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DIE PROVINSIE MPUMALANGA

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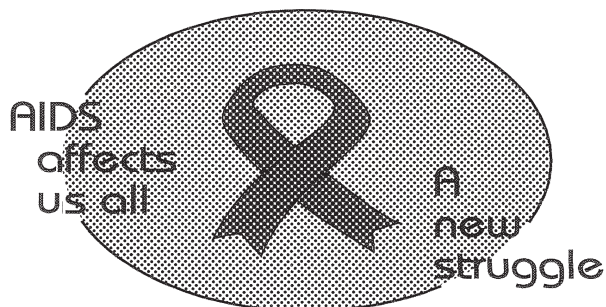
21 May 2021

21 Mei 2021

No: 3264

PART 1 OF 2

**We all have the power to prevent AIDS**



Prevention is the cure

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS****GENERAL NOTICE 27 OF 2021**

MPUMALANGA GAMBLING ACT, 1995 (ACT 5 OF 1995) AS AMENDED

APPLICATION FOR AMENDMENT TO LICENCE CONDITIONS.

Notice is hereby given that Goldrush Bingo Bushbuckridge (PTY) Ltd intends submitting an application to the Mpumalanga Economic Regulator for the Amendment of its Bingo Operator licence conditions.

The application will be open for public inspection at the offices of the Mpumalanga Economic regulator at First Avenue, White River, South Africa 1240 from the 24th May 2021. Attention is directed to the provisions of section 26 of the Mpumalanga Gambling Act, 1995 (Act no 5 of 1995) as amended which makes provision for the lodging of written objections in respect of the applications. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Economic Regulator, First Avenue, Private Bag X9908, White River, South Africa 1240 within 30 days from the 24<sup>th</sup> May 2021. Any person lodging written representations should indicate whether or not they wish to make oral representations when the application is heard.

**GENERAL NOTICE 28 OF 2021****NOTICE OF APPLICATION IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, CHAPTER 5 AND 6**

I, Hendrik Lochner Susan (PLS079-D), of the firm Reed Geomatics Incorporated, hereby give notice in terms of sections 88 to 90 of the Govan Mbeki SPLUM By-Law, 2016, read with Annexure A of the same By-law, that I have applied to the Govan Mbeki Municipality for the following:

**Application for: *The Permanent closure of a Public Place***

**Notification number: Case: OPA\_51609**

**Property information: A Portion of the Remainder of Erf 3535(Park) Secunda Extension 7**, Registration Division I.S., Mpumalanga situated south of Rothman Street in Secunda Extension 7.

**Owner information: Govan Mbeki Municipality**, held by title deed **T8491/2013**.

I, the owner/agent hereby give notice that we have applied in terms of Section 70 of the Govan Mbeki Spatial Planning and Land Use Management By-Law, 2016, for the permanent closure of a portion (175m<sup>2</sup>) of a Park.

Particulars of the application will lie for inspection during normal office hours at the Office of Manager Town and Regional Planning, Room 323 3<sup>rd</sup> floor, South Wing Municipal Buildings, for the period of **30 days** from **21 May 2021**.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address within a period of **30 days** from **21 May 2021**, being **21 June 2021**.

**Name and address of applicant: Reed Geomatics Incorporated, P.O. Box 985, Secunda, 2302 Tel: 017 631 1394**

**Fax: 017 631 1770**

**Notice number: 104/2021**

**Publication date: 21 May 2021**

**PROCLAMATIONS • PROKLAMASIES****PROCLAMATION NOTICE 38 OF 2021****PROCLAMATION NOTICE****MSUKALIGWA LOCAL MUNICIPALITY****NOTICE OF APPROVAL OF ERMELO TOWN PLANNING SCHEME, 1982****AMENDMENT SCHEME NO. 820**

Notice is hereby given in terms of the provision of Section 66(5) of the Msukaligwa Local Municipality Spatial Planning and Land Use Management By-Law, 2016, that the Ermelo Town Planning Scheme, 1982, Amendment Scheme No. 820, has been approved in terms of Section 114(a) of the SPLUMA By-law, 2016 by the rezoning of Portion 1 of Erf 3188 from "Residential 1" to "Residential 3" for the purpose of erecting rental flat units.

The amendment is known as Ermelo Town Planning Scheme, 1982, Amendment Scheme 820 and shall come into operation on the date of publication of this notice. Particulars of the application will lie for inspection during normal office hours at the office of the Director: Planning and Economic Development, 2<sup>nd</sup> floor, Civic Centre, Taute Street, Ermelo for the period of 30 days from 27 April 2021.

Address of agent: Ntsako Navela, Vuhluka Projects, P.O. Box 48, Ermelo, 2350. 9668 Autumn Ridge Ext 18, Ermelo. Cell No. 078 5929 023. Email: [vuhlukaprojects@gmail.com](mailto:vuhlukaprojects@gmail.com)

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 45 OF 2021

**CITY OF MBOMBELA**



**DRAFT FIRE BRIGADE BY- LAW**

## **CITY OF MBOMBELA**

### **FIRE BRIGADE BY-LAW**

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## Volume 1

### APPLICATION AND INTERPRETATION OF BY-LAWS

#### 1. Application of By-laws

##### 1. (1). These by-laws apply -

- (a) within the area of jurisdiction of the Council; and
- (b) in addition to any applicable national or provincial law.

#### 2. Definitions and Interpretation

##### 2. (1) In these By-laws unless the context otherwise indicates -

**“above ground storage tank”** means a tank situated above ground for the storage of flammable substances as contemplated in SANS 0131 and SANS 089 Part 1 and SANS 087 Part 3;

**“agricultural holding”** means a portion of land not less than 0.8 hectares in extent used solely or mainly for the purpose of agriculture, horticulture or for breeding or keeping domesticated animals, poultry or bees;

**“approved”** means as approved by the Council;

**“bund wall”** means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 110% of the contents of the tank;

**“certificate of fitness”** means a certificate contemplated in section 20;

**“certificate of registration”** means a certificate contemplated in section 35;

**“Chief Fire Officer”** means the Chief Fire Officer appointed by the Council in terms of section 5 of the Fire Brigade Services Act and includes any person appointed as acting Chief Fire Officer;

**“Chief Inspector of Explosives”** means the Chief Inspector of Explosives appointed in terms of section 2 of the Explosives Act, 1956;

**“Civil Aviation Authority”** means the South African Civil Aviation Authority established in terms of section 2 of the South African Civil Aviation Authority Act, 1998 (Act No. 4 of 1998);

**“class”** means a class of petroleum product based on the following classification:

- (a) **Class O:** liquefied petroleum gasses;
- (b) **Class I:** liquids subdivided as follows:
  - (i) **Class IA:** liquids which have a closed-cap flash point below 23°C and a boiling point below 35°C; and
  - (ii) **Class IB:** liquids which have a closed-cap flash point below 23°C and a boiling point of 38°C or above;

**ANNEXURE: 242/2017**

(iii) **Class IC:** liquids which have a closed-cap flash point of 23°C or above but below 38°C;

(c) **Class II:** liquids which have a closed-cap flash point of 38°C or above but below 60,5°C;

(d) **Class IIIA:** liquids which have a closed-cap flash point of 60.5°C or above but below 93°C; and

(e) **Class IIIB:** liquids which have a closed-cap flash point of 93°C or above;

**"Combustible liquid"** means a liquid which has a close-cap flash point of 38°C or above;

**"Competent person"** means a person who is qualified by virtue of his or her experience and training;

**"Compliance certificate"** means fitness certificate or readiness in terms of fire safety requirements

**"Council"** means –

(a) the City Council of the Mbombela Municipality

(b) its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws, has been delegated or sub-delegated or an instruction given as contemplated in, section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or

(d) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law,

as the case may be;

**"dangerous goods"** means any flammable gas, flammable liquid or flammable solid as contemplated in SANS 0228;

**"dwelling house"** means a single dwelling unit situated on its own site, including any motor vehicle garage and other domestic outbuildings on that site;

**"dump"** means to abandon or discard any hazardous substance by depositing, discharging, spilling or releasing it;

**"emergency"** means any incident or eventuality which seriously endangers or may endanger any person or property;

**"emergency evacuation plan"** means an emergency evacuation plan contemplated in section 17;

**"emergency route"** means that part of any escape route which-

(a) protects the occupiers of any building from fire; and

(b) leads to an escape door;

**"enclosed place"** in respect of domestic animals means any kraal, cage, camp or similar enclosure where domestic animals are kept or exercised ;

**"escape door"** means any door at the end of an emergency route and includes any door providing entrance to, or exit from, a building;

**ANNEXURE: 242/2017**

**“escape route”** means the entire path of travel, measured from an escape door to the furthest point in any room in a building;

**“explosives”** means explosives as defined in section 1 of the Explosives Act, 1956;

**“Explosives Act”** means the Explosives Act, 1956 (Act No. 26 of 1956), and any regulations made under that Act;

**“extinguishing stream”** means the amount of water that the Service needs in order to extinguish a fire;

**“feeder route”** means that part of an escape route which allows travel in two different directions to the access doors of at least two emergency routes;

**“Fire Brigade Services Act”** means the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), and any regulations made under that Act;

**“fire damper”** means an automatic damper, including its assembly, which complies with the requirements of SANS 193;

**“fire-fighting equipment”** means any portable or mobile fire extinguisher, hose reel or fire hydrant;

**“fire installation”** means any water installation which conveys water solely for the purposes of fire-fighting;

**“fireworks”** means any explosive device or substance which burns or explodes after ignition, including firecrackers, and which is regulated under the Explosives Act;

**“fireworks display ”** means the use of fireworks for purposes of a public display;

**“flammable gas”** means a gas which at 20oC and a standard pressure of 101,3 kilopascals –

(a) is ignitable when in a mixture of 13% or less (by volume) with air; or

(b) has a flammable range with air of at least 12%, regardless of the lower flammable limit;

**“flammable liquid”** means a liquid or combustible liquid which has a closed-cap flash point of 93oC or below;

**“flammable substance”** means any flammable liquid, combustible liquid or flammable gas;

**“Group I, II, III, V, VI, VIII and IX hazardous substances”** means Group I, II, III, V, VI, VIII and IX hazardous substances, as the case may be, as contemplated in the Hazardous Substances Act;

**“hazardous substance”** means any hazardous substance contemplated in the Hazardous Substances Act;

**“Hazardous Substances Act”** means the Hazardous Substances Act, 1973 (Act No. 15 of 1973), and any regulations made under that Act;

**“liquefied petroleum gas”** means a mixture of light hydrocarbons (predominantly propane and butane) that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature;

**ANNEXURE: 242/2017**

**“member”** means a member of the Service and includes the Chief Fire Officer;

**“National Building Regulations and Building Standards Act”** means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and any regulations made under that Act;

**“National Road Traffic Act”** means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made under that Act;

**“Occupational Health and Safety Act”** means the Occupational Health and Safety Act, 1993 (Act No 85 of 1993);

**“occupier”** means any person who occupies or has control over any premises;

**“owner”** in relation to premises, means the registered owner of the premises and includes -

(a) any person who receives rental or profit from the premises, whether on own account or as agent;

(b) a body corporate in respect of any sectional title scheme contemplated under the Sectional Titles Act, 1986 (Act No. 95 of 1986); and

(c) an executor or curator of any deceased or insolvent estate;

**“premises”** means any land, building, construction or structure or part thereof and includes any train, boat, aircraft or other vehicle;

**“prescribed fee”** means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

**“public gathering”** includes any gathering by members of the public-

(a) to view any theatrical or operatic performances, orchestral or choral recitals or cinematic-graphic screenings; or

(b) to attend, practice or participate in any indoor sports activity, dance, physical activity or other recreational activity;

**“public place”** means any path, street, walk-way, side-walk, park, place of rest or other place to which the public has authorized or unimpeded access;

**“pyro technician”** means any appropriately qualified person responsible for the use of fireworks at a fireworks display;

**“registered premises”** means any premises in respect of which a certificate of registration has been issued;

**“SANS”** means the South African National of Standards contemplated in section 2 of the Standards Act, No. 29 of 1993, and SANS followed by any number means a reference to a SANS code of practice, specification or standard of the corresponding number;

**“Service”** means the Fire Brigade Service established and maintained by the Council as contemplated in section 95;

**ANNEXURE: 242/2017**

**“service installation”** means any automatic fire-extinguishing installation, fire pump connector, fire pump, emergency power or stand-by generator, fire detection, locating or alarm system, emergency lighting or evacuation communication system, mechanical ventilation system, pressure regulation system, smoke ventilation system, hoist, symbolic safety sign and smoke or fire door assembly;

**“spray”** means to spray, coat, plate or epoxy-coat with any hazardous substance and “spraying” has a corresponding meaning;

**“spraying permit”** means a permit contemplated in section 79;

**“spraying room”** means a room contemplated in section 83;

**“storage vessel”** means a pressure vessel as defined in the Regulations for Pressure Vessels made under the Occupational Health and Safety Act;

**“store room”** means a room for storage of flammable substances contemplated in section 49;

**“underground tank”** means any tank used or intended to be used for the storage of any flammable liquid and which is wholly sunk into and below the surface of the ground;

**“use”** in relation to fireworks means discharging, lighting or igniting;

**“vegetation”** includes grass, weeds, leaves, shrubs and trees; and

**“vehicle”** includes a trailer or semi-trailer which-

(a) has at least 4 wheels with independent axles and suspension systems; and

(b) can be hitched to a truck-tractor or any other motor vehicle contemplated in the National Road Traffic Act.

**“water installation”** means a water installation as defined in the Council’s Water Services By-laws.

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

## **Volume 2**

### **FIRE PREVENTION AND FIRE PROTECTION**

#### **Part 1: Fire Prevention**

**No fires are allowed to be made in the area of the City of Mbombela as it is deemed to be a smokeless area.**

#### **3. Certain fires prohibited**

(1) No person may make or allow any other person to make a fire that may endanger any person, animal or property.

(2) No person may burn or allow any other person to burn any refuse or combustible material-

**ANNEXURE: 242/2017**

- (a) without the prior written permission of the Chief Fire Officer; or
- (b) unless the refuse or combustible material is burnt in an approved incinerating device.
- (3) Any person who makes a fire or allows any other person to make a fire, must take reasonable steps and have the minimum firefighting equipment available to ensure that the fire and the effects of fire does not infringe upon the rights (discomfort) of any person or endanger any person, animal or property.
- (4) No person is allowed to burn any rubbish, leaves or any burning material in residential or business areas.
- (5) The prohibition in subsection (2) does not apply to any fire made—
  - (a) in an approved and purpose-made stove, fireplace or hearth that forms an integrated part of a building or structure;
  - (b) for the purpose of preparing food on private premises set aside for that purpose; or
  - (c) in any device for preparing food which –
    - (i) is heated by electricity or liquefied petroleum gas; and
    - (ii) is so positioned that the fire does not endanger any person, animal or property.
  - (d) for the purpose of providing heat to a person during winter provided that the fire is made in a safe area.
- (6) Any person who fails to comply with the provisions of this section will be guilty of an offence.

**4. 1. Storage and accumulation of combustible material prohibited**

- (1) No person may store any combustible material or allow it to be stored, at any place or in any manner that may pose a fire hazard to any person, animal or property.
- (2) No person may allow the accumulation of saw dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.
- (3) No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.
- (4) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.
- (5) No person may allow any vegetation to become overgrown at any place under that person's control that may pose a fire hazard to any person, animal or property.

**4.2. Housekeeping**

- (1) any occupier, owner must ensure that their properties are clear from any material which may cause fire hazard but if the situation arises the owner or occupier of the property concerned must without delay eliminate the hazard or cause the hazard to be eliminated by -



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- (a) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimeters;
- (b) pruning, chopping down or sawing any shrub or tree which may danger the property; and
- (c) removing any resulting combustible,
- (d) old tyres, plastics residue from the property.

**5. Electrical fittings, equipment and appliances**

No person may cause or allow –

- (a) any electrical supply outlet to be overloaded; or
- (b) any electrical appliance or extension lead to be used in any manner that may pose a fire hazard to any person or property.

**6.1. Flame-emitting devices**

No person may use or cause or allow the use of any flame-emitting device, including but not limited to any candle, lantern or torch, in any manner that may pose a fire hazard to any person or property.

**6.2. Veld and Forestry**

Fire breaks specifications and the deliberate making of fire and permission granted to be under the provisions and prohibitions of the City of Mbombela or LEFPA and the National Veld and Forest Act as described under Veld and Forestry.

The City of Mbombela operates under the National Veld and Forest Act. 101 of 1998.

1. Stipulations:

- a) That no person within the boundaries of the City of Mbombela shall make a fire, or allow a fire to continue to burn or add fuel to a fire from the 1st of June to the 31st of October yearly unless a burning permit is obtained from LEFPA, taking in account the Average Fire Danger Index for the specific day etc.

The Chief Fire Officer, may however intervene if deemed necessary to halt all operations regarding such an arrangement given specific circumstances, or may overrule such an arrangement under the provisions of the Fire Services Act..

- b) That Fines and Penalties be issued in accordance to Section 57(5a) of the Criminal Procedure Act 51 of 1977 and National Veld and Forest Fire Act 101 of 1998 Article 25(1) to and including Article 25(6) (b)

- c) That any land owner, occupier or person that lives or visits within the City of Mbombela boundaries, be subjected to the provisions and the prohibitions as stipulated by LEFPA and subsequently, the National Veld and Forest Act. 101 of 1998.

**7. Safety fire-breaks required**

Burning fire –breaks during the fire season from the 1st of June – 31st of October, is subjected to approval from LEFPA and the Chief Fire Officer of the City of Mbombela as described under Veld and Forestry Stipulations (1).

(1) Every owner or occupier of an agricultural holding or farm must clear and maintain a safety fire-break along every boundary of the agricultural holding or farm that–

(a) is at least 5 meters wide (when measured parallel from the boundary concerned); and

(b) contains no vegetation or combustible residue.

(2) If an obstruction occurs within the boundaries of a safety fire-break, the owner or occupier concerned must clear and maintain a 5 meter-wide safety fire-break around that obstruction.

(3) No person may clear or maintain a safety fire-break by burning without the prior written permission of the Chief Fire Officer.

(4) Any person who intends to clear or maintain a safety fire-break by burning must–

(a) apply in writing to the Chief Fire Officer for permission, stipulating the property concerned and the proposed date and time of the burning; and

(b) unless the burning is to be performed by a person or body accredited for this purpose by the Council, request the Service to provide assistance at the burning against payment of the prescribed fee.

(5) Any person who fails to comply with the provisions of this section will be guilty of an offence.

**Part 2: Fire Protection****8. Design and construction of buildings**

(1) Subject to the provisions of subsection (3), every owner of a building, excluding a dwelling house, must ensure that it is designed and constructed in a manner that -

(a) provides for –

(i) the effective drainage of any water that may result from fire-extinguishing activities; and

(ii) the discharge of that water directly into a storm water drain;

(b) prevents any water that may result from fire-extinguishing activities from draining–

(i) down any stairway or lift shaft;

(ii) down any electrical shaft or telecommunications service shaft;

(iii) down any shaft that is connected to a basement level; or

(iv) along any approach to a building or any vehicle access ramp leading to or from a building;

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- (c) if any water resulting from fire-extinguishing activities should spill into a basement, that water is discharged directly into a storm water drain; and
- (d) complies with the requirements of SANS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.
- (2) Subject to the provisions of subsection (3), every owner of a building equipped with a transformer room must ensure that–
  - (a) the transformer room is situated on the ground level;
  - (b) access to the transformer room is from outside the building; and
  - (c) there is adequate and ready access to the transformer room for fire-fighting and maintenance activities.
- (3) Subsections (1) and (2) do not apply in respect of any building which exists at the commencement of these By-laws.
- (4) Any building design for offices, businesses, church, halls, gymnasium, guest house etc. must be submitted to the fire, engineer or fire consultant in terms of SANS 10400 Part T.
- (5) Timber house plan must be submitted with rational design certificate developed by the competent person (Fire engineer, Fire Consultant accredited)

**9. Design and construction of dumping sites**

- (1) Every person who designs or constructs any dumping site, must ensure that it is designed and constructed in accordance with the instructions of–
  - (a) the Department of Water Affairs and Forestry; and
  - (b) the Council.
- (c) the dumping site must also adhere to 7 safety fire breaks required (1)(a)(b) for dumping sites on agricultural holdings or farms

**10. Design and construction of other structures and sites**

- (1) Every person who designs, constructs or erects any of the following structures, must ensure that they comply with a rational design as contemplated by the National Building Regulations and Building Standards Act -
  - (a) any grain silo;
  - (b) any atrium;
  - (c) any air traffic control tower;
  - (d) any tower for telecommunications or other uses;
  - (e) any thatched structure which is larger than 20 square meters and situated within 4.5 meters of any boundary line of the property concerned;

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- (f) any tent or other temporary structure for holding a public gathering; and
- (g) any open-plan commercial or industrial premises with a covering distance that exceeds 45 meters measured from any point in the premises to any escape or exit door.
- (2) Every person who designs or constructs any aircraft hanger or helicopter pad, must ensure that it—
  - (a) complies with a rational design as contemplated by the National Building Regulations and Building Standards Act;
  - (b) provides for the effective drainage of any liquid from the floor of the hanger or helicopter pad or any approach to the aircraft hanger or helicopter pad;
  - (c) provides for the effective channeling of any liquid from the floor of the hanger or helicopter pad to a drainage area connected to a separator well;
  - (d) prevents the spread of any liquid from the floor of the hanger or helicopter pad; and
  - (e) is equipped with effective earthing devices for the discharge of static electricity.

**11. Requirements for sprinkler systems**

- (1) If a sprinkler system is required in any building in accordance with SANS 0400, SANS 087 (Part III) or SANS 089 (Part I) or if the Council so requires, the owner of the building must ensure that the building is equipped with a sprinkler system.
- (2) Every person who designs, constructs or installs a sprinkler system must ensure that it is designed, constructed and installed -
  - (a) in accordance with SANS 0287; and
  - (b) in compliance with the requirements of SANS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.

**12. Requirements for extractor fan systems**

- (1) Every person who designs, constructs or installs an extractor fan system, any related ducts or any similar chimney system and every owner of a building in which such a system is installed must ensure that—
  - (a) it is designed, constructed and installed in a manner that provides for clearly demarcated, adequate and easy access for inspection, maintenance and repairs; and
  - (b) the conduit and outlet of any such system is installed in a manner that does not result in a fire hazard to any person or property.
- (2) Every owner of a building in which an extractor fan system, any related ducts or any similar chimney system has been installed, must ensure that every filter, damper, screen or conduit forming an integral part of the system is regularly inspected, cleaned and maintained to ensure that fatty residues or any other combustible residues do not accumulate.

**ANNEXURE: 242/2017****13. Requirements for emergency exits**

- (1) Every owner of a building must ensure that any escape door in that building—
- (a) is fitted with hinges that open in the direction of escape; and
  - (b) is equipped with a fail-safe locking device or devices that do not require a key in order to exit.
- (2) Every owner of a building must ensure that any door in a feeder route—
- (a) is a double swing-type door;
  - (b) is not equipped with any locking mechanism.
- (3) Notwithstanding the provisions of subsection (2), if it is necessary that a door, in a feeder route be locked for security reasons, the owner of the building must provide an alternative means of escape approved by the Chief Fire Officer.
- (4) No person may obstruct or allow the obstruction of any escape route from any premises that may prevent or hinder the escape of any person or animal from the premises in an emergency.

**14. Design, identification and access for fire-fighting and rescue purposes**

14. (1) Subject to the requirements of any town planning scheme or the conditions of establishment of any township, every person who plans, designs or constructs a building, excluding a dwelling house, must ensure that the premises on which the building is situated, is or are planned, designed and constructed so that—
- (a) at least one elevation of the building fronts onto a street;
  - (b) if the premises do not front onto a street, an access road is provided with dimensions and carrying capacity approved in writing by the Chief Fire Officer;
  - (c) there is a climate-proof and weather-proof parking surface for parking and operating fire brigade machines and equipment in an emergency -
    - (i) of dimensions at least 10 meters wide;
    - (ii) that runs the full length of the side elevation of the building that borders the surface; and
    - (iii) with a carrying capacity of at least 70 metric tons; and
  - (d) any entrance arch to the premises provides an opening with dimensions at least 4 meters wide x 4.2 meters high, unless there is an alternative and easy access route to the premises of at least the same dimensions.
  - (e) In order to gain rapid access to an area or building, the width dimension could increase to 5.5 meters if the access to the premises happens to be on a sharp corner, or subjected to other interfering obstacles.
  - (f) In other challenging circumstances, the Chief Fire Officer may make a ruling or regulation in terms of access to ensure a rapid and safe emergency response to the premises.

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(2) For purposes of easy identification by any member of the Service in an emergency, every owner or occupier of premises must ensure that the correct street number of the premises—

(a) is displayed clearly on the street boundary of the premises in numbers at least 75 millimeters high; and

(b) is visible from the street; and

(c) is maintained in a legible condition at all times.

**15. Barricading of vacant buildings**

(1) Every owner or person in charge of a building or portion of a building that is vacant must, at his or her own cost and to the satisfaction of the Chief Fire Officer –

(a) remove all combustible waste and refuse from the building; and

(b) block, barricade or otherwise secure all windows, doors and other openings in the building in a manner that will prevent the creation of any fire hazard caused by entering of the building by any unauthorized person.

**15.2. Building Plans**

(a) All fire plans (except H4 - Dwelling house) must be done by a competent fire consultant or fire engineer.

**Part 3: Fire Fighting Equipment and Emergency Evacuation Plans****16. Installation and maintenance of fire-fighting equipment**

(1) Every owner of a building must ensure that—

(a) all fire-fighting equipment and service installations on the premises are installed in a manner and condition ready for use in an emergency;

(b) all portable and mobile fire-extinguishers and all hose reels on the premises are serviced and maintained in accordance with SANS 0105 and SANS 1475;

(c) all fire-fighting equipment and service installations on the premises are -

(i) maintained in a good working condition by a competent person;

(ii) inspected and serviced in accordance with manufacturer specifications; and

(iii) are inspected by an appropriately registered and competent person at least once every 12 months; and

(d) a comprehensive service record of all fire-fighting equipment and service installations on the premises is maintained and furnished to the Chief Fire Officer every 12 months.

(2) Every person who inspects, services or repairs any fire-fighting equipment or service installation must—

(a) on completing the inspection, service or repairs, as the case may be –

(i) certify in writing that the equipment or installation concerned is fully functional; and

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- (ii) furnish that certificate to the owner of the premises; or
- (b) if the equipment or installation cannot readily be repaired to a functional state, notify the Chief Fire Officer of this fact in writing without delay.
- (3) Except for purposes of inspection, service, repair or fire-fighting, no person may remove or interfere with any fire-fighting equipment or service installation at any premises.
- (4) No person may alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises.

**17. Chief Fire Officer may designate premises for emergency evacuation plans**

- (1) The Chief Fire Officer may by written notice designate any premises or premises where an event could be held, as a premises requiring an emergency evacuation plan.
- (2) The notice contemplated in subsection (1), must be served on the premises concerned and addressed to the owner or occupier.

**18. Duties of owner or occupier of designated premises**

- (1) The owner, or with the approval of the Chief Fire Officer, the occupier, of any premises designated in terms of section 17 must –
  - (a) prepare a comprehensive emergency evacuation plan for the premises in accordance with the guideline contained in **Schedule 1** and submit it to the Chief Fire Officer in triplicate within 30 days of service of the designation notice;
  - (b) establish a fire protection committee comprised of occupiers of the premises to assist the owner or occupier to organize a fire protection program and regular and scheduled fire evacuation drills;
  - (c) ensure that the emergency evacuation plan is reviewed-
    - (i) at least every 12 months;
    - (ii) whenever the floor layout of the premises is changed; and
    - (iii) whenever the Chief Fire Officer requires revision of the plan;
  - (d) ensure that an up-to-date emergency evacuation plan, any fire protection programs, evacuation drills and any related documents are kept, maintained and all times available in a control room on the premises for inspection by any member of the Service; and
  - (e) identify a place of safety (Assembly area) off the designated premises, but in the immediate vicinity of the premises, where persons who reside or work on the premises may gather during an emergency for the purpose of compiling a list of survivors.
- (2) The owner or occupier of a building or premises, with special reference to the Occupational Health and Safety Act. No: 85 of 1993, must comply with regards to:
  - (a) the appointment of Safety Representatives as per requirement

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(b) To ensure that relevant structures are in place to deal with emergencies, and to ensure the health and safety of occupants in the building or premises, including an overall emergency plan that will include an evacuation plan with emergency routes and assembly points, etc.

(c) the appointment of other deemed to be necessary personnel as per the Occupational Health and Safety Act. with reference to Fire or Floor Marshals, Fire Fighters, First Aiders, Assembly Point Managers, etc.

(d) Training for the appointed staff members in terms of the OHS Act. meaning Safety Representatives, Fire or Floor Marshals, Fire Fighters, First Aiders, etc., to be conducted by a SAQA accredited and certified service provider.

(e) insuring the functionality, regular checking and maintenance of water supplies to and in the premises, fire-fighting equipment, signage, etc.

(f) The owner or occupier of a building or premises to comply in terms of the requirements of the Occupational Health and Safety Act., as directed by the Labor Act., and ensure that emergency exercises

or evacuation drills be conducted preferably quarterly, but at least twice a year. The owner or occupier may make a request to the Chief Fire Officer to have members of the Fire and Rescue Services to take part or oversee the exercise or drill and make comments.

(g) The Chief Fire Officer will subsequently decide if there will be charges of service fees payable by such owner or occupier for services rendered and how much it will be.

(3) The Chief Fire Officer may in respect of premises designated in terms of section 17 -

(a) require the review of any emergency evacuation plan by the owner or occupier and may provide directions in this regard;

(b) instruct the owner or occupier to implement a fire protection program that the Chief Fire Officer believes is necessary to ensure the safety of persons and property on the premises; and

(c) require the owner or occupier or event organizer, to provide the Chief Fire Officer with a certified copy of the emergency evacuation plan and any associated documents at a specified time and place.

**Part 4: Certificates of Compliance (fitness) for certain buildings.****19. Prohibition of public gatherings in certain circumstances**

(1) No person may hold a public gathering or allow a public gathering to be held in any building or temporary structure unless a Compliance certificate (fitness) has been issued by the Chief Fire Officer in respect of that building or temporary structure, unless a certificate of fitness previously issued in terms of this subsection, has not yet expired.

(2) Subsection (1) does not apply in respect of a building or temporary structure which existed at the commencement of these By-laws, unless after that date –

(a) the building or temporary structure is rebuilt, altered, extended or its floor layout is changed; or

(b) ownership or control of the building or structure changes.



**ANNEXURE: 242/2017****20. Application for certificate of fitness (compliance certificate)**

(1) Every owner of a building or temporary structure intended for the holding of a public gathering must -

(a) complete and submit to the Chief Fire Officer an application form for a certificate of fitness in the form and manner determined by the Council; and

(b) pay the prescribed fee.

(2) An application contemplated in subsection (1) must be submitted at least 30 days before any intended public gathering.

(3) The Chief fire officer may close any building with immediate effect if he deem that it may pose danger to any occupancy of that building

**21. Requirements for certificate of fitness (compliance certificate)**

21(1) The Chief Fire Officer may not issue a certificate of fitness in respect of a building or temporary structure -

(a) unless the Council is in possession of an up-to-date set of building plans for the premises;

(b) unless the building or temporary structure complies with the requirements of these By-laws; and

(c) for a period of validity exceeding 12 months.

**22. Form and content of certificate of fitness (compliance certificate)**

22(1) A certificate of fitness must be in the form determined by the Council and must at least record the following information, where applicable:

(a) The trade name and street address of each occupier of the building or temporary structure;

(b) a description of the type of activity carried on by each occupier of the building or structure;

(c) the full names and addresses of the persons who serve on the governing or similar body of each occupier;

(d) the maximum permissible number of people who may be admitted to the useable floor area of the building or structure;

(e) the number of emergency exits and their dimensions; and

(f) the dates of issue and expiry of the certificate and its reference number.

**23. Requirements of holder of certificate of fitness or compliance certificate**

(1) The holder of a certificate of fitness or compliance certificate must -

(a) comply with the provisions of the certificate of compliance (fitness);

(b) at all times -

(i) display the certificate prominently on the premises; and

(ii) maintain the certificate in a legible condition;

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(c) immediately notify the Chief Fire Officer in writing of any change to the trade name, activity or governing or similar body of any occupier of the building or structure; and

(d) submit any application for renewal of the compliance certificate (fitness) at least 30 days before its expiry in the form and manner determined by the Council together with the prescribed fee.

**24. Cancellation of compliance certificate (fitness)**

(1) The Chief Fire Officer may cancel any certificate of compliance in respect of a building or temporary structure if he or she has reason to believe that -

(a) the owner or occupier concerned contravenes or fails to comply with any provision of these By-laws; or

(b) the building or structure contravenes or does not comply with the requirements of these By-laws.

(2) Subject to subsection (3), before the Chief Fire Officer cancels a certificate of fitness as contemplated in subsection (1), he or she must -

(a) give the owner or occupier concerned written notice of the intention to cancel the certificate of fitness and the reasons for such cancellation;

(b) give the owner or occupier concerned a period of at least 20 days to make written representations regarding the matter; and

(c) consider any representations received.

(3) If the Chief Fire Officer has reason to believe that the failure to cancel a compliance certificate within the period contemplated in subsection (2)(b), may endanger any person or property, he or she may cancel a certificate of fitness without prior notice to the owner or occupier concerned.

(4) If the Chief Fire Officer cancels a compliance certificate in terms of subsection (3), he or she must -

(a) furnish the owner or occupier of the building or temporary structure concerned with written notice of the cancellation;

(b) provide the owner or occupier a period of at least 20 days to make written representations regarding the cancellation; and

(c) consider any representations received.

(5) The Chief Fire Officer may, after considering the representations contemplated in subsection (4), reverse the decision to cancel the compliance certificate

**Part 5: Water supply for fire-fighting purposes****25. Township development water supply requirements**

(1) Every person who develops or redevelops a township must design and develop that township with a sufficient water supply for purposes of fire-fighting by members of the Service.

(2) Every person who develops or redevelops a township must ensure that -

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(a) the storage capacity and rate of replenishment of the reservoirs supplying water to the township are sufficient for the fire-fighting purposes contemplated in these By-laws;

(b) the water supply from these reservoirs is reticulated in a manner that ensures that the water supply to any area in the township can be provided from at least two directions; and

(c) double supply mains are installed from the water supply source to the distribution reservoirs and double pumps are installed for the delivery of the water supply.

(3) Subsection (2) (c) is deemed to be satisfied, if -

(a) the water is supplied to the township from more than one reservoir;

(b) each reservoir receives water from a separate supply main and pump; and

(c) the reservoirs are connected to each other.

(4) Every person who develops or redevelops a township must ensure that -

(a) the water distribution system is designed and equipped with control valves positioned so that it is not necessary to close off any branch or any portion of the distribution system for more than 150 meters in any high risk area or for more than 300 meters in any moderate or low risk area in the event that the system, excluding any of the branches, is damaged or requires repair; and

(b) if the redevelopment of any township alters the fire risk category of any area in the township as contemplated in section 28, the water reticulation system is adapted without delay so as to comply with the requirements of sections 26 and 27.

(c) No one is allowed to use Fire extinguisher for personal purposes other than firefighting failure to comply will lead to punishable offence as schedule in section 107(2)

(5) every owner or occupier of an agricultural holding or farm or house must have reasonable firefighting equipment to combat the spread of an fire from the property.

(d) Subsection 5 will be determine by the Chief Fire officer after assessment of the property

## **26. Township development fire-extinguishing stream requirements**

(1) Every person who develops or redevelops a township must ensure that the water supply provides a fire-extinguishing stream that is immediately available to members of the Service in an emergency, of the following volume and duration:

## **27. Fire risk category**

### **Township development fire hydrant requirements**

<b>Fire risk category</b>	<b>Minimum volume of extinguishing stream (liters per minute)</b>	<b>Minimum duration of extinguishing stream (hours)</b>
<b>High risk</b>	<b>11 500</b>	<b>6</b>
<b>Moderate risk</b>	<b>5 750</b>	<b>4</b>

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<b>Low risk</b>	<b>2 300</b>	<b>2</b>
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(1) Every person who develops or redevelops a township must ensure that fire hydrants are plotted on a plan and installed in accordance with the following minimum delivery volumes and distance frequencies:

**Fire risk category**

Minimum fire hydrant delivery volume measured at peak consumption (liters per minute)

Minimum distance between fire hydrants (meters)

<b>Fire risk category</b>	<b>Minimum fire hydrant delivery volume measured at peak consumption (liters per minute)</b>	<b>Minimum distance between fire hydrants (meters)</b>
<b>High risk</b>	<b>1980</b>	<b>120</b>
<b>Moderate risk</b>	<b>1 150</b>	<b>180</b>
<b>Low risk</b>	<b>900</b>	<b>240</b>

(2) Every person who develops or redevelops a township must ensure that the position of fire hydrants are plotted accurately on a plan that is furnished to the Chief Fire Officer for operational fire-fighting purposes.

**28. Fire risk categories**

(1) For purposes of sections 26 and 27, the following areas of a township must be regarded –

**(a) as high risk –**

- (i) any factory area, high density shopping area, warehouse or commercial building;
- (ii) any plantation, timber yard or wooden building;
- (iii) any building higher than 3 stories;
- (iv) any building in which hazardous substances are used, handled or stored or in which hazardous processes are conducted; and
- (v) any other area that has a high fire risk or high fire spread risk;

**(b) as moderate risk -**

- (i) any area in which –

(aa) factories, commercial buildings or residential buildings are generally detached from each other and do not exceed 3 stories; and

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(bb) the Chief Fire Officer has not declared the materials processed or stored in these buildings as highly dangerous;

(ii) any area where the fire risk and spread risk of fire is moderate; and

(iii) any other area that is not a high or low risk area; and

**(c) as low risk –**

(i) any area that is mainly residential or semi-rural;

(ii) any area that has predominantly detached, duet, cluster or town house developments; and

(iii) any area where the fire risk or risk of spread of fire is slight or insignificant.

**29. Connections to water reticulation system**

(1) No person may obtain a water connection to the water reticulation system of the Council unless the fire protection plans for the premises to be connected have been approved by the Chief Fire Officer.

(2) Every person or owner of premises who requires a water connection to the water reticulation system of the Council must -

(a) if the premises to be connected are protected by a sprinkler installation, ensure that –

(i) the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations and Building Standards Act, and

(ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;

(b) if the Chief Fire Officer requires a larger water connection for purposes of fire-fighting, provide the larger water connection;

(c) ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with SANS 0400 (Part W); and

(d) ensure that the water installation upon completion complies with the provisions of SANS-1:1994.

## **Volume 3**

### **CONTROL OF FIREWORKS**

Use of fireworks are prohibited within the boundaries of the City of Mbombela with special reference to the Explosives Act 26 of 1956, the Explosives Act 15 of 2003 and the Animal Protection Act 71 of 1962.

**30. The use of fireworks is prohibited in the City of Mbombela area.**

(1) Unless so authorized in terms of section 33, no person may use fireworks –

(a) within 1 000 meters of an airport; explosives facility, fuel depot, liquefied petroleum Gas Depot, gasometer, hospital, old age home or home caring for the old and frail;

(b) inside any building;

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(c) within 500 meters from any industrial premises, SPCA, nature reserve, kennels, stables, zoo or on any agricultural holding;

(d) at any public place; or event;

(e) at any school;

(f) within 500 meters of a South African Police Service Centre

(2) No person may light or ignite fireworks in any place where other humans or animals are at risk.

(3) (1) Unless so authorized in terms of section 32, no person may light or ignite fireworks on any day or at any time except -

(a) New Year's Eve from 18h00 to 01h00;

(c) Hindu festival (Diwali) from 18h00 to 24h30;

(d) Chinese New Year from 18h00 to 24h30;

(e) Guy Fawkes day from 18:00 to 24h30

(3)(ii) Any day applied for and approved by the Chief Fire Officer

(4) No person may allow any minor under his or her control to use, light or ignite fireworks in contravention of subsection (1), (2) or (3).

(5) Use of Chinese lanterns are strictly prohibited in the City of Mbombela

**31. Fireworks displays and the use of fireworks prohibited unless authorized.**

(1). No person may present a fireworks display unless -

(a) authorized to do so by the Chief Fire Officer as appointed by Council as contemplated in section 33;

The Chief Fire Officer will decide by using his/her discretion, whether to deploy the Fire and Rescue Services to the area, or not, and if there will be a Service Fee, or not, depending on the situation, risk profile, etc.

(b) authorized to do so by the ATNS; and the Chief Inspector of Explosives;

(c) the display is at all times under that person's supervision and control;

(d) that person has ensured that -

(i) an area with a radius of at least 50 meters is clearly demarcated for the launching of fireworks at the display; and

(ii) a safe fall down area for fireworks debris be established.

(iv) measures are in place to prevent any person who is not involved in the presentation of the display from entering this launching area; and

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(e) a pyro technician or fireworks technician is at all times present and responsible for the use of fireworks at the display.

**32. Application to present fireworks display and for the use of fireworks.**

(1) Any person who wishes to present a fireworks display or use fireworks must apply to the Chief Fire Officer for approval by completing and submitting an official Council Fireworks Application Form in the form and manner determined by the Council together with the prescribed fee and the following documentation:

(a) Proof of permission for the fireworks display from the ATNS if the fireworks are to take place within 1 000 meters of an airport.

(b) proof that an application for the fireworks display has been submitted to the Chief Inspector of Explosives at the South African Police Service (SAPS);

(c) a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the launching of the fireworks as provided on the Council Fireworks Application Form.

d) That all relevant sections of the Fireworks Application Form be completed including all relevant signatures.

e) Any person who fails to comply with the provisions of this section will be guilty of an offence.

(2) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer for processing at least 14 days before the date of the proposed fireworks display.

The Chief Fire Officer will then arrange for an inspection by the Fire and Rescue Services to the proposed area prior to the event taking place.

(3) As per Council Fireworks Application Format, the organizer of such event will be held responsible in terms of doing the necessary public awareness regarding fireworks and dealing with/notifying the local SPCA.

(4) The Chief Fire Officer may, depending on circumstances, and changing risk factors, disapprove any

previously approved fireworks application.

**33. Dealing in fireworks**

(1) No person may deal in fireworks unless -

(a) that person holds the required fireworks license in terms of the Explosives Act; and

(b) has the written authority of the Chief Fire Officer.

(2) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (1)(b), must -

(a) complete an application in the form and manner determined by the Council; and

(b) submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.

(3) The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes or fails to comply with any provision of these By-laws or any other applicable law.

(4) Displaying of fireworks are allowed in dedicated areas as per council notices prior to event.

## **Volume 4**

### **CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES**

#### **35. Use, handling and storage of flammable substances prohibited in certain circumstances**

(1) Subject to the provisions of subsection (3), no person may use, handle or store any flammable substance or allow such substance to be used, handled or stored on any premises unless that person is the holder of a certificate of registration issued by the Chief Fire Officer in respect of the flammable substance and the premises concerned.

(2) A certificate of registration contemplated in subsection (1) is not required if the flammable substance concerned is of any class and does not exceed the quantity stipulated in **Schedule 2**.

(3) No person may use, handle or store any flammable substance in respect of which no certificate of registration is required or allow such substance to be used, handled or stored on any premises, unless the flammable substance -

(a) is used, handled or stored in a manner that ensures that –

(i) no flammable substance nor any flammable substance fumes come into contact with any source of ignition that may cause the flammable substance or fumes to ignite;

(ii) in the event of a fire or other emergency, the escape of any person or animal is not hindered or obstructed in any way; or

(b) is used, handled or stored -

(i) in a naturally ventilated room that prevents the accumulation of fumes or gas;

(ii) in a suitable place outdoors that ensures the safe disposal of fumes or gas; or

(c) the flammable substance is stored in strong, gas-tight and labelled containers.

#### **36. Application for certificate of registration for flammable substances**

An application for a certificate of registration contemplated in section 35(1) must be completed and submitted in the form and manner determined by the Council and certificate will be for a period 12 months from date of issue, together with the prescribed fee.

#### **37. Issue of certificate of registration**

(1) If the Chief Fire Officer issues a certificate of registration to any person, that Officer must endorse on the certificate -



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- (a) the class and quantity of the flammable substance for which the premises have been registered;
- (b) the number of storage tanks or storage facilities on the premises and their capacities;
- (c) the number of flammable substance storerooms on the premises and their capacities;
- (d) the number of liquefied petroleum gas installations, types of installations and the combined capacity of all cylinders that may be stored on the premises;
- (e) the number of storage facilities for any other flammable substance and the volume of each such facility;
- (f) the period of validity and expiry date of the certificate; and
- (g) the physical address of the premises and the name and postal address of the occupant.

**(2) A certificate of registration -**

- (a) is not transferable between premises;
- (b) may not be issued by the Chief Fire Officer for a period exceeding 12 months;
- (c) may be transferred to the new owner of the premises in respect of which it was issued, only if an application for such transfer is approved by the Chief Fire Officer in writing.

**(3) A certificate of registration is valid only for -**

- (a) the installation for which it was issued;
- (b) the state of the premises at the time of issue; and
- (c) for the quantities of flammable substance stated on the certificate.

**38. Availability of certificate of registration at premises**

The holder of a certificate of registration must ensure that the certificate is available on the premises concerned at all times for inspection by any member of the Service.

**39. Fire-fighting equipment**

(1) Any person who holds a certificate of registration or other authorization contemplated in these By-laws must ensure that the premises to which the authorization applies, are equipped with –

- (a) subject to the provisions of subsection (6), portable fire extinguishers –
  - (i) as specified in SANS 1567 (carbon dioxide-type), SANS 810 (dry chemical-type), SANS 1573 (foam-type) and SANS 1571 (transportable-type);
  - (ii) in such numbers as is appropriate in each section of the premises in accordance with the SANS codes applicable to the flammable substance and risk concerned;
- (b) if applicable, hose reels as specified in SANS 453 (hose reels), that are connected to a water supply –
  - (i) as contemplated in SANS 0400 (Part W); and

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(ii) that enables each hose reel to maintain a minimum flow of 0,5 liters per second at a minimum work pressure of 300 kPa;

(c) if applicable, fire hydrants –

(i) with couplings as specified in SANS 1128 (Part II) (fire-fighting equipment- couplings); and

(ii) in a ratio of at 1 to every 1000 square meters or part thereof. and

(d) if applicable, in relation to any above-ground facility, a sprinkler system or deluge system that –

(i) is approved by the Chief Fire Officer; and

(ii) with the exception of temporary storage facilities, is installed in a position indicated in the building plans for the premises.

(2) Notwithstanding the provisions of subsection (1), if the Chief Fire Officer believes that there is any exceptional hazard or risk in respect of the premises concerned, he or she may -

(a) specify the type of fire extinguisher to be installed;

(b) require that a greater number of fire extinguishers be installed; and

(c) require that a fire detection or warning system be installed.

(3) The holder of any certificate of registration or other authorization contemplated in these By-laws must ensure that all fire-fighting equipment contemplated in subsection (1) -

(a) is inspected, maintained and serviced to the satisfaction of the Chief Fire Officer –

(i) by a competent, registered and appropriately qualified tradesman in accordance with the provisions of SANS 1015 and SANS 1475;

(ii) at least every 12 months;

(b) if installed outside the premises, is adequately protected from the weather; and

(c) is positioned prominently or where this is not possible, the position of the fire-fighting equipment is clearly indicated by a symbolic safety sign –

(i) in accordance with the specifications of SANS 1186; and

(ii) to the satisfaction of the Chief Fire Officer.

(iii) All fire extinguishers must be mounted on purpose made backboards at a max height of 1.2m from the floor to the handle with SANS approved signs. The signage is not allowed to be fixed with any adhesives or double sided tape. Signs for firefighting equipment must be well above the equipment (Min 1m) and visible from all directions.

**40. Amendment to certificate of registration**

The Chief Fire Officer may amend any certificate of registration on application by the holder.

**ANNEXURE: 242/2017****41. Cancellation of certificate of registration**

The provisions of section 24, read with the necessary changes, apply to any cancellation by the Chief Fire Officer of a certificate of registration.

**42. Renewal of certificate of registration**

Any application for the renewal of a certificate of registration must be submitted to the Chief Fire Officer at least 30 days prior to the expiry date of the certificate.

**43. No authorization required for certain motor vehicle fuel tanks**

No certificate of registration contemplated in section 35 or any other authorization contemplated in these by-laws is required in respect of flammable liquids in a fuel tank -

(a) of any motor vehicle; and

(b) of any stationery engine if the volume of the fuel tank does not exceed 1 000 liters.

**44. Record of certificates of registration**

The Chief Fire Officer must keep updated records of all premises in respect of which a certificate of registration has been issued, amended or renewed.

**Volume 5****GENERAL PROVISIONS REGARDING THE USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES****45. General prohibitions regarding use, handling and storage of flammable substances**

(1) No person who uses, handles or stores a flammable substance or allows them to be used, handled or stored on any premises may -

(a) do anything or allow anything to be done that may result in or cause a fire or explosion;

(b) do anything or allow anything to be done that may obstruct the escape to safety of any person or animal during an emergency.

(2) No person may -

(a) dump or spill or allow the dumping or spilling of any flammable substance into any borehole, sewer, drain system or surface water;

(b) discard or allow the discarding of any flammable substance from any premises in any way other than by a competent person who is properly equipped and authorized to do in terms of these By-laws;

(c) make or bring any fire or device capable of producing an open flame or allow any other person to do so, within 5 meters of any place where a flammable substance is stored;

(d) use or allow to be used any device in connection with a flammable substance in any basement level of a building, other than a gas welding or cutting device, used for the sole purpose of maintenance of the building;

(e) while any person, except the driver or any other person responsible for a bus contemplated in the National Road Traffic Act, is in or on the bus -

- (i) fill or allow the filling of its fuel tank; or
- (ii) transport or allow the transport of any flammable substance on the bus, except in its fuel tank; and
- (f) deliver or supply or allow to be delivered or supplied, any flammable substance to any premises unless the owner or person in charge of the premises is in possession of a valid certificate of registration.

#### **46. Use, handling and storage of liquefied petroleum gas**

(1) No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in Schedule 2 unless –

- (a) the person is in possession of a certificate of registration contemplated in section 35; and
- (b) the use, handling and storage of the liquefied petroleum gas complies with the requirements of SANS 087, Parts 1, 3, 7 and 10.

(2) Liquid petroleum gas may only be used, handled or stored within property boundaries and in compliance with safety distances stipulated in SANS 087, Parts 1, 3, 7 and 10.

(3) Any storage of liquid petroleum gas cylinders at any service station for retail purposes must comply with SANS 087, Part 7.

(4) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without the prior written permission of the Chief Fire Officer.

(5) An application for permission contemplated in subsection (4) must be made in writing at least 14 days before the event concerned.

(6) The Chief Fire Officer may impose any reasonable condition on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to, the number of cylinders, the manner of storage, safety distances and other safety requirements.

(7) Any person using, handling or storing any liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed in terms of subsection (6).

(8) All users must comply with SANS code regarding the storage and transportation of Liquid Petroleum Gas

#### **47. Display of symbolic warning signs required**

(1) The owner of any premises where any flammable or explosive substance is used, handled or stored must, in the affected area of the premises, display screwed and photo illuminated symbolic signs –

- (a) prohibiting smoking and open flames;
- (b) of a size and number determined by the Chief Fire Officer; and
- (c) prominently in places where the signs can be clearly observed.

(2) No person may disregard or allow to be disregarded any prohibition on a symbolic sign displayed in terms of subsection (1).

**ANNEXURE: 242/2017****48. Duty to report fires, accidents and dumping**

If any fire, accident or dumping involving a flammable substance has caused damage to any person, animal, property or the environment on any premises, the owner or occupier of the premises must immediately report it to the Chief Fire Officer.

**VOLUME 6****STORAGE OF FLAMMABLE SUBSTANCES****49. Storage of flammable substances prohibited in certain circumstances**

No person may store or allow the storage of any flammable substance in any storeroom unless –

- (a) that person has a certificate of registration contemplated in section 35; and
- (b) the storeroom complies with the requirements of these By-laws and any other applicable law.

**50. Symbolic safety signs must be displayed – (screwed and photo illuminascent)**

The holder of a certificate of registration for a storeroom to be used for any flammable substance must ensure that-

- (a) symbolic safety signs prohibiting open flames and smoking are displayed in the storeroom –
  - (i) of a number determined by the Chief Fire Officer;
  - (ii) of dimensions at least 290 millimeters by 200 millimeters; and
  - (iii) manufactured in accordance with SANS 1186;
- (b) the groups of flammable substances and their corresponding quantities which may be stored in the storeroom are indicated on the outside of every door to the storeroom in red letters at least 75 millimeters high, against a white background.

**51. Construction of flammable substance storerooms**

Every storeroom must be designed and constructed according to the following criteria:

- (a) The storeroom floor must consist of concrete;
- (b) the storeroom walls must consist of material that has a fire resistance of at least 120 minutes;
- (c) the storeroom roof must consist of –
  - (i) reinforced concrete with a fire resistance of at least 120 minutes; or
  - (ii) any other non-combustible material, if the storeroom -
    - (aa) boundary of the premises; or
    - (bb) adjoins a higher wall with no opening within 10 meters is not situated within 5 meters of any adjacent building or above and 5 meters on either side of the storeroom.

**52. Requirements for storeroom doors**

- (1) Every storeroom must be equipped with a fire rated fire door that -

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- (a) is manufactured and installed in accordance with SANS 1253;
  - (b) opens to the outside;
  - (c) is equipped with a lock or locks approved by the Chief Fire Officer; and
  - (d) is at all times capable of being opened from the inside of the storeroom without the use of a key.
- (2) A storeroom must be equipped with two or more fire doors if the distance to be covered from any part in that storeroom to a door is 4 meters or more, in which case, the fire doors must be installed as far from each other as is practicable in the circumstances.
- (3) Fire doors contemplated in subsections (1) and (2) must if installed on –
- (a) external walls, be “B” class fire doors; and
  - (b) internal walls in communication within a building, be “D” class fire doors.

**53. Requirements for storeroom windows**

- (1) Every storeroom window frame must –
- (a) consist of steel;
  - (b) have window panels of dimensions not exceeding 450 millimeters x 450 millimeters; and
  - (c) be fitted with wire glass of a thickness not less than 8 millimeters.
- (2) No storeroom window must be capable of being opened.
- (3) Every storeroom window must be fitted to the external wall of a building.

**54. Requirements for storeroom catch pits**

- (1) Every storeroom must be designed and constructed so that its floor is recessed below the level of the door sill to form a catch pit –
- (a) with a holding capacity at least equal to the total volume of hazardous substances capable of being stored in the storeroom, plus 10 percent; and
  - (b) if required by the Chief Fire Officer –
    - (i) covered at door sill level by a strong, stable, non-combustible and oxidation free floor grill; and
    - (ii) equipped, at its lowest level, with a non-corrosive drainage valve for cleaning purposes and product recovery.
- (2) The floor grill contemplated in subsection (i) must contain a suitably positioned access hatch for cleaning purposes.

**55. Ventilation of storerooms**

- (1) Every storeroom must be designed and constructed to ensure –
- (a) the effective ventilation of flammable substance fumes;

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(b) that fumes released from the storeroom into the open air will not come into contact with any source of ignition.

(2) If the storeroom is designed and constructed for natural ventilation, the owner or person in charge of the storeroom must ventilate the storeroom at a minimum cycle of 30 air changes per hour by installing non-combustible airbricks –

(a) that are not less than 140 millimeters by 250 millimeters in extent, with non-corrosive gauze wire with a minimum opening diameter of 0.5 millimeters;

(b) that are provided in at least 3 external walls of the storeroom; and

(c) that are positioned 100 millimeters above the level of the sill and 100 millimeters below the level of the roof and not more than 450 millimeters apart.

(3) If the storeroom is designed and constructed for mechanical ventilation, the owner or person in charge of the storeroom must equip it with a mechanical ventilation system –

(a) designed and installed for this purpose;

(b) with a flow rate of 0,5 meters / second across the store;

(c) with vanes that consist of a static-free material;

(d) that discharges through a vertical metal duct into the open air –

(i) not situated within 5 meters of any opening of a building or erf boundary; and

(ii) terminating at least 1 meter above roof height or at least 3.6 meters above ground level, whichever is the greater;

(e) equipped with ventilators that are firmly attached to the inside of the walls of the storeroom and, in the case of bottom ventilators, as close as possible to the level of the sill;

(f) with all ventilation or air duct openings in the external wall opposite the mechanical ventilator installed 100 millimeters above the level of the sill to ensure effective cross-ventilation; and

(g) equipped with ducting material that –

(i) is as short as possible in the circumstances and does not have sharp bends; and

(ii) is fitted with a fire damper of at least 120 minutes fire resistance at any point where the ducting exits the storeroom, if ducting material is installed external to the storeroom in communication with the remainder of the building.

**56. Electrical equipment in storerooms**

(1) The owner or person in charge of any storeroom must ensure that -

(a) all electrical apparatus, fittings or switch gear used or installed in the storeroom are used or installed as contemplated in SANS 0108;

(b) no switch gear, distribution box, fuse or other electrical equipment, except electrical equipment as contemplated in SANS 0108, is situated –

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- (i) inside the storeroom; or
  - (ii) in any position where it may come into contact with any flammable substance fumes leaving the storeroom;
  - (c) any metal part, electrical fittings and device used in or in connection with the storeroom are earthed effectively to each other and to the ground;
  - (d) any mechanical ventilation system switch is situated outside the storeroom;
  - (e) any mechanical ventilation system is on at all times, except when the system is being repaired or replaced, in which case the system must be repaired or replaced without delay; and
  - (f) all electrical apparatus and fittings, except the mechanical ventilation system, are switched off when the storeroom is unattended.
- (2) Any electrical installation in a storeroom may be installed and certified only by an electrician who is qualified and competent by virtue of his or her training and experience.
- (3) The owner or person in charge of a storeroom must submit the certificate contemplated in subsection (2) to the Chief Fire Officer for record purposes immediately after installation contemplated in that subsection.

**57. Foam inlets required for certain storerooms**

The owner or person in charge of a storeroom that is used or intended to be used for storing more than 5000 liters of flammable substance must ensure -

- (a) that the storeroom is provided with a foam inlet consisting of a 65 mm male instantaneous coupling and mild steel pipe work leading to the inside thereof; and
- (b) that the foam inlet is identified by a sign in block letters at least 100 millimeters high, displaying the words "foam inlet".

**58. Shelving in storerooms**

The owner or person in charge of a storeroom must ensure that any racking of shelving erected or installed in the storeroom is of non-combustible material.

**59. Unauthorized use and entry of storerooms prohibited**

No person may –

- (a) without the authority of the owner or person in charge, enter or allow any other person to enter any storeroom;
- (b) use any storeroom or allow it to be used for any purpose other than for the use, handling or storage of flammable substances;
- (c) allow any person to work in a storeroom unless all the doors of the storeroom are wide open or the mechanical ventilation system is switched on; or
- (d) place or allow to be placed any obstruction or hindrance in a passage of any storeroom or in front of any storeroom door.



**ANNEXURE: 242/2017****60. Mixing and decanting rooms**

60. The owner or person in charge of any premises where quantities of flammable liquids exceeding those stipulated in Schedule 3 are decanted or mixed, must ensure that any room where decanting or mixing takes place complies with all requirements of this Chapter applicable to storerooms.

**61. Temporary above ground storage of flammable substances**

(1) Any person who wishes to store any flammable substance on premises on a temporary basis, must apply to the Chief Fire Officer for a temporary certificate of registration.

(2) A temporary certificate of registration may be issued by the Chief Fire Officer -

(a) for a period not exceeding 12 months;

(b) if the flammable substance concerned is required -

(i) in respect of excavation work, construction work or road construction if the volume of the flammable substance does not exceed 9 000 liters;

(ii) in respect of small fleet maintenance or research purposes, if the volume of the flammable substance does not exceed 4 400 liters; and

(iii) the application complies with the requirements of SANS 0131 and this Chapter.

(3) Every holder of a temporary certificate of registration contemplated in subsection (1) must ensure that –

(a) a storage tank for the flammable substance is not erected within 3.5 meters of any erf boundary, building, excavation, road, driveway or any other flammable substances or combustible material;

(b) adequate provision is made for rainwater run-off from retaining walls or embankments;

(c) no source of ignition or potential source of ignition exists within 5 meters of a storage tank;

(d) a symbolic sign of dimensions at least 300 millimeters by 300 millimeters prohibiting smoking and open flames is displayed on every side of a temporary storage tank; and

(e) at least two 9 kilogram dry chemical fire extinguishers are installed and kept in good working condition, within 10 meters of a temporary storage tank.

**62. Hand tools must be intrinsically safe**

The owner or person in charge of any flammable substance storeroom must ensure that any hand tool used in the storeroom is intrinsically safe.

**63. Permanent above ground storage tanks for flammable liquids**

(1) In addition to any other requirement of this Chapter, the owner or person in charge of an above ground storage tank for flammable liquids must ensure –

(a) that the tank is erected or installed –

(i) in accordance with SANS 0131 and SANS 089, Part I;

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(ii) at least 3.5 meters from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substance or combustible material;

(b) that the flammable liquid stored in the tank must be clearly identified by means of Hazchem placards contemplated in SANS 0232, Part 1.

(c) No flammable liquids shall be permitted in a residential area provided that it is used for domestic purposes.

(2) Any electrical installation associated with the storage tank must comply with SANS 0108 and SANS 089, Part 2.

(3) No person shall store or handle more than 5 000 litres of flammable liquids Class II or III above ground except in a bulk storage facility.

(4) Sub-section (3) the proposed area for bulk storage must be approved by the Chief Fire officer in considering the risk associated to area. The Chief Fire Officer has got a power to disapproved the area when it will cause a risk to the inhabitants, properties etc.

(5) Installing of above ground tankers must be install with sprinklers system surrounding the tanker to form a sprinkler curtain during fire.

**64. Underground storage tanks for flammable liquids**

The owner or person in charge of any premises used or intended to be used for the underground storage of any flammable liquid must ensure that any underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with SANS 0400, SANS 089, Part 3 and SANS 0131.

**65. Installing, erecting, removing and demolishing prohibited without prior notice**

(1) No person may, in respect of registered premises, erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement or floor layout unless that person has given the Chief Fire Officer at least three working days prior written notice of the intention to do so, in the form and manner determined by the Council.

(2) The notice in term of subsection (1) must include the intended commencement date and estimated completion date of the proposed work.

(3) The provisions of subsection (1) do not apply to –

(a) the temporary removal of equipment for purposes of carrying out necessary repairs;

(b) the necessary replacement of equipment or their parts; and

(c) the replacement of any storage tank with a tank of the same capacity.

**66. Repair and maintenance of access to storage tanks**

No person may enter or allow any other person to enter any storage tank that has at any time contained a flammable substance -

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(a) until such tank has been de-aerated and made free of gas and fumes as contemplated in SANS 089 (Part I); or

(b) unless that person –

(i) is wearing an effective self-supporting breathing apparatus; and

(ii) is attached to a rescue rope under the control of a competent and responsible person.

**67. Termination of storage and use of flammable substances**

(1) If an aboveground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation is located, must -

(a) notify the Chief Fire Officer in writing within seven days of such storage or use ceasing;

(b) ensure that the flammable substance is removed from the installation and the premises are rendered safe within 30 days of the cessation;

(c) unless the Chief Fire Officer directs otherwise, remove the installation including any associated pipe work from the premises within 180 days of the cessation; and

(d) to the satisfaction of the Council, restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of 7 days of completing such removal.

(2) Notwithstanding the provisions of subsection (1) if the removal of any underground tank installation for the storage of a flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the Chief Fire Officer, fill the underground tank with liquid cement slurry.

**68. Container handling and storage**

(1) Every flammable substance container must -

(a) be kept closed when not in use;

(b) be declared gas- or vapor-free by a competent person before any modification or repairs are undertaken;

(c) be manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapor from the container.

(2) Every flammable liquid container must be labelled and marked with words and details indicating the flammable liquid contained in the container as well as any hazard associated with the flammable liquid.

(3) No person may extract flammable liquid from a container of a capacity exceeding 200 liters, unless the container is fitted with an adequately sealed pump or tap.

(4) Any empty flammable liquid container must be stored in a storeroom.

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(5) Notwithstanding the provisions of subsection (4) the Chief Fire Officer may permit the storage of any empty flammable liquid container in the open air if no storeroom is available and if he or she is satisfied that -

(a) the storage area is in a position and of sufficient size that a fire hazard or other threatening danger will not be caused;

(b) the storage area is well ventilated and enclosed by a wire mesh fence;

(c) the fence supports are of steel or reinforced concrete;

(d) the storage area has an outward opening gate that is kept locked when not in use;

(e) when the floor area exceeds 10 m<sup>2</sup> an additional escape gate is installed and fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key; and

(f) the storage area is free of vegetation and has a non-combustible, firm and level base.

(6) When the quantity of flammable and combustible liquids to be stored is more than 100 litres of class I and/ or more than 210 liters of class II and class III, a combined, such flammable and combustible liquids must be stored in a store room.

## **VOLUME 7**

### **TRANSPORT, SUPPLY AND DELIVERY OF DANGEROUS GOODS**

#### **69. Transport of dangerous goods prohibited without permits**

The owner of any vehicle used for transporting dangerous goods, must -

(a) be in possession of a valid transport permit issued by the Chief Fire Officer in accordance with the National Road Traffic Act; and

(b) ensure that the transport permit is available in the vehicle for inspection at all times.

#### **70. Application for transport permits**

An application for a transport permit must be completed and submitted to the Chief Fire Officer in the form and manner determined by the Council together with the prescribed fee.

#### **71. Requirements of transport permits**

A transport permit -

(a) may not be issued by the Chief Fire Officer for a period longer than 12 months; and

(b) must –

(i) indicate the date of issue and expiry;

(ii) identify the issuing officer and bear that officer's signature;

(iii) contain a serial number;

(iv) indicate the group and quantity of dangerous goods that may be transported under the permit; and

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(v) contain a description of the vehicle concerned, including its registration number.

(vi) valid from the date issued

**72. Cancellation of transport permit**

The provisions of section 24, read with the necessary changes, apply to any cancellation of a transport permit by the Chief Fire Officer.

**73. Exemption from transport permits**

A transport permit contemplated in section 69 is not required for the transportation of dangerous goods of the type and not exceeding the quantities stipulated in Schedule 3.

**74. Design, construction, maintenance and repair of road tankers**

Every person who designs, constructs, maintains or repairs any road tanker for the transportation of dangerous goods must -

(a) comply with the provisions of SANS 0189, SANS 1398, SANS 0233, SANS 087, Part 6 SANS 089, Part 1, SANS 0230 and SANS 1518, as the case may be; and

(b) ensure that the road tanker is labelled in a manner that complies with the provisions of SANS 0232 and any applicable law.

**75. Design, construction, maintenance and repair of other vehicles**

Every person who designs, constructs, maintains or repairs any vehicle for the transportation of dangerous goods, except a road tanker, must ensure that the vehicle -

(a) is designed and constructed -

(i) to safely transport the quantity and type of dangerous goods for which the vehicle is intended to be used; and

(ii) with at least two independent axle systems, each with its own suspension system, excluding any trailer forming part of an articulated vehicle;

(b) is equipped with -

(i) a safety edge or safety railing -

(aa) at least 1 meter high when measured from the surface of the body of the vehicle; and

(bb) capable of securing dangerous goods containers;

(ii) strong and durable straps -

(aa) capable of fastening dangerous goods containers securely to the body of the vehicle;

(bb) that are anchored firmly to the bodywork of the vehicle; and

(cc) that are fitted with a reversible cog winch mechanism that can be locked;

(iii) electrical wiring that complies with SANS 314;

(iv) at least 2 static-free wheel blocks;

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(v) a power insulating switch, excluding the ignition switch, situated in close proximity to the vehicle battery and in a position readily accessible in any emergency; and

(vi) a spark-proof and static-free tank that is designed, constructed and equipped to protect any dangerous goods consignment from shock or ignition while in transit.

**76. General prohibitions regarding transport of dangerous goods**

(1) No person may use or allow to be used, any vehicle to transport dangerous goods, unless –

(a) the vehicle has a valid roadworthy certificate;

(b) if not exempt in terms of section 73, the vehicle is equipped with at least two 9 kilogram dry chemical fire extinguishers -

(i) designed and manufactured in accordance with SANS 810 and maintained in accordance with SANS 0105 and SANS 1475; and

(ii) positioned and installed so that there is at least one fire extinguisher on each side of the vehicle that can be reached quickly and easily in the event of a fire.

(2) No person may use or allow to be used any vehicle to transport dangerous goods unless the vehicle cabin, body, cargo space, cargo tank, fuel tank, chassis and engine are effectively and permanently earthed with each other

**77. Supply of dangerous goods prohibited in certain circumstances**

(1) No person may deliver or supply or allow to be delivered or supplied any dangerous goods of a type and in a quantity exceeding that specified in Schedule 2 to any premises that are not registered as contemplated in section 35.

(2) No person may deliver or supply or allow to be delivered or supplied any dangerous goods to any premises in contravention of any conditions of the certificate of registration applicable to those premises.

(3) No person may handle or allow to be handled any container containing dangerous goods in a manner that may damage that container.

(4) Every person who delivers dangerous goods must ensure that -

(a) a 9 kilogram dry chemical fire-extinguisher is available at all times during the delivery;

(b) during any transfer of the dangerous goods, the delivery vehicle is physically earthed to the storage facility to which the dangerous goods are being transferred;

(c) while delivering –

(i) the delivery vehicle is placed in such a position that it can be moved easily and quickly in the event of an emergency;

(ii) the delivery vehicle is not parked on or across a pavement or a road;

(iii) no delivery hose lies on or across a pavement, road or other premises;

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(d) no dangerous goods are transferred to a storage facility that does not comply with the requirements of Chapter 6 and the provisions of SANS 0263;

(e) any device connected with, or used for, the delivery of the dangerous goods -

(i) is designed for its purpose; and

(ii) is maintained in safe and good working condition; and

(f) no dangerous goods are spilled during delivery.

(5) No person may transfer or allow to be transferred any dangerous goods to any motor vehicle, aircraft, vessel, ship or boat while its power source is in operation.

(6) No person may transfer any dangerous goods to any aircraft unless the aircraft is earthed to the transferal device by means of an earth cable.

**78. Records of transport permits**

The Chief Fire Officer must keep updated records of all vehicles in respect of which a transport permit has been issued, amended or renewed.

**VOLUME 8****SPRAY PAINTING****79. Spraying prohibited without spraying permit**

(1) No person may spray, coat, plate or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless -

(a) that person is in possession of a spraying permit contemplated in section 80;

(b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the Chief Fire Officer on premises registered for that purpose.

**80. Application for spraying permit**

Any person who wishes to obtain a spraying permit must -

(a) complete and submit to the Chief Fire Officer an application form for such permit in the form and manner determined by the Council; and

(b) pay the prescribed fee.

**81. Cancellation of spraying permit**

The provisions of section 24, read with the necessary changes, apply to the cancellation by the Chief Fire Officer of any spraying permit.

**82. Duties of owner, occupier or person in charge of spraying room**

Every owner, occupier and person in charge of a spraying room must ensure that -

(a) the spraying room complies with the requirements of this Chapter; and

(b) every other person on the premises complies with the provisions of this Chapter.

**83. Design and construction of spraying rooms**

(1) Every spraying room must be designed and constructed according to the following criteria:

- (a) every window frame must consist of steel with window panels -
  - (i) that cannot be opened;
  - (ii) that do not exceed 450 millimeters x 450 millimeters in size; and
  - (iii) that are fitted with wire glass with a thickness not less than 8 millimeters;
- (b) if based on a brick and concrete construction -
  - (i) the floor must consist of concrete;
  - (ii) the walls must consist of brick or concrete;
  - (iii) the roof must consist of reinforced concrete; and
- (iv) every door must consist of a Class B-type fire doors as contemplated in SANS 1253; and
- (c) if based on a metal structure –
  - (i) the framework of the structure, including door assemblies must consist of a sturdy steel profile with a minimum wall thickness of 2.5 millimeters;
  - (ii) the framework of the entire structure, including any door, must be clad on both sides with sheet metal with a minimum thickness of 1.3 millimeters;
  - (iii) the framework of the entire structure must be fume-proof, flame-proof and liquid-proof;
  - (iv) the floor must consist of concrete or metal;
  - (v) all material used must have a fire integrity grading of at least 60 minutes; and
  - (vi) the structure must be constructed, installed and finished so that all surfaces are smooth in order to prevent any furring which may hamper ventilation, washing or cleaning of the spraying room.

**84. Water floors for spraying rooms**

Every spraying room which is designed and constructed with a sunken water floor must be designed and constructed so that -

- (a) the water is covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free floor grill capable of bearing the weight of every person and object in the spraying room; and
- (b) the water in the sunken water floor is circulated through an effective non-combustible and cleanable filtering system by a closed circuit pump circulation system consisting of non-corrosive metal pipes of suitable diameter and wall thickness.

**85. Electrical equipment in spraying rooms**

(1) Any electrical apparatus, light, fitting and switch gear installed or used in a spraying room must be installed and used in accordance with SANS 0108.



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(2) Any switch gear, distribution box, fuse and other electrical equipment, except equipment as contemplated in SANS 0108 must -

(a) be located outside the spraying room; and

(b) be positioned so as not to come into contact with fumes from the spraying room.

(3) Any switch for the mechanical ventilation system of a spraying room must be situated outside the spraying room.

(4) Any metal part and electrical fitting and any other device used in, or in connection with, the spraying room, must be earthed effectively with each other and the ground.

(5) Every electrical installation in a spraying room may be installed only by a suitably qualified electrician who must -

(a) certify in writing that the installation complies with all applicable legal requirements; and

(b) furnish the certificate to the owner or person responsible for the premises concerned.

(6) The owner or person responsible for the premises on which the spraying room is located must submit the certificate contemplated in subsection (5) to the Chief Fire Officer without delay.

**86. Location of spraying rooms**

(1) The owner, occupier and person in charge of a spraying room must ensure that there is an escape opening between the spraying room and any other activity, process or area on the premises concerned -

(a) of at least 1200 millimeters wide; and

(b) that must at all times be kept free of any obstruction, refuse or combustible material.

(2) If any other activity or process which may pose a fire hazard is conducted adjacent to a spraying room on any premises, the escape opening contemplated in subsection (1), must be clearly identified by a fire partition wall -

(a) of a height at least 300 millimeters higher than the roof of the spraying room; and

(b) with a fire resistance of at least 60 minutes.

(3) No more than two sides of a spraying room contemplated in section 83(1)(c), may border a fire partition wall.

**87. Access to spraying rooms**

In addition to any door for the access of motor vehicles or other objects to any spraying room, every spraying room must have at least two hinged doors for escape purposes that -

(a) open to the outside of the spraying room;

(b) have dimensions of at least 800 millimeters wide x 2000 millimeters high;

(c) are positioned on opposite sides of the spraying room so that the distance to be covered to any door when any object is in the spraying room for spraying does not exceed 4 meters; and

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(d) are fitted with a locking mechanism that is at all times capable of being opened from the inside of the spraying room without the use of a key.

**88. Ventilation of spraying rooms**

Every spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed -

- (a) so that ventilation of at least 0.5 meters per second is provided across the spraying room;
- (b) with vanes consisting of static-free material;
- (c) so that it releases fumes into the open air from outlets that are not located within 5 meters of any opening of a building or erf boundary;
- (d) with ventilators that are attached firmly to the inside walls of the spraying room with bottom ventilators affixed as close as possible to the level of the sill;
- (e) with ventilation and air duct openings installed in opposite walls, doors or the roof so as to ensure effective cross-ventilation; and
- (f) with ducting material that is fitted with a fire damper and covering of at least 120 minutes fire resistance where the ducting material exists the spraying room, if ducting material is installed external to the spraying room in communication with the remainder of the building concerned.

**89. Fire dampers, protectors and alarms in spraying rooms**

(1) A fire damper manufactured and installed in accordance with SANS 193, must be affixed in front of any air purification filter or part of such filter on the inside of any spraying room.

(2) The fire damper must –

- (a) be capable of closing automatically by means of a suitably located sensor that is activated by a rise of more than 10oC in the predetermined working temperature inside the spraying room;
- (b) be installed so that it will remain in position even if the air duct distorts during a fire; and
- (c) be equipped with an overriding fusible link.

(3) The ventilation system must be equipped with a sensor that -

- (a) is capable of turning off the ventilation system and any heating device used in connection with the spraying room, in the event of a fire or a rise of more than 10oC in the predetermined working temperature inside the spraying room; and
- (b) activates a visual and audible alarm inside and outside the spraying room in an event contemplated in paragraph (a).

**90. Design and positioning of ventilation outlets for spraying rooms**

Every outlet opening from a spraying room must be designed and positioned to release fumes from the spraying room into the open air at least -

- (a) 1 meter above any roof on the premises;

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(b) 4 meters above the ground level; and

(c) 5 meters from any opening of a building situated on or adjacent to the spraying room.

**91. Display of signs on spraying rooms (screwed and photo illuminated)**

(1) A symbolic sign prohibiting open flames and smoking must be affixed to the inside and the outside of every door of a spraying room.

(2) Any symbolic sign contemplated in subsection (1), must be –

(a) manufactured and installed in accordance with SANS 1186; and

(b) of dimensions at least 290 millimeters by 290 millimeters.

**92. Manifold installations in spraying rooms**

Every manifold installation of a Group II hazardous substance that forms an integral part of the heating system of any spraying room must –

(a) comply with SANS 087 (Part 1); and

(b) the requirements of these By-laws.

**93. General prohibitions regarding spraying rooms**

No person may –

(a) use any spraying room or allow any spraying room to be used unless signs prohibiting open flames and smoking are affixed to the spraying room in compliance with section 91;

(b) enter a spraying room or allow any other person to enter a spraying room without the authority of the owner, occupier or person in control of the spraying room;

(c) use any spraying room or allow any spraying room to be used for any purpose other than spray painting or related activities;

(d) enter any spraying room or allow any other person to enter a spraying room unless the mechanical ventilation system is operating; or

(e) place any obstruction or hindrance or allow any obstruction or hindrance to be placed in any escape opening or in front of any door of a spraying room.

**94. Fire extinguishing equipment in spraying rooms**

(1) Every spraying room must be equipped with –

(a) at least one 9 kilogram dry chemical fire extinguisher installed on the inside of the spraying room; and

(b) at least one 9 kilogram dry chemical fire extinguisher installed on the outside of the spraying room.

(2) Fire extinguishers contemplated in subsection (1) must be installed in positions approved by a member of the Service.

(3) Every spraying room must be protected by at least one fire hose reel as specified in SANS 543 –

- (a) that is connected to a water supply as contemplated in SANS 0400 (Part W); and
- (b) that enables the hose reel to maintain a flow of at least 0.5 liters per second at a work pressure of at least 300 kPa.

## **VOLUME 9**

### **FIRE BRIGADE SERVICES**

#### **95. Establishment and maintenance of Service**

(1) The Council has established a Fire Brigade Service as contemplated in section 3 of the Fire Brigade Services Act.

(2) The Council must maintain the Service, which includes -

- (a) appointing a Chief Fire Officer and the necessary members of the Service;
  - (b) ensuring that they are properly trained; and
  - (c) acquiring and maintaining the necessary vehicles, machinery, equipment, devices and accessories to ensure that the Service is effective and able to fulfil its objects.
- (3) That the Council and by association the Fire and Emergency Services, in effect can rely if required on the participation and assistance from other relevant roll players/stake holders in the area meaning other emergency and ambulance services.

(4) The appointed Chief fire Officer as stipulated on 2(a) may at any reasonable time enter any premises in the area of the controlling authority concerned in order to determine whether the provisions contemplated in Fire Brigade act, sections 15 (1) (a), (d), (e) and (g) and 16 are being complied with.

#### **96. Objects of service**

The objects of the Service are –

- (a) to prevent the outbreak and spread of fire;
- (b) to fight and extinguish any fire that endangers any person or property;
- (c) to protect any person and property against any fire hazard or other danger contemplated in these By-laws; and
- (d) to rescue any person and property from any fire or other danger contemplated in these By-laws.

#### **97. Services to other persons**

(1) The Service may, provide any service related to its objects to any other person against payment of the prescribed fee, as outline from Municipal Financial Management Act section 97

(2) Any service contemplated in subsection (1), may be terminated without notice if the services, equipment or personnel involved in providing that service are required to deal with an emergency.

**ANNEXURE: 242/2017****98. Instructions by members of Service**

(1) In addition to any powers under section 8 of the Fire Brigade Services Act, a member may give any instruction to any person in order to secure compliance with these By-laws or to ensure the safety of any person or property.

(2) An instruction may be given orally or in writing and if the instruction is given orally, the member must confirm it in writing and give it to the person concerned at the earliest opportunity.

(3) An instruction contemplated in subsection (1) may include, but is not limited to an instruction -

- (a) for the immediate evacuation of any premises;
- (b) to close any premises until such time as any contravention of these By-laws has been rectified;
- (c) to cease any activity;
- (d) to remove any immediate threat to the safety of any person or property;
- (e) to take specified steps to comply with these By-laws, either immediately or within a specified period; and
- (f) if it is not reasonable for steps referred to in paragraph (e), to be taken immediately, for the owner or occupier of the premises concerned to provide the Chief Fire Officer with a written description of the steps to be taken and a time-table for the taking of these steps in order to ensure compliance with these By-laws.

**99. Pretending to be member of Service prohibited**

- (1) No person may pretend to be a member.
- (2) No person who is not a member may wear any official clothing, uniform, badge or insignia of the Service.

**100. Certificates to identify members of Service**

- (1) The Chief Fire Officer must provide each member with a certificate identifying that person as a member.
- (2) A member, while performing any function or exercising any power under these By-laws must –
  - (a) keep the certificate provided in terms of subsection (1), on his or her person; and
  - (b) produce it for inspection on request by any person.

**101. Cost of analysis samples**

- (1) Any costs incurred by the Council in connection with the analysis of any sample taken from any premises for the purposes of these By-laws, and a report on such analysis by an institution accredited by the Chief Fire Officer for that purpose may be recovered from the owner or occupier of that premises if the owner or occupier of the premises is not in compliance with these By-laws regarding the substance concerned.

**VOLUME 10****102. Event management**

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The Mbombela Fire, Rescue and Emergency Services and by association, the Mbombela Local Authority, are mandated to perform specific functions at certain events with regards to fire related matters in order to secure the well-being and safety of all patrons and property attending sports, recreational, religious, cultural, exhibitions or similar events.

**102. Roles and Responsibilities**

The Chief Fire Officer from the Mbombela Fire and Rescue Services shall, as a member of the Safety and Security cluster, ensure that:

- (1) the Chief Fire Officer, or an appointed member of the Mbombela Fire and Rescue Services, attend Safety and Security plenary meetings pertaining the event as arranged by the authorized member providing that a reasonable arrangement was made in terms of timeous notification.
- (2) the lawful requirements and stipulations in relation to the Fire Services Act., and the fire related sections of the Mbombela Local Municipality By-laws, are complied with.
- (3) within reason, assistance and support is given to other Departments and members of the Safety and Security Cluster.
- (4) the necessary fire safety measures and steps, meaning the implementation of related By-laws and lawful legislation, inspections, deployment, etc. be taken based on the risk profiling and assessment as well as event demographic, to ensure the safety of consumers and property at the event.
- (5) the Safety and Security Committee/Cluster is informed about fire related risks and conditions that could threaten the well-being and safety of people and property at the event.
- (6) fire related threats and dangerous conditions, or conditions that could possibly pose a threat or danger to the event, be noted to the Committee. These threats or conditions are to be negotiated or mediated if possible. If negotiation or mediation with regards to the threat or danger is not possible, other plans/options will be imposed by the Chief Fire officer.
- (7) if the provisions in terms of Section 6 cannot be met, meaning the submission of other plans/options, that the cancellation or the postponement of the event be considered.
- (8) the Safety and Security Committee/Cluster be provided with an initial deployment figure in terms of staff and resources that will do standby at the event. If there is no need for the Fire and Rescue Services to deploy for whatever reason, the Chief Fire Officer or the appointed representative, will make a confirmation to the effect.
- (9) that direction is received in terms of accreditation for staff members and vehicles that will perform standby duties at the event.
- (10) the name and contact details of a senior staff member representing the Fire and Rescue Services in the VOC during the event, be submitted to the Committee/VOC Commander/Authorized member.

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- (11) that the overall emergency plan of the event be made available on request by the event organizer. The plan must include the evacuation plan with assembly areas, escape routes, exits, alternative routes for emergency vehicles, etc.

**103. Deployment at events**

The Chief Fire Officer or appointed representative shall take a decision regarding the deployment of resources to the event based on the following:

- (1) Venue layout and construction (building, tents, portable structures, open air).
- (2) Actual fire risk at the event.
- (3) Fire related threats and dangerous conditions.
- (4) Event demographic (music festival, sports, religious, exhibition, etc.).
- (5) Crowd demographic (old age, adults, children, male, female, intoxicated).
- (6) Crowd size (number of patrons).
- (7) Area of precinct/event in square meters.
- (8) Amount and width of exits from the affected area.
- (9) Time of the year, month, week or day.
- (10) Duration of the event.
- (11) Other threats or dangerous conditions that could have impact on the safety of the event, from inside the precinct/venue or from outside.
- (12) VIP or important political figures attending the event.
- (13) Availability of resources in terms of equipment, staff members and vehicles.

**104. Special or elevated risks to an event**

Any threat, condition or situation that could cause major disruption to the event resulting in, or has the possibility to result in large scale injuries to people, loss of life or damage to property.

**(1) Fireworks**

The organizer of the event shall apply in advance to the Chief Fire Officer for approval to have a fireworks display at an event as per Section 32 of the By-laws. The Chief Fire Officer will make a decision regarding the approval, the deployment of staff and vehicles if so required, and the service fee of such deployment.

**(2) Natural disasters**

The Safety and Security Committee and the event organizer should take notice of conditions during the plenary meetings for the event, as well as foresee conditions that could have an

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effect on the event and plan accordingly. The weather forecast is therefore of utmost importance as most natural disasters are due to adverse weather conditions. Conditions that could cause a high fire index (dry and windy), strong winds, excessive rainfall (flooding), hail, extreme heat, etc.

The Safety and Security Committee/Cluster and event organizer will rely heavily on accurate information as provided by the representative from the Weather Services in this regard.

**(3) Political unrest or protests**

The Security and Safety Committee/Cluster should give cognizance to any political situation and possible protest action that could have an impact on the event. The relevant intelligence agencies from the South African Police Service should provide the Committee with updated information regarding and the necessary planning should be made accordingly.

**(4) Helicopter rides, landings and take-offs**

The Chief Fire Officer will give permission for any landing of helicopter in the City of Mbombela and the following safety requirements must be followed

1. Written authorization from the organizer of the event, or custodian/owner of the premises.
2. Authorization from the Mbombela Traffic Department.
3. A clear landing area of not less than 50m x 50m. This dimension could change depending on the event demographic and/or other conditions.
4. The landing area to be clearly indicated.
5. Notification boards/signs to be displayed to warn the public not to approach the landing area.
6. Members of public around the landing site should be managed and directed by qualified fire marshals who have knowledge regarding basic first aid and fire-fighting.
7. 2 x 9 kg Dry Chemical Extinguishers (serviced) to be placed on opposite sides of the landing site perimeter.
8. The Chief Fire Officer may, based on risk factors, decide that more safety measures be in place, or not. The Chief Fire Officer may also decide, as a mitigation factor, to place a Fire Engine and crew on site in which case the normal call out rate (services fee) will apply.
9. That the information/notification/ for an aircraft landing at events be forwarded to the Mbombela Fire and Rescue Services as soon as possible. Preferably two (2) weeks in advance.

**(5) Bees**

If an event is invaded/targeted by a swarm of bees, EMS should be notified with immediate effect through the VOC structure and medical facilities, hospitals and clinics must be put on high alert. Depending on the mood of the bees, the size of the swarm and the area affected,



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evacuation of the said area should be considered. If the invasion/attack persist or the situation worsens, total evacuation of the area must be considered. If the situation becomes **uncontrollable, postponement or cancellation of the event must be considered.**

- (6) Any other unforeseen condition or situation that could cause major disruption to the event that could result in injury, loss of life and property, should be identified as early as possible by the Safety and Security Committee/Cluster, negotiated, and mediated. If negotiation, mediation and secondary planning fails, postponement or cancellation of the event must be considered.

**105. Stalls and Venders**

In order to provide for a safe environment for the public, stall and vender owners at inside and outside events in the Mbombela Local Municipality area, the following requirements are to be complied with. The event organizer should ensure that the requirements are made known to the affected parties prior to the event.

- (1) Every food stall or vender holder that makes use of a gas operated appliance or open flames, will have a fire extinguisher not smaller than a 4.5 kg Dry Chemical Powder in capacity in his/her stall and should also have the knowledge and capacity to operate the device. This requirement extends to any stall holder, vender holder, or person that is responsible for making a fire at the event for whatever reason.
- (2) Gas cylinders must be a reasonable distance, 100 cm – 150 cm from the actual ovens, stoves or burners.
- (3) The pipe work and connections on gas operated appliances shall be in good condition and in proper working order.
- (4) A gas cylinder with a maximum capacity of 19 kg is permissible inside a tent with a gas cylinder not exceeding 48 kg outside a tent. There may not be an accumulation of cylinders on the premises. Fire extinguishers shall be clearly visible, easy reachable and unobstructed at all times.
- (5) Gas cylinders shall be placed on level surface areas away from public walkways. “No Smoking”, “No Open Flame” and “No Cell Phone” signs shall be displayed where gas are being used, stored or in public walk ways.
- (6) Electrical wiring and connections shall be in good condition and tucked away neatly from possible danger areas and public walkways. Rope lighting, décor lighting, extension cords, etc. shall be well managed, out of the way, and shall be waterproofed if exposed to the elements.
- (7) All fire extinguishers shall be in good condition, operational with the device being serviced at least once within a period of twelve months.
- (8) Stall and vender holders shall ensure that there is a reasonable distance between open flames, gas operated appliances, electrical appliances or other heat sources from any

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flammable materials or flammable liquids in the immediate area. The said reasonable distance could be influenced by weather conditions.

- (9) Event organizers, stall holders and vender holders shall ensure that there is an open space of 5 meters between tents or structures larger than 400 square meters to prevent fire spread and allow access for emergency vehicles.
- (10) The area surrounding gas operated appliances, or open flame devices, shall be kept clean and clear of obstructions. The general house-keeping rule is applicable in terms of neatness.
- (11) Fire extinguishers and other fire-fighting equipment shall be visible and easily accessible.
- (12) No fire safety signage for extinguishers, hose reels, hydrants, exits, exit routes, etc., shall be obstructed at any time during the event.
- (13) It shall be prohibited to make any fires at an event for whatever reason, unless such an arrangement was approved in advance by the Chief Fire Officer of the Mbombela Fire and Rescue Services.
- (14) The Chief Fire Officer may adapt, or make any ruling with regards to fire related matters at the event to ensure the well-being and safety of people at an event.
- (15) Due to extraordinary circumstances and elevated risks at events by design, it is required that common sense prevail at all times.

**VOLUME 11****MISCELLANEOUS****106. Handling animals during emergencies**

The handling of animals during emergencies, taking in account the provisions and prohibitions of the Animals Protection Act No. 71 of 1962.

- (1) The owner, occupier or person in charge of any zoological garden, feedlot, stable, research institution, veterinary practice or any place of veterinary science study, must ensure the professional handling of any animal on the premises concerned during an emergency.
- (2) Notwithstanding the provisions of subsection (1), the Chief Fire Officer may, in respect of any premises, authorize a suitably qualified person to handle or put down any animal during an emergency.
- (3) The Council may recover any costs incurred in relation to the professional handling or putting down of any animal during an emergency from the owner or occupier of the premises concerned.

**107. Exemption from provisions of these by-law**

- (1) Any person may make application to the Council in writing, for an exemption from any provision of these By-laws, specifying the reasons for exemption in such application.
- (2) The Council may grant an exemption –
  - (a) in general or in particular;

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(b) for any period; and

(c) subject to any condition that will provide the same overall fire prevention and protection that would result from the full application of these By-laws.

(3) If an exemption is granted in terms of subsection (2), the Council must issue a certificate of exemption to the person concerned, specifying the scope and period of the exemption and any condition imposed.

(4) The Council may amend or withdraw a certificate of exemption at any time.

(5) The holder of a certificate of exemption must ensure that the certificate is available on the premises concerned at all times for inspection by any member.

Approval, authorization or permission under these by-laws

104. Any person who requires any approval, authorization or permission contemplated in these By-laws, in respect of which no application procedure is provided, must apply for that approval, authorization or permission -

(a) by completing and submitting an application in the form and manner determined by the Council; and

(b) by paying the prescribed fee.

**108. Cancellation of approval, authorization or permission**

The provisions of section 24, read with the necessary changes, apply to any approval, authorization or permission contemplated in section 104.

**109. By-laws bind State**

These By-laws bind the State and any person in the service of the State.

**110. Offences and penalties**

(1) Any person who –

(a) contravenes or fails to comply with any provision of these by-laws;

(b) fails to comply with any notice issued or displayed in terms of these By-laws;

(c) fails to comply with any lawful instruction given in terms of these By-laws; or

2. is guilty of an offence and liable on conviction to punishment of a fine not exceeding R5 000 or imprisonment for a period not exceeding six months.

(3.) and in the case of a continuing offence, or Any person who-

(a) intentionally resists or obstructs a member of a service, including a chief fire officer, in the exercise of his execution of his or her duties or performance of his or her powers or functions under these By-laws;

(b) refuses or fails to comply with an order contemplated in section 14 (1);

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(c) refuses or fails to carry out an instruction from the Chief Fire Officer contemplated in section 18 (2) within the period mentioned therein; or

(d) summons a service while he knows that there is no reason to do so,

shall be guilty of an offence, and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding 12 months.

5. The Chief fire Officer will issue a notice to the owner for noncompliance and after three attempt the owner or the occupier will be guilt as charge and subsection (2) or subsection (3) will come into force.

**111. Emergency exits and dangerous building /areas**

Fire Chief Officer may recommend the building to be evacuated as soon as possible if he assumes that,

- a. the building may endanger human lives until proven by the structure engineer
- b. Or the emergency exit burgled or permanent locked

**113. Repeal of by-laws**

The by-laws listed in Schedule 5 are hereby repealed.

**114. Short title**

This By-law is called the Fire Brigade By-Law, 2016.

**SCHEDULE 1****GUIDELINE FOR EMERGENCY EVACUATION PLANS**

These guidelines refer to specifications in the Labor Act., and the Occupational Health and Safety Act. Provisions and prohibitions of the aforementioned acts is therefore relevant as well as the relevant fines and penalties.

Any person who fails to comply with the provisions of this section will be guilty of an offence.

**1. Content of emergency evacuation plans**

Every emergency evacuation plan contemplated in section 17 must contain at least the information under the headings below.

- (a) Emergency telephone numbers
- (b) A list of all relevant emergency telephone numbers.

**(2) General information**

- (a) the physical address of the premises;
- (b) a description of the activities on the premises;
- (c) the number of persons present on the premises at any time;
- (d) an indication of any control room on the premises;

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- (e) an indication of any alarm system on the premises; and
- (f) the particulars and contact details of every responsible person in the event of an emergency;

**(3) Area study**

An area study addressing the following:

- (a) a history of emergency incidents on the premises;
- (b) any important and relevant features or landmarks regarding the premises; and
- (c) any information regarding adjacent premises that may be relevant to evacuation in an emergency.

**(4) Socio-economic or other threats**

Any socio-economic or other threats and their potential impact on the premises.

**(5) Details of available equipment**

Particulars and details regarding the position of the following equipment:

- (a) Equipment in the control room;
- (b) firefighting and first aid equipment on the premises; and
- (c) any other equipment which may be relevant in an emergency.

**(6) The emergency team**

Particulars and details regarding the identity of members of the emergency team, including -

- (a) its management;
- (b) the continuity officers;
- (c) the fire teams; and
- (d) the first aid teams.

**(7) Duties of emergency team members**

The duties and responsibilities of members of the emergency team.

**(8) Action plans and emergency procedures**

Details of the specific action plans and emergency procedures applicable to the premises.

**(9) Building plans and maps**

The building plans of the premises and any relevant topographical map must be included in the evacuation plan.

**(10) Emergency plan register**

The plan must include –

- (a) an updated register of the emergency evacuation plan;
- (b) an updated drill register for the emergency evacuation plan; and
- (c) a bomb threat questionnaire.

### **Review of emergency evacuation plans**

2. (1) An emergency evacuation plan must be reviewed and updated by the owner or occupier or an appointed Health and Safety Consultant of the premises concerned at least once each year and whenever a member of the management of the emergency team ceases to work at the premises.

(2) Whenever an emergency evacuation plan is reviewed and updated, the owner or occupier or an appointed Health and Safety Consultant of the premises concerned must ensure that all old plans on the premises or in the possession of the management of the emergency team are collected and destroyed in order to eliminate any confusion regarding the validity and accuracy of the evacuation plan.

### **Emergency evacuation drills**

3. (1) An emergency evacuation plan should be drilled at least twice each year as per stipulation in the Labor Act., the Health and Safety Act., and should involve the participation of all persons who work or reside in the building concerned.

(2) The owner or person in charge of a building should give all persons who are to be involved in an emergency evacuation drill at least 21 days' notice of the drill.

### **Emergency evacuation awareness**

4. Every person who works or resides on premises should be aware of the emergency evacuation plan for that premises.

### **Training of persons**

5. Every person who resides or works on premises with an emergency evacuation plan should be suitably trained in -

- (a) first aid or fire fighting;
- (b) emergency aid;
- (c) emergency evacuation procedures; and
- (d) emergency management techniques.

## **SCHEDULE 2**

### **EXEMPTION FROM CERTIFICATE OF REGISTRATION**

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A certificate of registration is in terms of section 35(2) not required if the flammable substances concerned are of a type and do not exceed the quantity stipulated below.

<b>GASES</b>		
Class O	Liquefied petroleum gas	Flat- Total cylinder capacity may not exceed 9 kg per flat Houses or commercial premises- Total maximum of 19 kg inside and total maximum of 100 kg on premises Industrial premises- Maximum of 19 kg per 600 m <sup>3</sup> of building space with a total maximum of 100 kg
<b>FLAMMABLE LIQUIDS AND COMBUSTIBLE LIQUIDS</b>		
Class I	Liquids that have a closed-cap flash point of below 38 °C	Total maximum of 40 litres
Class II	Liquids that have a closed-cap flash point of 38 °C or above, but below 60.5 °C	Total quantity of Class II and Class IIIA together may not exceed the maximum quantity of 210 litres
Class IIIA		Liquids that have a close-cap flash point of 60.5 °C or above but below 93 °C

**SCHEDULE 3****EXEMPTION FROM TRANSPORT PERMIT**

A transport permit is in terms of section 73 not required for the transport of dangerous goods of the type and not exceeding the quantity stipulated below.

<b>GROUP</b>	<b>DESCRIPTION</b>	<b>QUANTITY</b>
<b>II</b>	<b>GASES</b>	
Flammable gases	Total cylinder capacity may not exceed 50 kilograms	
Non-flammable gases	Total cylinder capacity may not exceed 333 kilograms	
<b>III</b>	<b>FLAMMABLE LIQUIDS</b>	
With flash points ≤ 18oC	Total quantity may not exceed 100 liters	
With flash points > 18oC but ≤ 23oC	Total quantity may not exceed 420 liters	
With flash points > 23oC but ≤ 61oC	Total quantity may not exceed 1100 liters	
With flash points > 61oC but ≤ 100oC	Total quantity may not exceed 1 100 liters	
<b>IV</b>	<b>FLAMMABLE SOLIDS</b>	
Flammable solids	Total quantity may not exceed 250 kg	
<b>V</b>	<b>OXIDISING AGENTS AND ORGANIC PEROXIDES</b>	
Oxidizing agents	Total quantity may not exceed 200 kilograms	
Group II organic peroxides in packets	Total quantity may not exceed 200 kilograms	

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<b>VI</b>	<b>TOXIC / INFECTIVE SUBSTANCES</b>
Group I toxic substances in packets	Total quantity may not exceed 5 kilograms
Group II toxic substances in packets	Total quantity may not exceed 50 kilograms
Group III toxic substances in packets	Total quantity may not exceed 500 kilograms
<b>VIII</b>	<b>CORROSIVE / CAUSTIC SUBSTANCES</b>
Group I acids in packets	Total quantity may not exceed 50 kilograms
Group II acids in packets	Total quantity may not exceed 200 kilograms
Group III acids in packets	Total quantity may not exceed 1000 kilograms
Group I alkaline substances in packets	Total quantity may not exceed 50 kilograms
Group II alkaline substances in packets	Total quantity may not exceed 200 kilograms
<b>IX</b>	<b>MISCELLANEOUS SUBSTANCES</b>
Liquids	Total quantity may not exceed 210 liters
Solids	Total quantity may not exceed 210 kilograms

**SCHEDULE 4****SANS CODES OF PRACTICE AND SPECIFICATIONS**

<b>SANS Code</b>	<b>Title</b>
SANS 019	Portable metal containers for compressed gas - basic design, manufacture, use and maintenance.
SANS 087 : Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500l and a combined water capacity not exceeding 3000l per installation.
SANS 087 : Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5000l.
SANS 087 : Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SANS 087 : Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.



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SANS 089 : Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SANS 089 : Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector.
SANS 0105 : Part 1	The classification, use and control of firefighting equipment, Part 1: Portable fire extinguishers.
SANS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SANS 0131	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SANS 0142	The wiring of premises.
SANS 0177 : Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750oC of building materials.
SANS 193	Fire dampers.
SANS 0228	The identification and classification of dangerous substances and goods.
SANS 0230	Transportation of dangerous goods: Inspection requirements of road vehicles.
SANS 0232 : Part 1	Transportation of dangerous goods - Emergency information systems, Part 1: Emergency information systems for road

## **SCHEDULE 5**

### **REPEALED BY-LAWS**

<b>Number and Year</b>	<b>Name of By-laws</b>	<b>Extent of Repeal</b>
Administrator's Notice 1771 dated 23 December, 1981	Nelspruit Town Council Standard by-laws relating to fire brigade services	Whole
Administrator's Notice 597 dated 11 April, 1973	White river municipality: fire brigade by-laws	Whole
Administrator's Notice 2261 dated 3 December, 1986	Barberton municipality: Fire Brigade by-laws	Whole

## PROVINCIAL NOTICE 46 OF 2021



## GOVAN MBEKI MUNICIPALITY

**PUBLIC NOTICE CALLING FOR INSPECTION OF THE SUPPLEMENTARY VALUATION ROLL 2:  
MAINTENANCE OF GENERAL VALUATION ROLL 2020/2025**

Notice is hereby given in terms of Section 49(1)(a)(i) of the Local Government: Municipal Property Rates Act No 6 of 2004 as amended, hereinafter referred to as the "Act", that the Supplementary Valuation Roll 2: Maintenance of GV 2020/2025 will open for public inspection at the Govan Mbeki Municipal Offices mentioned below and on website [www.govanmbeki.gov.za](http://www.govanmbeki.gov.za) from **19 May 2021 to 18 June 2021**.

An invitation is hereby made in terms of Section 49(1)(a)(ii) read together with Section 78(2) of the Act that any owner of property or other person who so desires should lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from, the Supplementary Valuation Roll within the above-mentioned period.

Attention is specifically drawn to the fact that in terms of Section 50(2) an objection must be in relation to a specific individual property and not against the Supplementary Valuation Roll as such.

The forms for the lodging of an objection are obtainable at the following addresses during normal office hours:

1. Rooms **307 and 305** Municipal Offices, Horwood Street, Secunda.
2. Municipal Office, Chris Hani Street, Bethal.
3. Municipal Office, Shaka Maseko Road, Leslie.
4. Website: [www.govanmbeki.gov.za](http://www.govanmbeki.gov.za).

The original, correct, completed and signed objection form must be put in an envelope marked:

**"Notice 102/2021 – Supplementary Valuation Roll: 2 (Maintenance of GV 2020/2025) Objections".**

The envelope must be sealed and addressed to: **The Municipal Manager, Planning and Development (Property Section), Private Bag X 1017, Secunda, 2302.**

The envelope must either be posted to the above address or can be deposited in the official tender box that is situated at the front entrance of the Northern wing, Municipal Building, Central Business District, Horwood Street, Secunda, or handed in at any of the above-mentioned municipal offices.

Telephonic enquiries will be accepted at 017 620 6036 or 017 620 6053 or 016 620 6039 or 016 620 6058, or completed objection forms can be e-mailed to ([valuations@govanmbeki.gov.za](mailto:valuations@govanmbeki.gov.za))

**NOTE: OBJECTIONS WILL BE FOR ONLY PROPERTIES WHICH ARE REFLECTED IN THE SUPPLEMENTARY VALUATION ROLL 2.**

**LATE OR INCOMPLETE OBJECTION FORMS MIGHT NOT BE CONSIDERED.**

**Mr. M E MICHELE**  
**ACTING MUNICIPAL MANAGER**  
Notice Number: 102/2021

**PROVINCIAL NOTICE 47 OF 2021****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED  
APPLICATION FOR TRANSFER OF SITE OPERATOR LICENCE**

Notice is hereby given that Black Diamond 123 (Pty) Ltd Registration number 2020/794666/07 trading as El Paso Night Club intend on submitting an application for the transfer of site operator licence from K Amara Business Creating and development (Pty) Ltd, to the Mpumalanga Economic Regulator on 21 May 2021. The business premises (site) is located at Farm Naauwpoort 335 JS, Portion 47, Emalahleni, Emalahleni Municipality, Nkangala District. The owners/managers are: Rachid Belkessam. No changes to the licence conditions are proposed in this application. The application will be open for public inspection at the office of the Mpumalanga Economic Regulator at First Avenue, White River, South Africa 1240, from 21 May 2021. Attention is directed to the provisions of Section 26 of the Mpumalanga Gambling Act, 1995 (Act No. 5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the applications. Such objection should be lodged with the Chief Executive Officer, Mpumalanga Economic Regulator, First Avenue, Private Bag X9908, White River, South Africa, 1240, [ceo@mer.org.za](mailto:ceo@mer.org.za) within 30 days from 21 May 2021.

**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**

**LOCAL AUTHORITY NOTICE 44 OF 2021**

**NKANGALA DISTRICT MUNICIPALITY**



**BY-LAW FOR THE ESTABLISHMENT OF NKANGALA ECONOMIC DEVELOPMENT  
AGENCY AS A SERVICE UTILITY**

**(ALSO REFERRED TO AS: ESTABLISHMENT OF NEDA AS A SERVICE UTILITY BY-  
LAW)**

## NKANGALA DISTRICT MUNICIPALITY

**BY-LAW****FOR THE ESTABLISHMENT OF THE NKANGALA ECONOMIC DEVELOPMENT  
AGENCY AS A  
SERVICE UTILITY****ADOPTED BY RESOLUTIONS OF THE MUNICIPAL COUNCIL****NUMBER: DM-ND203/01/2020**

The Nkangala District Municipality ("the District") hereby publishes the By-Law for the Establishment of Nkangala Economic Development Agency("NEDA") as a Service Utility as promulgated by the District in terms of 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with 13(a) of the Local Government: Municipal Systems Act. 2000 (Act 32 of 2000) as amended.

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**PREAMBLE**

- A. **WHEREAS** the Nkangala District Municipality ("the District"), in terms of the Constitution of the Republic of South Africa and other applicable legislations, charged with the responsibility of ensuring the sustainable provision of municipal services within its area of jurisdiction;
- B. **WHEREAS** the District has approved alternative Service Delivery Mechanisms for the provision of municipal services;
- C. **WHEREAS** with a view to deriving maximum benefit from the principles of performance-based contracting, the District has elected to deliver the services through a wholly-owned municipal entity under its sole control and ownership;
- D. **WHEREAS** acknowledging complexity and challenges associated with the current service delivery model;
- E. **WHEREAS** realising the need to migrate or transfer the functions from the current service delivery mechanism to a Service Utility;
- F. **WHEREAS** recognising the advantages of cost-effectiveness obtained through a Service Utility incorporated as a Company as opposed to an ordinary Internal Department;
- G. **AND WHEREAS** section 156(2) of the Constitution empowers the District with legislative authority to enact, administer and pass By-Laws;
- H. **AND WHEREAS** the Local Government Municipal Systems Act 32 of 2001 affirms the constitutional power in the municipal council by stating that Council exercises legislative and executive authority of a municipality by passing by-laws; and
- I. **AND WHEREAS** this By-Law is an integral part of the applicable legal framework or regulations that give effect to the establishment of the Nkangala Economic Development Agency as a Service Utility.

**BE IT THEREFORE ENACTED** by the Municipal Council of the District of Nkangala, Mpumalanga Province, as follows:



## CHAPTER 1

### INTERPRETATION APPLICATION

#### Definitions and Interpretation

1. In this By-Law, unless the context indicates otherwise: -
- a) **"Approval"** means approval by the Council of the District;
  - b) **"Authorised Official"** means an official, employee, agent, representative, delegated nominee or service provider of the Council who has been authorised by It to administer, implement and enforce the provisions of this by-law;
  - c) **"the Board"** means the Board of Directors;
  - d) **"Business Day"** means a day other than a Saturday, Sunday, or public holiday in the Republic of South Africa;
  - e) **"the Chairperson"** means the Chairperson of the Board of NEDA as appointed from time to time;
  - f) **"CEO"** means the Chief Executive Officer of NEDA appointed in terms of section 20 of this By-Law, who is also an accounting officer of NEDA as contemplated in section 93 of the MFMA;
  - g) **"CFO"** means the Chief Financial Officer of NEDA;
  - h) **"the District"** means the Nkangala District Municipality Council or its successor-in-title from time to time, being the sole parent municipality of the NEDA;
  - i) **"Municipal Manager"** means the Municipal Manager appointed by the Council in terms of section 82(1)(a) or (b) of Local Government' Municipal Structures Act, 1996 and who is the accounting officer in terms of the Local Government: Municipal Finance Management Act 53 of 2003;
  - j) **"The Constitution"** means the Constitution of the Republic of South Africa Act, 108 of 1996, as amended from time to time;
  - k) **"Committee"** means the Economic and Investment Promotion Advisory Committee, Audit Risk Committee, Social and Ethics Committee, Remuneration Committee and any other committee that may be established by the Board from time to time;
  - l) **"Committee Members"** means members of any committee of the Board of NEDA as appointed in terms of the Terms of Reference of the specific committee;

- m) **"Council"** means Municipal Council of the District as in section 1 of the Municipality Structures Act;
- n) **"Councillor"** means a member of the Council;
- o) **"Directors"** mean the Directors of Nkangala Economic Development Agency appointed in terms of Section 13(2) of this By-Law;
- p) **"Force Majeure"** means an act, omission, or circumstance over which either party could not have reasonably foreseen nor exercised control;
- q) **"IDP"** means the Municipality's integrated development plan, as envisaged in section 25 of the Municipal Systems Act, and which is aimed at integrated development and management of a municipal area within the Municipality's geographical boundaries;
- r) **"NEDA"** means Nkangala Economic Development Agency as a Service Utility established in terms of this By-Law and incorporated in terms of Companies Act, 2008 as amended;
- s) **"MFMA"** means the Local Government: Municipal Finance Management Act, 56 of 2003;
- t) **"MMC"** means a Member of the Mayoral Committee as contemplated in section 60 of Structures Act;
- u) **"Municipal Entity"** means a person, institution, or body established in terms of the Systems Act;
- v) **"Municipal Services"** means municipal services as defined in the Systems Act;
- w) **"SDA"** means the Service Delivery Agreement entered into between the District as a Parent Municipality and NEDA as a municipal entity as amended from time to time;
- x) **"SDBIP"** means the Service Delivery Budget Implementation Plan of the District as formulated from time to time,
- y) **"Service Area"** means the geographical area in respect of which the District of Nkangala, in Mpumalanga Province, Which in includes the following Local Municipalities Thembisile Hani, Steve Tshwete, Emakhazeni, Victor Khanye, Dr JS Moroka and Emalahleni is applicable, licensed in terms of applicable Regulatory Provisions) to render the services as set out in these Bylaws;
- z) **"Structures Act"** means the Municipal Structures Act, 117 of 1998

- aa) **"Service Utility"** means Nkangala Economic Development Agency Service Utility, a municipal entity created in terms of this By-Law,
- bb) **"Systems Act"** means Local Government: Municipal Systems Act 32 of 2001 as amended.

## **2. Legal Framework governing the Service Utility**

- (1). The legal framework governing this Service Utility shall be this By-Law, including but not limited to the following:
  - a) The Constitution of the Republic of South Africa, Act 108 of 1996 (the Constitution");
  - b) The Municipal Finance Management Act, 56 of 2003 (MFMA);
  - c) The Municipal Systems Act 32 Of 2000, as amended ("Systems Act");
  - d) The Municipal Structures Act, 117 of 1998 ("the Structures Act");
  - e) The Labour Relations Act, 66 of 1995 (the LRA); and
  - f) The Companies Act, 71 of 2008 ("the Companies Act")
- (2). This By-Law is accordingly in line with the legal framework listed in (a) to (f) above.
- (3). If the provisions of this By-Law are in any way inconsistent with the provisions of any applicable legislative framework, the legislative framework in (1) above shall prevail.

## **3 Application of the MFMA and the Systems Act**

- (1). NEDA is a municipal entity as defined in section 1 of the MFMA and as set out in section 1 of the Systems Act.
- (2). For purpose of the MFMA:
  - a) The Chief Executive Officer ("CEO") of NEDA is the Accounting Officer as contemplated in section 93 of the MFMA; and
  - b) The Board is ultimately accountable and responsible for the performance of service delivery and affairs of NEDA as contemplated in section 93H of the Systems Act.

## **CHAPTER 2**

### **ESTABLISHMENT OF NEDA**

#### **4 Establishment of NEDA**

- (1). NEDA is hereby established as a juristic person and a municipal entity under the sole control and ownership of the Nkangala District Municipality.
- (2). Save to the extent specifically provided to the contrary in this By-Law, NEDA shall at all times, operate as a separate legal person and shall at all times, act as a service delivery mechanism to provide municipal services on behalf of the District.
- (3). NEDA shall ensure that all of its activities are directed to the furtherance of the sole or principal object as set out in this By-Law and must operate within the powers and functions assigned to it by the District in terms of this By-Law.
- (4). NEDA shall also provide any other municipal services related to economic development, investment promotion, exports, infrastructure and tourism activities as assigned to it by the District in terms of the Service Delivery Agreement ("SDA") entered into between NEDA and the District, as contemplated in section 80 of the Systems Act.
- (5). The establishment of NEDA as a Service Utility must be done in compliance with section 84 of the MFMA and any applicable provisions of the Municipal Systems Act.

#### **5. Powers of Nkangala District Municipality**

- (1). The Constitution grants the District the right to govern on its own initiative, the affairs of the community within its area of jurisdiction. The District must, therefore, exercise its constitutional rights over NEDA subject to National, Provincial and Municipal legislations.
- (2). The District shall fulfil its legal obligations of monitoring and regulating the performance of NEDA in terms of this By-Law.
- (3). The District shall provide assistance through seed funding, land and property allocation, and policy advocacy.
- (4). The District shall through its structures, evaluate or assess the performance of the NEDA on an annual basis against agreed performance standards.

- (5). NEDA shall at all times maintain a full and accurate set of records for the services performed under this By-Law.
- (6). NEDA shall render such reasonable assistance as may be necessary to allow the District to exercise its powers in terms of this By-Law.
- (7). In order to exercise its monitoring and oversight roles in terms of this this By-Law, the District and its authorised representatives shall have a right of access to all information belonging to NEDA.

## **6. Objectives of NEDA**

- (1). The main purpose and objective of the NEDA are to inter alia:
  - i. promote economic growth and development within the District, serve as a platform for partnerships between the District, private sector and other stakeholders to collaborate and co-invest in projects that will attract inward investment and/ or tourism into the District;
  - ii. Implement projects within the investment and economic development policy framework of the National and Provincial Government and in line with the District's Investment Promotion Strategy ("IPS");
  - iii. attract investment and related growth-focused activities into the District's key sectors including tourism and priority zones using targeted marketing, management, development, promotion, and facilitation on behalf of the district;
  - iv. act as a project facilitator and execution-support for strategic investment projects into the District;
  - v. act as a single point of contact for investing, economic development, and tourism activities in the District; assist investors in fast-tracking decision-making and execution related to significant investment strategies and projects in the District;
  - vi. assist investors in fast-tracking, decision-making, and execution related to significant investment strategies and projects in the District;
  - vii. position the District as an overall tourism destination for events, leisure activities, and other segments that may be identified;
  - viii. promote entrepreneurship and provide economic initiatives and related organised events within the jurisdiction of the District; and

- ix. ensure sustainability of its core programmes including promoting adequate District-wide delivery infrastructure
- x. Support economic development initiatives from other spheres of government and state entities for the development of communities in Nkangala District
- xi. Enter into agreement with external parties to facilitate, drive and attract resources and other opportunities from national and provincial agencies and other sources for the benefit of the local economy and its residents.

### **CHAPTER 3**

#### **RELATIONSHIP BETWEEN DISTRICT AND NEDA**

##### **7. Service Delivery Agreement**

- (1). The District shall in terms of Sections 76 (b) (i) of the Systems Act provide a municipal service in its area or part of its area through external mechanisms by entering in a Service Delivery Agreement.
- (2). The District and NEDA shall in terms of section 81 (2) of the Systems Act enter into a Service Delivery Agreement ("SDA").
- (3). The District and NEDA must enter into the SDA within ninety (90) days of the appointment of the Board of NEDA; Which SDA may include an agreement on areas of shared services between NEDA and the District.
- (4). The relationship between the District and NEDA shall be regulated by the SDA, which shall set out the framework in which NEDA will operate.
- (5). The SDA must set out the annual performance objectives and Indicators for NEDA including the following:
  - a) Outline the parameters within which NEDA operates in compliance with this By-Law;
  - b) It must specify the minimum levels of service delivery required from NEDA as a Service Utility,
  - c) It must set out service level agreed upon between the District and NEDA, which will be subject to annual review; and
  - d) It must provide a framework within which a detailed service delivery plan can be developed and implemented by NEDA.

- e) The District may, through the SDA assign NEDA with, amongst others, the following responsibilities:
  - i. to develop and implement detailed service delivery plans within the framework of the District integrated development plan ("IDP").
  - ii. bus rapid system transport infrastructure.
  - iii. management of Training and Skills development initiatives.
  - iv. development of domestic and commercial Rental facilities.
  - v. the operational planning, management, and provision of the municipal service.
  - vi. management of its own accounting, financial management, budgeting, investment and borrowing activities within a framework of transparency, accountability, reporting and financial control determined by the District, in line with the provisions of the MFMA.
  - vii. implement technical infrastructure projects on behalf of the District and local municipalities; and
  - viii. collection of service fees or revenue for its own account from users of the services and manage the municipal property.
- (f). The SDA may in accordance with the applicable legal framework, provide for the transfer or secondment of any of the District's employees to NEDA.
- (h). The scope of the services to be rendered by NEDA may be changed by agreement between the District and NEDA pursuant to the business planning and budgeting process.
- (i). The SDA must be consistent with the MFMA and any applicable laws or regulations.
- (j). The SDA must comply with the District's Investment Promotion Strategy.
- (k). In event that the SDA cannot be concluded within the period specified in subsection (3) above, the Municipal Manager or an authorised official may issue a directive in terms of section 8 of this By-Law dealing with matters set out in (5) above.

- (l). The district must in terms of Section 77 of the Systems Act review and decide on the appropriate mechanisms to provide a municipal service when-
  - i. preparing or reviewing its integrated development plan.
  - ii. a new municipal service is to be provided.
  - iii. an existing municipal service is to be significantly upgraded, extended or improved.
  - iv. a performance evaluation requires review of the delivery mechanism
- (m). A municipality is restructured or reorganised in terms of the Municipal Structures Act.
- (n). Requested by the local community through mechanisms.
- (o). Instructed to do so by the provincial executive committee acting in terms of section 139(1) (a) of the Constitution

#### **8. Service Levels and Standards**

- (1). The District shall establish a performance system in line with the priorities, objectives indicators, and targets contained in its IDP.
- (2). The performance objectives, targets, and service standards that must be met by NEDA must be negotiated and agreed to by the parties in terms of the SDA.
- (3). Notwithstanding 9(1) and 9(2) above, the Board must ensure that the performance contracts for the CEO and senior management emphasise the need to secure private sector co-funding for NEDA projects.
- (4). The Board of NEDA is ultimately responsible for the performance management of NEDA and all employees of the entity.
- (5). The Board shall develop internal performance management tools and protocols and ensure that the management of NEDA implements such internal performance management tools and protocols as are deemed to be in the Best Interests of NEDA.



**9. Directives by the District**

- (1). The Municipal Manager or any duly authorised official from the District may issue a written directive to NEDA if he or she is of a view that such action is necessary to ensure that NEDA performs its functions in accordance with this By-Law.
- (2). Particulars of any directives given during the financial year must be included in the annual report of NEDA.
- (3). The Board shall, if it deems it necessary, require the CEO to execute and implement the directive received in terms of subsection (1).
- (4). The CEO shall take all necessary steps to ensure that the directive is duly executed and implemented in terms of this section.

**CHAPTER 4****FUNCTIONS AND GOVERNANCE OF NEDA****10. Functions of NEDA**

- (1). Without derogating from generality of this By-Law, NEDA shall provide investment and tourism destination promotion Initiatives, including (but not limited to) the following: -
  - i. promotion of economic empowerment and transformation through the implementation of economic development strategies, investment attraction, and tourism promotion that will contribute to the District's growth and Development Plan.
  - ii. promotion of interests of the District in a pro-active and positive manner.
  - iii. promotion of the economic growth and job creation through the public, private multi-sector collaboration for a range of promotion and facilitation activities; taking cognisance of the objectives of the District and the associated mayoral priorities.
  - iv. to provide bench-marked and competitive products and services to the private sector, Small, Micro and Medium Enterprises, Cooperatives and other targeted customers.
  - v. undertake research on economic activities and conduct sectorial and value-chain studies into priority economic sectors of the District.

- vi. to use investment and tourism as a catalyst to address transformation.
- vii. to provide quality tourism services to both local and international tourists.
- Viii In executing its functions, NEDA must ensure that it conforms and complies with all the applicable laws, regulations, and policies of the District.
- ix. NEDA shall in addition to the above functions establish the following:
  - (a). Operational guidelines and best practice models relating to governance, organisational development and use of technology.
  - (b). Funding Guidelines, taking into consideration the imperative for NEDA to raise sufficient co-funding from third parties and the necessary approvals to be obtained from the District.
  - (c). Sound Financial Management systems and delegations of authority in terms of the applicable provisions of the MFMA.
  - (d). An effective, efficient, and transparent system of risk management and internal controls to ensure clean and efficient administration. Particular consideration must be given to ensuring transparency of processes and application of decision-making criteria, appropriate incentives and disincentives for officials, regular rotation of officials in client-facing or supply chain functions, and penalties for unethical behaviour; and
  - (e). NEDA must act in good faith and use its best endeavours to assist the District to ensure the proper delivery of the municipal services.

#### **11. Powers of NEDA**

- (1). Unless specifically restricted by this By-Law, NEDA has all of the legal powers and capacity contemplated in the MFMA and Systems Act and may do all that is necessary to perform its functions, including to:
  - (a). purchase, hire or otherwise acquire and hold or let or deal with the asset for purposes of this By-Law provided that such assets cannot be acquired or alienated without the approval of the District.
  - (b). enter into sound partnerships with the private sector in the execution of its mandate.

- (c). procure and/or raise funding, apart from any funding that may be provided by the District, from any third party for the furtherance of its objectives, Subject to clause 12 (2) (c) below and the provisions of the MFMA:
  - (i). adopt (including amendment thereof) any framework or policy of the District, with the proviso that such adoption ensures that the entity remains consistent with the provisions and minimum requirements of the MFMA, and other applicable legal frameworks.
  - (ii). ensure that NEDA is sufficiently insured against any risk, loss, or damage connected with the exercise of its powers or performance of functions or duties.
  - (iii). exercise any power or perform any other function conferred or imposed on it by or in terms of this By-Law or any other applicable law.
  - (v). do anything else which is reasonable ancillary to any of its objects in terms of section 5, its functions in terms of section 6 and its powers in terms of this section.
- (e). NEDA shall not without the prior written approval of the District:
  - (aa). permit any of its assets to become subject to any form of security, alienation, or hypothecation;
  - (bb). alienate or dispose of any of its assets: and
  - (cc). become liable, whether as surety, co-principal debtor, guarantor, or indemnifier for the liabilities of any third party.
- (f). NEDA shall not, directly or indirectly, distribute any of its funds or assets to any person other than in the furtherance of its objectives.

**CHAPTER 5**  
**BOARD OF DIRECTORS OF NEDA**

**12. The establishment of the Board of NEDA**

- (1). The Board shall comprise of a minimum number of four (4) and a maximum number of seven (7) Directors, subject thereto that the District shall be entitled by resolution to determine such amended maximum number of Directors as they from time to time shall deem appropriate.
- (2). The Board must consist of at least a third of non-executive directors and have a non-executive Chairperson.
- (3). The Board of Directors shall comprise of the following:
  - (a). the Chairperson, who shall be appointed amongst the non-executive directors of the board.
  - (b). the Chief Executive Officer ("CEO") of NEDA.
  - (c). five (5) ordinary Board Members with proven skills, knowledge, and experience in areas of local government, Investment Promotion, Auditing, risk management, financial management, project management, law, transformation and diversity, and economic background.
- (4). Board members must have a minimum of qualification at level 8 NQF and (5) years' experience in their respective fields of expertise.
- (5). The Member of the Mayoral Committee for Local Economic Development and a duly authorised official or a nominee of the Municipal Manager shall serve in an ex officio capacity to the board, with no voting rights.
- (6). The Board is a focal point for good corporate governance; therefore, it must have the requisite range of expertise to effectively manage and guide the activities of NEDA.
- (7). The Board may designate any other non-executive member to act as chairperson if the Chairperson is absent or unable to perform any function.
- (8). It is recorded that on the commencement of this By-Law, there may be a need for the appointment of an interim Board and interim CEO to enable NEDA to commence operations immediately.
- (9). The interim Board and interim CEO shall only be appointed for a period sufficient to allow the appointment of the official Board to be completed.

- (10). The interim appointment and appointment process referred to in 7.1 above may not exceed 12 months.
- (11). The Board shall be appointed in accordance with the following procedure:
- (a). For the appointment of non-executive members, other than those to be designated by the District, the District must by notice in (2) two newspapers and the provincial gazette invite all interested persons to submit, within the period and in the manner mentioned in the notice.
  - (b). The District must appoint a nomination committee to make recommendations to the District for the appointment of non-executive members of the Board.
  - (c). In establishing a nomination committee, the District must ensure that the committee is broadly representative.
  - (d). The nomination committee, in making a recommendation for appointment to the Board by the District, must consider:
    - (i). the proven skills, knowledge, and experience of a candidate in areas of Investment Promotion, Auditing, risk management, financial management, project management, governance compliance, transformation and diversity and economic background, necessary for the efficient and effective performance of the Board's functions; and
    - (ii) the need for representation of females or disabled persons;
    - (iii) all appointments to the Board of the NEDA must be representative of and be in line with the expertise required to fulfil the objectives and purpose of the NEDA.
  - (e) If a suitable person or the required number of suitable persons are not nominated as contemplated in subsection (d), the District may call for further nominations in the manner set out in subsection (a).
  - (f) The District must appoint the non-executive members of the Board and, within thirty (30) days thereafter, by public notice, publish the names of the members so appointed and the date of commencement of their term of office.

**13. Disqualification for appointment**

- (1). A person shall not be appointed as a member of the Board, if that person:
  - (a). has a material business relationship with any NEDA transaction, production or service, or any relationship whatsoever that could reasonably be considered to be a material conflict of interest. For purposes of this subsection, "Material" means significant in the circumstance of a particular matter, to a degree of consequence in determining the matter or might reasonably affect a personal judgement or decision making in the matter.
  - (b). was convicted of any offence and sentenced to imprisonment without an option of a fine, and a period of five (5) years since completion of the sentence has not lapsed.
  - (c). has been declared by a court to be of unsound mind as defined in section 93F(f) of the Systems Act.
  - (d). has been declared delinquent in terms of section 162 of the Companies Act or if a Court has prohibited that person to be a director; and/or is prohibited in terms of any public regulation to be a director of the Company.
  - (e). is disqualified to be a board member in terms of 93F of the Systems Act.
- (2). A member of the Board must vacate Office if that member becomes disqualified in terms of clause 14(1).

**14. Term of Office and Removal of Directors**

- (1). The term of office of each Director shall be a period not exceeding 36 months.
- (2). A director shall not serve for more than two terms of office.
- (3). The Chairperson of the Board may not serve for more than one (1) term in such a position.
- (4). A member may resign by giving three (3) months' notice to the District or such period of notice as determined by the District from time to time.
- (5). The District shall have sole and absolute discretion to remove or recall one or more Directors of NEDA subject to the provisions of the Companies Act.

- (6). The District may remove one or more directors of NEDA in the following circumstances:
  - (a). non-attendance of the Board's meetings for at least 3 (three) consecutive meetings without any written apology sent to the Company Secretary and the Chairperson prior to the meeting.
  - (b). If the performance of the Director is unsatisfactory.
  - (c). If the Director, either through illness or for any other reason, is unable to perform the functions of office effectively.
  - (d). If the Director is convicted of fraud or theft or any offence relating to fraudulent conduct; and
  - (e). Becomes disqualified to be a board member in terms of 93F of the Systems Act;

#### **15. Roles and Responsibilities of the Board**

- (1). The Board is ultimately accountable and for the performance, service delivery, and affairs of NEDA.
- (2). Subject to accountability and effective oversight by the District, the Board has the power to direct and control the business of NEDA.
- (3). Subject to accountability to the District, the Board must provide leadership and retain full and effective control over the direction and performance of NEDA.
- (4). The Board must provide transparent, accountable, and coherent corporate governance.
- (5). The Board must ensure that NEDA acts and is seen as a responsible District Service Utility that protects and advances the sustainability of destination marketing, the community, and the environment.
- (6). The Board must communicate openly and promptly with the District and ensure that NEDA complies with all applicable legislation and agreements.
- (7). The Board is accountable to the District Council and therefore it must deal with the District in good faith.
- (8). A Director must disclose to the Board and to the District, any direct or indirect personal or business interest that the Director or his or her spouse or partner may have in any matter before the Board and must withdraw from the proceedings of the Board when the matter is considered. The Board is

required to inform the District in writing on a quarterly basis of any such disclosures.

- (9). A Director must at all times act in accordance with the Code of Conduct for directors referred to in section 93L of the Systems Act.
- (10). The Board may from time to time by resolution, delegate any power that the Board has to the Executive Directors, CEO, any prescribed officer, provided that powers so delegated may be similarly withdrawn.
- (11). The Board shall ensure that in each Financial Year, a budget of NEDA is prepared in accordance with the provisions of section 87 of the MFMA and submitted to the District.
- (12). The Board must exercise the fiduciary duties and responsibilities as contemplated in the MFMA.
- (13). The Board must ensure that NEDA is fully aware of and complies with all applicable laws and regulations.
- (14). The Board must ensure that the District's performance objectives are achieved and that they can be measured in terms of the performance of NEDA.
- (15). The Board must ensure that the Board Charter is adopted and the role and responsibilities of the Board must be fully set out in the Board Charter.
- (16). The Board must ensure that the guidelines set out are based on best governance practice on corporate governance in the Public Sector and are included in the Board Charter and that all Board Members are conversant with the contents thereof.
- (17). The Board may establish Board Committees for the need and purpose determined by the Board in consultation with the District. Over and above the Audit Risk Committee, the Economic and Investment Promotion Advisory Committee and, the Board may establish any other Committee deemed necessary, including the Social and Ethics Committee, and the Remuneration Committee.
- (18). The Board may in consultation with the District determine the qualification requirements of the Board Committee members.
- (19). The Board must create a corporate culture in which ethical actions are encouraged and developed.



- (20). The Board must implement an effective internal controls system that ensures that the rules, the codes of practice, and the ethical standards of NEDA are adhered to.

#### **16. Fiduciary Duties and Disclosure**

- (1). A member of the Board must, upon appointment, submit to the District and the Board a written statement in which it is declared whether or not that member has any direct or indirect financial interest which could reasonably be expected to compromise the board in the performance of its functions.
- (2). A member of the Board may not be present, or take part in, the discussion of or the taking of a decision on any matter before the Board in which that member or his or her family member, business partner, or associate has a direct or indirect financial interest.
- (3). If a member of the Board acquires an interest that could reasonably be expected to be an interest contemplated in this section, he or she must immediately in writing declare that fact to the Board and the District.
- (4). If an organisation or enterprise in which a member of the Board has an interest contemplated in this section is requested to offer its services to the NEDA, or is in the process of concluding any agreement with the NEDA, the organisation or enterprise must immediately, in writing, declare the member's interest to the Board and the District.
- (5). A Board member must perform his or her functions of office and at all times exercise the utmost good faith, honesty and integrity, care and diligence in performing a member's functions, and in furtherance of this duty, without limiting its scope, must:
  - (a). take reasonable steps to inform himself or herself about the NEDA, its business and activities, and the circumstances in which it operates.
  - (b). take reasonable steps, through the processes of the Board, to obtain sufficient information and advice about all matters to be decided by the Board to enable him or her to make conscientious and informed decisions.
  - (c). regularly attend all meetings.

- (d) exercise an active and independent discretion with respect to all matters to be decided by the Board.
  - (e) not engage in any activity that may undermine the integrity of the NEDA.
  - (f) not make improper use of their position as a member or of information acquired by virtue of his or her position as a member.
  - (g) treat any confidential matters relating to the NEDA, obtained in the capacity as a Board member, as strictly confidential and not divulge them to anyone without the authority of the NEDA or as required as part of that person's official functions as a member of the Board.
- (6). This section must be interpreted as adding to, and not deviating from, any law relating to the criminal or civil liability of a member of a governing body, and criminal or civil proceedings that may be instituted in respect of such liability.

**17. Economic and Investment Promotion Advisory Committee**

- (1). NEDA Economic and Investment Promotion Division shall be advised by an advisory panel of no more than six (6) experts that form the Economic and Investment Promotion Advisory Committee.
- (2). The experts shall be selected based on their proven industry expertise and integrity in the fields of economic development, investment strategy, and project finance.
- (3). The Economic and Investment Promotion Advisory Committee shall be Chaired by a Board member elected by the Board.
- (4). The members of the Economic and Investment Promotion Advisory Committee shall be appointed by the board in consultation with Council.
- (5). The term of office of the Economic and Investment Promotion Advisory Committee members shall be for a continuous period of not more than 3 (three) years, subject to the Policy adopted from time to time.
- (6). The CEO shall have a seat at all Economic and Investment Promotion Advisory Committee meetings in order to direct value from the committee and provide direct access to insights into and from the operations.

- (7). The Economic and Investment Advisory Promotion Committee will establish sound partnerships with significant sectors in the District with a view to optimising the impact of NEDA.
- (8). The Economic and Investment Advisory Promotion Committee shall be adjusted before the end of a three-year member term, by the Board Chairperson in consultation with the Board should it be found that a particular member fails to meet the expected value required from their participation.
- (9). The external members of the Economic and Investment Promotion Advisory Committee will only be reimbursed for travelling costs and out of pocket expenses.

## **CHAPTER 6**

### **MANAGEMENT OF NEDA**

#### **18. Board Charter**

- (1). The Board must, not later than sixty (60) days after its appointment, formulate a Charter for the Board of NEDA, which must at least, subject to this By-Law:
  - (a). outline the roles and responsibilities of the Board of NEDA, its committees, and individual members.
  - (b). set out the purpose and vision of the Board of NEDA.
  - (c). set out the roles and responsibilities of the Chairperson of the Board, including the chairpersons of various committees.
  - (d). adopt the strategic objectives and plans.
  - (f). monitor operational performance and management.
  - (h). develop policy on risk management and internal controls.
  - (i). provide guidelines on the distinction between roles of the Board and management.
  - (j). contain a code of conduct for the Board of NEDA and staff members.
  - (l). identify functions intended to be delegated to management; and
  - (m). provide a framework for the appointment of senior staff for NEDA.
- (2). The Board Charter must regulate the parameters within which the Board will operate.

- (3). The Board Charter aims to ensure that all Board Members of NEDA are aware of various legislations, principles of good Corporate Governance and other Codes which may affect their conduct.
- (4). The Board Charter must be submitted to the District before it is adopted in order to allow the District to comment on its contents.

**19. Roles and Responsibilities of the Board Chairperson**

- (1). NEDA's Board must be led by a Chairperson duly appointed in terms of this by-law.
- (2). The Chairperson's responsibilities must be separate from those of management, led by the CEO.
- (3). The Chairperson is the head of the Board and his/her responsibilities include, amongst others, the following:
  - (a). ensuring that all Board Members are fully involved and informed of any business issues on which a decision has to be taken.
  - (b). ensuring that the CEO and executive managers play an effective management role and participate fully in the operation and governance of NEDA.
  - (c). ensuring that the CEO and executive managers monitor the business and contribute sufficiently to the business decisions of NEDA; and
  - (d). exercising independent judgment, acting objectively, and ensuring that all relevant matters are placed on the agenda and prioritised properly.
- (4). The Chairperson (including other non-executive board members) is prohibited from being involved in the day-to-day operational management of the NEDA.

**20. Roles and Responsibilities of the Management of NEDA**

- (1). The CEO and Executive Managers of NEDA are responsible for the day to day management of NEDA and to provide the Board with accurate and relevant information timeously.
- (2). NEDA Management must ensure that all Board members have unrestricted access to accurate, relevant, and timeously information of NEDA, for the purposes of enabling the Board to give the necessary strategic direction.

- (3). The Management must manage the business of NEDA in accordance with the directives from the Board and the District.

## **21. Chief Executive Officer**

- (1). The Board shall in consultation with the District procure the appointment of the CEO.
- (2). The CEO shall be appointed for a fixed-term contract which shall not be more than five (5) years, subject to renewal by the Board.
- (3). The CEO shall be a member of the Board; and
- (4). The CEO is accountable to the Board for the management of NEDA.

## **22. Human Capital**

- (1). The CEO with the concurrence of the Board of NEDA may:
  - (a). appoint employees with appropriate expertise to assist NEDA in carrying out its functions.
  - (b). arrange with the District or other municipal entities owned by the District or any other body for Human Capital to be seconded to NEDA; or
  - (c). arrange with the District to have employees of NEDA seconded to the District or any other municipal entity owned by the District.
  - (d). the CEO must ensure high-entrance requirements for any staff appointment, transfers or secondments, to ensure NEDA has the experience, skills, and qualifications that enable it to be competitive;
- (2). A dedicated Human Resource function shall be established which will be responsible for operational efficiency and management of all aspects of internal human resources within NEDA; and
- (3). Any collective agreements in the Local Government and/or labour agreements in the District will not automatically extend to NEDA unless approved by the Board.

**CHAPTER 7****BUDGET, REPORTING, AND ACCOUNTING****23. Assets and Funding arrangements**

- (1). NEDA's funding shall be derived from the District.
- (2). NEDA shall have a right to generate additional funding from its operations to augment the budget received from the District.
- (3). In accordance with the MFMA, the District may transfer assets of the District or of any other municipal entity owned by the District to NEDA to enable it to fulfil its functions.
- (4). The District can make a determination of staffing, assets, and funding to be transferred to NEDA.
- (5). Where immediately before a transfer under subsection (1):
  - (a). the District had a right arising from a debt, liability or obligation of another person in respect of the assets transferred; or
  - (b). the District had a liability or obligation, the debt, "ability or obligation" is transferred from the District to NEDA.
- (6). The assets of NEDA include, amongst others, the following:
  - (a). assets transferred to it by the District under this By-Law.
  - (b). asset needed to provide the minimum level of basic municipal services.
  - (c). money appropriated by the District for the purpose of future usage.
  - (d). assets acquired by NEDA in the course of its operations.
  - (e). money received by grant or donation from local and foreign aid.
  - (f). money acquired by NEDA from any source approved by the District; and
  - (h). as contemplated in Section 96 of the MFMA, the CEO is responsible for the management of the assets, including the safeguarding and maintenance of those assets.

**24. Opening of the Bank Account**

- (1). NEDA must open and maintain a bank account in its name and in accordance with the provisions of the Banks Act 94 of 1990.
- (2). In line with Section 85 of the MFMA, the CEO shall administer NEDA's bank account.

- (3). All money received by NEDA must be deposited into its bank account and this must be done promptly in accordance with any requirements that may be prescribed by the District.
- (4). In accordance with Section 8(2) and Section 97 of the MFMA, any money or income received by NEDA must be transferred to the District in accordance with the SDA or any other agreement entered into between the District and NEDA in order to promote high performance and to attain a sufficient degree of financial sustainability, NEDA will enter into an agreement with the District regarding the ring-fencing of revenue, or a portion thereof, generated by NEDA in the performance of its functions.

## **25. Budgetary, Monthly, and Quarterly Reports**

- (1). The Board shall ensure for each financial year of NEDA, a budget is prepared and submitted to the District and finalised in accordance with the requirements of section 87 of the MFMA and the municipal budget and reporting regulations.
- (2). NEDA shall adhere to the requirements of the Municipal Budget and Reporting Regulations as prescribed by the District from time to time.

## **26. Annual Report and Annual Financial Statements**

The CEO shall ensure the preparation and submission of the Annual Financial Statements within two (2) months of NEDA Financial Year-end in accordance with the provisions of any legislation governing municipal entities.

## **27. The Business Plan**

NEDA shall develop an annual Business Plan and Budget which shall be approved within the time limits provided for in terms of section 87 of the MFMA as read with the Municipal Budget and Reporting Regulations.

## **28. Procurement**

NEDA shall develop a Supply Chain Management Policy to regulate the procurement of goods and services in line with the applicable legal framework and cognisant with the District Supply Chain Management Framework.

**29. Accounting**

- (1). NEDA must keep such accounting and related records according to generally recognised accounting practice and in the format prescribed by the MFMA.
- (2). The books of accounts shall be kept at the registered office of NEDA or at such other place as the Board of Directors may deem fit.
- (3). The Board of Directors shall have a right of access at all times to the accounting records and all books of NEDA.

**30. Auditing**

- (1). In accordance with section 92 of the MFMA, the Auditor General shall be an external Auditor of NEDA.
- (2). NEDA must have an audit committee, which must implement financial and risk management systems and internal controls.
- (3). As set out in section 166 (5) of the MFMA the members of an Audit Committee shall be appointed by the Municipal Council of District from time to time.
- (4). The members of an audit committee must be appointed by the council of the municipality or, in the case of a municipal entity, by the council of the parent municipality. One of the members who are not in the employ of the municipality or any municipal entity must be appointed as the chairperson of the committee.
- (5). The Audit Committee is required to perform the responsibilities assigned to it in terms of Section 165 and 166 of the MFMA.

**31. Short Title**

This By-Law is referred to as the establishment of the Nkangala Economic Development Agency By-Law

**32. Commencement**

This By-Law shall come into force and effect on the date of publication in the provincial government gazette.



## LOCAL AUTHORITY NOTICE 45 OF 2021

# **EMALAHLENI LOCAL MUNICIPALITY BUSINESS TRADING CONTROL BY LAWS**



The Council of Emalahleni Local Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) hereby publishes the Emalahleni Local Municipality Business Trading Control By-laws.

**Date approved by Council: 26 November 2020**

**Council Resolution: A224/20**

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## 1. Definitions:

In this By-Law, unless the context otherwise indicates-

**“authorized officer”** means an officer in the employ of the Municipality authorized by the Municipality to enforce these By-laws and any authorized official appointed in terms of the Mpumalanga Business Act no of 1996 and the Mpumalanga Trading Hours Act no. 5 of 1999;

**“Boarding house”** means a boarding house as defined in the Spatial Planning and Land Use Management Scheme

**“business license”** means a business license issued to a business in terms of the Mpumalanga Business Act no. 2 of 1996 and which falls within listed businesses in schedule A of these by-laws and the word **“license”** shall have a corresponding meaning;

**“designated area”** means an area designated by the Municipality in terms of the Spatial Planning and Land Use Management Scheme in which business trading is allowed;

**“conducting business”** means to buy, sell or barter any goods or to provide or offer to provide any service for remuneration;

**“foodstuff”** means foodstuff as defined in section 1 of the foodstuff, cosmetics and disinfectants act no. 54 of 1972

**“licensing authority”** means the Emalahleni Local Municipality as delegated in terms of Provincial Gazette no. 855 (Notice 770 of 2002) or person or body designated as a license authority in terms of section 2 of the Mpumalanga Business Act, 1996 (act no. 2 of 1996).

**“municipality”** means the Emalahleni Local Municipality established in terms of Local Government Municipal Structure Act no. 117 of 1998;

**“municipal manager”** means a person appointed in terms of section 54A of the Local Government Municipal Systems Act no. 32 of 2000;

**“permission to conduct a business”** means a permission issued by the municipality in terms of these by-laws and which falls within the listed businesses in Schedule B of these By-laws;

**“property”** means, with regard to a person doing business on premises or as a street trader, any place/area, article, receptacle, vehicle or structure used or intended to be used in connection with such business;

**"public place"** include any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access and shall also mean any public place as defined in the Spatial Planning and Land Use Management Scheme of the municipality;

**"residential place"** relates to an area consisting of private housing rather than offices or factories or shop and shall also mean a residential place as defined in the Spatial Planning and Land Use Management Scheme of the municipality;

**"trader"** means a person who does business in, at or from a public/private place, but shall not include a person selling newspapers, and **"trade"** or any like words shall have a corresponding meaning attached to a hawker as defined in the Mpumalanga Business Act of 1996;

**"trade license inspector"** shall have a corresponding meaning to an authorized official";

**"zoning certificate"** means a certificate issued by the municipality in accordance with the Land Use Planning and Management Scheme.

**2. Objective of these by-laws**

- 2.1. To provide for the control of business trading in the jurisdiction of the Emalahleni Local Municipality, and for matters connected therewith.
- 2.2. To provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the municipality can manage and regulate business trading.

**3. Scope and limitations in the application of these by-laws**

- 3.1. The Emalahleni Local Municipality has been designated as a licensing authority under the Mpumalanga Business Act no. 2 of 1996 as promulgated in the Provincial Gazette Notice 770 of 2002.
- 3.2. These by-laws shall be read with any applicable provisions of the, Constitution of the RSA, Act 108 of 1996, Mpumalanga Trading Hours Act no. 5 of 1999, the Mpumalanga Business Act no. 2 of 1996 and the Business Act, 71 of 1991, National Road Traffic Act no 93 of 1996, National Health Act, 61 of 2003 and the Foodstuffs, Cosmetics and Disinfected Act 54 of 1972.
- 3.3. In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction of the municipality, regulates business trading, the provisions of this by-law shall prevail to the extent of the inconsistency.
- 3.4. These by-laws shall not override any other national and provincial business trading Legislation.
- 3.5. These by-laws are limited to businesses mentioned in Schedule A and B of these by-laws.

**4. Principles**

- 4.1. The municipality has the responsibility to ensure that all businesses within the municipal area are regulated in a manner that will promote economic development and that takes into account the rights of all citizens of Emalahleni Local Municipality and those of other business people within the municipality.
- 4.2. Any person exercising powers in accordance with these by-laws must at all times seek to promote development that is sustainable.
- 4.3. These by-laws shall promote participation of all municipal residents in the promotion of responsible citizenship by ensuring sound business practices within the municipality.

**CHAPTER 1: GENERAL MANAGEMENT REQUIREMENTS FOR BUSINESSES****5. General Duty of Care**

- 5.1. Every person has a duty to manage his/her business and/or the activities of persons working in his/ her business in such a manner that does not cause any harm to human health or damage to the environment
- 5.2. Any person subjected to the duty imposed in subsection 5.1 may be required by the municipality or an authorised official to take measures to ensure compliance with the duty.
- 5.3. The measures referred to in subsection 5.2 that a person may be required to undertake include—
  - (a) investigation, assessment and evaluation of the impact that their activities, the process or a situation have on the environment and human health;
  - (b) informing and educating employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing damage to the environment and human health;
  - (c) ceasing, modifying or controlling any act, process, situation or activity which causes damage to the environment and human health;
  - (d) containing or preventing the movement of pollutants or other causes of damage to the environment and human health;
  - (e) eliminating or mitigating any source of damage to the environment and human health; or
  - (f) rehabilitating the effects of the damage to the environment.

**6. Prohibitions in conducting a business without a license or permission.**

- 6.1. No person shall conduct a business listed in schedule 1 and 2 as a trader—
  - (a) except with the prior written permission of the municipality and in accordance with the conditions set out in the permission;
  - (b) Unless he/she has a business trade license issued by the municipality and
    - (i) must be a South African citizen or
    - (ii) has been granted the right of permanent residency or
    - (iii) be an approved foreign national with a valid work or residence permit issued by the immigration authorities;
  - (c) outside a designated area unless the area has been rezoned accordingly;
  - (d) unless all relevant municipal fees are paid or up to date and
  - (e) at any time other than during the hours specified in these by- laws and which

are consistent with the Mpumalanga Business Trading Hours Act.

- 6.2. Any person who does business as a trader must have the written permission or business trade license referred to in paragraphs (a) and (b) respectively which must conspicuously be displayed on the internal wall of the business.
- 6.3. The municipality may, in writing for the duration of a specific event and subject to any conditions determined by the municipality, exempt any person, or group of persons, from compliance with any or all of the provisions of subsection 6.1 above.

## **7. Requirements and conditions for applications to conduct a business**

- 7.1. A person applying for a business trading license or business permission shall complete a prescribed application form in Annexure A provided by the municipality which must be accompanied by the following:
- (a) ID Copy in the case of a South Africa or a Visa and work permit in the case of a non- South African;
  - (b) Sketch map or locality map where the business will be situated;
  - (c) Application fee as determined by the municipality from time to time;
  - (d) A copy of the municipal water and lights account for the business which is not older than three months;
  - (e) A zoning certificate in the case of a private residential premises and
  - (f) where applicable, a certificate of acceptability obtained from the Nkangala District Municipality.
- 7.2. A trade license or written permission to conduct business as a trader shall –
- (a) be granted for a period not exceeding 12 months;
  - (b) not be transferrable, the new owner shall apply anew for a license or permission to conduct business;
  - (c) be issued only for the type of business to be conducted or type of goods that are enlisted in the business trade license or permission and
  - (d) In the event that the license is lost, destroyed or damaged, the municipality shall upon receiving an application for duplicate license, satisfy itself about the reasons for such application and subsequently issue a duplicate license or permission to conduct business with an endorsement of the word “DUPLICATE” inserted thereon.
- 7.3. The municipality may withdraw its permission or license to do business as a trader if the trader-
- (a) does not comply with or acts contrary to any condition set out in the permission or license;
  - (b) contravenes or fails to comply with any provision of this by-law or any other

- law;
- (c) fails to obey or comply with a lawful direction or request given or made by an authorized officer and
- (e) ignores or contravenes the provisions of a sign or notice displayed by the municipality in terms of this By-law.

#### **8. Application procedure for license or permission to conduct business.**

- 8.1. An application for permission to do business as a trader must-
  - (a) be directed to the Municipal Manager or his/her delegate;
  - (b) be in a form prescribed by the municipality and
  - (c) be accompanied by the fees determined by the Municipality from time to time, as well as fees for services or structures provided by the Municipality at the designated area, where applicable.
- 8.2. The Municipal Manager or his/her delegate must consider the application and grant or refuse the permission within 30 **(THIRTY)** days after receipt of the application.
- 8.3. If the application is successful, the Municipal Manager or his/her delegate must forthwith issue the written permission or business trade license setting out the conditions subject to which it is issued.
- 8.4. If the application is unsuccessful, the Municipal Manager or his/her delegate must forthwith notify the applicant accordingly and provide written reasons for his or her decision.
- 8.5. The provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act no. 32 of 2000), shall *mutatis mutandis* apply to an appeal against a decision of the Municipal Manager or his delegate as contemplated in subsection 8.2 above.

#### **9. Prohibition on the hours of trading**

- 9.1. No person shall conduct a business as a trader, except during the hours which shall be determined by Council from time to time and/or which are consistent with the Mpumalanga Trading Hours Act no. 5 of 1999
- 9.2. Trading outside the prescribed hours shall be done with prior consent of the Municipality.

### **CHAPTER 2 – SPECIFIC REQUIREMENTS FOR BUSINESS TRADING**

#### **10. Prohibited conduct of trading**

- 10.1. No person who is a business license holder or business permission holder shall-



- (a) place his or her property or goods in a public place that is not a designated Area for business;
- (b) place or stack his or her property or goods on a pavement and in such a manner that it constitutes a danger to any person or property or is likely to injure any person or damage property;
- (c) erect any structure outside the boundaries of the business premises for the purpose of trading without the prior written approval from the municipality;
- (d) obstruct access to a fire hydrant or area demarcated solely for the purpose of and use of emergency vehicles or services;
- (e) leave his or her property or goods outside an area designated for business trading before or after trading hours;
- (f) when requested by an employee or agent of the municipality or any supplier of telecommunications, electricity or other services, omit or neglect to move his or her property or goods so as to permit the carrying out of any work with regard to a public place or any such service;
- (g) attach 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, on or at a public place;
- (h) make an open fire at the designated area or in circumstances where it could harm any person or cause air pollution;
- (i) disregard a reasonable requirement put by an authorized official of the municipality;
- (j) sell his or her goods by using a megaphone, radio, loudspeaker, or by constant shouting or disturbance without prior written consent of the municipality;
- (k) sell any property or goods which are dangerous or hazardous to public health or human health and
- (l) fail to comply with the relevant provisions of the solid waste management by-laws and/or any other by-law of the municipality.

## **11. General cleanliness and safety requirements for business premises**

### **11.1. A person doing business as a trader shall-**

- (a) keep his/ her property or goods in a clean and sanitary condition;
- (b) dispose of litter generated by his or her business in whatever receptacles approved by the municipality and not dispose of litter in any street litter receptacle which is meant for use by pedestrians;

- (c) ensure that on completion of business for the day, the business premises including the fore front and pedestrian walk way next to the business is free from litter;
  - (d) take such precaution as may be necessary or prescribed by the municipality to prevent the spilling or discharge onto a public place or municipal drainage system of any fat, oil, grease or any hazardous substances which might be generated in the course of conducting his or her business and to prevent that any smoke, fume, outdoor or noise emanating from his or her activities become a nuisance;
  - (e) comply with the general public health by- laws of the Nkangala District Municipality;
  - (g) ensure that no overnight sleeping takes place in the business;
  - (h) not pack his/her stock on the floor inside the business premises;
  - (i) have access to fire extinguishers or firefighting equipment as shall be prescribed by the municipality;
  - (j) ensure that no smoking is allowed in the business and
  - (k) ensure that no tobacco is allowed to be sold to under age children.
- 11.2. All buildings where business is conducted must have approved building plans or permitted by the municipality.

**12. Prohibited trading practices that may cause obstruction.**

- 12.1. No person shall conduct business as a trader at a place where such business-
- (a) obstructs access to or the use of a street facility such as a bus stop, shelter or queuing line, refuse disposal bin or other facility intended for public use;
  - (b) obstructs the visibility of a display window, signboard or premises;
  - (c) obstructs access to a building, automatic bank teller machine or queuing line, pedestrian crossing or vehicle;
  - (d) leaves less than 2 meters in width of a sidewalk clear for pedestrian use, or in any other manner obstructs pedestrians in their use of a sidewalk;
  - (e) obscures or impedes the view of any user of the road;
  - (f) causes an obstruction on a roadway;
  - (g) limits access to parking or loading bays or other facilities for vehicle traffic;
  - (h) obscures any road traffic sign or any marking, notice or sign displayed or made in terms of these by-laws; and/or
  - (j) interferes in any way with any vehicle that may be parked alongside such place.

**13. Display of signs by the Municipality**

The Municipality may display any sign or notice to give effect to the provision of this By-law.

**CHAPTER 3 – POWERS OF TRADE LICENSE INSPECTOR****14. Appointment of trade license inspector**

- 14.1. An authorised official of the Municipality shall be appointed by the Municipal Manager as a trade license inspector.
- 14.2. A trade license inspector shall perform the duties and functions provided for in these by-laws.

**15. Powers and functions of a trade license inspector**

- 15.1. A person appointed in terms of subsection 14.1, or any officer appointed by law may at all reasonable times-
- (a) enter any shop or business or other premises or place connected to or belonging thereto and search or inspect any goods therein which he/she reasonably suspect to be used in connection with such business and on reasonable grounds determine:
    - (i) whether the business comply with the requirements of the relevant municipal by-laws
    - (ii) in consultation with the environmental health practitioner, whether any foodstuffs sold by the license holder or permit holder complies with the requirements of any public health by-laws;
    - (iii) in consultation with the environmental health practitioner, whether any apparatus, equipment, storing space, working surface or any article or place used for in connection with the preparation, handling or sale of foodstuffs complies with the requirements of any public health by-laws;
  - (b) demand from the person in charge of the business to produce to him/her a business trade license or permission;
  - (c) require that any person produce within 14 days any document issued in terms of any provision of the these by-laws, any regulation or any relevant legislation and
  - (d) remove and impound any article, document, receptacle, vehicle or structure which he/ she reasonably suspects is being used or has been used for or in connection with business trading and in contravention with these by-laws which, in his or her opinion, constitutes an infringements of these by-laws

- 17.2. The person appointed in terms of subsection 14.1 shall forthwith deliver any such removed or impounded goods or property to a municipal pound or storage for safe keeping.
- 15.3. Any property removed and impounded as contemplated in subsection 15.1 (a)
- (a) after consultation with the environmental health practitioner may, in the case of perishable property, be sold or destroyed within a reasonable time after the impoundments thereof: provided that such property shall, subject to the provisions of paragraph (c) below, at any time prior to the disposal or selling thereof, be returned to the owner on proof of ownership and upon payment of prescribed impoundment fees and provided further, that such perishables are still fit for human consumption;
  - (b) shall, subject to the provisions of subsection (4), in the case of property other than perishable property, be returned to the owner on proof of ownership and upon payment of prescribed impoundment fees within a period of 1 month of the date of impoundment.
  - (c) The municipality shall be entitled to keep the property concerned until all expenses have been paid, failing which the property may be sold by public auction upon 14 days' notice: provided that where the property attached is perishable, the authorised officer may reduce the period of 14 days to such an extent as he/ she may think fit, or destroy the perishable, whichever is the most cost-effective.
- 15.4. In the case of sale of impounded property by the municipality, the proceeds of such sale, less the reasonable expenses incurred by the municipality in connection with the removal, impoundment or disposal of such property, shall be paid to the person who was the owner of such property when such property was impounded, but if such former owner fails to claim the said proceeds within 3 months of the date on which such property was sold, such proceeds shall be forfeited to the municipality and shall be paid into a special fund created by the municipality dedicated to the development of the business sector and matters ancillary thereto.
- 15.5. The owner of property which has been removed, impounded, sold or disposed of as contemplated in this section, shall be liable for all expenses incurred by the municipality in connection with such removal, impoundments, sale or disposal.
- 15.6. A person appointed in terms of subsection 14.1. shall keep proper record of any property so removed in terms of paragraph (c) and must inform the person

apparently in control of such property (if there is such a person), of the procedure to be followed for reclaiming such property and the venue where such property will be impounded; and

## **16. Offences**

16.1. Any person who –

- (a) contravenes or fails to comply with any provision of this by-laws; ignores, disregards or disobeys any notice, sign or marking displayed or erected in terms of this by-laws;
- (b) contravenes or fails to comply with any approval granted or condition imposed in terms of this by-laws;
- (c) fails to comply with a lawful written instruction by the municipality to move or remove his or her property;
- (d) deliberately furnishes false or misleading information to an officer or an employee of the municipality; and/or
- (e) threatens, resists interferes with or obstructs an officer or employee of the municipality in the performance of his or her powers, duties or functions under this by-laws,

shall be guilty of an offence and shall be liable on conviction to a fine not more than R3 000.00 and as shall be determine by the magistrate or to imprisonment for a period not exceeding 1 year, or to both such fine and imprisonment.

## **17. Vicarious responsibility**

17.1. When an employee or assistant of license holder or permission holder, does or omits to do any act which shall be an offence in terms of these by-laws, that trader 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; and
- (b) he/ she took all reasonable steps to prevent the act or omission.

17.2. The fact that the license holder or permission holder alleges that he/ she issued instructions whereby an act or omission is prohibited shall not in itself be sufficient proof that he/ she took all reasonable steps to prevent the act or omission.

## **18. Short title**

This By-law shall be called the Emalahleni Local Municipality Business Trading Control by-laws and shall come into effect six months after the promulgation of the by-laws in the Government Gazette.

## **SCHEDULE 1**

### **Business for which a business license is required in terms of the Mpumalanga Business Act, 1996 (Act no. of 1996) –**

1. carrying of business which sells to the consumers;
  - (i) any foodstuff in the form of meals for consumption on or off the business premises and
  - (ii) Any perishable foodstuff
2. Carrying on of business by-
  - (a) Providing Turkish baths, saunas or other health baths;
  - (b) Providing massage or infra-red treatments;
  - (c) Making the service of an escort, whether male or female, available to any person,
  - (d) Keeping three or more mechanical, electronic or electrical contrivances, instruments apparatus or devices which are designed or used for the purpose of playing of any game or for the purpose of recreation or amusement, and the operation of which involves payment of any valuable consideration, either by the insertion of a coin, token coin or disc their or in an appliance attached or in any other manner.
  - (e) Keeping three or more snooker or billiard tables
  - (f) Keeping or conducting a night club or discotheque and
  - (g) Keeping or conducting a cinema or theatre

## **SCHEDULE 2**

### **Business for which a business permit is required in terms of the By-laws –**

1. Hairdressing and beauty salons
2. Second-hand goods dealer and scrap yards
3. Dry cleaner and Laundromat
4. Panel beaters and spray booths
5. Boarding houses
6. Mechanical workshop
7. Warehouse
8. Resorts

## ANNEXURE A



# EMALAHLENI

## Local Municipality

### INTEGRATED BUSINESS TRADING APPLICATION FORM

**Very important to note:**

Application must be completed in full, where not applicable please insert N/A

All non coloured spaces must be completed

Application must be completed by the owner of the property or the landlord, in the event that the landlord or owner of property is not available, a person authorised by the landlord or owner of property may complete the form.

Applicant must attach all relevant documents and sign the application form

If the applicant requires any upgrades of municipal services, the cost thereof will be borne by the Applicant

Submit proof of payment of the non-refundable application fee R1 691.20 (To be paid on vote number 023301001853 at the cashiers)

All municipal services account must be up to date

Proof of requirements with all other sector departments must be submitted

Date of submitting application: \_\_\_\_\_

Nature of business operation (give a short description of the business operations, e.g. selling groceries)

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**Particulars of applicant/s:**

<b>Surname</b>	
<b>First Names</b>	
<b>ID/ Passport number</b>	
	<b>Copies of ID/ Passport must be attached</b>
<b>Residential address</b>	
<b>Postal address</b>	
<b>Tel. no</b>	
<b>Cell no.</b>	
<b>Email:</b>	

**Particulars of business:**

<b>Name of business/ trade name</b>	
<b>Status of business</b>	Please mark the appropriate box: Close cooperation <input type="checkbox"/> Private company <input type="checkbox"/> Cooperative <input type="checkbox"/> One-man Business <input type="checkbox"/>

	<b>Business not registered with CIPC</b> _____ <b>Other (please specify):</b> .....
<b>Name and Surname of person operating the business</b>	
<b>Stand number or Portion number of farm where business is conducted</b>	
<b>Street name of business</b>	
<b>Township/ Extension where business is situated</b>	
<b>Name of building (if business is conducted within a shopping complex)</b>	
<b>Please indicate the number of businesses that are operated in the same property</b>	

**Checklist (Please complete the following checklist by ticking the box next to the corresponding statement)**

<b>1. Is the business situated in an informal settlement?</b>	<b>Yes</b>	<b>No</b>
<b>2. Is the business operated from a residential stand?</b>	<b>Yes</b>	<b>No</b>
<b>If Yes, Please attach zoning certificate or any Council approval.</b>		
<b>3. Is the business operated from a business stand?</b>	<b>Yes</b>	<b>No</b>
<b>If Yes please attach zoning certificate or Council approval</b>		
<b>4. Does the structure have approved building plans?</b>	<b>Yes</b>	<b>No</b>
<b>If Yes, Please attach approved building plans</b>		
<b>5. Is the building situated within the municipal building lines in terms of the building regulations? (applicable to formal areas)</b>	<b>Yes</b>	<b>No</b>
<b>6. Does the building you operate from have an electrical certificate of compliance (COC) issued by a qualified electrician</b>	<b>Yes</b>	<b>No</b>
<b>If Yes, Please attach COC.</b>		
<b>7. Does the building/s have an electricity meter?</b>	<b>Yes</b>	<b>No</b>
<b>Please indicate the method of connection by ticking the appropriate box below:</b> <b>Pre-paid</b> <input type="checkbox"/> <b>please provide the meter number:</b> _____ <b>Conventional</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/> <b>Please specify</b> _____		
<b>8. Does the building/s have a water meter?</b>	<b>Yes</b>	<b>No</b>
<b>If Yes, please provide a meter number:</b> _____		
<b>9. Does your business have a consumer account with the municipality?</b>	<b>Yes</b>	<b>No</b>
<b>If Yes, please attach the current municipal statement</b>		
<b>10. Does the business comply with fire safety requirements in terms of flammable liquids/ gases (Cylinder gas bottles, paraffin, motor oil, methylated spirits, etc) If Yes, please attach a compliance certificate from the fire department.</b>	<b>Yes</b>	<b>No</b>

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

\_\_\_\_\_  
**DATE**



**FOR OFFICE USE ONLY:**

Date application received: .....

File/ reference number: .....

Payment receipt no: .....

Name of official receiving application: .....

Is the application fully completed? Yes/No

Did the applicant attach all the required documents? Yes/ No

Did the applicant attach proof of payment for this application? Yes/No

**EMALAHLENI LOCAL MUNICIPALITY**  
**Business Trading Control By-laws**  
**SCHEDULE OF OFFENCES AND FINES DETERMINED IN TERMS OF SECTION**  
**16 OF THE DRAFT BY-LAWS**

Section contravened	Description of offence	Proposed fine	Approved fine	Offence code
	<b>Notwithstanding the provisions of any other law:</b>			
<b>5 (5.1)</b>	Fail to comply with the general duty of care	R3 000		EMC BT001
<b>6 (6.1) (a)</b>	Conducting a business without a valid business trade license issued by the municipality or written permission of the municipality;	R3 000		EMC BT002
<b>6 (6.1) (c)</b>	Conducting a business outside a demarcated area unless the area has been rezoned accordingly and	R3 000		EMC BT003
<b>6 (6.2)</b>	Failure to display a business trade license conspicuously on the internal walls of the business.	R1 000		EMC BT004
<b>9 (9.1)</b>	Conducting a business outside the hours of trading that are determined by the municipality and in line with the Mpumalanga trading hours Act, 1999	R 3000		EMC BT005
<b>10 (10.1) (a)</b>	Placing property or goods in a place that is not a designated area for trading;	R1 500		EMC BT006
<b>10 (10.1) (b)</b>	Placing or stacking of property or goods on a pavement and in such a manner that it constitutes danger to any person or property or is likely to injure any person or damage property;	R1 500		EMC BT007
<b>10 (10.1) (c)</b>	Erecting any structure outside the boundaries of the business premises for the purpose of trading without prior approval from the municipality;	R1 500		EMC BT008
<b>10 (10.1) (c)</b>	Obstructing access to a fire hydrant or area demarcated solely for purposes of and use of emergency vehicles or services;	R1 500		EMC BT009
<b>10 (10.1) (d)</b>	Leaving his or her property or goods outside and an area designated for business trading before or after trading hours;	R1 500		EMC BT010
<b>10 (10.1) (e)</b>	leave his or her property or goods outside an area designated for business trading before or after trading hours;	R1 500		EMC BT011
<b>10 (10.1) (f)</b>	when requested by an employee or agent of the municipality or any supplier of telecommunications, electricity or other services, omit or neglect to move his or her property or goods so as to permit the carrying out of any work with regard to a public place or any such service;	R1 500		EMC BT012
<b>10 (10.1) (g)</b>	attach 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,	R1 500		EMC BT013

<b>10 (10.1) (h)</b>	fence, bench, or any other street furniture in, on or at a public place;	R1 500		EMC BT014
<b>10 (10.1) (i)</b>	make an open fire at the designated area or in circumstances where it could harm any person or cause air pollution;	R1 500		EMC BT014
<b>10 (10.1) (j)</b>	disregard a reasonable requirement put by an authorized official of the municipality;	R1 500		EMC BT015
<b>10 (10.1) (k)</b>	sell his or her goods by using a megaphone, radio, loudspeaker, or by constant shouting or disturbance without prior written consent of the municipality;	R1 500		EMC BT016
<b>10 (10.1) (l)</b>	sell any property or goods which are dangerous or hazardous to public health or human health and	R1 500		EMC BT017
	fail to comply with the relevant provisions of the solid waste management by-laws and/or any other by-law of the municipality.	R1 500		
<b>11. (11.1) (a)</b>	fail to keep his/ her property or goods in a clean and sanitary condition;	R1 500		EMC BT018
<b>11. (11.1) (b)</b>	fail to dispose of litter generated by his or her business in whatever receptacles approved by the municipality and not dispose of litter in any street litter receptacle which is meant for use by pedestrians;	R1 500		EMC BT019
<b>11. (11.1) (c)</b>	fail to ensure that on completion of business for the day, the business premises including the fore front and pedestrian walk way next to the business is free from litter;	R1 500		EMC BT020
<b>11. (11.1) (d)</b>	fail to take such precautionary measures to prevent the spilling or discharge onto a public place or municipal drainage system of any fat, oil, grease or any hazardous substances which might be generated in the course of conducting his or her business and to prevent that any smoke, fume, outdoor or noise emanating from his or her activities become a nuisance;	R2 000		EMC BT021
<b>11. (11.1) (f)</b>	fail to ensure that no overnight sleeping takes place in the business;	R1 500		EMC BT022
<b>11. (11.1) (i)</b>	fail to have access to fire extinguishers or firefighting equipment as shall be prescribed by the municipality and	R1 500		EMC BT023
<b>11. (11.1) (j)</b>	fail to ensure that no smoking is allowed in the business and that no tobacco is allowed to be sold to under age children.	R1 500		EMC BT024
<b>16 (16.1) (a)</b>	fail to comply with any provision of this by-laws; ignores, disregards or disobeys any notice, sign or marking displayed or erected in terms of this by-laws;	R2 500		EMC BT025

<b>16 (16.1) (b)</b>	contravened or fail to comply with any approval granted or condition imposed in terms of this by-laws;	R2 000		EMC BT026
<b>16 (16.1) (c)</b>	fails to comply with a lawful written instruction by the municipality to move or remove his or her property;	R1 500		EMC BT027
<b>16 (16.1) (d)</b>	deliberately furnished false or misleading information to an officer or an employee of the municipality; and/or	R2 000		EMC BT028
<b>16 (16.1) (e)</b>	threatens, resists, interferes with or obstructs an officer or employee of the municipality in the performance of his or her powers, duties or functions under this by-laws,	R3 000		EMC BT029

**LOCAL AUTHORITY NOTICE 46 OF 2021****THEMBISILE HANI LOCAL MUNICIPALITY INDIGENT BY-LAWS**

In terms of sec 13 of the Local Government Municipal Systems Act 32 of 2000, the Thembisile Hani Local municipality (“the municipality”) hereby publishes the Indigent by-laws set forth herein after which have been made by the municipality in terms of sec 74(2) of the Local Government: Municipal Systems Act 32 of 2000.

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4. Community participation
5. Qualification criteria
6. Application and registration process
7. Approved household will be entitled to termination of indigent support
8. Auditing
9. Short title
10. Commencement

## 1. DEFINITIONS

For the purpose of the by-laws any word or expression to which a meaning has been assigned in the Local Government Municipal Systems Act 32 of 2000 shall bear the same meaning in these by-laws and unless the context indicates otherwise.

The following words shall have the meanings hereby:

<b>“Act”</b>	means the Local government for Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended from time to time.
<b>“Child-headed family”</b>	means a household where the main caregiver of the said household is younger than 18 years of age.
<b>“Indigent person / household”</b>	A person and / household, who because of their situation (unemployment, old age etc), is not able to contribute financially towards services provided by the Thembisile Hani Municipality.
<b>“Municipality”</b>	Thembisile Hani Local Municipality.

## **2. PURPOSE OF THIS BY-LAW**

The purpose of this by-law is to provide a framework for poverty alleviation within Thembekele Hani Local Municipality in line with the changing needs of the Community. The by-law links with the Council's Credit Control and Debt Control Policy, Tariff Policy and respective by-laws by providing a support programme for the subsidization of basic services to indigent households.

## **3. APPLICATION OF BY-LAW**

Where this by-law contradicts National Legislation such conflicts immediately to the attention of the municipality once he becomes aware of such conflicts and will propose changes to the municipality's by-laws to eliminate such conflict

## **4. COMMUNITY PARTICIPATION**

Before the municipality adopts the Indigent by-law, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:

- 4.1 Conspicuously display the draft rates by-laws for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices and libraries (and on the website)
- 4.2 Advertise in the media a notice stating that the draft Indigent by-laws has been prepared for submission to council and that such by-laws is available at the various municipal offices and on the website for public inspection. Property owners and interest persons may obtain a copy of the draft by-law from the municipal offices during office hours at a cost as determined annually by the municipality. Property owners and interested persons may submit written comments or representations in the municipality within the specified period in the notice.
- 4.3 Council will consider all comments and /or representations received when considering the finalisation of the Indigent by-law.



## **5. QUALIFICATION CRITERIA**

For a household to qualify as an indigent, a household should comply with the following requirements

- The applicant must be 18 years of age and above
- The total household gross income of all occupants must be less than one (01) state pension per month in alignment with the government subsidy as gazette by the Minister from time to time.
- The applicant must have an active account with the municipality
- All households that are child headed can also apply for indigent support
- The registered must be both the owner or the occupant of the property concerned
- In a case where the account holder is deceased, the applicant must produce a letter of authority on the property.
- Non-profit organizations (NGOs) within the Thembisile Hani Municipality
- The applicant must own a single property.

## **6. APPLICATION AND REGISTRATION PROCESS**

Applications for relief must be made on the prescribed forms provided by the finance department within the Municipality.

The application form is to contain inter alia the following important information:

- Details of the account holder
- Proof of income
- Proof of residence
- Certified copies of identification documents and
- Number and names of dependants

**7. APPROVED HOUSEHOLDS WILL BE ENTITLED TO:**

All approved indigent will be subsidised with

- 7.1 A maximum subsidy as approved by Council from time to time per indigent household to cover basic services (e.g. rates, refuse, sewerage and electricity)
  - 7.1.1 Electricity determined by Council - 50kwh of basic electricity shall be provided to all indigent households.
  - 7.1.2 Water - Free basic water service as determined by council shall be provided to all indigent households within the Thembisile Hani Local Municipality to a maximum of 6kl of water per month.
  - 7.1.3 Refuse - The same service shall be rendered as to other households.
  - 7.1.4 Sanitation - The same service shall be rendered as to the other households.
- 7.2 Council will determine the amount of targeted subsidies on a yearly basis which may vary between categories of indigent consumers.
- 7.3 Furthermore, alternative energy will be provided to household with no electricity connection.
- 7.4 All tariffs change annually
- 7.5 All outstanding arrears of the approved indigent will be written off against the provision for bad debts annually.
- 7.6 If an indigent consumer's consumption or use of municipal service is less than the subsidised service or free basic service, the unused portion may not be accrued by the customer and will not entitle the customer cash or rebate in respect of the unused portion
- 7.7 If an indigent consumer's consumption or use of municipal service is in excess of subsidised service or free basic service (in excess of 6kl of water or 50kwh of electricity), the consumer will be obliged to pay for such excess consumption at the applicable normal rate.
- 7.8 Approved indigent household accounts will have the interest indicator flagged.
- 7.9 If technical assistant is needed to make current monthly consumption more affordable through the limited supply of services

7.10 The applicant should agree to accept the limited level of services and agree to stay on the program for at least 12 months.

7.11 No referrals to external debts collectors.

## **8. TERMINATION OF INDIGENT SUPPORT**

Indigent support shall be terminated under the following circumstances:

- Death of the Indigent. If the Indigent had dependants, the dependants will need to reapply for the support because subsidies are not transferable.
- Upon sale of the property.
- End of the 24 months' circle, subject to re-assessment.
- When circumstances of the indigent household have improved in terms of a gross income.
- If the is discovered after approval that the indigent has supplied false information, all subsidies provided will be reserved by means of debiting the provided subsidies in their monthly statement.
- If the indigent tampers with the prepaid meter system.

## **9. REPORTING AND QUALITY CONTROL**

Quarterly reports shall be submitted by the department of Community Services with financial implications to relevant Portfolio Committees and to the Mayoral Committee on progress made regarding Indigent applications plus any changes in the status of registered indigents

## **10. AUDITING**

Auditing must be conducted by the Internal Auditing Section or Department of Finance regarding the Indigent register, usage rate of allocations and Credit Control measures applied.

## **11. SHORT TITLE**

This By-law is the Indigent by-law 2021 of the Thembisile Hani Local Municipality.

## **12. COMMENCEMENT DATE**

This By-law takes effect on the date of proclamation in the Provincial Gazette.

**LOCAL AUTHORITY NOTICE 47 OF 2021****THEMBISILE HANI LOCAL MUNICIPALITY****CREDIT CONTROL AND DEBT COLLECTION BY-LAWS****PREAMBLE**

In terms of Section 13 of the Local Government Systems Act 32 of 2000, the Thembisile Hani Local Municipality ("the Municipality") hereby publishes the Credit Control and Debt Collection By-Laws set forth hereinafter, which have been made by the Municipality in terms of Section 98 of the Local Government: Municipal Systems Act 32 of 2000

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## 1. DEFINITIONS

1. For the purpose of this By-law, any word or expression to which a meaning has been assigned on the Local Government: Municipal Systems Act No. 32 of 2000 shall bear the meaning so assigned to it and, unless the context indicates otherwise:

**“Act”** means the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended from time to time.

**“Account”** means any account rendered for municipal services provided.

**“Agreement”** means the contract relationship between the municipality or its authorized agent and a customer, whether written or deemed.

**“Applicable Charges”** means the rate, charge, tariff, flat rate, or subsidy determined by the municipal council.

**“Arrears”** means any amount due, owing and payable by a customer in respect of municipal services not paid on the due date.

**“Authorized Agent”** means any employee, agent, sub-contractor, or representative of a Municipality or any person duly authorized by a Municipality to perform any function under this By-law.

**“Charges”** means surcharges on fees, penalties, property rates, taxes, levies, and duties.

**“Customer”** means a person with whom the municipality or its authorized agent has concluded an agreement for the provision of - municipal services.

**“Debtor”** means a person owing an amount of money to the municipality for a reason other than through the provision of municipal services.

**“Defaulter”** means a customer who owes arrears.

**“Due Date”** means the date on which the amount payable in respect of an account.

**“Household”** means a total number of people who occupy a property for residential purposes whether permanently or on a temporary basis, but excludes persons employed by the household.

**“Household Customer”** means a customer that occupies a dwelling, structure or property primarily for residential purposes.

**“Illegal Connection”** means a connection to any system through which municipal services are provided that is not authorized or approved by the municipality or its authorized agent.

**“Indigent Customer”** means a household customer qualifying and registered with the municipality as an indigent in accordance with these by-laws.

**“Municipality”** means Thembisile Hani Local Municipality, a municipality established in terms of the Local Government: Municipal Structures Act 117 of 1998.

**“Municipal Services”** means for purposes of these policy, services provided by the municipality or its authorized agent, including refuse removal, water supply, sanitation, electricity services and rates or any one of the above.

**“Occupier”** in relation to any premises means-

- a) any person in actual occupation of the land or premises without regard to the title under which he occupies.
- b) a person indicated as such in the service agreement.
- c) any person legally entitled to occupy such premises.
- d) in the case of premises sub-divided and let lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein.
- e) any person appearing as such on the records of the Municipality.

**“Owner”** means

- (1) the person in who from time to time is vested the legal title to premises.
- (2) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, Liquidator or other legal representative.

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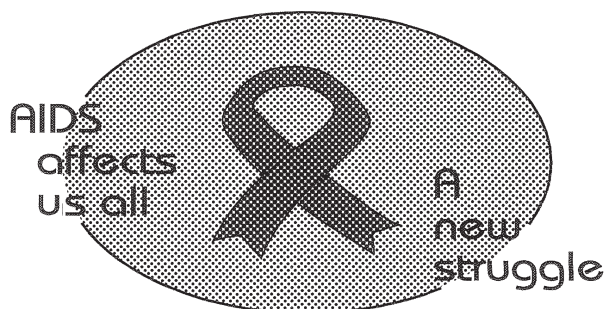
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- (3) in any case where the municipality or its authorized agent is unable to determine the identity of such, person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon.
- (4) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof.
- (5) in relation to -
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or
  - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person, or
- (6) a person occupying land under a register held by a - tribal authority.

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

**“Rateable Property”** means property on which the Municipality holds the right to impose rates.

**“Supply Zone”** means an area, determined by the municipality or its authorized agent, within which all customers are provided with services from the same bulk supply connection.

**“Unauthorized Services”** means receipt, use or consumption of any municipal service which is not in terms of an agreement, or authorized or approved by the municipality or its authorized agent;

## **2. PURPOSE OF BY-LAW**

The purpose of this By-law is to -

- 2.1 ensure that all money due and payable to the Municipality in respect of rates, fees for services, surcharges on such fees, charges, tariffs, interest which has accrued on any amounts due and payable in respect of the foregoing and any collection charges are collected efficiently and promptly.
- 2.2 provide for credit control procedures and mechanisms and debt collection procedures and mechanisms.
- 2.3 make provision for the handling of indigent debtors.
- 2.4 ensure that the targets set are realistic and consistent with generally recognised practices and collection ratios as well as the income estimated in the annual budget of the Municipality, less a reasonable provision for bad debts.
- 2.5 provide for interest on overdue amounts.
- 2.6 provide for the imposition of collection charges on the payment of any overdue amount.
- 2.7 allow for the extension of time, where necessary, for the payment of overdue amounts.
- 2.8 provide for the termination of services or for restrictions on the provision of services when payments are overdue.
- 2.9 provide for matters, legal and otherwise, relating to the unauthorised consumption of services, theft and damages.

## **3. COMMUNITY PARTICIPATION IN BUDGETARY PROCESS**

- 3.1 The Municipality through its Financial Committee, shall hold an annual budget meeting during January (to be called the first budget meeting) where budget priorities, principles and a budget framework will be considered.
- 3.2 Before the end of February of each year, at least one public meeting shall be held where the local community and interest groups will be able to participate in the discussion and debating of budget priorities, budget principles and a budget framework.
- 3.3 At least 14 days' notice shall be given of such public by posting it on

the designated notice board at the Municipal offices and by publication thereof at least once in two local newspapers.

3.4 Before the end of March of each year, a workshop shall be held in each ward in order to:

3.4.1 Identify the needs of each ward.

3.4.2 Involve the community in prioritizing those needs.

3.4.3 Provide information regarding the budgetary process, levels of payment and non-payment and to devise strategies regarding non-payment.

3.5 Before the end of April;

3.5.1 A Council workshop shall be held to reconcile the results of the first budget meeting, the public meeting and the ward workshops with Council's integrated development plan.

3.5.2 Council's Mayoral Committee shall create a draft budget.

3.6 Before the end of May of each year the draft budget shall be discussed at a second round of at least one public meeting, to be held and convened in the same manner as the first round of public meetings.

3.7 Council shall approve the final budget before end of June each year.

3.8

a. Council shall levy the fees, charges and tariffs in respect of Services and Charges by way of Council Resolution.

b. The tariffs and charges so payable and the date of its implementation shall be published as prescribed in the Local Government: Municipal Systems Act No. 32 of 2000.

c. Such tariffs and charges may differentiate between different categories of customers, services and service standards as well as geographical areas.

3.9 The dates and procedure mentioned in this Section are indicative only and are further subject to the financial and administrative capacity of the Municipality.

#### 4. SERVICE AGREEMENTS

- (1) No municipal services shall be provided to any property unless a written agreement governing the supply and cost thereof has been entered into with a The Municipality subject to its administrative, logistical and financial capability.
- (2) Such agreement shall be entered onto by both the owner and occupier, where applicable. The owner shall bind himself/herself as surety and co-principal debtor in favour of the Municipality for the fulfilment of the obligations of the occupier towards the Municipality.
- (3) The owner and occupier shall be jointly and severally liable for payment of all municipal services and charges.
- (4) It is the duty of the owner to ensure that at all times the occupiers of the premises are not on arrears with payments, but the Municipality shall, where it is the Municipality, and within financial and human resource constraints, endeavour to inform the owner of the performance by the occupier in terms of the agreement.
- (5) A Municipality may require that service applications for business entities, including but not limited to Trusts, Companies and Close Corporations, Partnerships, Sole Proprietors and Voluntary Associations be accompanied by one or more or all of the following:
  - a) A resolution whereby authority to enter into the agreement is delegated to the signatory.
  - b) The business entity's registration number or IT number, if applicable.
  - c) The names addresses and all relevant contact particulars of all the businesses' Directors or Members or Trustees or Proprietors or Partners or Executive Members.
  - d) That any one or more or all Partners / Members / Directors / Trustees must sign as surety and co-principal debtor for the full fulfilment of all the obligations of the business entity.
  - e) That the signatory to the agreement warrants that he / she is duly authorised to do so, that all information supplied is true and correct and shall further warrant that the business is not trading in insolvent circumstances

- (6) Upon application for Municipal Services, and if so required by the Municipality, customers emanating from other Municipalities shall submit the particulars of the Municipal account of such Municipality and shall agree in writing that such other Municipality may indicate whether all amounts due in respect of Municipal Services, surcharges on fees, property rates and other Municipal taxes, levies and duties have been paid by the customer. The Municipality may refuse to render any Municipal services to such customer in the event of the previous account not being fully paid up or arrangements with such other Municipality have been made for the payment hereof.
- (7) In the agreement, customers shall warrant that all information supplied is correct and that liability is accepted for all Municipal services and charges, costs of collection and interests on overdue accounts in the event of accounts being in arrears.
- (8) The address furnished in the services agreement shall constitute the domicilium citandi et executandi of the customer for the purpose of service of any process, notice, document and account.
- (9) The Municipality shall provide a customer with a copy of the service agreement upon signature thereof by the Municipality.
- (10) The applicant services may be referred for a service agreement upon signature thereof by the service provider.

## **5. SCREENING**

- (1) If required by the Municipality, an application for service agreements shall be accompanied banking details, previous Municipal Account, particulars of trade creditors and an applicant shall give in the application for services permission and authority to the Municipality to verify such information in order to assess the credit risk of the applicant.
- (2) Apart from the above, the Municipality may also make the necessary enquiries with credit bureaus and similar institutions to assess the credit risk.

**6. DEPOSITS**

- (1) Prior to signature of the agreement, a security deposit shall be paid by the customer.
- (2) Such security deposit shall be paid either in cash or any other means of payment acceptable to the Municipality.
- (3) Security deposits may vary according to the credit risk of the customer as assessed by the Municipality.
- (4) The Municipality shall from time to time by resolution determine the criteria for the categories in terms whereof customers shall be graded as well as the amount of the deposit payable in each risk category, where the Municipality is the service provider.
- (5) The Municipality shall only after consultation with the community periodically increase or decrease the deposits payable and date of implementation thereof, where it is the service provider.
- (6) Upon termination of the service agreement the amounts of the deposits less any outstanding amounts due will be refunded to the customer.
- (7) No interest shall be payable to the customer on deposits held by the Municipality.

**7. ACCOUNTS AND NOTIFICATION OF ADDRESS**

- (1) In the absence of an agreement to the contrary, a Service Provider shall, within its administrative capacity and subject thereto, endeavour to render monthly accounts to the customer in respect to Municipal services, and in the case of the Municipality, of charges.
- (2) Such accounts shall be posted to the address appearing in the records of the Municipality as that of the customer.
- (3) It is the duty of the customer to ensure that accounts are received, and payment effected notwithstanding the fact that it may not have been received. It shall be presumed unless proven otherwise that any such account has been timeously received by the customer.
- (4) In the absence to an agreement to the contrary, accounts shall be nearly as practically possible to a [period of 30 days, shall be produced in accordance with the meter reading cycle and due date shall be linked to the statement date.

- (5) Payment of an account shall be effected within 7 days of the statement date, but where the Municipality is the Service Provider, and in the event of monthly payment of charges, payment must be made on or before the 7<sup>th</sup> day of each month.
- (6) Where an account is not settled in full, any lesser amount tendered and accepted shall not be deemed to be in full and final settlement of such an account, even where the customer is in dispute with the Municipality regarding the amount due.
- (7) A customer shall inform a Municipality in writing of any change of his / her postal and physical address within 7 days of date thereof, failure of which shall render the customer liable for all tracing costs incurred as a result of such failure.
- (8) Every owner of property shall, within 60 (sixty) days after date of promulgation of this By-Law, inform the Municipality in writing of his/her postal and physical address and furthermore of any change thereof within 7 (seven) days of such change and every purchaser of property shall within 7 days after the date of registration of that property into his/her name, inform the Municipality in writing of such fact and of his/her postal and physical address.
- (9) Failure to do any of the above shall constitute an offence and such owner shall furthermore be liable.
- (10) The Municipality shall, with its administrative capacity and subject thereto, where it is the Service Provider, ensure that all customers shall receive an understandable and accurate account consolidated with all Municipal service costs and charges for the property, where applicable.
- (11) The Municipality, if administratively possible, issues a duplicate account to a customer on request, against payment of the prescribed fee.
- (12) A Municipality may allocate all payments received to any debit entry on the account and the customer who has overdue debt may not specify that the payment is for a specific portion of the account or for a specific service or charge.
- (13) A Municipality may, with the consent of a customer, approach an employer to deduct an agreed amount from the employee's weekly



or monthly wage/salary to pay towards arrear Municipal accounts.

- (14) The use by the customer of agents to effect payment to the Municipality is at the sole risk of the customer. The customer shall be liable for payment of all additional costs which are levied by the customer's agent.

## **8. METERING**

- (1) The Municipality shall provide, shall to practical and financial constraints, meters to all premises, for all meter able services.
- (2) In the absence of an agreement to the contrary, and subject to practical and financial constraints all meters will be read monthly. Where a meter has not been read, the Municipality must average the consumption by debiting the account with the average monthly reading for the preceding three months, if the history of the account is available. Where no such history exists, the customer shall pay an estimate provided by the Municipality.
- (3) When a meter is replaced, the customer shall be informed thereof in writing.
- (4) In the event of a service being metered but cannot be read due to practical, financial or human resource constraints or circumstances out of the control of the Municipality, and the customer is then charged for an average consumption, the account following the reading of the meter consumption shall articulate the difference between the actual consumption and the average consumption and the resulting credit or debit adjustment.
- (5) Every customer shall give an authorized representative of the Municipality access at all reasonable hours to the property in order to read, inspect, install, repair or replace any meter or service connection for reticulation, or in order to disconnect, stop, restrict, or reconnect the provision of any service.
- (6) In the event of access not being reasonably possible the Municipality may relocate a meter and the customer shall be responsible for payment of the costs of such relocation.
- (7) In the event of reasonable access not possible the Municipality may:
- i. By written notice require the customer to restore access at his/her own cost within a specified period; or

- ii. Restore the access without prior notice and recover costs thereof from the customer

## **9. COMPLAINTS AND APPEALS**

- (1) The Municipality shall, within practical and financial constraints establish:
  - i. A central complaints feedback office.
  - ii. A centralised database in order to enhance co-ordination of complaints and the resolution thereof as well as effective communication with customers.
- 2) A customer may lodge a written request with the Municipality for recalculation of an account or testing of a meter if such a customer is of the opinion that the account rendered is inaccurate or such meter is defective.
- 3) Such a request must contain full personal and/or business particulars of the customer, the relevant account number, direct contact number, address and any other particulars required by the Municipality.
- 4) Pending the outcome of the request, the customer must pay an amount equal to the average of the monthly total of the preceding 3 months' accounts where history of such an account is available. Where no such history is available, the customer shall pay an estimate provided by the Municipality, not later than the date due for the payment thereof.
- 5) Failure to make payment as contemplated herein will render the customer liable for disconnection of the services.
- 6) Upon receipt of the request, the relevant Municipality shall be given a written acknowledgment thereof, investigate the matter and inform the customer of the outcome of such investigation and shall give reasons for its decision.
- 7) Any adjustment to the customer's account because of the investigation shall be made within one month.
- 8) Upon receipt of the decision of the Municipality, the customer may lodge an appeal against the decision by furnishing it, together with

reasons, within 21 days after communication of the decision to the Municipality, and in the case of the Municipality, to the Municipal Manager. The Municipality or the Municipal Manager, as the case may be, shall commence with the appeal within 6 weeks and shall decide the appeal within a reasonable period. The decision of the Municipality shall be final and it may proceed with Credit Control and Debt Collection measures provided for in this By-Law after the customer has been notified of the outcome of the appeal.

- 9) No dispute, enquiry or complaint will be reconsidered after the outcome thereafter has been communicated to the customer.
- 10) If the customer is not satisfied or complaint will be reconsidered after the outcome thereof has been communicated to the customer.
- 11) Under no circumstances may the payment of any amount be withheld as a result of any dispute amount be withheld as result of any dispute or perceived dispute and the Service Provider may such an event proceed with debt collection mechanisms as provided for in this By-Laws.

## **10. CUSTOMER ASSISTANCE**

### **1) INCENTIVES**

The Municipality may from time to time implement incentives to promote prompt payment of accounts.

### **2) RATE REBATE**

Properties used exclusively for residential purposes may qualify for a property rate rebate as determined annually by the Municipality by resolution subject to the following:

- a) Only customers receiving old age pensions or state disability grants are eligible for a rebate.
- b) Application for a rebate must be made in writing annually to reach the Chief Financial Officer on/before 30 June.
- c) The applicant must be the registered owner of and residing on the property.
- d) The subletting of any portion of the premises, the taking in of boarders or tenants or any children or family members being

employed and living on the property shall disqualify the applicant for a rebate.

- e) The applicant should not own any other immovable property.
- f) The property must be readily accessible to Municipal staff for purpose of carrying of inspections during reasonable hours.

## **11. SETTLEMENT ARRANGEMENTS**

- (1) Notwithstanding any arrangement for payment as contemplated herein, a Municipality may restrict and/or discontinue the provision of services as provider for in this By-Law.
- (2) A Municipality may enter into an agreement with a customer if such customer is unable to, on good cause shown, to pay his/her account, and may require that the customer shall:
  - a) Sign an acknowledgement of debt.
  - b) Sign consent to civil judgment.
  - c) Consent to a garnishee order/emolument order (if he/she is in employment).
  - d) Acknowledge that interest will be charged at the prescribed rate and in a manner determined by the Municipality from time to time.
  - e) Not fall into arrears with payment of the current portion of the account.
  - f) Sign an acknowledgement that, if the arrangement is defaulted on, the full outstanding balance will then become immediately due and payable, that no further arrangements will be entered into and that disconnection of water and/or electricity will continue and that legal proceedings will be instituted for recovery of all arrear amounts and.
  - g) The owner or his/her agent consents to such agreement in writing.
- (3) In the event of a customer being in arrears pertaining to an account and seeking an arrangement for the payment thereof, the Municipality may in its discretion convert the electricity meter to a prepayment meter and the cost of such conversion together with such arrears, shall be paid off either by:

- a) Adding it to the arrears account and repaying it over the period agreed upon; or
  - b) Adding it as a surcharge to the prepaid electricity costs and repaying it within the agreed period with each purchase of services until the debt is liquidated.
- (4) The Municipality may raise the security deposit payable in the event of an arrangement being sought or where a customer is in default in terms of such an agreement.
- (5) The customer must prove levels of income, if the Municipality requests same, and all arrangements shall be made subject to periodic review.

## **12. INSTALLMENTS**

Customers and property developers will be given the opportunity to pay property rates and service contributions and instalments, as determined by the Municipality from time to time subject thereto that such period shall not exceed 12 months.

## **13. INDIGENT SUPPORT**

- (1) The Municipality shall render support to indigent owners of property, who, due to a number of socio-economic factors are unable to make a full monetary contribution towards services provided by the Municipality.
- (2) For an owner to qualify to be indigent, such owner must comply with the following requirements:
- i. The applicant must be over 18 years of age.
  - ii. The total household income of all occupants must be less than an amount determined by the Municipality, which amount shall be annually adjusted by the Municipality.
  - iii. The applicant must have an active account with the Municipality.
  - iv. The applicant may not own more than one immovable property.
  - v. The applicant must reside on the property

- (3) The applicant must apply on the prescribed application form only at service centres designated as such and situated within his/her respective area, together with the following documentary proof:
  - a) The applicant's identity document.
  - b) Latest Municipal account and proof of ownership.
  - c) Documentary proof of total monthly income of the household to the satisfaction of the Municipality, including, but not limited to UIF card, salary advice, letter from an employer and bank statements.
  - d) An affidavit to the effect that all the information supplied is true and correct and that the total income of the household from all sources has been declared.
  - e) Recommendation by the applicant's ward councillor.
  - f) The Municipality may appoint inspectors who shall be entitled to visit the applicant's premises in order to verify the correctness of the information provided in the application form, to record any changes in circumstances and make recommendations for approval, disapproval or disqualification of an application.
- (4) The application together with the inspector's recommendation shall be submitted to an indigent committee. Such indigent committee shall be a sub-committee of the finance committee of the Municipality.
- (5) The indigent committee shall approve, disprove or disqualify the application and in the event of an application being approved, determine the subsidy amount to be granted.
- (6) The indigent committee's decision shall be final and binding.
- (7) An applicant must apply for indigent support on an annual basis.
- (8) The reapplication for indigent support shall not be approved if the account pertaining to the use of water and/or electricity in excess of the free water and electricity consumption.
- (9) The Municipality shall inform all applicants in writing about the outcome of the application. In the event of the application being approved, the applicant shall be informed of the date of commencement and date of termination of the subsidy with no guarantee of renewal.
- (10) An owner who receives indigent support shall immediately request the cession of the subsidy if his/her circumstances have changed to the extent that he/she no longer complies with the requirements for indigent

support.

- (11) Subsidies shall only be granted in respect of property rates and refuse removal. Water, sanitation and electricity consumption shall not be subsidised.
- (12) Indigent customers may be required to revert to prepayment meters. In such an event the Municipality may, in its sole discretion decide that the cost thereof shall be met either by:
  - a) A surcharge on the coupon cost,
  - b) Cash payment of the indigent customer, or
  - c) Be regarded as part of the subsidy grant.
- (13) The Municipality may differentiate between the number of subsidies granted and may categorise indigent customers into various categories but may not unfairly discriminate against customers.
- (14) If an indigent customer's consumption or use of Municipal service is less than the subsidised service or free basic service, the unused portion may not be accrued by the customer and the customer shall not be entitled to cash or rebate in respect of the unused portion.
- (15) Indigent support shall automatically terminate:
  - a) Upon the death of the indigent customer.
  - b) When the indigent customer disposes of his/her immovable property.
  - c) When the indigent customer's circumstances change or indigent criteria for approval changes to the extent that the indigent customer no longer qualifies for indigent support.
  - d) When the indigent customer no longer resides on the property.
  - e) If an indigent customer fails to pay the account in excess of the subsidy service pertaining to water and/or electricity or fails to honour any arrangements made by him/her for payment of the outstanding account; and
  - f) It is discovered that the information supplied by the indigent customer was false; I which event all subsidies granted to the indigent customer shall be reversed retrospectively.

## **11. ENFORCEMENT MECHANISMS**

### **1. WATER / ELECTRICITY AND OTHER SERVICES**

- i. If the Municipal account is not paid on the due date shown on the account, and unless permission for deferment of a payment has been granted, a written warning of possible disconnection of water and/or electricity supply will be forwarded to the customer and in which notice the date of such disconnection shall be stipulated, which date shall not be less than 14 days, calculated from date of receipt of such notice.
- ii. If a customer is deemed to have received such notice on the same day if delivered by hand, email or telefax transmission, on the 3<sup>rd</sup> day after the date of posting, if posted by registered mail.
- iii. A Municipality shall be entitled to disconnect or restrict the supply of water and/or electricity without any further notice if payment in full had not been made on the date stipulated in the notice.
- iv. Upon disconnection of the supply of water and/or electricity, the Municipality shall post a notice in a conspicuous place on the property wherein the customer is informed that the supply has been disconnected, that all electric points should be considered live and that all water outlets should be closed. The said notice shall also advise that the supply will only be reconnected upon payment of the total amount specified in the notice together with the prescribed reconnection fee. Such notice shall also warn the customer of the consequences of unauthorised connection or use.
- v. Business entities shall have the option to make arrangements for deferred payment but shall be obliged to [pay all arrears and prescribed fees before services will be restored.
- vi. The Municipality shall restore services within a reasonable time after submission of proof of payment of the required amount, subject to logistical capacity. Services shall only be restored during official business hours except in instances deemed to be emergencies, and an additional after-hours fee shall then be charged.
- vii. In the event of a customer being in arrears with property rates or any other Municipal charges, the Municipality shall have the right to



deny or to restrict the sale and supply of electricity or water, where the Municipality is the Service Provider.

## **2. RATES, CHARGES AND LEVIES**

It shall constitute an offence if charges are not paid on due date as stipulated on the account.

### **2.1 ANNUAL RATES AND OTHER LEVIES**

- i. If the account is not paid by the due date as indicated on the account, a letter of demand shall be forwarded to the customer showing the total amount owed to the Municipality and requesting the customer to pay the full amount owing within a prescribed period which shall not be less than 14 days after the date of receipt of the notice.
- ii. The customer will be deemed to have received such notice on the same day if delivered by hand, email, and telefax transmission, on the 3<sup>rd</sup> day after the date of posting if posted by ordinary mail and on the 4<sup>th</sup> day after the date of posting if posted by registered mail.
- iii. If such notice is posted, it shall constitute due notice if forwarded to the postal address supplied by the customer in the service agreement.
- iv. If the account has not been settled or acceptable agreements have been made on or the date mentioned in the letter of demand, the Municipality may issue summons and in due legal process as contemplated herein shall be followed.
- v. Where the arrear rate is in respect of a Municipal property sold by the Municipality in terms of a suspensive sale agreement or lease agreement, the collection thereof may be done in terms of the deed of sale, lease agreement or any subsequent applicable written agreement between the Municipality and the customer.

### **2.2 MONTHLY RATES**

- i. Interest will be charged on overdue accounts at an interest rate that shall be determined by the Municipality from time to time by resolution.

- ii. If the customer's account is in arrears for a period of 30 days or more, a letter of demand.
- iii. Shall be forwarded to a customer, demanding payment of the arrear amount, and in which notice the amount is stipulated and the date.
- iv. For payment thereof is indicated, which date shall not be less than 14 days after date of dispatch of the said notice.
- v. The customer shall be deemed to have received the notice on the same day if delivered by hand, email, and telefax transmission, on the 3<sup>rd</sup> day after the date of posting if posted by ordinary mail and on the 4<sup>th</sup> day after the date of posting if posted by registered mail.
- vi. If such notice is posted, it shall constitute due notice if forwarded to the postal address supplied to the customer in the service agreement.
- vii. Should a customer fail to pay the arrears on the due date stipulated in the notice, the full outstanding balance of the annual rates shall immediately become due and payable, and the Municipality shall then be entitled to institute legal action for the recovery thereof.
- viii. The provisions of Section 26 (2.1) (v) shall mutatis mutandis be applicable to this par (2.2)

### 3. SUNDRY AND HOUSING ACCOUNTS

- (1) If a debtor's account is in arrears for a period of 30 days or more, a letter of demand shall be forwarded to a debtor, demanding payment of the arrear amount, and in which notice the amount is stipulated and the date for payment thereof is indicated, which date shall not be less than 14 days after date of dispatch of the said notice.
- (2) The debtor will be deemed to have received a notice on the same day if delivered by hand, email, and telefax transmission, on the 3<sup>rd</sup> day after the date of posting if posted by ordinary mail and on the 4<sup>th</sup> day after the date of posting if posted by registered mail.
- (3) The Municipality may thereafter institute legal action for recovery of the amount owing.
- (4) Property purchased from the Municipality sold by suspensive sale agreement shall be repossessed in terms of the written agreement between the debtor and the Municipality if payment of the purchase price

is in arrears for more than 30 days.

#### **4. INTEREST ON OVERDUE ACCOUNTS**

Interest will be charged on all accounts not paid by due date in accordance with applicable legislation and as determined by the Municipality from time to time. Such interest will be levied and capitalised monthly in arrears on the monthly outstanding balance from due date and will be calculated for a full month irrespective of when payment is made. Such interest charged shall appear on the following month's account.

#### **5. LEGAL PROCESS**

- (1) Where the services of outside parties are utilised for debt collection, inclusive of debt collection agencies and/or attorneys, such entities shall comply with such code of conduct as may be prescribed by their respective professional bodies.
- (2) The Municipality may release the credit information regarding a customer's account to credit bureaus or any other statutory institution as may be lawfully entitled to it. Apart from the above, such information shall remain confidential and may be released or divulged to any person or entity without prior written consent of the customer.
- (3) A customer's particulars shall only be removed from an adverse credit listing after payment of the full account outstanding together with interest and penalties as prescribed have been paid by means of cash or a bank guaranteed cheque.
- (4) In the case of default judgments entered into against a customer or debtor, such customer or debtor shall at his/her own cost appoint an attorney to rescind the judgment and the Municipality shall not oppose the same, on condition that the full outstanding balance of the account together with interests and other charges as prescribed have been paid.

**6. THEFT, FRAUD AND TEMPERING**

- 1) No person shall in any manner or for any reason whatsoever tamper or interfere with any apparatus.
- 2) The Municipality shall have the right to immediately terminate the supply of services of a customer where prima facie evidence of tampering, theft or wilful damage to any apparatus, without prior notice to the customer.
- 3) In cases where the tampering has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover the full cost of his/her estimated consumption.
- 4) The total amount owing, including interest charges, assessment of the unauthorised consumption, damages and discontinuation and reconnection fees as well as increased deposits as determined by the Municipality, if applicable, shall be due and payable before any service shall be reconnected.
- 5) No person shall fail to provide information reasonably required regarding investigation into or inquiries in connection with tampering, theft or wilful damage to property of a Municipality or used in connection with the provision of services or provide false information in connection therewith.
- 6) The Municipality may, where prima facie evidence exists regarding the withholding of information or provision of false information, immediately and without notice to the customer disconnect or restrict services and the provision of this paragraph regarding the reconnection of services shall mutatis mutandis apply.

**7. COST OF COLLECTION**

All costs and charges, interest, administration and collection costs, all penalties, surcharges, damages, service discontinuation and reconnection costs, assessment costs and all legal costs, fees and disbursements incurred in the collection of a debt shall be for the account of the customer or debtor as the case maybe and the customer or debtor as the case maybe shall be liable to pay legal costs on an attorney and client basis.

**8. MAGISTRATE COURT JURISDICTION**

The Magistrate Court shall have jurisdiction to adjudicate any action, notice of motion or application in terms of this By-Law, notwithstanding the amount

involved.

## **9. IRRECOVERABLE DEBT**

- 1) The Municipality, in the case of charges due or where it is the Service Provider, shall only abandon recovery of a debt owed to it in one or more of the following circumstances.
- 2) Insolvency or demise of the customer or debtor, if proven that his or her estate has insufficient funds to make payment.
- 3) A balance being too small to recover the reasons considering the costs of recovery.
- 4) Where the claim has become prescribed.
- 5) When the customer or debtor relocates, and tracing agents are unable to trace the current whereabouts of such person.
- 6) All reasonable notifications and cost-effective legal avenues to recover the outstanding amount have been exhausted.
- 7) The amount outstanding is the residue of the payment of a dividend from an insolvent estate or where there is a danger of contribution in proving a claim against the insolvent estate.
- 8) If the debt outstanding cannot be proved.
- 9) The outstanding amount is due to an administrative error by the Municipality.
- 10) By Council resolution on good cause shown.
- 11) Notwithstanding the above the Municipality shall be under no obligation to write off any particular debt.

## **10. OFFENCES**

Any person who:

- a) fails to give access required by the council or its authorized agent in terms of the By-Laws.
- b) obstructs or hinders the Council or its authorized agent in the exercising of the powers or performance of functions or duties under these By-Laws.
- c) supply equipment and reticulation network or consumption of services rendered.
- d) fails or refuses to give the Council or its authorized agent such

information as may be reasonably required for the purposes of exercising the powers or functions under these By-Laws or gives such Council or its authorized agent false or misleading information, knowing it to be false or misleading.

- e) contravenes or fails to comply with a provision of these By-Laws.
- f) fails to comply with the terms of a notice served upon him/her in terms of these By-Laws; shall be guilty of an offence and liable upon conviction to a period not exceeding six months imprisonment or community service or a fine not exceeding R6 000.00 or a combination of the subject to prior discussion with the Chief Magistrate.

#### **11. SHORT TITLE**

This By-law is the Credit Control and Debt Collection By-law of the Thembisile Hani Local Municipality, 2012.

#### **12. COMMENCEMENT DATE**

This By-Law takes effect on the date of proclamation in the Provincial Gazette.

**ANNEXURE A**

Physical Address		
Period of service		
<b>Credit References</b>		
1. Name of Company		Account No
Address		Tel No
2. Name of Company		Account No
Address		Tel No

<b>Particulars of Owner (if not Applicant)</b>			
Name of corporate entity			
Registration number of corporate entity			
Surname		Initials	
ID Number			
Occupation			
Tel No.			
Cell No.			
Physical Address		Postal Address	
<b>Property to which Municipal services must be provided</b>			
Suburb			
Zone			
Stand No			
Street Name			
Street Number			
Number of persons over the age of 18 years living on the property			
<b>Type of Municipal services to be provided</b>			
Water Supply Services			
Sanitation Services			
Electricity Services			
Refuse Removal Services			
Date on which provision of services should commence			

<b>Payment Details</b>	
Cash (Including cheque and Credit Card)	
Debit Order	
Stop Order	
Other method of electronic transfer	

Bank Details	Branch	
	Account Number	
<b>A CERTIFIED COPY OF THE APPLICANT'S IDENTITY DOCUMENT / POWER OF ATTORNEY MUST BE ATTACHED TO THE APPLICATION</b>		
<p>I / We hereby –</p> <ul style="list-style-type: none"> <li>a) Apply for the provision of Municipal services to be provided to the above property;</li> <li>b) Accept the conditions applicable to the provision of Municipal Services as set out on the Municipality's By-Laws and the Conditions of Supply of any service provider of the Municipality ;</li> <li>c) Declare that I / We was / were informed that the documents referred to in (b) are available for inspection at the offices of the Municipality during office hours;</li> <li>d) Declare that this application forms and implications thereof was explained were explained to me / us;</li> <li>e) Declare that all payments due and payable by me / us in pursuance of this application shall promptly be paid by me / us on the due date; and</li> <li>f) Declare that the information provided in this application form is true and correct.</li> </ul>		

\_\_\_\_\_  
**Applicant**

\_\_\_\_\_  
**Municipality / Authorized agent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of owner (if not Applicant)**

\_\_\_\_\_  
**Date**



**CERTIFICATION BY MUNICIPALITY**

The consequences of the above declaration made by the Owner / Applicant were explained to him/her/it and that he/her/it indicated that the contents of the application were understood

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**Municipality / Authorized Agent**

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**Date****FOR OFFICIAL USE ONLY**

Deposit paid	Date
	Amount
	Receipt Number
Account Number	
Commencement date of services	
Area Code	

## ANNEXURE B: APPLICATION FOR REGISTRATION AS AN INDIGENT CUSTOMER

### THEMBISILE HANI MUNICIPALITY

#### APPLICATION FOR REGISTRATION AS AN INDIGENT CUSTOMER

Note: an application for Municipal Services must be completed on submission of this application.

<b>Particulars of Applicant</b>			
Surname		Initials	
ID Number			
Marital Status			
If married: In/Out of Community of Property			
Occupation			
Tel No.			
Cell No.			
Physical Address		Postal Address	
<b>Number of properties owned by applicant and all members of the household</b>			
<b>Details of properties, if applicable</b>			
<b>Property 1</b>	<b>Physical Address</b>		
	<b>Name of Owner</b>		
	<b>Name of bondholder</b>		
	<b>Account Number</b>		
	<b>Deed Registration Number</b>		
	<b>Type of Structure</b>		
<b>Property 2</b>	<b>Physical Address</b>		
	<b>Name of Owner</b>		
	<b>Name of bondholder</b>		
	<b>Account Number</b>		
	<b>Deed Registration Number</b>		
	<b>Type of Structure</b>		
Is property/properties of a portion thereof leased to a third person? YES/NO			
If leased, rent received			
Number of all members in household			
Combined gross income of all members of the household per month			

<b>Details of all members of the household over the age of 18 years resident at the property</b>			
1. Surname			2. Surname
Full name			Full name
ID Number			ID Number
Employed (Y/N)			Employed (Y/N)
Salary including benefits (if relevant)			Salary including benefits (if relevant)
3. Surname			4. Surname
Full name			Full name
ID Number			ID Number
Employed (Y/N)			Employed (Y/N)
Salary including benefits (if relevant)			Salary including benefits (if relevant)
5. Surname			6. Surname
Full name			Full name
ID Number			ID Number
Employed (Y/N)			Employed (Y/N)
Salary including benefits (if relevant)			Salary including benefits (if relevant)
<b>Details of any other income received by household (i.e. such as old age pension, disability pension, welfare etc)</b>			
1. Type of income			2. Type of income
Institution			Institution
Amount			Amount
Reference no			Reference no
3. Type of income			4. Type of income
Institution			Institution
Amount			Amount
Reference no			Reference no
5. Type of income			6. Type of income
Institution			Institution
Amount			Amount
Reference no			Reference no
<b>Details of monthly expenses of household</b>			
1. Groceries			2. School fees
3.			4.
5.			6.
7.			8.
9.			10.
<b>Details of current debts of household</b>			
1. Institution			2. Institution
Account Number			Account Number

Amount owing			Amount owing
3. Institution			4. Institution
Account Number			Account Number
Amount owing			Amount owing
5. Institution			6. Institution
Account Number			Account Number
Amount owing			Amount owing
<b>Details in respect of legal or other actions taken against me/us in respect of current expenses/debts of the household:</b> (i.e. Administration orders, sequestrations, other court order, listed with the Credit Agency, etc)			
1. Institution			2. Institution
Type of action			Account Number
Case No			Amount owing
Amount owing			
3. Institution			4. Institution
Account Number			Account Number
Amount owing			Amount owing
5. Institution			6. Institution
Account Number			Account Number
Amount owing			Amount owing
<b>The following documents must be attached: -</b>			
<b>1. Documentary proof of income (such as letter from the customer's employer, a salary advice, a pension card, unemployment fund card, etc.); or</b> <b>2. An affidavit declaring unemployment or income; and</b> <b>3. Latest Municipal Account in the possession of the customer; and</b> <b>4. A certified copy of the applicant's Identity Document</b>			
<b>A. I hereby –</b> 1. Apply for registration as an indigent customer for a period of one year. 2. Accept the conditions applicable to this application as set out in the Municipality's policy, by-laws and the Conditions of Supply of any service provider of the Municipality. 3. Declare that I/We was/were informed that the document referred to in (2) above are available for inspection at the offices of the Municipality during office hours. 4. Declare that this application form and the implications thereof were explained to me/us. 5. Declare that all payments due and payable by me/us in pursuance of this application shall be paid by me/us on the due date; and 6. Declare that the information provided in this application form is true and correct.			

B. I/We further declare and accept that the following specific conditions shall apply to this application:

1. The Municipality or its authorized agent may send authorized representatives to the premises of households applying for registration as indigent customer to conduct an on-site audit of information provided prior to the approval of an application of any time thereafter.
2. An application shall be approved for a period of twelve (12) months only.
3. The Municipality or its authorized agent may on approval of an application or any time thereafter –
  - 3.1 install a pre-payment electricity meter for the indigent customer where electricity is provided by the Municipality or its authorized agent; and
  - 3.2 limit the water supply services of an indigent customer to a basic supply of not Less than 6 (six) kilolitres per month.
4. An indigent customer must annually re-apply for registration as an indigent customer, failing which the assistance will cease automatically.
5. The Municipality or its authorized agent gives no guarantee of renewal.
6. The Municipal Council may annual budgetary process determine the Municipal Services and levels thereof that will be subsidized in respect of indigent customers in accordance with national policy, but subject to principles of sustainability and affordability.
7. Any other Municipal Services rendered by The Municipality or its authorized agent /Municipal services consumed in excess of the quantities specified in 6 above shall be charged and the indigent customer shall be liable for the payment of such charges levied in the excess consumption.
8. Arrears accumulated in respect of the Municipal accounts of customers prior to registration as indigent customers will be suspended, without interest accumulating in respect to such arrears, for a period that the customer remains registered as an indigent customer.
9. Suspended arrears shall become due and payable by the customer in monthly Instalments as determined by the Municipality or its authorized agent, on De-registration.
10. Arrears suspended for a period of two (2) years or longer shall not be recovered from a customer on de-registration.
11. The Municipality or its authorized agent may undertake regular random audits to:
  - 11.1 verify the information given by indigent customers: -
  - 11.2 record any changes in the circumstances of indigent customers; and
  - 11.3 make recommendations on the de-registration of the indigent customer
12. Any customer who provides or provided false information on the application form or any other documentation and information in connection with the application-
  - 12.1 Shall automatically, without notice be de-registered as an indigent customer from the date on which the Municipality or its authorized agent became aware that such information is false; and
  - 12.2 Shall be held liable for the payment of all services received: -
  - 12.3 In addition to any other legal actions, the Municipality or its authorized agent may take against such customer.
13. An indigent customer must immediately request de-registration by the Municipality or its authorized agent if his or her circumstances have changed to the extent that he or she no longer meets the qualifications set out in the by-laws.
14. An indigent customer shall automatically be de-registered if an annual application is not made or if such application is not approved.
15. An indigent customer shall automatically be de-registered if an audit or verification concludes that the financial circumstances of the indigent customer have changed to

the extent that he or she no longer meets the qualifications set out in the by-laws.  
16 An indigent customer may at any time request the de-registration.

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**Applicant**

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**Municipality / Authorized agent**

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**Date**

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**Date**

**LOCAL AUTHORITY NOTICE 48 OF 2021**

**Notice of an application in terms of Section 98 of the Emalahleni Spatial Planning and Land Use Management By-Law, 2016, for the subdivision and rezoning of Erf 1478 Hlalanikahle Extension 2 in terms of Sections 71 and 66 of the Emalahleni Local Municipality Spatial Planning and Land Use Management By-Law 2016, as read with the provisions of Spatial Planning and Land Use Management Act, 2013 (Act No 16 of 2013)**

Notice is hereby given for the subdivision and rezoning of Erf 1478 Hlalanikahle Extension 2 for the purposes of upgrading the existing informal settlement that is currently situated thereon. The proposed upgrading is being funded by the Department of Human Settlement, Mpumalanga Province. The application will be processed as follows:

1. The subdivision of Erf 1478 Hlalanikahle Extension 2 into approximately 60 erven will be done in terms of Section 71 of the Emalahleni Spatial Planning and Land Use Management By-Law, 2016; and
2. The Rezoning of the proposed subdivided erven from "Government" to "Residential 2" will be done in terms of section 66 (1) of the Emalahleni Municipal By-Law on Spatial Planning and Land Use Management, 2016.

**Number of erven in proposed township according to proposed zoning:**

<b>Proposed Zoning</b>	<b>Number of erven</b>
Residential 2	60
Public roads	-
<b>TOTAL</b>	<b>60</b>

A copy of the application may be inspected during normal office hours at the Directorate Development Planning, 3<sup>rd</sup> Floor, Civic Centre, Mandela Avenue, Emalahleni, 1035. Contact details of relevant Municipal officials: Ms. D. Mkhabela (013 690 6354) / Mr. V. Manyoni (013 690 6480)/ Ms M Demas (013 690 6278).

Any person or persons having any objection to or representation in respect of this application must lodge such written objection/representation, together with a motivation, in a format as contemplated in Sections 103 and 104 of the Emalahleni Spatial Planning and Land Use Management By-Law, 2016, with the Municipal Manager, P.O. Box 3, Witbank and the undersigned, within a period of 21 days from date of this notice and not later than 22 June 2021.

Name of agent: Isibuko Development Planners cc

Physical Address of agent: Unit 2, Building 4,  
141 Witch-Hazel Avenue,  
Techno Park, Highveld,  
Centurion, 0157

Contact details of agent: 012-6431154

21-28

**PLAASLIKE OWERHEID KENNISGEWING 48 VAN 2021**

**Kennisgewing van 'n aansoek ingevolge artikel 98 van die Verordening op Emalahleni Ruimtelike Beplanning en Grondgebruikbestuur, 2016, vir die onderverdeling en hersonering van Erf 1478 Hlalanikahle Uitbreiding 2 ingevolge Afdelings 71 en 66 van die Emalahleni Plaaslike Munisipaliteit Ruimtelike Beplanning en Verordening op grondgebruikbestuur 2016, soos gelees met die bepaling van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur, 2013 (Wet nr. 16 van 2013)**

Kennis geskied hiermee vir die onderverdeling en hersonering van Erf 1478 Hlalanikahle Uitbreiding 2 vir die opgradering van die bestaande informele nedersetting wat tans daarop geleë is. Die voorgestelde opgradering word befonds deur die Departement van Menslike Nedersetting, Mpumalanga. Die aansoek sal soos volg verwerk word:

1. Die onderverdeling van Erf 1478 Hlalanikahle Uitbreiding 2 in ongeveer 60 erwe sal gedoen word in terme van Artikel 71 van die Verordening op Ruimtelike Beplanning en Grondgebruikbestuur van Emalahleni, 2016; en
2. Die hersonering van die voorgestelde onderverdeelde erwe van "Regering" na "Residensieel 2" sal gedoen word ingevolge artikel 66 (1) van die Emalahleni Munisipale Verordening op Ruimtelike Beplanning en Grondgebruikbestuur, 2016.

**Aantal erwe in voorgestelde dorp volgens voorgestelde sonering:**

<b>Voorgestelde sonering</b>	<b>Aantal erwe</b>
Residensieel 2	60
Openbare paaie	-
<b>TOTAAL</b>	<b>60</b>

'N Afskrif van die aansoek kan gedurende gewone kantoorure besigtig word by die Direktoraat Ontwikkelingsbeplanning, 3de Verdieping, Burgersentrum, Mandelarylaan, Emalahleni, 1035. Kontakbesonderhede van relevante munisipale amptenare: me. D. Mkhabela (013 690 6354) / mnr. V. Manyoni (013 690 6480) / Me M Demas (013 690 6278).

Enige persoon of persone wat beswaar teen of vertoe ten opsigte van hierdie aansoek het, moet sodanige skriftelike beswaar / vertoe indien, tesame met 'n motivering, in die formaat soos bedoel in Afdelings 103 en 104 van die Verordening op Ruimtelike Beplanning en Grondgebruikbestuur Emalahleni, 2016, met die munisipale bestuurder, PO Box 3, Witbank en die ondergetekende, binne 'n tydperk van 21 dae vanaf datum van hierdie kennisgewing en nie later nie as 22 Junie 2021.

Naam van agent: Isibuko Development Planners cc  
 Fisiese Adres van agent: Eenheid 2, Gebou 4,  
 141 Witch-Hazel Laan,  
 Techno Park, Hoëveld,  
 Centurion, 0157  
 Kontakbesonderhede van agent: 012-6431154

21-28



**LOCAL AUTHORITY NOTICE 49 OF 2021**

**NOTICE OF APPLICATION MADE IN TERMS OF SECTION 98 OF THE THEMBISILE HANI LOCAL MUNICIPALITY BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2016, READ WITH THE PROVISIONS OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT NO 16 OF 2013): PROPOSED TOWNSHIP (UPGRADING OF SUN CITY AA EXTENSION INFORMAL SETTLEMENT) ON: VARIOUS PORTIONS OF THE FARM ENKELDOORNOOG 219 – JR THEMBISILE HANI LOCAL MUNICIPALITY, MPUMALANGA PROVINCE.**

Notice is hereby given in terms of Section 98 of the Thembisile Hani Local Municipal By-Law on Spatial Planning and Land Use Management, 2016 that an application for the establishment of a township on various portions of the Farm Enkeloornoog, 219 – JR, Mpumalanga Province has been lodged with the Thembisile Hani Local Municipality, in terms of Section 59 of the Thembisile Hani Local Municipal By-Law on Spatial Planning and Land Use Management, 2016.

The municipality in association with the Department of Human Settlement seeks to establish a township by upgrading an existing informal settlement (Sun City AA Extension) situated on the above-mentioned properties into a sustainable human settlement. The project area is situated approximately 70km north-east of Pretoria within Thembisile Hani Local Municipality. It is also found on the northern side of the R573 Road and east of the R568 Road and the KwaMhlanga Crossroads shopping Complex.

Number of erven in proposed township according to proposed zoning:

<b>Proposed Zoning</b>	<b>Number of Erven</b>
Residential	2333
Business	11
Primary School Site	2
Resort	1
Place of Worship	1
Cemetery	1
Administrative	1
Passive Open Space	3
Public Roads	-
<b>TOTAL</b>	<b>2353</b>

A copy of the application may be inspected during normal office hours at the Development and Town Planning Services, Stand 24, Front Opposite Kwaggafontein Police Station, Along R573 Road (Moloto Road). Contact details of relevant Municipal officials: Mr M. S. Tefo (Tel. 013 986 9124) / Mr. M. Tsebe (Tel. 013 986 9191).

Any person or persons having any objection to or representation in respect of this application must lodge such written objection/representation, together with a motivation, in a format as contemplated in Sections 104 of the Thembisile Hani Local Municipality Spatial Planning and Land Use Management By-Law, 2016, with the Municipal Manager at P. Bag X4041, Empumalanga, 0458 or at Stand 24, Front Opposite Kwaggafontein Police Station, Along R573 Road (Moloto Road), within a period of 21 days from date of this notice and not later than 22 June 2021. The objections may alternatively be sent to the undersigned,

Name of agent: Isibuko Development Planners cc  
Physical address of agent: Unit 2, Building 4, 141 Witch-Hazel Avenue,  
Techno Park, Highveld, Centurion, 0157  
Contact details of agent: 012-643 1154

21-28

**PLAASLIKE OWERHEID KENNISGEWING 49 VAN 2021**

**KENNISGEWING VAN AANSOEK INGEVOLGE ARTIKEL 98 VAN DIE THEMBISILE HANI PLAASLIKE MUNISIPALITEIT WET OP RUIMTEBEPLANNING EN GRONDGEBRUIKSBESTUUR, 2016, LEES MET DIE BEPALINGE VAN WET OP RUIMTEBEPLANNING EN GRONDGEBRUIK, 2013 (WET NO 16 VAN 2013) VOORGESTELDE DORP (OPGRADERING VAN SUN CITY AA UITBREIDING INFORMELE NEDERSETTING) OP: VERSKEIE GEDEELTE VAN DIE PLAAS ENKELDOORNOOG 219 - JR THEMBISILE HANI PLAASLIKE MUNISIPALITEIT, PROVINSIE MPUMALANGA.**

Kennis geskied hiermee ingevolge artikel 98 van die Thembisile Hani Plaaslike Munisipale Verordening op Ruimtelike Beplanning en Grondgebruikbestuur, 2016 dat 'n aansoek om die oprigting van 'n dorpsgebied op verskillende gedeeltes van die plaas Enkeldoornoo, 219 - JR, Mpumalanga Provinsie. ingedien is by die Thembisile Hani Plaaslike Munisipaliteit ingevolge Artikel 59 van die Thembisile Hani Plaaslike Munisipale Verordening op Ruimtelike Beplanning en Grondgebruikbestuur, 2016.

Die munisipaliteit wil in samewerking met die Departement van Menslike Nedersetting 'n dorp stig deur 'n bestaande informele nedersetting (Sun City AA Extension) op bogenoemde eiendom op te gradeer tot 'n volhoubare menslike nedersetting. Die projekgebied is ongeveer 70 km noord-oos van Pretoria in die Thembisile Hani Plaaslike Munisipaliteit geleë. Dit word ook aan die noordekant van die R573weg en oos van die R568weg en die KwaMhlanga Crossroads-winkelkompleks aangetref.

Aantal erwe in voorgestelde dorp volgens voorgestelde sonering:

<b>Voorgestelde sonering</b>	<b>Aantal erwe</b>
Residensieel	2333
Besigheid	11
Laerskoolterrein	2
Oord	1
Plek van aanbidding	1
Begraafplaas	1
Administratief	1
Passiewe oop ruimte	3
Openbare paaie	-
<b>TOTAL</b>	<b>2353</b>

'N Afskrif van die aansoek kan gedurende gewone kantoorure besigtig word by die Ontwikkelings- en Stadsbeplanningsdienste, Stand 24, Voorkant Kwaggafontein Polisiestasie, Langs R573weg (Molotoweg). Kontakbesonderhede van relevante munisipale amptenare: mnr. M. S. Tefo (Tel. 013 986 9124) / mnr. M. Tsebe (tel. 013 986 9191).

Enige persoon of persone wat beswaar teen of vertoe ten opsigte van hierdie aansoek het, moet sodanige skriftelike beswaar / vertoe indien, tesame met 'n motivering, in 'n formaat soos bedoel in Afdelings 104 van die Thembisile Hani Plaaslike Munisipaliteit: Ruimtelike Beplanning en Grondgebruikbestuur; Law, 2016, met die Munisipale Bestuurder by P. Bag X4041, Empumalanga, 0458 of by Stand 24, Voorkant Kwaggafontein Polisiestasie, Langs R573weg (Molotoweg), binne 'n tydperk van 21 dae vanaf datum van hierdie kennisgewing en nie later nie as 22 Junie 2021. Die besware kan alternatiewelik aan die ondergetekende gestuur word,

Naam van agent: Isibuko Development Planners cc  
 Fisiese adres van agent: Eenheid 2, Gebou 4, Witch-Hazellaan 141,  
 Techno Park, Highveld, Centurion, 0157  
 Kontakbesonderhede van agent: 012-6431154

21-28

**LOCAL AUTHORITY NOTICE 50 OF 2021**

NOTICE OF REZONING APPLICATION IN TERMS OF SECTION 66 OF THE THABA CHWEU SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016 - AMENDMENT SCHEME 22/2018

I, Theo Ernst Kotze, being the duly appointed agent of the owner of the property mentioned below, hereby give notice that I have applied to the Thaba Chweu Local Municipality for the amendment of the Thaba Chweu Local Municipality Land Use Scheme 2018 by the rezoning of Portion 2 of Erf 114 Lydenburg from RESIDENTIAL 1 to BUSINESS 1 (for the purposes of conducting offices on the premises). The property is situated at 61 Voortrekker street, Lydenburg. Any objection(s) and/or comment(s), including the grounds for such objection(s) and/or comment(s) with your full contact details, shall be lodged with, or made in writing to: The Manager: Town Planning, Thaba Chweu Municipality, PO Box 61, LYDENBURG 1120 from 21 May until 21 June 2021. (30 days). Full particulars and plans (if any) may be inspected during normal office hours at the Municipal offices (Town planning section) as set out below, for a period of 30 days from the date of first publication of this notice in the Provincial Gazette and/or local newspaper(s). Address of Municipal offices: Manager: Town Planning, 1st floor, Civic centre, corner Central & Viljoen Streets, Mashishing. Closing date for any objections and/or comments: 21 June 2021. Address of applicant / agent: DEVELOPLAN, 3 General Joubert street, Polokwane, P.O. Box 1883, Polokwane, 0700. Fax: 086 218 3267. Email: tecoplan@mweb.co.za Fax: 0862183267. Telephone: 015-2914177.

21-28

**PLAASLIKE OWERHEID KENNISGEWING 50 VAN 2021**

KENNISGEWING VAN HERSONERINGSAAANSOEK INGEVOLGE ARTIKEL 66 VAN DIE THABA CHWEU BEPLANNING- EN GRONDGEBRUIKBESTUURSBYWET, 2016 - WYSIGINGSKEMA 22/2018

Ek, Theo Ernst Kotze, as die agent van die eienaar van ondergemelde eiendom, gee hiermee kennis dat ek aansoek gedoen het vir die wysiging van die Thaba Chweu Grondgebruikskema 2018 deur die hersonering van Gedeelte 2 van Erf 114 Lydenburg vanaf RESIDENSIEEL 1 na BESIGHEID 1 vir die doel om kantore te kan bedryf op die perseel. Die eiendom is gelee in 61 Voortrekkerstraat, Lydenburg. Enige besware en/of kommentare, tesame met die gronde vir die besware en/of kommentare, tesame met u volledige kontakbesonderhede, moet ingedien word by: Die Bestuurder: Stadsbeplanning, Posbus 61, Lydenburg 1120 vanaf 21 Mei 2021 tot en met 21 Junie 2021. Neem kennis: Indien u versuim om u kontakligting te verskaf sal die stadsraad nie na u toe kan reageer nie. Besonderhede van voormelde aansoek lê ter insae gedurende gewone kantoorure by die Munisipale kantore (Stadsbeplanningsafdeling) soos hieronder aangetoon vir 'n tydperk van 30 dae vanaf die eerste datum van publikasie van hierdie kennisgewing in die plaaslike koerantmedia en/of Provinsiale Gazette. Adres van munisipale kantore: Bestuurder: Stadsbeplanning, 1ste vloer, Burgersentrum, Hoek van Central & Viljoen Strate, Mashishing. Sluitingsdatum vir die indiening van besware en/of kommentare: 21 Junie 2021. Adres van applicant / agent: DEVELOPLAN, 3 Generaal Joubertstraat, Polokwane, Posbus 1883, Polokwane, 0700. Faks: 086 218 3267. Epos: tecoplan@mweb.co.za Faks: 0862183267. Telefoonnommer: 015-2914177.

21-28

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Nel Street, Nelspruit, 1200. Tel. (01311) 5-2133.