS FOR PREMISES

- (1) For the keeping of poultry, premises complying with the following requirements shall be provided -
- (a) a poultry house complying with the following requirements –
- (i) every wall thereof shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface;
- (ii) the floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish.

13. DUTIES OF KEEPER OF POULTRY

- (1) Every person keeping poultry shall -
- (a) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in a clean, sanitary condition and in good repair;

- (c) maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
- (d) ensure that such poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
- (e) take effective measures for the prevention of harbouring and breeding, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of poultry on the premises.

CHAPTER VI

KEEPING OF RABBITS

14. REQUIREMENTS FOR PREMISES

- (1) For the keeping of rabbits premises complying with the following requirements shall be provided -
 - (a) a rabbit hutch complying with the following requirement:-
 - (i) every wall thereof shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface;

15. DUTIES OF KEEPER OF RABBITS

- (1) Every person keeping rabbits shall -
 - (a) ensure that all rabbits are kept within the rabbit hutch, rabbit run or building or structure housing a battery system;
 - (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping, in a clean, sanitary condition and in good repair;
 - (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from vermin;
 - (d) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of rabbits on the premises.

CHAPTER VII

KEEPING OF BIRDS

16. REQUIREMENTS FOR PREMISES

- (1) For the keeping of birds in an aviary, premises complying with the following requirement shall be provided -
 - (a) the aviary shall be properly constructed of durable materials, rodent proof and provided with access thereto adequate for cleaning purposes.

17. DUTIES OF KEEPER OF BIRDS

- (1) Every person who keeps birds in an aviary shall -
- (a) ensure that the aviary and the premises are kept in a clean condition and free from vermin;
 - (b) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin;
 - (c) ensure that such birds do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER VIII

DEALER IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS OR POULTRY

18. REQUIREMENTS FOR CONDUCTING BUSINESS

- (1) Every person conducting the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, shall comply with the requirements of section (2).
- (2) Subject to the provisions of this By-law, the requirements of sections 2 to 15 inclusive, shall be complied with in so far as those provisions are applicable to the animals or poultry kept.

CHAPTER IX

DOG KENNELS AND CATTERIES

19. REQUIREMENTS FOR PREMISES

- (1) No person shall maintain kennels or a cattery, unless the requirements of section (2), inclusive are complied with.
- (2) Every dog or cat shall be kept in an enclosure complying with the following requirement:-
- (a) it shall be constructed of durable materials and shall have access thereto adequate for cleaning purposes.

20. DUTIES OF PERSON IN CONTROL OF KENNELS OR CATTERIES

- (1) Any person in control of kennels or a cattery shall -
- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
 - (b) keep any sick dog or cat in the isolation facilities required in terms of section 19(1);
 - (c) ensure that dogs and cats kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER X**PET SHOPS AND PET SALONS****21. REQUIREMENTS FOR PREMISES**

- (1) No person shall conduct a business of a pet shop or pet salon in or upon any premises—
- (a) in which there is direct internal access with any room or place used for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored, sold or consumed;

22. DUTIES OF TRADER

- (1) Every person who conducts the business of a pet shop shall –
- (a) provide cages for housing animals, poultry or birds, and the following requirements shall be complied with:-
- (i) the cages shall be constructed entirely of metal or other durable impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
- (b) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop, in a clean, sanitary condition, free from vermin and in good repair;
- (c) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of pets on the premises.

CHAPTER XI**HAWKING OF POULTRY AND RABBITS****23. REQUIREMENTS FOR HAWKING**

- (1) No person shall hawk poultry or rabbits, unless the following requirement is complied with –
- (a) the business of a hawker shall be conducted from premises on which poultry or rabbits shall be kept in compliance with the provisions of Chapters V and VI and facilities shall be provided for the parking of the vehicle used for hawking after normal trading hours.

24. DUTIES OF HAWKER

- (1) Every person hawking poultry or rabbits shall -
- (a) wash and thoroughly cleanse that part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after each day's trading;
- (b) remove from every cage or crate on the vehicle any poultry or rabbits which appear to be sick and place such poultry or rabbits in a separate cage;

- (c) maintain the premises, vehicle and every cage, crate, tray, vessel, container and receptacle used in connection with such hawking in a clean and sanitary condition, free from vermin and in good repair;
- (d) store all feed in rodent proof receptacles.

CHAPTER XII

MISCELLANEOUS

25. DRAINING

- (1) All sinks, wash and hand basins, baths, shower-baths, troughs, floor surfaces, including channels and washing platforms, required to be drained in terms of this By-law, shall be drained to an external gully, connected to the Municipality's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the Municipality.

26. DISCHARGE OF TAPS

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

27. NUISANCE

- (1) No person shall -
 - (a) keep any animal or pet in such a manner as to cause a nuisance;
 - (b) fail to remove faeces deposited by a dog in a public place whilst under his control or supervision and dispose of such faeces in a refuse receptacle;
 - (c) fail to duly dispose of dead animals in such a manner as prescribed by the Health Officer.

28. ILLNESS ATTRIBUTABLE TO ANIMALS

- (1) The illness of any person which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Chapters VII to X inclusive, shall be reported to the Health Officer within 24 hours of diagnosis by the person making the diagnosis.

29. INSPECTION

- (1) The Health Officer and any officer authorised thereto by the Municipality may, in order to satisfy himself that the provisions of this By-law is being complied with -
 - (a) enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a hawker of poultry or rabbits is being conducted or on

which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;

- (b) inspect such premises or any vehicle used or reasonably suspected by him to be used for such business and anything thereon or therein; and
- (c) question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

30. OFFENCES AND PENALTIES

- (1) Any person –
 - (a) who contravenes or fails to comply with any provision of this By-law; or
 - (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or a hawker of poultry or rabbits on any premises fails to ensure that all the provisions of this By-law applicable to such premises or business are complied with;
 - (c) who fails or refuses to give access to premises to the Health Officer of any officer contemplated in section 29 when requested to give such access;
 - (d) who obstructs or hinders the Health Officer or other officer in the execution on his duties under this By-law;
 - (e) fails or refuses to give information to the Health Officer or such other officer which is lawfully required, or knowingly furnishes false or misleading information;
 - (f) fails or refuses to comply with a notice in terms of section 2, shall subject to the provisions of subsection (2), be guilty of an offence and shall be liable on conviction to a fine not exceeding R5000.00 (Five Thousand Rand) or, in default of payment, to imprisonment for a period not exceeding six months.

31. REPEAL

- (1) The By-laws relating to Animal By-law for the Govan Mbeki Municipality, are hereby repealed and replaced by this By-law, which is to become effective on promulgation hereof.

32. APPLICATION

- (1) The Municipality may by notice in the *Provincial Gazette*, determine that the provision of this By-law do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

33. SHORT TITLE

- (1) This By-law shall be called the by-law relating to the keeping of animals, birds and poultry and businesses involving the keeping of animals, birds, poultry or pets 2014.

SCHEDULE 1

Govan Mbeki Municipality:

Permit

No.:.....

Date:.....

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

**PERMIT : BY-LAW RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND
BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS**

With reference to your application dated a permit to keep the animals/ poultry as specified hereunder at address so specified is hereby granted.

*Animals/Poultry:

Address:

.....
.....

The granting of the permit is subject to your complying with the provisions of the aforementioned By-law.

Your attention is invited to the provisions of section 5(4) of the said By-law requiring a permit holder to notify the Municipality's Health Officer of any increase in the number of animals or poultry in excess of the number authorised by the permit and section 5(5) regarding the cancellation of a permit.

Yours faithfully

Municipal Manager

*** Specify number and kind of animals or poultry.**

SCHEDULE 2

APPLICATION FOR A PERMIT: BY-LAW RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR PETS

I/We
(full name of applicant/s)

hereby apply for a permit to keep *animals/poultry/rabbits on premises situated at Stand..... Street
..... Township, in terms of the aforementioned By-law of the
.....
(Govan Mbeki Municipality)

Details of the * animals/poultry/rabbits to be kept are as follows:-

SPECIES	NUMBER
.....
.....
.....
.....

I/We accept the responsibility for the keeping of * animals/poultry/rabbits, in accordance with the provisions of the said By-law and acknowledge that in the event of my/our failure to effect such compliance this permit may be cancelled in terms of section 5 of the said By-law.

Signature of Applicant/s:
Capacity:
Date:

*Delete whichever is not applicable.

LOCAL AUTHORITY NOTICE 237**GOVAN MBEKI MUNICIPALITY**

The Council of Govan Mbeki Municipality has in terms of section 156 of the Constitution, 1996, read in conjunction with Section 11 and 98 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, made the following By-law:

THE BY-LAW RELATING TO CEMETERIES**TABLE OF CONTENTS**

1. Definitions
2. Disposal of a body
3. Cemeteries exempted from the provisions of this By-law
4. Interments
 - 4.1 Permission of interments
 - 4.2 Application for interments
 - 4.3 Interments only in allotted graves
 - 4.4 Reservation of graves
 - 4.5 Transfer or disposal of rights
 - 4.6 Multiple interment in a single grave
 - 4.7 Dimension of graves
5. Enlargement of graves
6. Covering of coffins
7. Construction of coffins
8. Funerals
 - 8.1 Religious or memorial services
 - 8.2 Control of hearses
 - 8.3 Conveying of bodies
 - 8.4 Conveying of coffins
 - 8.5 Compliance with direction at funerals
 - 8.6 Duration of service
 - 8.7 Funeral hours
9. Reopening of graves and exhumations
 - 9.1 Conditions of exhumations
 - 9.2 Exhumations and reburial by the Municipal Council and/or other parties
10. Gardening of graves and objects on graves
11. Memorial work
 - 11.1 Erection or re-erection of memorial work
 - 11.2 Inferior memorial work
 - 11.3 inscription on memorial work
 - 11.4 Dismantling of memorial work
 - 11.5 General requirements of memorial work
 - 11.6 Requirements of memorial work in berm/ or lawn section
 - 11.7 Requirements of memorial work in memorial section
 - 11.8 Requirements of memorial work in landscape section
 - 11.9 Supervision of work
12. Prohibited acts.
13. Liability of Municipal Council in respect of injury or damage
14. Indigent burial
15. Cemetery hours
16. Offences and Penalties
17. Repeal of this By-law
18. Short title

1. DEFINITIONS

(1) For the purpose of this by-law, unless the context indicates otherwise:

“adult”	means a deceased person over the age of 12 years, and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1.40m in length and 400mm in width;
“anatomy subject”	means a body delivered to an authorised school of anatomy in terms of the Anatomy Act, 1959;
“berm”	means a concrete base laid by the Municipality at the head of any grave, in a landscape section or a lawn section;
“body”	means the remains of any deceased person;
“burial order”	means an order issued in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992)
“caretaker”	means a person or official appointed by the Municipality to be in charge of and to exercise control in or over a cemetery;
“cemetery”	means any piece of land or part thereof duly set aside and demarcated by the Municipality on an official plan for human burials within the area of the Municipality;
“child”	means a deceased person who is not an adult;
“Headstone”	A memorial work that is comprised of a slab placed on the head position of the interred body in the grave
“landscape section”	means a cemetery or section of a cemetery set aside by the Council where memorial work is restricted in size. Such place shall have grass/lawn on the body position of the grave
“full memorial section”	means a cemetery or section of a cemetery which is not a landscape section or a lawn section;
“memorial work”	means any headstone, monument, plaque or other similar work erected or intended to be erected in any cemetery commemorating a deceased person and includes a kerb demarcating any grave and a slab covering any grave;
“Municipality”	means the Govan Mbeki Municipality;
“Municipal Council”	means the Council of the Municipality as referred to in section 157 of the Constitution No.108 of 1996:
“Municipal Manager”	means the person appointed by the municipal council as the Municipal Manager of the Municipality in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000 and includes any person – a) acting in such a position;

- b) to whom the municipal manager has delegated the power, function or duty in respect of such delegated power, function or duty;

“officer-in-charge”	means any person authorised by the Municipal Council to be in control of any cemetery;
“plot”	means any area laid out in any cemetery for not less than two and not more than ten graves adjoining each other, in respect of which the exclusive right to inter has been acquired in terms of this by-law;
“public grave”	means any grave in a cemetery which is not a private grave;
“private grave”	means a grave in respect of which the exclusive right to inter therein has been acquired in terms of this by-law;
“private rights”	means the exclusive right to inter which has been granted in terms of subsection 7(1) of this by-law;
“registrar of deaths”	means any person appointed as registrar or assistant registrar of deaths in terms of the Birth and Death Registration Act, 1992;
“tariff of charges”	means any charges determined by Municipal Council from time to time.

2. DISPOSAL OF A BODY

- (1) No person shall, save without the prior written consent of the Municipal Council, dispose of or attempt to dispose of a body, other than by interment in a cemetery.
- (2) The Municipal Council reserves the right to provide for the separate burial of individuals in separate cemeteries or in separate areas of a cemetery, due to the existence of different religious and cultural groups.

3. CEMETERIES EXEMPTED FROM PROVISION OF THIS BY-LAW

- (1) The provisions of this by-law, other than that of subsection (2) and sections 2 shall not apply to any cemetery or section of a cemetery which –
 - (a) has been set aside by the Municipal Council for the interment of deceased persons who were members of the Hindu, Jewish or Moslem faith; and
- (2) The authorities operating and controlling interment processes in a cemetery as contemplated in subsection (1)(a), shall be liable to pay to the Municipal Council the appropriate charges prescribed in the applicable tariff of charges.

4. INTERMENTS

(1) PERMISSION OF INTERMENTS

- (a) No person shall inter a body in any cemetery or cause it to be so interred without the permission of the municipal officer-in-charge or without arranging a date and time for the interment with such officer.
- (b) Such permission shall not be granted unless –

- (i) a copy of death certificate and burial order in terms of Births and Death Registration Act, 1992, has been issued and produced to the officer-in-charge;
- (ii) all appropriate charges prescribed have been paid; and
- (iii) an application is concluded with the responsible office in the municipality within 48 hours or two working days before the funeral.
- (iv) In considering the granting or refusal of the permission referred to in subsection (1), the officer-in-charge shall have regard to the customs of the people making use of the cemetery.

(2) APPLICATION FOR INTERMENT

- (a) Any person desiring to have a body interred shall in accordance with the provisions of subsections (2) and (3), submit to the officer-in-charge an application completed in the form prescribed by Council, signed by the nearest surviving relative of the deceased person or person authorised by such relative, or if the officer-in-charge is satisfied that the signature of such relative or person authorised cannot be obtained timeously, any other person who satisfies the officer-in-charge as to his/her identity and interest in the interment concerned.
- (b) Subject to the provisions of subsection (3), every application for interment shall be submitted at least forty-eight (48) hours or two working days before such interment.
- (c) Notice of any postponement or cancellation of any interment shall be given to the officer-in-charge not later than one hour before the interment was to have taken place.

(3) INTERMENT ONLY IN ALLOTTED GRAVE

- (a) Subject to the provisions of this by-law, no interment shall take place in any grave not allotted by the officer-in-charge.
- (b) No any other person other than the officer in charge shall have authority to re-arrange numbers at the grave yard without the permission of the officer in charge.
- (c) Where numbers were re-arranged by the officer in charge due to circumstances prevailing at the grave site on the day of burial, the correction of numbers shall be duly inserted in the graves register on the first working day after such change was effected.

(4) RESERVATION OF GRAVES

- (a) No plots shall be reserved in any public cemetery for exclusive use by a particular group, family, clan or whatsoever.
- (b) All graves sold by the municipality shall be used within thirty (30) days after application has been concluded with the officer in charge.
- (c) Where the two subparagraphs above are not possible for whatever, reasons, the officer in charge must be notified in writing and exact period of burial be furnished.
- (d) No burial plots will be sold without provision of death certificate and provision of burial order as indicated in 3 (1) (a) above.
- (e) Where a person claim to have private rights to a particular plot in a cemetery, such person shall be required to demonstrate with proof of such rights indicating the extent of plots or number of graves for which the rights are held to the officer in charge before interment can be so allowed.
- (f) The holder of rights referred to above shall be required to follow all other procedures provided above before an interment can be performed in any municipal cemetery.

(5) TRANSFER OR DISPOSAL OF RIGHTS

- (a) No one shall have a right to make arrangements to transfer burial rights to another person without the approval of the officer in charge.
- (b) Where such rights are transferred, the interment shall only be approved upon furnishing the officer in charge with the Death Certificate, Burial Order or any legal document that may be required in terms of Death and Birth Register Act or any other legislation applicable.

(6) MULTIPLE INTERMENT IN A SINGLE GRAVE

- (a) More than one interments in a single may be permitted in cemeteries where graves are dug up to 8ft deep: Provided that a third interment may be made in such grave with the consent of the officer-in-charge if the grave has been deepened to accommodate such.
- (b) The person making application for second interment shall-
 - (a) remove all memorial work on such grave at his/her own expense and comply with any requirement of the officer-in-charge in respect of such removal;
 - (b) after compliance with paragraph (a), give at least 48 hours or two (2) working days written notice to the officer-in-charge in the form prescribed by Council of such interment, which period shall be calculated exclusive of any Saturday, Sunday and public holiday.

(7) DIMENSIONS OF GRAVES

Subject to the provisions of section 12 –

- (a) in any cemetery existing at, and the planning and layout of which have been completed prior to the commencement of this by-law –
 - (i) an adult's grave shall –
 - (aa) measure 2 400mm in length and 900mm in width, at ground level; and
 - (bb) have an excavation of 2 200mm in length, 1 800mm in depth and 770mm in width;
 - (ii) a child's grave shall –
 - (aa) measure 1 500mm in length and 600mm in width, at ground level; and
 - (bb) have an excavation of 1 400 mm in length, 1 500mm in depth and 400 mm in width;
- (b) in any cemetery existing at the coming into operation of this by-law but in respect of which the planning or the layout has not been completed, and in any cemetery established after such commencement of operation, an adult's grave in a memorial section shall –
 - (aa) measure 2 500mm in length and 1 500mm in width, at ground level;
 - (bb) have an excavation as set out in paragraph (a)(i)(bb);

- (ii) an adult's grave in a lawn section or a landscape section shall -
 - (aa) measure 2 500mm in length and 1 200mm in width, at ground level; and
 - (bb) have an excavation as set out in paragraph (a)(i)(bb);
- (iii) a child's grave in a memorial section shall –
 - (aa) measure 1 500mm in length and 1 000mm in width, at ground level; and
 - (bb) have an excavation as set out in paragraph (a)(ii)(bb);
- (iv) a child's grave in a lawn section or a landscape section shall –
 - (aa) measure 1 500mm in length and 700mm in width, at ground level; and
 - (bb) have an excavation as set out in paragraph (a)(ii)(bb);

5. ENLARGEMENT OF GRAVES

- (1) Notwithstanding the provisions of Section 3
 - (a) if a coffin is too large to be accommodated within the excavation of an adult's grave, such excavation may be enlarged to a size which will accommodate such coffin;
- (2) If the excavation of a grave is to be enlarged, or deepened as contemplated in subsection (1), the officer-in-charge shall be notified accordingly, at least 48 hours before the interment, which period shall be calculated exclusive of any Saturday, Sunday and public holiday, and such notice shall be accompanied by payment of the appropriate fee.

6. COVERING OF COFFINS

- (1) There shall be at least 1 2 m of soil between any adult's coffin and the surface of the ground, and at least 900mm of soil in the case of a child's coffin immediately after interment.

7. CONSTRUCTION OF COFFINS

- 1. No coffin intended to be placed in a grave shall be constructed of any material other than natural timber or bio degradable or decomposable material.

8. FUNERALS

8.1 RELIGIOUS OR MEMORIAL SERVICES

- (1) Subject to the directions of the officer-in-charge, a religious ceremony or memorial service may be conducted in any cemetery with facilities such as chapel or whatsoever. Such service shall be restricted to not more than 30 minutes.

8.2 CONTROL OF HEARSE

- (1) No person shall within any cemetery, drive a hearse or cause any hearse to be driven elsewhere than on a roadway, or leave or detain any hearse in such roadway after removal of the coffin from such hearse.

8.3 CONVEYING OF BODIES

- (1) No person shall in any street, cemetery or public place –
 - (a) convey a body in an unseemly manner;
 - (b) expose any part of such body;
 - (c) remove any lid or slide of a coffin in which a body has been placed.

8.4 CONVEYING OF COFFINS

- (1) Every person who in terms of this by-law applies to have a body interred shall be responsible for ensuring that the coffin is conveyed to the grave.

8.5 COMPLIANCE WITH DIRECTIONS AT FUNERALS

- (1) Any person taking part in a funeral, procession or ceremony within any cemetery shall comply with any reasonable direction of the officer-in-charge.

8.6 DURATION OF SERVICES

- (1) No person shall occupy for more than 30 minutes any chapel in a cemetery for the purpose of a service or ceremony without the consent of the officer-in-charge.

8.7 FUNERAL HOURS

- (1) No funeral shall take place before the hour of 07h00 or after of 16h00 except for those of Islamic, Jewish or Hindu religion.
- (2) No funeral shall take place on a Christmas Day and Good Friday, except for those of Islamic, Jewish or Hindu religion

9. REOPENING OF GRAVES AND EXHUMATIONS

9.1 CONDITIONS OF EXHUMATION

- (1) No person shall –
 - (a) exhume or cause to be exhumed any body without the prior written consent of the Municipal Council and the approval of the responsible authority in terms of the national and provincial legislation.
 - (b) exhume or cause to be exhumed any-body without prior arrangement with the officer in charge and has submitted all required documents, which may be but not limited to:
 - (i) Approval of exhumation from the provincial department of health.
 - (ii) Permission of exhumation from the municipality
 - (iii)
 - (c) The officer in charge shall arrange such exhumation at times when there are no other funeral services on site.

- (2) If remains are to be exhumed from any grave, the officer-in-charge shall cause the grave to be excavated for such exhumation but shall not, except as provided by section 23, remove any body from the grave.
- (3) The removal of the body shall be the responsibility of the applicant or representative thereon
- (4) If a grave is required to be excavated for exhumation, the officer-in-charge shall be given at least 48 hours written notice of the proposed exhumation and such notice shall be accompanied by the appropriate charge prescribed.
- (5) The grave from which anybody is to be exhumed shall be effectively screened from view during the exhumation, and a suitable receptacle for the body shall be provided by the person carrying out such exhumation.
- (6) The person carrying out such exhumation shall ensure that the body and grave are properly disinfected and deodorised.

9.2 EXHUMATION AND RE-BURIAL BY THE MUNICIPAL COUNCIL AND OR OTHER PARTIES

- (1) If, in the opinion of the Council, the exhumation of any body is advisable or necessary, or if a body has been interred in a grave in contravention of this by-law, the Council may, subject to the provisions of the national legislation and Mpumalanga Cemeteries, Crematoria and Exhumation of Bodies Act, 2005, cause such body to be exhumed and re-interred in another grave: Provided that whenever possible a relative of the deceased person shall be notified of the intended re-interment and such relative shall be entitled to attend such re-interment.
- (2) Where in the opinion of Council provision of these by-laws were deliberately ignored, the costs of exhumation and reburial referred to in 2(1) above shall be claimed from the relative of the deceased person who applied for the initial interment.
- (3) All procedures in 1 above shall be done in compliance with the Dead Bodies and Graves Ordinance, 1925.
- (4) If the Premier of Mpumalanga Province consent to exhumation and re-burial, the Council may re-bury the remains in the grave and manner of its choice, subject to directives if any from the Premier or Provincial Health Department or the religious rites of the deceased at the costs of the relative of the deceased.
- (5) Council must notify the relative(s) of the deceased or the person who applied for the initial interment by letter, if their whereabouts are unknown advert in the national and local newspaper or radio station indicating its intention to exhume and rebury the remains of the deceased, stating reasons for such action.
- (6) Any party that wishes to exhume the remains of the deceased buried at municipal cemetery shall do so after satisfying the officer in charge that all the provisions of the Dead Bodies and Graves Ordinance of 1925, Section 14(1) of the Mpumalanga Cemetery, Crematoria and Exhumation of Bodies Act, 2005 and where applicable the order of the Court is provided.
 - (i) Municipality shall only consider application for exhumation when the requirements of the Ordinance mentioned in 6. above are satisfied.
 - (ii) Demonstrate to the municipality that the relatives of the deceased they intend to exhume have been notified accordingly.

- (iii) Where the deceased are unknown the applicant shall provide sufficient proof that attempts were made to trace the relatives, such proof may include but not limited to, Newspaper advertisement, radio and any other means appropriate.
- (7) The party applying to exhume for the purpose of burial shall provide to the municipality or officer in charge the permission to rebury the remains at another cemetery. Such permit shall clearly indicate the location of the cemetery and the authority in control of such cemetery.
- (8) Re-burial of remains that have been exhumed elsewhere shall be made in writing to the Director: Community Services or delegated official stating the following:
 - (i) The number and or names of the remains to be buried.
 - (ii) Permission granted by the Premier and or Provincial Department of Health or Court Order.
 - (iii) That the relatives of the deceased have been notified, clearly stating their names and where possible furnishing copies of their identity documents.
 - (iv) Where it is alleged that the whereabouts of the relatives are unknown, proof of tracing or contacting them shall be provided, which shall be not not limited to newspaper advertisement, radio and any other appropriate means.

10. GARDENING OF GRAVES AND OBJECTS ON GRAVES

- (1) No person other than the Council employee or representative shall garden any grave.
- (2) No person shall erect, place or leave upon a grave any object or decoration, except during the first twenty-eight days following the interment therein.
- (3) Notwithstanding the provisions of paragraph (a) natural or artificial flowers and the receptacles in which they are contained may be placed on a grave at any time: Provided that on a grave with a berm, natural or artificial flowers may only be placed in a receptacle placed in the socket provided in the berm or headstone.
- (4) The officer-in-charge or any member of his/her staff may remove natural or artificial flowers and any receptacle placed on a grave, when they become withered, faded or damaged.
- (5) Council or its representative shall remove any objects and or receptacles that are placed on the grave without prior arrangement with the municipality or are placed in contravention of (c) above without notifying anybody concern.

11. MEMORIAL WORK

11.1 ERECTION OR RE- ERECTION OF MEMORIAL WORK

- (1) No person shall, without the prior written consent of the officer-in-charge, erect any memorial work in any cemetery under the control of Govan Mbeki Municipality.
- (2) Application for consent in terms of subsection (1) shall be made at least five working days before the proposed date of the erection to the officer-in-charge in the form prescribed by Council and shall be accompanied by the appropriate charge.
- (3) If memorial work is removed for additional inscriptions or other alterations thereto, the provisions of subsection (1) shall apply *mutatis mutandis*.
- (4) Save with the permission of the officer-in-charge, no work on any memorial work shall be performed on a Saturday, Sunday of public holiday, or at any time between the hours 17h00 and 09h00.

- (5) No person shall erect or re-erect any memorial work at any time when the ground upon which such memorial work is to be erected or re-erected is, in the opinion of the officer-in-charge, in an unsuitable condition.
- (6) The person in charge of the erection or re-erection of any memorial work shall produce the written consent referred to in subsection (1), at the request of the officer-in-charge.
- (7) No memorial work or material for use in connection therewith shall be conveyed in any cemetery in such manner as may damage the paths or grounds.
- (8) Any surplus material, rubbish or rubble resulting from the erection or re-erection of any memorial work, shall be removed forthwith by the person responsible for such erection.
- (9) No memorial work extending beyond 765 mm measured from the head and along the length of the grave in a memorial section shall be erected unless all the appropriate charges have been paid.
- (10) No full memorial work shall be allowed at any section considered to be berm or landscape area.
- (11) Only headstones shall be permitted to be erected at a berm or landscape area or section of the cemetery and no headstone only shall be allowed on a section demarcated as full memorial by the municipality.

11.2 INFERIOR MEMORIAL WORK

- (1) The Council may prohibit the erection or re-erection of any proposed memorial work, which in its opinion is of inferior workmanship or quality or which is in any way likely to disfigure any cemetery.

11.3 INSCRIPTIONS ON MEMORIAL WORK

- (1) Any memorial work shall, when erected, display the number assigned to the grave concerned by the officer-in-charge, in permanent and visible markings on the side of the base of the memorial work, or in the case of a tablet erected on any grave in a landscape section, on the upper surface in the lower left hand corner of such tablet.
- (2) The only particulars of the maker of memorial work, which may appear thereon shall be his/her name, which shall be placed at the base of the memorial work.
- (3) No inscription with insulting or negative racial connotations shall be permitted at the cemetery under the control of Govan Mbeki Municipality

11.4 DISMANTLING OF MEMORIAL WORK

- (1) Subject to the provisions of this section, no person other than the holder of private rights or a person authorised in writing by such holder shall dismantle, alter or disturb any memorial work on a grave and such holder or person shall only do so with the prior permission of the officer-in-charge.
- (2) Dismantled memorial work shall not be left in any part of the cemetery except on the grave on which such memorial work had been erected: Provided that this officer-in-charge may in the case of a second or subsequent interment in such grave permit such memorial work to be left elsewhere in the cemetery for a period not exceeding 30 days after such interment.
- (3) If a holder or person referred to in subsection (1), fails to re-erect dismantled memorial work within six months after it has been dismantled or if such memorial work is left within the cemetery in contravention of subsection (2), the Municipal Council may give 30 days written notice to such holder or person requiring him at

his/her own expense to re-erect such memorial work or to remove such memorial work from the cemetery together with all rubble connected therewith.

- (4) If, in the opinion of the Council, any memorial work has become a danger to the public or has been erected in contravention of this by-law, or has become damaged, the Council may give written notice to the holder or person referred to in subsection (1), requiring him at his/her own expense, to render such memorial work safe or to alter such memorial work so that it complies with the provisions of this by-law or to dismantle and remove such material work from the cemetery together with all rubble connected therewith within a period specified in such notice.
- (5) If such holder or person fails to comply with a notice in terms of subsection (3) or (4), the Council may, without incurring any liability to pay compensation:
 - (a) re-erect the memorial work concerned; or
 - (b) dismantle and dispose of the memorial work concerned and remove any rubble connected therewith; or
 - (c) render the memorial work concerned safe; and such holder or person shall be liable for any costs incurred by the Council in doing any act in terms of this subsection.
- (6) If, in the opinion of the Council, any memorial work has become so dangerous to the public that immediate steps to safeguard to the public that immediate steps to safeguard the public are essential, the Council may without giving any notice to the holder or person referred to in subsection (1), and without incurring any liability to pay compensation:
 - (a) dismantle the memorial work concerned and remove it and any rubble connected therewith; or
 - (b) render the memorial work concerned safe.
- (7) If the Council has acted in terms of subsection (6), it shall immediately, in writing, notify the holder or person referred to in subsection (1), of the work that it has done and if memorial work was dismantled in terms of subsection (6) (a), that unless such person reclaims and removes the memorial work from the cemetery within a reasonable period stipulated in the notice, the Council will dispose thereof.
- (8) Such holder or person shall be liable for any costs incurred by the Municipal Council in doing any act in terms of subsection (6).
- (9) If the holder or person referred to in subsection (1) fails to pay to costs referred to in subsection (8) or to reclaim and remove memorial work dismantled by the Council in terms of subsection (6) (a), the Council may dispose of such memorial work in any manner it deems fit and if any proceeds are derived from such disposal, they shall be offset against the cost of the dismantling, removing, storing and disposing of such memorial work and rubble connected therewith.

11.5 GENERAL REQUIREMENTS OF MEMORIAL WORK

- (1) Any person who erects or re-erects memorial work shall ensure that:
 - (a) whenever any part of such memorial work is to be joined to any other part, it shall be so joined by the use of copper or galvanised iron clamps, pins or dowels of approved thickness and of a length sufficient to fit holes which shall not, without the prior written permission of the officer-in-charge, be less than 50 mm deep;
 - (b) a foundation which is adequate to support the proposed memorial work is provided for such memorial work;

- (c) all kerb stones are squared and laid in accordance with the instructions of the officer-in-charge so as to ensure that when the ground surrounding such kerb stones has been leveled, such kerb stones do not exceed a height of 230 mm above the ground level; and
- (d) if loose stone chips are placed on a grave, the level of such stone chips shall not be higher than 15 mm below the level of the surrounding kerb stone.

11.6 REQUIREMENTS FOR MEMORIAL WORK IN BERM/LANDSCAPE/LAWN SECTION

- (1) The following provisions shall apply to memorial work and graves in a lawn section:
 - (a)
 - (i) The dimensions of the base of any headstone on an adult's grave shall not exceed 915 mm length and 255 mm in width, but if the base of the headstone is erected over two adjoining graves, such base shall not exceed 1 800 mm in length and 255 mm in width.
 - ii) the dimensions of the base of any headstone on a child's grave shall not exceed 610 mm in length and 255 mm in width, but if the base of the headstone is erected over two adjoining graves, such base shall not exceed 1 200 mm in length and 255 mm in width.
 - b) no portion of any headstone shall extend beyond the horizontal dimensions of its base;
 - c) headstones shall only be erected on the berms provided by the Council;
 - d) no part of any memorial work other than the headstone shall exceed 1 070 mm in height above the berm;
 - e) any headstone shall be so positioned that the front edge of the base of the headstone is at least 130 mm from the front edge of the berm;
 - f) no object other than a headstone which may incorporate not more than two sockets for receptacles for flowers shall be placed on any grave: Provided that a vase in which natural or artificial flowers and foliage may be kept may be placed in a socket provided in a berm for such vase and such vase shall not exceed 300 mm in height and its horizontal dimensions shall not be more than 60 mm greater than its base;
 - g) no kerb demarcating any grave and no slab covering any grave shall be permitted.

11.7 REQUIREMENTS FOR MEMORIAL WORK IN MEMORIAL SECTION

- (1) In a cemetery existing at the coming into operation of this by-law, the maximum horizontal measurements of any memorial work erected on a grave in a memorial section shall be:
 - (a) in the case of an adult's grave, 2 500 mm in length and 1 050 mm in width;
 - (b) in the case of a child's grave, 1 500 mm in length and 600 mm in width.
- (2) In a cemetery established after the coming into operation of this by-law, the maximum horizontal measurements of any memorial work erected on a grave in a memorial section shall be:
 - (a) in the case of an adult's grave, set out in subsection (1)(a);
 - (b) in the case of a child's grave 1 500 mm in length and 1 000 mm in width, with a kerb width of 150 mm.

11.8 REQUIREMENTS FOR MEMORIAL WORK IN LANDSCAPE SECTION

- (1) Any memorial work erected on a grave in a landscape section shall not exceed 230 mm in length, 305 mm in width and 30 mm in height and shall be mounted on a berm.

11.9 SUPERVISION OF WORK

- (1) Any person engaged upon memorial work in a cemetery shall effect such work under the supervision, and to the satisfaction of the officer-in-charge.

12. PROHIBITED ACTS

- (1) No person:
 - (a) under 12 years of age shall enter any cemetery except in the care of a person over the age of 16 years;
 - (b) shall enter or leave any cemetery except by the gateways provided.
- (2) No person shall, within any cemetery
 - (a) enter any office or any enclosed place where entry is prohibited by means of a notice displayed in a conspicuous position, except on business connected with such cemetery;
 - (b) solicit any business, or exhibit, distribute or leave any tract, business card of advertisement;
 - (c) sit, stand, climb upon, or deface or damage any memorial work of Council property;
 - (d) commit any offensive, indecent or objectionable act or any act which constitutes a nuisance or causes a disturbance;
 - (e) introduce any animal without the consent of the officer-in-charge;
 - (f) hold or take part in any demonstration;
 - (g) remove any plant or part thereof without the consent of the officer-in-charge;
 - (h) drive or park any vehicle without the prior consent of the officer-in-charge on any road where driving or parking is prohibited by means of a notice or parking in a conspicuous position or drive or park any vehicle contrary to any direction of the officer-in-charge;
 - (i) drive any vehicle or ride any cycle at a speed exceeding 20 km per hour;
 - (j) obstruct, resist or oppose the officer-in-charge or any member of his/her staff in the exercise of his/her powers or performance of his/her duties under this by-law, or refuse to comply with any lawful order or request of the officer-in-charge or any member of his/her staff;
 - (k) play or cause to be played any musical instrument or apparatus without the prior consent of the officer-in-charge;
 - (l) play any sport or conduct himself/herself in a manner not in keeping with the atmosphere of a cemetery.

13. LIABILITY OF THE MUNICIPAL COUNCIL IN RESPECT OF INJURY OR DAMAGE

- (1) The Council shall not be liable for any injury to person or damage to any property if such injury or damage has been sustained in a cemetery, except where such injury or damage was caused by the wilful misconduct of or a negligent act of commission by an employee of the Municipal Council.

14. INDIGENT BURIAL

- (1) If a person has died in indigent circumstances, and if no relative or other person can be found to bear the burial costs of such deceased person, the Municipal Council may provide a grave free of charge for the interment of such person.
- (2) Interment of such person shall only take place on Monday-Thursday at category C cemetery anywhere under control of the Govan Mbeki municipality.

15. CEMETERY HOURS

- (1) Every cemetery shall be open to the public during such hours as are indicated on a notice board at each gate of such cemetery: Provided that the officer-in-charge shall be entitled at any time to close off any cemetery or part thereof to the public for such period for such purpose as he may deem fit. The operating hours shall be **06:00-16:00 Monday-Sunday**.

16. OFFENCES AND PENALTIES

- (1) Any person who:
 - (a) conceals any other fact or document in connection with an application for interment;
 - (b) makes any false statement in his/her written application for interment;
 - (c) fails to comply with any provision of this by-law; shall be guilty of an offence and liable on conviction to a penalty not exceeding **R 2 000**, or in default of payment, to imprisonment for a period not exceeding **three (3) months** or to both such fine and imprisonment.

17. REPEAL OF THIS BY-LAW

- (1) The By-laws relating to Cemeteries for the Govan Mbeki Municipality, are hereby repealed and replaced by this By-law, which are to become effective on promulgation hereof.

18. SHORT TITLE

- (1) This By-law shall be called the Cemetery By-law 2014.
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