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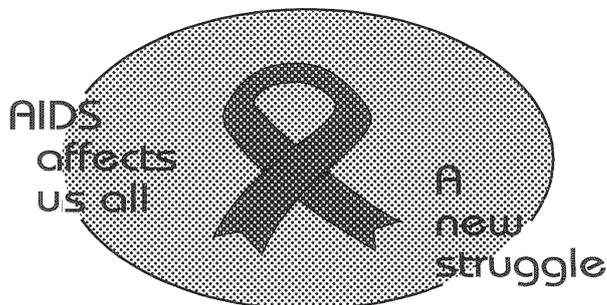
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Vol: 28

NELSPRUIT
13 August 2021
13 Augustus 2021

No: 3287

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PROCLAMATIONS • PROKLAMASIES
PROCLAMATION NOTICE 56 OF 2021
CITY OF MBOMBELA LOCAL MUNICIPALITY
MBOMBELA AMENDMENT SCHEME 20/00010

It is hereby notified in terms of Section 58 of the City of Mbombela Municipality Spatial Planning and Land Use Management By-law, 2019, that the City of Mbombela Municipality has approved the amendment of the City of Mbombela Land Use Scheme 2019, to allow for the rezoning of Erf 2, Orchards View Township, from "Residential" with a density of 30 dwelling units per hectare to "Residential" with an FAR of 0.6 and density of 100 dwelling units per hectare to allow for 50 units.

Copies of the amendment scheme are filed with Municipal Manager, Civic Centre, Nel Street, Nelspruit, and are open for inspection at all reasonable times. This amendment scheme shall come into operation on date of publication hereof.

WJ KHUMALO
MUNICIPAL MANAGER
City of Mbombela
P O Box 45
NELSPRUIT
1200

PROCLAMATION NOTICE 57 OF 2021
CITY OF MBOMBELA
NELSPRUIT AMENDMENT SCHEME AM/21/00030

It is hereby notified in terms of Section 58 of the Mbombela By-Law on Spatial Planning and Land Use Management, 2019, that the City of Mbombela has approved an amendment of the City of Mbombela Land Use Scheme, 2019, by the rezoning of Portion 5 of Erf 531 West Acres Township in order to add a "Boarding House" land use rights limited to eight (8) elderly people.

Copies of the amendment scheme are filed with Municipal Manager, Civic Centre, Nel Street, Nelspruit, and are open for inspection at all reasonable times. This amendment scheme shall come into operation on date of publication hereof.

WJ KHUMALO
MUNICIPAL MANAGER
City of Mbombela Local Municipality
P O Box 45
MBOMBELA
1200

PROCLAMATION NOTICE 58 OF 2021**PROCLAMATION
MSUKALIGWA LOCAL MUNICIPALITY
NOTICE OF APPROVAL OF ERMELO TOWN PLANNING SCHEME 1982
AMENDMENT SCHEME No. 702**

Notice in terms of the provisions of Section 66(5) of Msukaligwa Spatial Planning and Land Use Management By-law, 2016, that Ermelo Town Planning Scheme, 1982, Amendment Scheme No. 702 has been approved in terms of Section 114(a) of the SPLUM By-law, 2016, by the rezoning of Erf 3336, Ermelo Extension 14, from "Residential 1" to "Residential 3" for dwelling units. This amendment is known as Ermelo Town Planning Scheme, 1982, Amendment Scheme No. 702 and shall come into operation on date of publication of this notice.

Particulars of the application will lie for inspection during normal hours at the office of the Director of Planning and Economic Development, 2nd Floor, Civic Centre, Taute Street, Ermelo for the period of 30 days from 13 August 2021.

H.S. POTGIETER, REED & PARTNERS, 100 Joubert Street, ERMELO, 2351

E-mail: rperm@megaweb.co.za Tel. No.: 017-811-2348/58

Publication date: Provincial Gazette of Mpumalanga: 13 August 2021

PROCLAMATION NOTICE 59 OF 2021**City of Mbombela Land Use Scheme, 2019
Nelspruit Amendment scheme 1951**

It is hereby notified in terms of Section 58 of the Mbombela By-law on Spatial Planning and Land Use Management, 2019, that the Mbombela Local Municipality has approved an amendment of the City of Mbombela Land Use Scheme, 2019, by rezoning Erf 1481, Nelspruit Extension 1 from "Business 1" to "Business" for offices, places of refreshment, salon, shops and dwelling units subject to conditions.

Copies of the amendment scheme are filed with the Municipal Manager, Civic Centre, Nel Street, Mbombela, and are open for inspection at all reasonable times. This scheme shall come into operation on the date of publication hereof.

W Nkosi
Municipal Manager

City of Mbombela Local Municipality
PO Box 45
Mbombela
1200

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**PROVINCIAL NOTICE 80 OF 2021****MPUMALANGA GAMBLING ACT, 1995 (ACT NO.5 OF 1995) AS AMENDED****APPLICATION FOR SITE OPERATOR LICENCE:**

Notice is hereby given that the following Applicant intends on submitting application(s) to the Mpumalanga Economic Regulator (MER) for Site Operators Licences:

1. Domnick Sipho Nkhatu trading as the Village Pub and Grill at Stand no: 321, Greenvally, Khiyelani Trust, Bushbuckridge, Ehlanzeni, 1280.
2. Derrick Sam Mkhonto trading as Eyadini Pub and Grill at Stand no:156, Arthustone Trust, Bushbuckridge, Ehlanzeni, 1280.
3. Jeremiah Lemmy Mgwambe trading as Around The Corner at Stand no: 470, Eton Street, Clewer Emalahleni, Nkangala, 1034.
4. Casanova Holdings (Pty) Ltd trading as Yizo Yizo Sports Tavern at 28 William Lynn Street, White River, White River, Ehlanzeni, 1240
5. Maureen Mabel Nozizwe Ntakwende trading as Tshaka's Tavern at Stand no:1118 Tshaka Street, Lynnville, Kwaguqa, Emalahleni, Nkangala 1073
6. Ndondlo Mbathini (pty) LTD trading as Thulas Liquor Restaurant at Stand no: 3230, Msholoz White River, Mbombela, Ehlanzeni 1240
7. Phyliss Florence Phillips trading as Marikane 2 Bottle Store and Tavern at Stand no: 1557B, Langeloo Trust, Nkomazi, Ehlanzeni 81706
8. Walter Bongani Maphanga trading as Enkomeni Kamaphanga's Chillas at Stand no: 306, Magogeni, Nkomazi, Ehlanzeni 1334
9. Oupa Sydney Mkhomozi trading as Oupa's Tavern at Stand no: 774 Protea Street, Graskop, Thaba Chweu, Ehlanzeni 1270
10. Victoria Dolly Skosana trading as Jerry's Moon Palace at Stand no: 1465, Gemsbokspruit, Thembisile Hani, Nkangala 0458
11. George Kenneth Ndlovu trading as Emhlumeni Lodge at Shabalala Trust Main Road Sandriver, Hazyview, Mbombela, Ehlanzeni 1309
12. Goodwill Falatise Mashaba trading as Corner Grillers, at Stand no: 3080 Malekutu, Mbombela, Ehlanzeni 1245
13. Karl Norbert Hinteregger trading as The Lovely Jubley Pub at Portion 12 Mossley Farm, Barberton, Mbombela, Ehlanzeni 1242
14. MSN Omuhle Trading (Pty) LTD trading as Mthunzi Tavern at Stand no: 6 Tekwane, Mbombela, Ehlanzeni 1200

These applications will be open for public inspection and objection at the offices of the MER from 19th August 2021.

Attention is directed to the provisions of Section 26 of the Mpumalanga Gambling Act, 1995 that makes provision for the lodging of written objections or representations in respect of the applications. Such objections or representations should be lodged with the Chief Executive Officer, Mpumalanga Economic Regular, Private Bag X9908, White River, Mpumalanga, 1240, within one month from the 19th of August 2021.

PROVINCIAL NOTICE 81 OF 2021

PUBLIC NOTICE**MOTIVATING MEMORANDUM IN SUPPORT OF THE APPLICATION FOR REZONING OF PORTION 4 OF THE FARM RONDEBOSCH 403-JS WITHIN THE STEVE TSHWETE LOCAL MUNICIPALITY, DONE IN TERMS OF THE STEVE TSHWETE LOCAL MUNICIPALITY BY-LAW, 2016.**

I, **Fumani Mathebula** of **Ngoti Development Consultants** hereby give notice as provisioned in Section 20 of the Steve Tshwete Spatial Planning and Land Use Management By-Law 2016 that I intend to apply to the Steve Tshwete Local Municipality for amendment of the Steve Tshwete Land Use Scheme, 2019. The application is for the rezoning of Portion 9 of the farm Rockdale 442-JS, situated in Middelburg, from "Agricultural" to "Industrial 4" use zone. The rezoning will accommodate the use of the Eskom substation.

Particulars of this application will lie for inspection during normal office hours at the Town Planning Department, 14 Sadc Street, Middelburg, 1055 for a period of 28 days from the 13th of August 2021. Objections to or representation in respect to the application must be lodged with or made in writing and handed to the abovementioned offices and addressed to the Municipal Manager of the Steve Tshwete Local Municipality.

Details of Authorized Agent:**Ngoti Development Consultants**

Address: Unit 11 King Fisher Building, Hazeldean Office Park, 687 Silverlakes Road, Pretoria

Contact Person: K Mosoeunyane

Telephone No. 012 770 4022 or 072 960 8238

E-mail: kamogelo@ngoti.co.za

13-20

ISAZISO SOMPHAKATHI

UKUKHUTHAZA IMEMORANDAMU EKUSEKELENI ISICELO SOKUTSHINTSHWA KWEZIMBALI KWESIQEPHU 4 SEFAMA RONDEBOSCH 403-JS NGAPHAKATHI KOMASIPALA WESIKHATHI SESITEVE TSHWETE, OKWENZIWE NGOKOMTHETHO KAMASIPALA WESITEWE TSHWETE, 2016.

Mina, Fumani Mathebula weNgoti Development Consultants ngalokhu ngenza isaziso njengoba kuhlinzekwe eSigabeni 20 seSteve Tshwete Spatial Planning and Land Use Management By-Law 2016, ukuthi ngihlose ukufaka isicelo kuMasipala Wendawo yaseSteve Tshwete ukuze kuchitshiyelwe iSteve Tshwete Land Use Isikimu, 2019. Isicelo esokushintshwa kukhethwe kabusha kweSiqephu 9 sepulazi i-Rockdale 442-JS, esiseMiddelburg, sisuselwa endaweni yokusetshenziswa kwe-“Agricultural” kuya ku- “Industrial 4”. Ukucwaswa kabusha kuzongena ekusetshenzisweni kwesiteshi sika-Eskom.

Iminingwane yalesi sicelo izolalelwa ukuhlolwa ngezikhathi ezijwayelekile zomsebenzi eMnyangweni Wezokuhlelwa Kwedolobha, ku-14 Sadc Street, Middelburg, 1055 isikhathi esiyizinsuku ezingama-28 kusukela ngomhla ka-13 Agasti 2021. Ukuphikiswa noma ukumelwa maqondana nesicelo kumele kufakwe. enziwe noma ebhalwe phansi yanikelwa kula mahhovisi ashiwo ngenhla futhi yabhekiswa kuMphathi kaMasipala woMasipala Wendawo yaseSteve Tshwete.

Iminingwane ye-Agent Authorized:

Ikheli: Unit 11 King Fisher Building, Hazeldean Office Park, 687 Silverlakes Road, Pretoria

Imningwano Yokuxhumana: K Mosoeunyane

Inombolo yocingo: 012 770 4022 or 072 960 8238

I-imeyili: kamogelo@ngoti.co.za

13-20

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 89 OF 2021

NOTICE OF APPLICATIONS IN TERMS OF THE GOVAN MBEKI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, CHAPTERS 5 AND 6.

I, JACOBUS ALWYN BUITENDAG OF THE AFRICAN PLANNING PARTNERSHIP, hereby give notice in terms of section 88 of the Govan Mbeki SPLUMA By-Law, 2016 that I have applied to the Govan Mbeki Municipality for the following:

TYPE OF APPLICATIONS:

1. Amendment of the Govan Mbeki Land Use Scheme, 2020: Rezoning i.r.o Erf 8585, Secunda Extension 33: AMENDMENT SCHEME 198
2. Consolidation of Erven 8585 and 8586, Secunda Extension 33
3. Subdivision of erf to be created by consolidation of Erven 8585 and 8586, Secunda Extension 33

Application reference number: Case-_____

Property information:

Erven 8585 and 8586, Secunda Extension 33 situated at: Eastern Corner of Ahmed Kathrada Drive and Provincial Road P185-2 Junction, east of Secunda Extension 22 and north of Secunda Extension 2.

Property Owner: Phindana Properties 79 (Proprietary) Limited held by Title Deed T4376/2006

I, the agent hereby gives notice in terms of Section 88 of the Govan Mbeki Spatial Planning and Land Use Management By-Law, 2016 of the applications for:

1. The Amendment of the Govan Mbeki Land Use Scheme, 2016 By the rezoning of Erf 8585, Secunda Extension 33 Township in order to obtain Business Rights, similar to that which are applicable to the adjacent Erf 8586;
2. To Consolidate Erf 8585 with Erf 8586; and
3. To subdivide the consolidated erf in order to accommodate the existing filling station component, currently situated on Erf 8586 on its own, independent cadastral entity/erf.

Particulars of the application will lie for inspection during normal office hours at the Office of the Manager, Town and Regional Planning, Room 326, 3rd floor, South Wing, Municipal Buildings, for the period of **30 days** from **6 August 2021** (*date of notice*).

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 **6 August 2021** (*date of notice*), being **6 September 2021** (*last day for objections*).

Name and address of applicant:

The African Planning Partnership (TAPP)
PO Box 2256, Boksburg, 1460
Email: tapp@iafrica.com
Tel: 011 918 0100

LOCAL AUTHORITY NOTICE 90 OF 2021**NOTICE****Notice of application for the establishment of a township, in terms of Section 59(1) of the Chief Albert Luthuli Local Municipality Spatial Planning and Land Use Management By-Law 2016 read with the provisions of Spatial Planning and Land Use Management Act, 2013 (Act No 16 of 2013)**

Notice is hereby given, in terms of section 98 of the Chief Albert Luthuli Local Municipality Spatial Planning and Land Use Management By-Law 2016 that an application for the establishment of a township on Portion 4 of the Farm Goedehoop No 45 IT, Mpumalanga Province, has been lodged with the Chief Albert Luthuli Local Municipality, in terms of Section 59 (1) of Chief Albert Luthuli Local Municipality Spatial Planning and Land Use Management By-Law 2016.

The municipality in association with the Department of Human Settlements seeks to establish a township on Portion 4 of the Farm Goedehoop No 45 IT for the development of a sustainable human settlement. The subject property is situated approximately 2km south west of Carolina Town, past Silobela Township along the R36 Road to Breyten Town.

Number of erven in proposed township according to proposed zoning:

Proposed zoning	Number of Erven
Residential 1	883
Residential 2	2856
Residential 3 (Flats)	2
Business	2
Institutional	5
Community Facilities	3
Recreational	18
Public Open Spaces	10
Religious Centre (Church)	3
Utilities	12
Future Roads and Railways	-
TOTAL	3794

A copy of the application may be inspected during normal office hours at the Directorate: Planning and Economic Development, 28 Kerk Street, Carolina, 1185. Contact details of relevant Municipal officials: Ms. A. Thwala on 017 843 4000.

Any person or persons having any objection to or representation in respect of this application must lodge such written objection/representation in a format as contemplated in Section 104 of the Chief Albert Luthuli Spatial Planning and Land Use Management By-Law, 2016, with the Municipal Manager, Private Bag 24, Carolina, 1185 and the undersigned, within a period of 30 days from date of this notice and not later than 15 September 2021.

Any person who cannot write may during office hours visit the Planning and Economic Directorate at the above-mentioned address where a municipal official will assist that person to transcribe that person's objection or comment.

Name of applicant: 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

13-20

PLAASLIKE OWERHEID KENNISGEWING 90 VAN 2021

KENNISGEWING

Kennisgewing van aansoek om die stigting van 'n dorp, ingevolge artikel 59 (1) van die hoofverordening op ruimtelike beplanning en bestuur van grondgebruik, hoofstuk Albert Luthuli 2016, gelees met die bepalings van die Wet op Ruimtelike Beplanning en Grondgebruik, 2013 (Wet 16 van 2013)

Hiermee word ingevolge artikel 98 van die Hoof Albert Luthuli Plaaslike Munisipaliteit Verordening op Ruimtelike Beplanning en Grondgebruikbestuur 2016 kennis gegee dat 'n aansoek om die oprigting van 'n township op Gedeelte 4 van die Plaas Goedehoop No 45 IT, Provinsie Mpumalanga, ingedien is by die Hoof Albert Luthuli Plaaslike Munisipaliteit, ingevolge Artikel 59 (1) van die Verordening op Ruimtelike Beplanning en Grondgebruikbestuur van Hoof Albert Luthuli Plaaslike Munisipaliteit 2016.

Die munisipaliteit in samewerking met die departement van menslike nedersettings wil 'n township op Gedeelte 4 van die plaas Goedehoop No 45 IT vestig vir die ontwikkeling van 'n volhoubare menslike nedersetting. Die eiendom is ongeveer 2 km suidwes van Carolina Town, verby Silobela Township langs die R36 -pad na Breyten Town.

Aantal erwe in voorgestelde dorp volgens voorgestelde sonering:

Voorgestelde sonering Aantal erwe	Number of Erven
Residensieel 1	883
Residensieel 2	2856
Residensieel 3 (woonstelle)	2
Besigheid	2
Institusioneel	5
Gemeenskapsgeriewe	3
Ontspannings	18
Openbare oop ruimtes	10
Godsdienssentrum (Kerk)	3
Hulpprogramme	12
Toekomstige paaie en spoorweë	-
TOTAAL	3794

'N Afskrif van die aansoek kan gedurende normale kantoorure by die Direkoraat: Beplanning en Ekonomiese Ontwikkeling, Kerkstraat 28, Carolina, 1185 besigtig word. Kontakbesonderhede van die betrokke munisipale amptenare: me. Thwala by 017 843 4000.

Enige persoon of persone wat beswaar teen of vertoe ten opsigte van hierdie aansoek het, moet sodanige skriftelike beswaar/vertoe indien in 'n formaat soos bedoel in artikel 104 van die Hoof Albert Luthuli Verordening op Ruimtelike Beplanning en Grondgebruik, 2016, by die Munisipale Bestuurder, Private Bag 24, Carolina, 1185 en die ondergetekende, binne 'n tydperk van 30 dae vanaf datum van hierdie kennisgewing en nie later as 15 September 2021.

Enige persoon wat nie kan skryf nie, kan gedurende kantoorure die Direkoraat Beplanning en Ekonomie besoek by die bogenoemde adres waar 'n munisipale amptenaar die persoon sal help om die beswaar of kommentaar van die persoon af te skryf.

Naam van aansoeker: Isibuko Development Planners cc

Fisiese adres van agent: Eenheid 2, Gebou 4,
141 Witch-Hazel Avenue,
Techno Park, Highveld,
Centurion,
0157

Kontakbesonderhede van die agent: 012-6431154

LOCAL AUTHORITY NOTICE 91 OF 2021**STEVE TSHWETE LOCAL MUNICIPALITY****SAND MNING BY-LAW, 2021**

Notice is hereby in terms of Section 13 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, read with Section 156 and 162 of the Constitution of the Republic of South Africa, 108 of 1996, that the Steve Tshwete Local Municipality resolved to adopt the following Nuisance By-Laws, with effect from the date of publication.

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11. SHORT TITLE AND COMMENCEMENT

1. DEFINITIONS AND INTERPRETATIONS

1.1 In this By-law, unless the context otherwise indicates:

“Act”	the Bills enclosed herein which have been passed through the various legislative steps required for it and which have become law.
“Asylum Seeker”	means a person who is seeking recognition as a refugee in the Republic.
“Authorised Officer”	means an official of the Municipality who has been authorised by the Municipality to administer, implement and enforce the provisions of this By-law.
“berms”	a flat strip of land, raised bank or terrace bordering a river or canal.
“Council”	means the council of Steve Tshwete Local Municipality, a Municipality established in terms of section 12 of the local Government Municipal Structures Act, no.117 of 1998 and any member of administration to whom the Council has delegated the powers, functions and duties vesting in the Council in relation to this By-law.
“extract”	to remove or take out, especially by effort or force.
“geomorphology”	is the scientific study of the origin and evolution of topographic and bathymetric features created by physical, chemical or biological processes at or near Earth’s surfaces.
“Head”	means the head of the relevant Department of the Municipality.
“Municipality”	means Steve Tshwete Local Municipality.
“Municipal Consent”	means the consent, in writing, by the Municipality for any activity on, or use of land or buildings for which an application is made, in terms of any relevant legislation.
“Public Nuisance”	means any activity which spills over beyond the property and causes problem for immediate and surrounding neighbours; this includes noise levels or activities which may cause health or pollution problems such as smoke or flies/ vermin, vehicle oil or unsightly activities / storage of goods which detract from the amenity of the neighbourhood.
“Operating permit”	card the legally valid sand mining permit that has been issued by the Municipality when all the requirements that are set out in the below By-law have been met.

“Operator”	means the owner of the sand mining permit for purposes of this By-law.
“Outbuilding”	means a building attached to or separate from a dwelling and ancillary to a dwelling.
“Owner”	means the person in whose name the site/erf is registered in the deeds registry for Mpumalanga Province or he/she is the beneficial holder of a real right in the site/erf or he/she is the person in whom the site/erf vests.
“Person”	means a natural person or a juristic person, and includes an organ of state.
“Premises”	in relation to any sand mining operation, means a site/erf wherein the sand mining business is operated.
“Property”	means that to which a person has a legal title, whether in his possession or not; thing owned; an estate, whether in lands, goods or money.
“Refugee”	means any person who has been granted asylum in terms of the Act (Act No.130 of 1998)
“Residential Areas”	a residential area is a type of land use where the predominant use is housing. In areas that are zoned residential, buildings may include single family housing, multiple family housing such as apartments, duplexes and town homes.
“Sand”	is not legally defined in the Mineral and Petroleum Resources Development Act, but is referred to in the definition of mineral as follows :- “mineral” means any substance, whether in solid, liquid or gaseous form occurring naturally in or on earth or under water and which was formed by or subjected to a geological process and includes sand, stone, rock, gravel, clay, soil and any mineral occurring in residue stockpiles or in residue deposits, but excludes – <ul style="list-style-type: none">• Water, other than water taken from land or sea for the extraction of any mineral from such water;• Petroleum or• Peat
“Sand mining”	means the extraction of sand from the environment. Sand mining is also known as “sand winning” and the term “winning” is referred to in the official definition of the “mine” contained in the Mineral and Petroleum Resources Development Act;

“mine” when used as a verb means any operation or activity for the purpose of winning any mineral on, in or under the earth, water or any residue deposit, whether by underground or open working or otherwise and includes any operation or activity incidental thereto.

“Zoning”

Legislative process that divides privately-owned urban areas into different zones (such as residential, commercial, industrial), according to the specified land use. Each zone is regulated for usage in terms of the Municipal approval.

“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.

1.2 In the event of conflict between this By-law and any other By-law of the Municipality, the provisions of this By-law shall prevail regarding the regulation of Sand Mining.

2. PURPOSE OF BY-LAW

2.1 The purpose is to regulate and control the operations of Sand Mining within the area of jurisdiction of the Municipality, in particular, to ensure compliance with safety and health requirements. To promote the establishment of Sand Mining within the Steve Tshwete Local Municipal area, in such a way that the activity of Sand Mining can achieve two important objectives:

- conserve the resource (natural sand and the rivers and dams)
- to allow an orderly and sustainable exploitation of the resource

3. SCOPE AND APPLICATION OF BY-LAW

The By-law applies to all Sand Mining operations that are located within the area of jurisdiction of the Municipality.

4. LEGISLATIVE FRAMEWORK

The major relevant legislation upon which the by-law is based are:

4.1 Constitution of the republic of South Africa Act No.108 of 1996

4.2 Spatial Planning and Land Use Management Act No.16 of 2013

4.3 The Promotion of Administrative Justice Act No.3 of 2000

4.4 National Building Regulations and Building Standards Act No.103 of 1977 and National Building Regulations & Building Standards Amendment Act No.49 of 1995

4.5 Mineral and Petroleum Resources Development Act 28 of 2002

4.6 Steve Tshwete Town Planning Scheme 2004

4.7 National Environmental Management Act, 1998 (Act No.107 of 1998)

4.8 The National Water Act (No.36 of 1998)

Other national and provincial legislations, not mentioned herein above, are also applicable as well and as other by-laws of the Municipality.

4.9 Steve Tshwete Local Municipality Air Quality Management Plan

4.10. Steve Tshwete Local Municipality Environmental Policy

4.11. Steve Tshwete Local Municipality Nuisance By-law

5. APPLICATION

PROCEDURES

5.1 Application Forms

- 5.1.1 A person who wants to conduct Sand Mining operations in one jurisdiction of Steve Tshwete Local Municipality must apply to the Council on a prescribed form available at the Municipal offices.
- 5.1.2 The Municipality will consider the application within the period of twenty one (21) working days upon the date of the receipt of the application forms.
- 5.1.3 For the application to be considered, the applicant must complete the forms fully, and attach to the forms the relevant documents mentioned in subsection (5.3) below

5.2 Sand Mining Permits applied through DMR

- 5.2.1 Before Sand Mining Operations, the applicant must be in possession of a mining permit issued in terms of the Mineral and Petroleum Resources Development Act 28 of 2002, which *inter alia* states the following:-
 - 5.2.1.1 The permit holder must submit a copy of financial provision/guarantees to the Municipality for the rehabilitation or management of negative environmental impacts
- 5.2.2 A mining permit may only be issued if:-
 - 5.2.2.1 The mineral in question can be mined optimally within a period of two years, and
 - 5.2.2.2 the mining area in question does not exceed 5.0 hectares in extent
- 5.2.3 No person may conduct sand mining operations on municipal land which is not authorized or permitted as such for the purposes of sand mining , the applicant must lodge an application:-

- 5.2.3.1 In writing at the Environmental and Solid Waste Management department;
- 5.2.3.2 in the prescribed manner ; and
- 5.2.3.3 together with the prescribed non-refundable application fee
- 5.2.4 The Director : Environmental and Solid Waste Management must accept the Sand Mining authorisation application if:-
- 5.2.4.1 The requirements contemplated in subsection (5.2.3) are met;
- 5.2.4.2 No other person holds a prospecting right, mining right, mining permit or retention permit for the same mineral and land
- 5.2.4.3 The granting of the Sand Mining authorization will not result in the applicant being granted more than one (1) mining authorization on the same adjacent land.
- 5.2.5 If the application does not comply with the requirements of this section, the Director: Environment and Solid Waste Management must notify the applicant in writing within fourteen (14) days of the receipt of the application.
- If the Director accepts the application, the Regional Manager must within twenty-one (21) days of the receipt of the application, notify the applicant in writing, to submit relevant environmental reports.
- 5.2.6 The Director: Environmental and Solid Waste Management must within 30 days of receipt of the environmental reports from the applicant, issue a Sand Mining authorisation if :-
- 5.2.6.1 The requirements contemplated in subsection (5.2.3) are satisfied;
- 5.2.6.2 The environmental authorization is issued;
- 5.2.6.3 The applicant has the ability to comply with the relevant provisions of the Mine Health and Safety Act, 1996 (Act No.29 of 1996)
- 5.2.7 The holder of the Sand Mining authorisation:-
- 5.2.7.1 May enter the land to which such permit relates together with his or her employees, and may bring onto that land any plant, machinery or equipment and build, construct or lay down any surface or underground infrastructure which may be required for the purpose of mining;
- 5.2.7.2 Subject to the National Water Act, 1998 (Act No.36 of 1998), may use water from any natural spring, lake, river or stream situated on, or flowing through, such land or from any excavation previously made and used for prospecting or mining purposes, as the case may be, or sink a well or borehole required

for use relating to prospecting or mining, as the case may be, on such land, and

5.2.7.3 In terms of any relevant law, must pay the Municipal levies;

5.2.7.4 May mine, for his or her own account under that mining area for the mineral for which such authorisation relates;

5.2.7.5 Must submit the Sand Mining authorisation for recording at the Cooperate Services: Legal and Administration within 30 days after the authorisation has been issued.

5.2.8 A Sand Mining authorisation:-

5.2.8.1 Is valid for the period specified in the authorisation, which may not exceed a period of two (2) years, and may be renewed for three (3) periods each of which may not exceed one (1) year;

5.2.8.2 May not be transferred, ceded, let sublet, alienated or disposed of, in any way whatsoever, but may be encumbered or mortgaged only for the purpose of funding or financing of the mining project in question with the Municipal consent.

5.2.9 The application of Sand Mining authorisation to the Municipal Council will enable the process of a Sand Mining Authorisation by the Municipal Council.

5.2.10 The Sand Mining authorisation shall be issued by the Municipality

5.2.11 The following terms and conditions shall apply to the Sand Mining authorisation:

5.2.11.1 Sand Mining authorisation can only be issued by the Municipality upon the payment of the prescribed fee determined by Council from time to time;

5.2.11.2 Sand Mining authorisation is not transferable under any circumstances without the written and approved permission of the Municipality;

5.2.11.3A Sand Mining authorisation must at all times be in a position to produce the operating card permit on demand by the authorised officer or employee of the municipality whenever so required;

5.2.11.4 If the operating card permit gets lost or accidentally or unwillingly damaged or destroyed the owner must immediately report the loss, damage or destruction thereof to the Municipality.

5.3 Criteria to be satisfied for the Application for a Sand mining area/land

5.3.1 A person who wishes to conduct Sand Mining operations shall on the prescribed form (5.1 above) apply to the Municipality;

5.3.2 Shall indicate a clear plan for the clearing of vegetation on the land to be used;

- 5.3.3 Shall indicate a construction of access to road;
- 5.3.4 Shall show cause for the establishment of a temporary site camp, no permanent structure is to be constructed on the land to be used;
- 5.3.5 Shall show cause for the establishment of a temporary ablution structures;
- 5.3.6 Shall indicate a clear plan for the diverting of the flow of the river and the altering of the banks of a river;
- 5.3.7 Shall indicate a plan for the extracting of sand from a deposit and extracting of water from the river or dam;
- 5.3.8 Shall indicate a plan for the building of berms;
- 5.3.9 Shall indicate a plan for the temporary stockpiling of material;
- 5.3.10 Shall indicate a plan for the storage of diesel and oil and maintenance of vehicles and plant;
- 5.3.11 Shall submit mine layout plan, Basic Assessment Report, Rehabilitation plan, Environmental Management Plan; Waste Management Plan;
- 5.3.12 Shall indicate any plan to carry out any other activity incidental to the Sand Mining operations to be conducted;
- 5.3.13 Sand Mining permit may only be renewed to applicants who have a good record of compliance;
- 5.3.14 Refugees with formal recognized status van operate a Sand Mining site;
- 5.3.15 Foreign nationals in possession of South African identity documents can operate and own a business anywhere in the country except participate in voting processes or elections.

5.4 Requirements for Applicants

Completed application forms must be accompanied by the following documents:

- 5.4.1 Certified copy of *South African Identity Document*, if he/she is a South African citizen;
- 5.4.2 *Proof of Residence*, if he/she is within the jurisdiction of Steve Tshwete Local Municipality resident;
- 5.4.3 *Original Copy of Asylum Document* issued by the South African Department of Home Affairs, if he/she is a foreign national;

- 5.4.4 Concluded *Lease Agreement* in cases where the site owner is not the Sand Mining operator;
- 5.4.5 Certified copy of *title deed or permission to occupy*;
- 5.4.6 Neighbouring community's consent form;
- 5.4.7 Building plan of the Sand Mining operation which must be submitted to the building control unit for Municipal approval with a contractual agreement where necessary, signed between the owner of the property and the applicant if the applicant is not the title deed holder; and
- 5.4.8 Internal and external photos of the existing building(s) on the site, (for those that had not applied prior to commencing with operating)

5.5 General criteria for Sand Mining operations

- 5.5.1 A standard form pack is received from the Municipality to the applicant;
- 5.5.2 The application pack includes the Environmental Impact Assessment which consists of a questionnaire with basic questions that the applicant must fill in together with an appointed Environmental Assessment Practitioner as appointed by the applicant;
- 5.5.3 In some cases, at the Municipality's discretion, a geotechnical assessment is to be conducted by the Head of the Environmental department, as chosen and paid for by the applicant;
- 5.5.4 Once all the information has been submitted to the Regional manager, the pack shall be circulated to other regulatory authorities for comment, in particulate the Department of Water Affairs, the provincial environmental department and the municipality officials. Where comments are received from these authorities, the Regional manager will forward the comments to the applicant and give him or her an opportunity to respond;
- 5.5.5 The applicant must lodge a financial provision for the purposes of rehabilitation of the site once the mining is completed;
- 5.5.6 Once the Regional manager has assessed all the information, the pack shall be sent to the Municipality with the decision to grant or refuse the Sand Mining permit.

5.6 Approval of Application

- 5.6.1 Once the application has been approved by the relevant Head of Department or his designee, an applicant will be notified of the approval within the period of twenty-one (21) working days.

- 5.6.2 The applicant will be required to pay the prescribed operating fee and he/she will then be issued with the operating permit.
- 5.6.3 The Sand Mining operator is not permitted to trade until he/she receives his Sand Mining operating permit
- 5.6.4 Approval conditions, if any, will be attached to the operating permit.

5.7 Disapproval of Applicant

If the Municipality, by the Head of Department or his designee, has decided to disapprove the application, the applicant will be notified of the:

- 5.7.1 Decision to disapprove his application within the period of twenty-one (21) working days.
- 5.7.2 The applicant will be provided with sound written reasons for the disapproval, and the decision can be in terms of the provisions of this By-law or in terms of any legislation applicable or circumstances warranting the Municipality to arrive at such decision.

5.8 Appeal against rejected Application

- 5.8.1 The applicant whose application has been disapproved has the right to appeal against the decision.
- 5.8.2 The affected applicant must lodge his appeal with the Municipal Manager or any person having similar authority to deal with the matter, within the period of twenty-one (21) days upon the receipt of the notice of the disapproval.
- 5.8.3 The Municipal Manager or any person having similar authority to deal with the matter must consider and decide on the appeal within the period of fourteen (14) working days.
- 5.8.4 The decision by the Municipal Manager is final and binding.

5.9 Withdrawal and Lapsing of an Approval

Approval is granted to the owner of the Sand Mining permit and will be withdrawn under the following circumstances:

- 5.9.1 When the site is alienated for a period of at least 60 days.
- 5.9.2 In the event of the death of the owner of the Sand Mining permit.
- 5.9.3 Valid objections have been received and an interdict against the owner of the Sand Mining permit is obtained.
- 5.9.4 The owner of the property or Sand Mining permit is arrested in connection with drug abuse, selling of drugs, the sale of liquor, prostitution, gun incidents, knife stab incidents or any other criminal incidents.

- 5.9.5 Where the owner terminates the lease agreement with the Sand Mining operator.
- 5.9.6 Where just cause is shown that the operations are of nuisance to surrounding neighbourhood.
- 5.9.7 Where operating permit conditions are not complied with.
- 5.9.8 Where any provision of this By-law and any, other relevant, legislation and policies is violated.
- 5.9.9 When the permit expires.
- 5.9.10 A company or close corporation is deregistered in terms of the relevant Acts and no application has been made or was made to the Minister of Minerals for the consent in terms of section 11 of the Mineral and Petroleum Resources Development Act 28 of 2002.
- 5.9.11 The holder of the permit is liquidated or sequestrated.

5.10 Non-compliance with Approval Conditions

- 5.10.1 If approval conditions are not complied with, the Head of Department will issue a written notice to the operator to rectify any irregularities within ten (10) working days.
- 5.10.2 Where complaints are received with regard to the approved Sand Mining operations, the following steps shall be taken:
- The Head of Department will evaluate the validity of the complaints and
 - Where applicable, notify the operator about the complaints and
 - Further give a written notice to the operator to comply with the conditions put by the Municipality.
- 5.10.3 Failing to comply with points (5.10.1 and 5.10.2) above may lead to the Municipality cancelling the operating permit and further seeking court interdict against the operator compelling the owner to stop business operations on the property.

6. Control Measures

Any approved Sand Mining operation business must abide by the following terms and conditions, to the extent that they are applicable:

- 6.1 The mining area in question shall not exceed 5.0 hectares in extent.
- 6.2 The owner of the Sand Mining operations permit may operate the business on site. Only in exceptional circumstances may the operational business activity be conducted by anyone other than the owner of the permit.

- 6.3 No Sand Mining operations may operate if building plan for the site has not been applied for and approved by the Municipality.
- 6.4 Sand Mining operation structure must comply with the Act and Regulations and Building Regulations By-law of the Municipality.
- 6.5 A Sand Mining operation shall only be operated with operating card permit issued by the Municipality and the operating card permit is not transferable.
- 6.6 The sale of liquor or alcohol beverages, any illegal substances and hazardous substances is prohibited on site.
- 6.7 A Sand Mining operation should not cause or be a cause of any kind of disturbance or public nuisance which will disturb people within the neighbourhood.
- 6.8 The operating hours for all Sand Mining operations is allowed between 06:00 in the morning and 18:00 in the evening, every day except otherwise permitted by the Municipality.
- 6.9 In order for the application to be granted, the applicant has to lodge an application for an environmental authorization and consult with interested affected parties, including the land owners.
- 6.10 If the operations on site have ceased for the period longer than 60 days, it will be presumed that the business is no longer operating and the operator thereof or the owner of the site should inform the Municipality in writing.
The Municipality will proceed to cancel the operating permit in regard to that Sand Mining operation.
- 6.11 Where an operator has more than one Sand Mining operation site, the Municipality must be informed
- 6.12 No person is allowed to operate a Sand Mining site if he/she has been declared by a court of law to be of unsound mind.
- 6.13 The Sand Mining permit holder must not commit any criminal activity on the site in question or he/she must not have a criminal record that led to his/her business being closed.
- 6.14 No pets or birds should be kept on site.
- 6.15 Trading is restricted to the boundaries of the property. No trading is permitted out site the site boundaries.
- 6.16 No signs advertising the business shall be larger than 2m by 1m in size.
Such sign should indicate the name of the owner, the name of the business and the nature of the trade/operations. Any other sign must be applied for and approved by the Municipality before it can be erected. Advertising signs must comply with the Outdoor Advertising Bylaw of the Municipality.

- 6.17 Sand Mining operations may not be permitted on a property if the use is in conflict with the restriction contained in the title deed of that property.
- 6.18 The Sand Mining operations plan must show the layout, extent, position and elevations of buildings on the proposed plan.
- 6.19 No person may conduct sand mining operations on municipal land which is not authorized or permitted as such for the purposes of sand mining.

7. Delegation

- 7.1 Subject to the provisions of another legislation, the council may delegate or assign in writing any power, duty or function imposed by or under this By-law, to any person in its employ subject to such conditions as it may deem necessary.
- 7.2 In accordance with Section 25 of the Constitution, all property and Land should be protected from being expropriated without just and equitable compensation. The law must be of general application and there should be no arbitrator deprivation.
- 7.3 Section 37 of the Mineral and Petroleum Resources Development Act 28 of 2002 stipulates as follows:-
- 7.3.1 The principles set out in section 2 of the National Environmental Management Act, 1998 (Act No.107 of 1998) – apply to all prospecting and mining operations, as the case may be, and any matter or activity relating to such operation; and
- Serve as guidelines for the interpretation, administration and implementation of the environmental requirements of this Act.
- 7.3.2 Any prospecting of mining operation must be conducted in accordance with generally accepted principles of sustainable development by the integrating social, economic and environmental factors into the planning and implementation of prospecting and mining projects in order to ensure that the exploitation of mineral resources serves present and future generations.
- 7.4 At all times the Steve Tshwete Local Municipality Planning and Land Use Management By-law, the National Building Regulations and Building Standards Act No.103 of 1977 read together with the Spatial Planning and Land Use Management Act No.16 of 2013 and the Steve Tshwete Town Planning Scheme of 2004, shall be consulted and all requirements relating to land, land use, land owners and legal occupiers of land shall be incorporated into any decision making into the granting of a Sand Mining operations permit.

8. Offences and penalties

- 8.1 Any person who operates a Sand Mining site without a Municipal approval shall be liable to a fine of R200 000-00
- 8.2 Sand Mining owner/operator who fails to renew their operating permit on time will be fined accordance with the prescribed fee and the site will be closed until the prescribed fee is paid.

- 8.3 In the case of continuous offence, an additional fine of as determined by the prescribed fee, will be imposed for each day on which the offence continues.
- 8.4 Any other offences, in violation of the By-law, will be determined by the Magistrate, in accordance with the Scheduled fines attachment herein.
- 8.5 A person mining on private land will be fined in accordance to the prescribed fees, if such person is found to be conducting sand mining operations on private land without prior authorisation from the Municipality.

9. Transitional arrangements

- 9.1 The Municipality should, by public notice, call all the existing Sand Mining operations within the area of jurisdiction of the Municipality to register their Sand Mining operations.
- 9.2 All the existing Sand Mining operations must have been registered with the Municipality within the period of twelve (12) months upon the promulgation of this By-law in the provincial gazette.
- 9.3 Any existing Sand Mining operation that will not have registered with the Municipality in terms of the public notice to be issued by the Municipality, prescribing deadline for registrations of existing Sand Mining operations, will be regarded as operating illegally after such a prescribed date.
- 9.4 The application of the existing Sand Mining operations must also comply with the application procedure of this By-law and any other relevant legislation and policies.
- 9.5 Any new Sand Mining operation established after the coming into operation of this By-law must apply, in terms of the application procedure of this By-law, before they can operate.

10. Repeal

Any By-laws relating to Sand Mining adopted by the former municipalities now forming part of the Municipality are repealed from the date of promulgation of this By-law.

11. Short title and commencement

This By-law is called *Steve Tshwete Local Municipality By-law for Sand Mining, 2021* and comes into operation on the date of promulgation thereof in the Mpumalanga Provincial Gazette.

LOCAL AUTHORITY NOTICE 92 OF 2021

PERMANENT PARTIAL STREET CLOSURE, KNOWN AS A PORTION OF NAUDE STREET, BETHAL

Notice is hereby given in terms of Section 42 of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013 and read Part G, section 70 of Govan Mbeki SPLUMA By-Law, that a portion of Naude Street in BETHAL, as shown on SG Diagram No. 76/2021, is now permanently closed as approved by the Council and now known as ERF 5177 BETHAL TOWNSHIP.

Given under my hand at Secunda on the 14th day of January 2021

KAMESH ROHAN (A/2001/2017)

Municipal Planning Tribunal Member (MPT – A66/08/2016)

DEPUTY DIRECTOR: LAND USE MANAGEMENT, SPATIAL PLANNING & PROPERTIES
GOVAN MBEKI MUNICIPALITY

LOCAL AUTHORITY NOTICE 93 OF 2021
STEVE TSHWETE LOCAL MUNICIPALITY
NOISE BY-LAWS, 2021

Notice is hereby given in terms of section 13 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, read with Section 156 and 162 of the Constitution of the Republic of South Africa, Act 108 of 1996, that the *Steve Tshwete Local Municipality* resolved to adopt the following noise by-laws, with effect from the date of publication.

TABLE OF CONTENTS:

1. Definitions
2. Offences
3. Noise disturbance
4. Music, open-air music festivals and other gatherings
5. Measuring of ambient sound level and noise level
6. Powers of the Air Quality Officer
7. Right of entry
8. Obstruction
9. Interdicts
10. General prohibition
11. Obstruction
12. Offences and penalties
13. Restriction of liability
14. Repeal of previous provisions
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TABLE OF CONTENTS FOR ANNEXURES

1. Schedule for the maximum designated sound levels
2. Application to conduct an open-air music festival or similar gathering
3. Application for exemption

DEFINITIONS

In this Act, unless a contrary intention clearly appears:

“Air Quality Officer”	means an officer appointed in terms of the National Environment Management Air Quality Act, 2004 or any person to whom an Air Quality Officer delegated a power or assigned a duty subject to such limitations or conditions as may be prescribed by the Steve Tshwete Local Municipality;
“Ambient sound level”	means, the reading on an integrating impulse sound level meter taken at a measuring point in the absence of any alleged disturbing noise at the end of a total period of at least 10 minutes after such meter was put into operation;
“Animal”	also includes birds and poultry;
“Authorized Official”	is an Air Quality Officer as defined herein or any person in the service of the Council who has been appointed in the capacity of Peace Officer in terms of the Criminal Procedure Act, 51 of 1977;
“Council”	means the <i>Steve Tshwete Local Municipality Council</i> and includes the Management Committee and any officer of the Council acting by virtue of any power vested in the Council by these by-laws or delegated to such committee or officer;
“dBA” or “dB (A)”	means the value of the sound pressure level in decibels, determined using a frequency-weighting network A, and derived from the following equation: $L_{PA} = 10 \log_{10} [P_A/P_0]^2$, where – P_A = the “A” – weighted sound pressure; and P_0 = the reference sound pressure $(P_0 = 20 \mu\text{Pa})$
“Disturbing Noise”	means a noise level that causes the ambient noise level to rise above the maximum designated sound levels;
“Integrating sound level meter”	means a device that integrates a function of the root mean square value of sound pressure of a period of time and indicates the result in dBA;
“Measuring point”	relating to - (a) in relation to a piece of land from which a disturbing noise is emitted, a point beyond the vertical boundaries of the land concerned where, in the opinion of the Air Quality Officer, a disturbing noise should be measured

- (b) in relation to a multi-occupancy building, a point in such building where, in the opinion of the Air Quality Officer a disturbing noise should be measured

“Noise” or “noise nuisance” means any sound which disturbs or impairs or may disturb or impair the convenience, peace, quiet or rest of any person;

“Recreational vehicle” means an off-road vehicle, scrambler, dune buggy or ultra-light aircraft; a model aircraft, vessel or vehicle; any aircraft or helicopter used for sport or recreational purposes; a vessel used on water; or any other conveyance vessel or model which is used for sport or recreational purposes;

“maximum designated sound levels” means the values set out in the Maximum Designated Sound Level Schedule to these by-laws, or as determined, amended and published in the *Government Gazette* and a *Provincial Newspaper* by the Council, from time to time.

1. OFFENCES

- (1) No person shall make, produce, cause or permit to be made or produced by any person, or allow it to be made, produced or caused by any person, machine, animal, bird, device or apparatus or any combination of these, a noise which is a disturbing noise.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence.

2. NOISE DISTURBANCE

- (1) Notwithstanding the above provisions, no person shall -
- (a) Operate or play, or allow to be operated or played, a radio, television set, drum musical instrument or other musical instrument, sound amplifier, loudspeaker system or any device producing, reproducing or amplifying sound so as to cause a noise nuisance;
- (b) Make or produce or allow to be made or produced a sound in a manner which may cause a noise nuisance;
- (c) Allow an animal owned or controlled by him or her to cause a noise nuisance;
- (d) Discharge fireworks in a residential area in a manner which may cause a noise nuisance;
- (e) Build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft or object on or near residential premises, or allow it to be built, made, constructed, repaired, rebuilt, modified, operated or tested, if this may cause a noise nuisance;
- (f) Erect a building or structure on residential premises or allow it to be erected if this may cause a noise nuisance;

- (g) Use or discharge any explosive, firearm or similar device that emits impulsive sound and may cause a noise nuisance, or allow it to be used or discharged, except with the prior consent in writing of the Council concerned and subject to such conditions as the Council may deem necessary;
- (h) On a piece of land or in water or in airspace above that piece of land designated by the Council by means of a notice in the press –move about on or in a recreational vehicle; or exercise control over a recreational vehicle; or as the owner or person in control of the piece of land, water or airspace, allow such activity to take place if this may cause a noise nuisance;
- (i) Except in an emergency, emit a sound, or allow a sound to be emitted, by means of a bell carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device, if it may cause a noise nuisance;
- (j) Operate any machinery, saw, sander, drill, grinder, lawnmower power garden tool or similar device or allow it to be operated in a residential area, if it may cause a noise nuisance;
- (k) Load, unload, open, shut or in any other way handle a crate, box, container, building material, rubbish container or any other article, or allow it to be loaded, unloaded, opened, shut or handled, if this may cause a noise nuisance;
- (l) Drive or use a vehicle, Motorbike or quad bike on a public road in such a manner that it may cause a noise nuisance;
- (m) Use any power tool or power equipment used for construction, drilling work or demolition work, or allow it to be used, in or near a residential area if it may cause a noise nuisance

3. **MUSIC, OPEN-AIR MUSIC FESTIVALS AND OTHER GATHERINGS**

- (1) No person may stage an open-air music festival or similar gathering without the prior written consent of the Council.
- (2) Consent for such open-air music festival or similar gathering will only be considered, should the Council be satisfied that a proper written application has been made.
- (3) If any music or sound causes or may cause a noise nuisance or a disturbing noise, the Council or an Authorized Official may instruct that such music be forthwith discontinued until such conditions as the Council or an Authorized Official may deem necessary have been complied with.

4. **MEASURING OF AMBIENT SOUND LEVEL AND NOISE LEVEL**

When the ambient sound level or noise level is measured and read in terms of these by-laws such measurement and reading shall be done -

- (1) In the case of outdoor measurements on a piece of land with the microphone of the integrating sound level meter at least 1,2 meter but not more than 1,4 meter above the ground and at least 3,5 meter distant from walls, buildings, or other sound-reflecting surfaces;
- (2) Indoor measurements in a room or enclosed space with the microphone of the integrating sound level meter at least 1,2 meter but not more than 1,4 meter above the floor and at least 1,2 meter

distant from any wall, with all the windows and outside doors of such room or enclosed space completely open.

5. POWERS OF THE AIR QUALITY OFFICER

Notwithstanding any other provisions, an Air Quality Officer further has the following powers in terms of these regulations -

(1) If an Air Quality Officer is satisfied that a noise emanating from any building, premises or street is a noise nuisance or a disturbing noise, he or she may, by written notice, instruct the person or persons causing or responsible for the noise nuisance or disturbing noise or the owner of such building or premises on which the noise nuisance or disturbing noise is caused, or both of them, with a period specified in necessary steps to reduce the noise nuisance or disturbing noise level to a level which complies with the provisions of these by-laws: provided that if the Air Quality Officer is satisfied that the noise nuisance or disturbing noise is due to or caused by –

(a) the working of –

(i) A machine or apparatus which is necessary for the maintenance or repair of property, or the protection of life, property or public services;

(ii) Garden equipment;

(iii) A machine or device, the noise level of which has, in the opinion of the Air Quality Officer been reduced or muffled according to the best practicable methods and which continues to be disturbing;

(b) A sports meeting; or

(c) Circumstances or activities beyond the control of the person responsible for causing the disturbing noise;

he or she may, whether generally or specifically, after representation to the Air Quality Officer by the person who caused or was responsible for the noise nuisance or disturbing noise, permit the working of such machine, apparatus or device, or such sports meeting or circumstances or activities, to continue, subject to such conditions as the Air Quality Officer deems fit.

(2) The Air Quality Officer may, if it comes to his or her attention that a person intends, plans or conducts a business or trade, which may create a noise in the normal commissioning thereof, or at any time in the future, may instruct such a person to conduct a noise impact study or have such study carried out which complies with the conditions of the Air Quality Officer, and such study must be submitted to the Air Quality Officer before commissioning any contemplated, planned or constructed operation.

(3) Any person who fails to comply with an instruction in terms of subsection (1) or (2) shall be guilty of an offence.

6. RIGHT OF ENTRY

(1) An Authorized Official may -

- (i) Should any person breach any provision of this by-law and continue in default after receiving a written notice issued by any Authorized Official requiring him or her to abate such noise within a time to be specified in such notice, an Authorized Official may enter upon the premises on which such noise exists and take such steps as may be necessary to abate such noise at the cost of the person so offending, who shall also be liable to a prosecution for a contravention of these by-laws;
 - (ii) An Authorized Official may enter upon any premises at any time to investigate whether any breach of these by-laws has been committed;
- (2) Instruct, in writing, a person or persons causing a noise, or may in the opinion of the Authorized Official be a disturbing noise or noise nuisance, order the owner or occupant of a building, premises, vehicle from which or from where such noise emanates or may emanate, or all of such persons, to discontinue or cause to be discontinued such noise or to take steps to lower the level of such noise to a level conforming to the requirements of these by-laws within the period stipulated in the instructions.
- (3) Impound or cause to be impounded any animal if the owner or person in charge of such animal fails to comply with an instructions of the Authorized Official, subject to any applicable provisions or regulations of any other law.
- (4) Impose such appropriate conditions as it deems fit when granting any permission or exemption in terms of these regulations, including the specification of times and days when activities that may cause noise are permitted or prohibited.
- (5) Subject to the applicable provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within its area of jurisdiction for the enforcement of the provisions of these regulations: Provided that road traffic signs and notices shall only be placed on private property with the permission of the owner.

7. OBSTRUCTION

Any person who fails or refuses to give access to an Authorized Official to enter upon and inspect any property in order to give effect to these by-laws, or obstructs or hinders such official in the execution of his or her duties under these by-laws, or who fails or refuses to give information which he or she may lawfully be required to give, or gives to such officer or official false or misleading information knowing it to be false or misleading, commits an offence.

8. INTERDICT

- (1) Any person who feels aggrieved by any contravention of or any failure to comply with any provision of these by-laws, shall have the legal capacity to apply to any competent court of law for a peremptory or prohibitory interdict in connection with the contravention of or failure to comply with such provision of this by-law.
- (2) Any interdict referred to in subregulation (1) may, in addition to being applied for against the occupier of any premises, also be applied for against any owner thereof.

- (3) Notwithstanding any other provision, a Magistrates Court will have jurisdiction to hear any such application or action.

9. GENERAL PROHIBITION

- (1) No person may –
- (a) Fail to comply with a written condition, written instruction, written notice, written requirement or written demand issued by an Authorized Official in terms of these regulations.
- (b) Tamper with, remove, put out of action, damage or impair the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or notice placed in a position by or on behalf of the Council or an Air Quality Officer;
- (c) For the purposes of these by-laws, in respect of an Air Quality Officer, Council or an Authorized Official–
- (i) Fail or refuse to grant admission to such Air Quality Officer or Authorized Official to enter and to inspect a premises to give effect to these by-laws;
- (ii) Fail or refuse to give information which may be lawfully required of him or her to such Air Quality Officer, Council or an Authorized Official, in terms of these by-laws;
- (ii) Hinder or obstruct such Air Quality Officer, the Council or an Authorized Official in the execution of its duties in terms of these by-laws; or
- (iv) Give false or misleading information to such Air Quality Officer, the Council or Authorized Official knowing that it is false or misleading.

10. EXEMPTIONS

- (1) The provisions of these regulations shall not apply, if –
- (a) The emission of sound is necessary for the purpose of warning people of a dangerous situation;
or
- (b) The emission of sound takes place during an emergency.
- (2) Any person may by means of a written application, in which the reasons are given in full, apply to the Council concerned for exemption from any provision of these regulations.
- (3) The Council may -
- (a) Grant an exemption in writing and the condition, if any, in terms of which and the period for which such exemption is granted shall be stipulated therein;
- (b) Alter or cancel any exemption or condition in an exemption;
- (c) Refuse to grant an exemption.
- (4) An exemption shall not take effect before the applicant has undertaken in writing to comply with all conditions imposed by a local authority under subregulation (3): Provided that if activities are

commenced before such undertaking has been submitted to the local authority concerned, the exemption shall lapse.

(5) If any condition of an exemption is not complied with, the exemption shall lapse forthwith.

11. OFFENCES AND PENALTIES

(1) Any person who

- a) Contravenes or fails to comply with a provision of these by-laws or a direction issued in terms of these by-Laws, or a condition imposed under these by-laws;
- b) Obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of these by-laws; or
- c) Furnishes false, incorrect or misleading information when applying for permission in terms these by-laws;

Is guilty of an offence and is on conviction liable to a fine of not exceeding R 40 000,00 or in default of payment to imprisonment for a period not exceeding 24 months.

12. RESTRICTION OF LIABILITY

No authorised employee of the State shall be liable in respect of anything done in good faith or in the exercise of a power or the performance of a duty conferred or imposed in terms of these regulations.

13. REPEAL OF PREVIOUS PROVISIONS

The previous provisions published under Local Authority Notice 414, dated 13 May 1992, are hereby repealed.

14. SHORT TITLE

These by-laws will be referred to as the *Steve Tshwete Local Municipality Noise By-laws, 2021*.

15. COMMENCEMENT

These by-laws shall come into operation on the date of publication hereof.

SCHEDULE FOR THE MAXIMUM DESIGNATED SOUND LEVELS

Part I to VIII are the designated maximum sound levels set by the local authority for those categories.

PART I**Maximum Permissible Designated Sound Levels for General Environment**

COLUMN 1 FACILITY	COLUMN 2	
	NOISE LIMITS dB (A) (Leq)	
	DAY	NIGHT
A. Any building used as hospital, convalescence home, home for the aged, sanatorium and institutes of higher learning, conference rooms, public library, environmental or recreational sites.	45	35
B. Residential buildings	50	35
C. Mixed residential (with some commercial and entertainment).	55	45
D. Residential + industry or small-scale production + commerce.	60	50
E. Industrial	70	60

Time Frame: use duration

Day	-	6.00 AM	-	10.00 PM
Night	-	10.00 PM	-	6.00AM

PART II**Maximum Permissible Designated Sound Levels (continuous or intermittent noise) from a Factory or Workshop**

Column 1	Column 2	Column 3
Leq dB (A)	Duration (Daily)	Duration (Weekly)
85	8 hours	40 hours
88	4 hours	20 hours
91	2 hours	10 hours
94	1 hour	5 hours
97	30 minutes	2.5 hours
100	15 minutes	1.25 hours
103	7.5 minutes	37.5 minutes
106	3.75 minutes	18.75 minutes
109	1.875 minutes	9.375 minutes

Noise Levels shall not exceed a Leq of—

- (i) Factory/Workshops 85 dB (A)
- (ii) Offices 50 dB (A)
- (iii) Factory/Workshop Compound 75 dB (A).

PART III

Maximum Permissible Designated Sound Levels for Construction Site

Column 1	Column 2	
Facility	Maximum noise level permitted (Leq) in dB (A)	
	Day	Night
(i) Hospital, schools, institutions of higher learning homes for the disabled, etc.	60	50
(ii) Buildings other than those prescribed in paragraph (i).	75	65

PART IV

Maximum Permissible Designated Sound Levels for Public Announcement System or Device

Column 1	Column 2	
Noise Control Zone	Sound Level db (A) (Leq)	Sound Level dB (A) (Leq)
Residential	60	40
Commercial	75	50
Industrial	85	65

Time Frame:

Day	-	6.00 AM	-	10.00 PM
Night	-	10.00 PM	-	6.00 AM

PART V

Maximum Permissible Designated Sound Levels for Places or Establishment of Entertainment

Column 1	Column 2	
Noise Control Zone	Sound Level dB (A) (Leq)	
	Day	Night
Residential	60	40
Commercial	75	50
Industrial	85	65

Time Frame:

Day	6.00 AM	-	10.00 PM
Night	10.00 PM	-	6.00 AM

PART VI

Maximum Permissible Designated Sound Levels for Places or Areas of Worship

Column 1	Column 2	
Noise Control Zone	Sound Level dB (A) (Leq) Day	Sound Level dB (A) (Leq) Day
Residential	60	40
Commercial	75	50
Industrial	85	65

Time Frame:

Day	6.00 AM	-	10 PM
Night	10:00 PM	-	6.00 AM

PART VII

Maximum Permissible Designated Sound Levels for Accelerating Vehicles

Column 1	Column 2
VEHICLES CATEGORY	MAXIMUM SOUND LEVEL IN dB (A)
1. Vehicles intended for carriage of passengers and equipped with not more than nine seats, including the driver's seat	78
2. Vehicles intended for carriage of passengers, and equipped with not more than nine seats, including the drivers seat and having maximum permissible mass of more than 3.5 tones:-	
a with an engine power of less than 150KW	80
b with an engine power of less than 150 KW	83
3. Vehicles intended for carriage of passengers and equipped with more than nine seats including the drivers seat: vehicles intended for carriage of goods:-	
a with a maximum permissible mass not exceeding 2 tonnes.	79
b with a maximum permissible mass exceeding 2 tonnes but not exceeding 3.5 tonnes.	80

4.	Vehicles intended for the carriage of goods and having a maximum permissible mass exceeding 3.5 tonnes.	
a	with an engine power of not less than 75 KW	81
b	with an engine power of not less than 75 KW but less than 1.50 KW.	83
c	with an engine power of not less than 150KW	84

PART VIII

Maximum Permissible Designated Sound Levels for Mines and Quarries

Column 1	Column 2
FACILITY	LIMIT VALUE IN Db (C)
1. For any buildings used as a hospital, school, convalescent home, old age, home or residential building.	109dB (C)
2. For any building in an area used for residential and one or more of the following purposes. Commerce, small-scale production, entertainment, or any residential apartment in an area that is used for purposes of industry, commerce or small-scale production or any building used for the purpose of industry commerce or small-scale production.	114 dB (C)

— / — / —

**APPLICATION TO CONDUCT AN
OPEN- AIR MUSICAL FESTIVAL/GATHERING/CEREMONIAL**

The following information needs to be completed:

Name of Event			
Location of Event / Venue			
Date / starting and end time of event (duration)			
Name of Applicant / Event Manager		Cell Number	
Physical address of Applicant or Event Manager			
Name of acoustic engineer **		Cell Number	
<p>**A qualified acoustic engineer or any qualified competent person , must at all times during the event, take and record the noise levels and hand a report containing the findings, to the Steve Tshwete Local Municipality within two (2) working days after the completion of the event. The engineers cost will be borne by the applicant.</p>			

THE FOLLOWING CONDITIONS MUST BE COMPLIED TO:

1. The noise level emitted from the property may not exceed _____ dBA.
2. The location of loudspeaker equipment should be taken into account in order to minimize noise emissions into the potentially noise sensitive areas.
3. The event should be advertised by means of leaflets or the media in order to inform the residents in the vicinity of the event.
4. Should you fail to comply with any of the above mentioned conditions, the consent will lapse.

____ / ____ /20 ____

APPLICATION FOR EXEMPTION

The following information needs to be completed:

Full name:	
Physical address of Applicant:	
Cell Number:	
Full reasons for application for exemption:	

NOTE:

1. Should the application for exemption be granted, it shall not take effect before the applicant has undertaken, in writing, to comply with any and all conditions imposed by the Council.
2. Should any activities be commenced with before such an undertaking has been submitted to the Council, the exemption shall lapse.
3. If any further conditions of exemption are not complied with, the exemption shall lapse forthwith.

LOCAL AUTHORITY NOTICE 94 OF 2021

STEVE TSHWETE LOCAL MUNICIPALITY



ELECTRICITY BY-LAWS

STEVE TSHWETE LOCAL MUNICIPALITY**ELECTRICITY BY-LAW, 2021**

To provide for the distribution of electricity in the area of Steve Tshwete Local Municipality, to regulate activities which may have detrimental effect on the distribution of electricity and to provide for matters incidental thereto.

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Steve Tshwete Local Municipality, enacts as follows;

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CHAPTER 1

GENERAL

1. Definitions

In this By-law, unless the context indicates otherwise, a word or expression defined in the Act, the Regulations or provincial legislation has the same meaning as in this By-law and:-

“accredited person” means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

“Act” means the Electricity Regulation Act, 2006 (Act 4 of 2006) and any subsidiary legislation or other legal instruments issued in terms thereof;

“applicable standard specification” means—

SANS 1019 Standard voltage-, currents and insulation levels for electricity supply
SANS 1607 Electromechanical watt-hour meters,
SANS 1524 Parts 0,1 & 2—Electricity dispensing systems,
SANS IEC 60211 Maximum demand indicators, Class 1.0,
SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2),
SANS 0142 Code of practice for the wiring of premises;
NRS 047 National Rationalized Specification for the Electricity Supply—Quality of Service
NRS 048 National Rationalized Specification for the Electricity Supply—Quality of Supply,
and
NRS 057 Electricity Metering: Minimum Requirements;

“approved” in relation to any article or practice, means approved by the Municipality or the Engineer as being suitable and satisfactory in respect of safety, design, performance, and the method of its application, regard being had to the recognized principles of electrical practice, and “approval” recognised principles of electrical practice, and approval shall be interpreted accordingly;

“backyard dwelling” means an informal structure erected for residential purposes on premises in addition to an existing dwelling unit;

“certificate of compliance” means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

“customer” in relation to premises means:

- a. any occupier thereof or any other person with whom the Municipality has contracted to supply or generate, or is actually supplying or generating electricity thereat; or
- b. if such premises are not occupied, any person who has a valid existing agreement with the Municipality for the supply or generation of electricity to such premises; or
- c. if there is no such person or occupier, the owner of the premises;

“electrical contractor” means an electrical contractor as defined in the Regulations;

“electrical installation” means an electrical installation as defined in the Regulations;

“ERA” Electricity Regulation Act, 2006 (Act 4 of 2006);

“generation of electricity”, means the process of generating electrical power from any sources of primary energy;

“high voltage” (HV) means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of $44\text{kV} < U_n \leq 220\text{ kV}$. [SANS 1019];

“low voltage” means the set of nominal voltage levels that are used for the distribution of electricity (LV) and whose upper limit is generally accepted to be an a.c. voltage of 1000V or a d.c. voltage of 1500 V. [SANS 1019]

“medium voltage” (MV) means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1\text{ kV} < U_n \leq 44\text{ kV}$. [SANS 1019];

“Engineer” means the head of the Municipality’s electricity undertaking or an official duly authorized by the Municipality;

“meter” means a device which records the demand or the electrical energy consumed or purchased and includes conventional, prepayment meters, smart meters;

“cabinet” means an enclosure intended for the accommodation of a meter, circuit breaker or other associated electrical equipment determined by the Engineer and designed to operate at low voltage;

“Municipality” means the Municipality of Steve Tshwete Local Municipality or its successor in title as envisaged in Section 155(l) of the Constitution, established by Notice No.300 of 2000 in terms of Local Government: Municipal Structures Act 117 of 1998 and for the purposes of this By-law / Policy includes a municipal department, the Municipality, the Municipal Manager or an employee or official acting in terms of a delegation issued under Section 59 of the Local Government Systems Act;

“occupier” in relation to any premises means—

- a. any person in actual occupation of such premises;

- b. any person legally entitled to occupy such premises;
- c. in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein, or
- d. any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he or she is absent from the Republic of South Africa or his or her whereabouts are unknown;

“point of metering” means the point at which the customer’s consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Municipality or the electrical installation of the customer, as specified by the Municipality; provided that it shall meter all of, and only, the customer’s consumption of electricity;

“point of supply” means the point determined by the Municipality at which electricity is supplied to any premises;

“premises” means any portion of land, situated within the area of jurisdiction of the Municipality, and of which the outer boundaries are demarcated on—

- a. a general plan or diagram registered in accordance with the Land Survey Act, 1927 (Act No 9 of 1927) or the Deeds Registries Act, 1937 (Act No 47 of 1937); or
- b. a sectional title plan registered in accordance with the Sectional Titles Act, 1986 (Act No 95 of 1986); and includes any vehicle, aircraft or vessel.

“prepayment meter” means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

“Regulations” means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

“safety standard” means the Code of Practice for the Wiring of Premises SANS 10142-1 incorporated in the Regulations;

“service connection” means the cable or conductor leading from the supply main to the point of supply of the electrical installation and includes any medium voltage or other equipment connected to that cable or conductor, any meter; and any board, panel or other device to which the meter is fixed and all installation work and apparatus associated with the said equipment, meter or other device installed by the Municipality;

“service circuit breaker” (capacity - NMD breaker) means a service circuit breaker belonging to the Municipality and forming part of the electrical circuit of the service connection;

“standby supply” means an alternative electricity supply not normally used by the customer;

“**supply**” means a supply of electricity from the supply main;

“**supply main**” means any cable or wire forming that part of the Municipality’s electrical distribution system to which service connections may be connected;

“**tampering**” means any form of unauthorised interference with the supplier’s mains or equipment or metering installations in a manner that prima facie could result in a consumer’s total consumption not being correctly metered or the division of the supply of electricity to a consumer unlawfully.

“**tariff**” means fees, charges and any other tariffs levied by the Municipality in respect of any function or service provided by the Municipality, excluding rates levied by the Municipality in terms of the Local Government: Municipal property Rates Act 6 of 2004;

“**token**” means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and vice versa;

“**voltage**” means the root-mean-square value of electrical potential between two conductors.

All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Regulation Act, 2006 (Act 4 of 2006), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

2. Application of By-law.

- (1) This By-law applies to all within the geographical MP313 supply area of the Municipality.

CHAPTER 2 GENERAL CONDITIONS OF SUPPLY

3. Provision of electricity services

- (1) Only the Municipality shall supply or contract for the supply of bulk electricity within the jurisdictional area of the Municipality.
- (2) The Municipality may permit the bulk supply or retail wheeling of electricity through its network by another electricity supplier that is licensed for the trading of electricity in terms of the Electricity Regulation Act. Permission shall be governed a service delivery agreement as required by section 80 of the Municipal Systems Act, 2/2000.
- (3) The Municipality may permit the co-generation of electricity within the Municipal Boundaries, but under the following conditions:
 - a. a generation agreement being entered into;

- b. compliance with the relevant requirements of the ERA pertaining to the generation of electricity and the safety thereof;
 - c. registration at the Municipality of all fixed installations where electricity is generated; and
 - d. compliance with the Municipality's safety and quality requirements prior to allowance of the generation of electricity onto the Municipal networks
- (4) The surplus generation of electricity may be prohibited and the Municipality may determine conditions for such surplus generation pertaining to timing and quantity.

4. Supply by agreement

- (1) No person shall use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into a consumer agreement in writing with the Municipality, for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply.
- (2) The charge payable for the supply shall be in accordance with the prescribed tariff.
- (3) subparagraph Provided that any consumer who was a consumer in terms of the Standard Electricity By-laws published under Administrator's Notice 1627, dated 24 November 1971, as amended, shall be deemed to conclude an agreement with the Municipality in terms of subparagraph (1).
- (4) The Municipality may decide whether a consumer's agreement shall be concluded by it with the owner or with the occupier of the premises or some person acting on his behalf.
- (5) No person shall, without first having obtained the Engineer's permission in writing, lead electricity temporarily or permanently to any point of consumption or place not forming part of the electrical installation for which a supply has been agreed upon or given.
- (6) If a person uses an electricity supply without entering into an agreement he or she shall be liable for the cost of electricity used as stated in paragraph 53 of this by-law.
- (7) No person may generate electricity by way of a fixed installation and into a municipal network unless an agreement has been concluded with the Municipality, and such agreement together with the provisions of this by-law, as well as any other legislation governing the licensing of generators, shall govern such generation of electricity.

5. Serving of notice

- (1) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served—
 - a. when it has been delivered to that person personally;
 - b. when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - c. when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - d. if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
 - e. if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- (2) When any notice or other document shall be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (3) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

6. Application for supply or generation

- (1) Application for the supply or generation shall be made in writing by the prospective customer on the prescribed form obtainable at the office of the Municipality, and the estimated load of the installation, shall be stated therein. Such application shall be made as early as possible but not less than the time allowed by NRS 047-1 before the supply of electricity is required in order to facilitate the work of the Municipality.
- (2) Applicants for the supply or generation of electricity shall submit the following documents with their application—
 - a. an identity document or passport, and, in the case of a business, a letter of resolution delegating the authority to the applicant.
 - b. a valid lease agreement, in the case of a tenant, or, in the case of an owner, a title deed or other proof of ownership of the premises for which a supply or generation of electricity is required.
 - c. Second prepaid meter on residential premises shall have a letter of consent

- (3) The Engineer may, before granting a supply, inspect the electrical installation to which an application relates with a view to establishing that such installation is safe and proper and complies with these by-laws or other applicable legislation.

7. Termination of Consumer's Agreement

- (1) Any consumer's agreement may be terminated by the consumer, his authorized representative, or by the Municipality on giving seven (7) days' notice in writing calculated from the date of service thereof: Provided that if such notice purports to terminate an agreement on a Saturday, Sunday or public holiday, such termination shall only take effect on the next ensuing day which is not a Saturday, Sunday or public holiday.

8. Processing of requests for supply

- (2) Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047.

9. Arbitration

- (1) If at any time any difference or dispute arises between the Municipality and the consumer about the construction, meaning or effect of these By-laws or about the rights, obligations or liabilities of the consumer or Municipality under the By-laws, the difference or dispute shall be referred to the National Electricity Regulator for a decision, failing which the difference or dispute shall be settled by arbitration in terms of the provisions of the Arbitration Act, 1965 (Act 42 of 1965) as amended.

10. Statutory Servitudes

- (1) Subject to the provisions of subparagraph (2) below, the Municipality may within its municipal area:
 - a. regulate, control, provide, establish and maintain electricity services;
 - b. acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
 - c. construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
 - d. do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated in subparagraph (a) to (c).
- (2) If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the

control of or management of the Municipality it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, as determined either by arbitration or a court of law.

- (3) The Municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Municipality or under the control or management of the Municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

11. Way Leaves

- (1) The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or on any private property, unless and until the prospective consumer has obtained written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare, authorizing the laying or erection of a service connection thereon.
- (2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

12. Right of access to property

- (1) The Municipality has access to or over any property for the purposes of—
 - a. doing anything authorised or required to be done by the Municipality under this by-law or any other law;
 - b. inspecting and examining any service mains and anything connected therewith;
 - c. enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and making any necessary survey in connection therewith;
 - d. ascertaining whether there is or has been a contravention of the provisions of this by-law or any other law, and
 - e. enforcing compliance with the provisions of this by-law or any other law.
- (2) An employee of the Municipality may, by notice in writing require such owner or occupier to provide access to such property for a purpose referred to in subparagraph (1).

- (3) In case of emergency the Municipality may enter any premises or property without notice and may take whatever action is necessary or desirable to protect life or property.
- (4) A person representing the Municipality, who wishes to enter private property shall, on request, provide his or her identification.

13. Refusal of admittance

- (1) No person may willfully hinder, obstruct, interfere with or refuse admittance to any authorised official of the Municipality in the performance of his duty under this by-law or any other relevant legislation or of any duty connected therewith or relating thereto.

14. Refusal or failure to give information

- (1) No person shall refuse or fail to give such information as may be reasonably required of him by any duly authorised official of the Municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.

15. Inspection and Tests

- (1) The Engineer may, at any reasonable time or in case of emergency at any time, enter any premises and inspect or test any part of the service connection or electrical installation thereon for any purpose including the purpose of ascertaining whether a breach of these by-laws or other applicable legislation has been or is being committed and the owner or contractor, when called upon to do so, shall remove any earth, bricks, stone, woodwork, or other work obstructing or covering any part of the electrical installation.

16. Improper use

- (1) If a customer uses electricity for any purpose or deals with electricity in any manner which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other customer, the Municipality may, with or without notice, disconnect the electricity supply provided that such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed and the relevant fees have been paid.
- (2) The fee as prescribed by the Municipality for the disconnection and reconnection shall be paid by the customer before the electricity supply is restored, unless it can be shown that the customer did not use or deal with the electricity in an improper or unsafe manner.

17. Electricity tariffs and fees

- (1) The Electricity tariffs in respect of each connection type shall be determined annually by the Municipality in terms of its Tariff Policy. Copies of tariffs may be obtained at the offices of the Municipality.

18. General charges

- (1) Availability charges
 - a) Availability charges as determined from time to time by the Municipality are payable to the Municipality by the owner of immovable property with or without improvements if the property is not connected to the electricity distribution system of the Municipality and if access to an electricity connection is available to the property.
 - b) The provisions of subparagraph (1)(a) are not applicable to –
 - i. immovable property that belongs to the Municipality ; and
 - ii. immovable property in respect of which the Municipality has granted written exemption or partial exemption from payment of the availability charges, provided that the Municipality may at any time withdraw the exemption.

19. Deposits

- (2) The Municipality reserves the right to require that the consumer deposit a sum of money or submit a bank guarantee acceptable to the Municipality's Finance Department as security in payment of any charges that are due or may become due to the Municipality. The deposit shall not be regarded as payment or part-payment for any accounts due for the supply of electricity or for the purpose of obtaining a discount provided for in the electricity tariff referred to in these By-laws. On cessation of the supply of electricity, the amount of the deposit, free of interest, less any payments due to the Municipality, shall be refunded to the consumer. The Municipality may at any time when the deposit or guarantee is found to be inadequate for the purpose of sub paragraph (1), require a consumer to increase the deposit made or guarantee furnished by him, in which event the consumer shall, within 30 days after being so required, deposit with the Municipality such additional sum or furnish such additional guarantee as the Municipality may require, failing which the Municipality may discontinue the supply.

20. Resale of electricity

- (1) Unless authorised by the Municipality, no person may sell or supply electricity supplied to his or her premises or generated by him or her under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or allow such resale or supply to take place.

- (2) If electricity is resold for use upon the same premises, the electricity resold shall be measured by a sub meter of a type which has been approved by South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the Municipality.
- (3) The tariff at which and the conditions of sale under which electricity is thus resold shall not be less favorable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Municipality.
- (4) Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Municipality to its electricity customers.
- (5) The Municipality may request audited reports from resellers to prove that the above resale conditions are met. The cost to obtain audited reports will be borne by the reseller.
- (6) The Municipality shall not be held liable for any inaccuracy or other defect in any sub-meter whether or not the Municipality has approved such sub –meter or the installation thereof;
- (7) Only the Municipality may supply or contract for the supply of bulk electricity within its jurisdictional area.
 - a. The Municipality may permit the bulk supply or retail wheeling of electricity through its network by another electricity supplier which is licensed to supply electricity in terms of the Act.
 - b. Permission in terms of subparagraph 7(a) shall be governed by a service delivery agreement as required by section 80 of the Municipal Systems Act, 32/2000.

21. Right to disconnect electricity supply

- (1) The Municipality may without notice temporarily discontinue the supply to any electrical installation for the purpose of effecting repairs or making inspections or tests or for any other purpose connected with its supply main or other works.
- (2) The Municipality shall, on application by a consumer in a form prescribed by the Engineer, disconnect the supply and shall reconnect it on payment of the fee prescribed in the tariff.
- (3) The Municipality has the right to disconnect the supply of electricity to any premises—
 - a. without notice where—
 - i. there is grave risk to person or property if the supply is not disconnected; or
 - ii. there is evidence of tampering as contemplated in paragraph 25; or

- b. with reasonable written notice where—
 - i. a customer fails to pay any amounts due to the Municipality in connection with electricity supply; or
 - ii. any provision of this by-law has been contravened and the customer has failed to remedy the default after proper notice has been given;
 - iii. access to inspect metering equipment has been denied; or
- (4) After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the tariff as prescribed by the Municipality shall be paid for re-connection of such supply.
- (5) In the case where an installation has been illegally re-connected on a customer's premises after having been legally disconnected by the Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the Municipality may remove the electricity supply from those premises

22. Non-liability of the Municipality

- (1) The Municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a customer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Municipality.

23. Failure of supply

- (1) The Municipality does not undertake to attend to a failure of supply owing to a fault in the electrical installation of the consumer, except when the failure is due to the operation of the service protective device of the Municipality. When a failure of supply is found to be due to a fault in the electrical installation of the consumer, or to the faulty operation of an apparatus used in connection with the electrical installation, the Municipality has the right to –
 - a. charge the consumer the fee prescribed by the Municipality for each restoration of the supply; and
 - b. recover from the consumer the cost of making good or repairing any damage which may have been done to the service mains and meter by the fault or faulty operation.

24. Seals and locks of the Municipality

- (1) Where any seal or lock has been placed by the Municipality on any meter, service fuse, service circuit breaker or other similar apparatus or cabinet or room in which such apparatus is accommodated whether or not belonging to the Municipality, no person, other than an

authorized employee of the Municipality, shall for any reason whatsoever remove, break, deface, or otherwise interfere with any such seal or lock.

- (2) The meter, load control devices or service protective devices and all apparatus belonging to the Municipality shall be sealed or locked by an authorised official of the Municipality, and no unauthorised person may in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.
- (3) The Municipality may charge the fees determined in its Tariff Policy should a seal or lock be broken or removed by a customer.

25. Tampering with service connection or supply mains

- (1) No person may in any manner or for any reason whatsoever—
 - a. tamper or interfere with, any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Municipality;
 - b. vandalise, fix advertising medium to or deface it; or
 - c. illegally connect into the electricity wiring of any other customer.
 - d. paint, deface, any equipment of the Municipality.
- (2) Where prima facie evidence exists of a customer or any person having contravened subparagraph (1), the Municipality may disconnect the supply of electricity immediately in terms of paragraph 21 of this By-law.
- (3) Where a customer or any person has contravened subparagraph (1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the customer the full cost of his estimated consumption as well as the cost of damages caused to equipment.

26. Protection of electricity distribution system

- (1) No person may, except with the written consent of the Engineer and subject to the conditions that may be imposed –
 - a. construct, erect or permit the erection of any building, structure or other object, or plant trees or vegetation, over or in a position or in a manner that interferes with or endangers the electricity distribution system, and all clearances as prescribed in the regulations made under the Occupational Health and Safety Act, 1993 (Act 85 of 1993), shall be observed;
 - b. excavate, open up or remove the ground above, next to or under any part of the electricity distribution system or dump anything onto, next to or under any part of the electricity distribution system;
 - c. damage, endanger, remove or destroy, or do any act likely to damage, endanger, destroy or effect the removal of any part of the electricity distribution system.

- d. abstract, branch off or divert any electric current or cause any electric current to be abstracted, branched off or diverted, or consume or use the current that has been wrongfully or unlawfully abstracted, branched off or diverted;
 - e. install any paving over the Municipality's cables unless adequate sleeves for the cables have been installed under the paving and marked at the edges of the paving;
 - f. do any excavations over the Municipality's cables without a permit issued by the Engineer; and
 - g. do any excavations over the Municipality's cables with excavating or related machines, but excavations may be done by hand once permission for the excavations has been obtained from the Engineer.
- (2) The owner or occupier shall limit the height of trees or vegetation or the length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Engineer adequately prevents the tree or vegetation from interfering with the conductors should the tree or branches or vegetation move owing to wind or fall or be cut down. Should the owner or occupier fail to observe this provision the Municipality has, in accordance with the Municipality's requirements for wayleaves and servitudes, the right, after prior written notification and within the prescribed period, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this subparagraph and is entitled to enter the property for that purpose.
- (3) If work is carried out by the Municipality in terms of subparagraphs (1) and (2) and such work is necessary owing to the contravention of these By-laws, the cost of the work is for the account of the person who acted in contravention of these Bylaws.
- (4) The Municipality reserves the right to implement any policy in the form of regulations regarding the rights of the Municipality in respect of the protection of the electricity distribution system.
- (5) The Engineer may, in respect of any premises –
- a. demolish, alter or otherwise deal with any building, structure or other object that has been constructed, erected or laid in contravention of these By-laws;
 - b. fill in and make good any ground that has been excavated or removed in contravention of these By-laws;
 - c. repair and make good any damage that has been done in contravention of these By-laws or that has resulted from a contravention of these By-laws;
 - d. remove anything that is damaging, obstructing or endangering or that is likely to damage, obstruct, endanger or destroy any part of the electricity distribution system; and
 - e. provide an account for any work done in terms of this paragraph, and the supply of electricity may be disconnected if the account is not paid on time.

- (6) All paving over the Municipality's cables shall be easy to remove. The Municipality or the service authority reserves the right to excavate any cable route for any purpose whatsoever and, although the Municipality shall restore the surface reasonably to its former condition, the Municipality is not liable for any damage to the paving in a street reserve or servitude.

27. Unauthorised connections

- (1) No person other than an employee of the Municipality authorized thereto shall connect or reconnect or attempt to connect or reconnect any electrical installation with the service connection or the supply main.
- (2) If the supply to any electrical installation is disconnected in terms of paragraph 21, the consumer concerned shall forthwith take all reasonable steps within his power to ensure that such supply is not reconnected in contravention of subparagraph (1).
- (3) If such supply is nevertheless so reconnected after it has been disconnected by the Municipality the consumer concerned shall forthwith take all reasonable steps within his power to ensure that no electricity is consumed on the premises concerned and shall, in addition, forthwith notify the Municipality of such reconnection.
- (4) if the consumer contemplated in subparagraph (2) or (3) is not in occupation of the premises concerned, then the occupier of those premises shall comply with the provisions of the mentioned subparagraphs.
- (5) in any prosecution for a contravention of or failure to comply with subparagraph (2) or (3) or both, or of any or both of those subparagraphs read with subparagraph (4), any contravention or failure to comply, whether intentional or negligent, shall be sufficient to constitute an offence and, unless the contrary is proved, it shall be deemed that –
 - a. reasonable steps contemplated in subparagraphs (2) and (3) were not taken; and
 - b. such contravention or failure was due to an intentional act or omission of the person charged.

28. Unauthorised reconnections

- (1) No person other than a person whom the Municipality specifically authorises in writing to do so may reconnect, attempt to reconnect or cause or permit the reconnection of the supply mains or service connection of an electrical installation that has been disconnected by the Municipality.

- (2) Where an electricity supply that was previously disconnected is found to have been reconnected illegally, the consumer using the supply is liable for all charges for electricity consumed between the date of disconnection and the date on which the supply was found to be reconnected and for any other charges levied in this regard. Such a reconnection of the electricity supply is deemed to be an offence in terms of section 27(2) and (3) of the Electricity Act, 1987 (Act 41 of 1987), and makes the perpetrator guilty of an offence and liable on conviction to a fine and/or imprisonment.
- (3) Where the electricity supply has been disconnected owing to unsafe conditions in the consumer's installation, the supply may only be reconnected after the consumer has submitted a legal and valid certificate of compliance to the Municipality.

29. Temporary disconnection and re-connection

- (1) The Municipality shall, at the request of the customer, temporarily disconnect and re-connect the supply of electricity to the customer's electrical installation upon payment of the prescribed tariff for each such disconnection and subsequent re-connection.
- (2) The Municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other purpose.

30. Planned maintenance and disconnection of supply

- (1) Notice of the planned disconnection of an electricity supply for the purpose of maintenance, repair or construction work shall be given to the consumer by the Municipality in accordance with NRS 047.

31. MV and LV switchgear and equipment

- (1) Where an electricity supply is given at either MV or LV, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved, be paid for by the consumer.
- (2) In the case of an MV supply, all the equipment shall be approved by the Engineer and be installed by or under the supervision of the Engineer.
- (3) No person may operate MV switchgear at the points of supply without the written authorisation of the Engineer.

- (4) All MV switchgear operations at the points of supply or interconnecting the points of supply shall be approved by the Engineer, and all earthing and testing of MV equipment linked to the Municipality's network shall be conducted by or under the supervision of the Engineer.
- (5) In the case of an LV supply, the consumer shall provide and install an approved LV main switch and/or any other equipment required by the Engineer.

32. Supply feeder diagram specification

- (1) When more than one electrical installation or electricity supply from a common main is required for any building or group of buildings, the design shall be certified by a competent person contemplated in the regulations made under the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and the wiring diagram of the circuits starting from the main switch and the design of the internal distribution network shall, on request, be submitted to the Engineer in duplicate for approval before the work commences. In the case of township development, the design shall comply with the specifications of the Engineer.

33. Consumer's emergency standby supply equipment

- (1) No emergency standby supply equipment provided by a consumer in terms of any regulations or for the consumer's own operational requirements may be connected to an installation without the prior written approval of the Engineer. Application for approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. Changeover interlocking, making it impossible to parallel the standby supply with that of the Municipality shall be installed by the consumer as per SANS 10142 part 1 and is a non-negotiable requirement for standby power supply approval.

CHAPTER 3:

RESPONSIBILITIES OF CONSUMERS

34. Consumer to erect and maintain electrical installation

- (1) An electrical installation connected to or to be connected to the supply mains, and any additions or alterations to an electrical installation that may be made from time to time shall be provided, erected, maintained and kept in good order by the consumer at the consumer's own expense and in accordance with these By-laws and the regulations. The consumer shall provide the Municipality with a copy of the required certificate of compliance for the installation in question before the connection and/or alteration is energised.

35. Fault in electrical installation

- (1) The Engineer may require the consumer to reimburse the Municipality for expenses incurred in respect of a fault in the electrical installation of the consumer.
- (2) If any fault develops in the electrical installation which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the Municipality and shall immediately take steps to remedy the fault.

36. Change of consumer

- (1) In the case of a change of occupier at any premises, the consumer, including a consumer bound by a prepayment arrangement, who is vacating shall give the Municipality not less than two full working days' notice in writing of his or her intention to discontinue using the electricity supply, failing which he or she remains liable for the supply until the supply is disconnected or a new agreement is entered into.
- (2) If the new occupier or consumer at the premises wishes to continue using the electricity supply, he or she shall apply in accordance with the provisions of paragraph 6 of these By-laws, and if he or she fails to make application for an electricity supply within ten (10) working days of taking occupation of the premises, the supply of electricity shall be disconnected, and he or she shall be liable to the Municipality for the electricity supply from the date of occupation till such time as the supply is so disconnected
- (3) Where premises are fitted with a prepayment meter and a change of occupier takes place, the new occupier is deemed to be the consumer. Should such a consumer fail to apply for an electricity supply in terms of section 6 of these Bylaws, he or she is liable for all charges and fees owed to the Municipality for that point of metering, as well as any outstanding charges and fees, whether accrued by that consumer or not, until such time as an application for supply is received by the Municipality.
- (4) Subject to subparagraphs (1), (2) and (3), the registered owner of a property remains liable for any electricity consumed on the premises.
- (5) The Municipality may impose conditions, which may include the withholding of electricity supply to premises where the previous customer's account is in arrears.
- (6) In the event of change of ownership, a new certificate of compliance for the premises shall be issued by an accredited electrician, unless the existing certificate was issued within the preceding 24 month period and no subsequent alteration of the electrical installation was

effected.. Should it at any stage be found that a supply was given without a certificate of compliance being furnished, the Municipality is entitled to terminate the supply at any time and without prior notice to the occupier, owner or consumer, as the case may be.

CHAPTER 4:

SPECIFIC CONDITIONS OF SUPPLY

37. Service connection

- (1) A service connection shall be installed at the expense of the owner and the cost thereof as determined by the Municipality shall be paid to the Municipality before supply is authorized.
- (2) Every part of the service connection shall remain the property of the Municipality.
- (3) The customer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- (4) The work to be carried out by the Municipality at the cost of the customer for a service connection to his or her premises shall be determined by the Municipality.
- (5) A new service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the Municipality.
- (6) The Municipality may require a customer to replace an overhead connection with an underground service connection when overhead services are damaged or where it poses a threat to the installation if-
 - a. re-roofing is taking place;
 - b. the connection is being upgraded; or
 - c. the connection has to be moved for extensions or alterations to a building.
- (7) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals or lock of the municipality.
- (8) In the case of blocks of buildings occupied by a number of individual customers, separate wire ways and conductors or cables shall be laid from the common metering room or rooms to each individual customer in the block of buildings.

Unless otherwise approved by the Municipality, each registered erf shall only be provided with one service connection and one meter. Where two or more premises belonging to one owner are situated on adjacent

erven and the owner operates the properties in a consolidated manner, for safety considerations, only a single bulk supply of electricity may be made available provided that the Municipality may require the customer to consolidate the erven or to have them tied notarially.

(9) All new connections or alterations to existing connections with a capacity of up to 80A per phase single or three phases shall be connected to a prepayment system: Unless the Engineer is of the opinion that special circumstances exists, the Municipality shall provide only single phase connections to residential consumers.

(10) The Municipality may in any particular case determine whether the consumer connection shall be medium voltage or low voltage.

(11) The Municipality shall not consider applications for electricity supply to backyard dwellings.

38. Metering accommodation

- (1) a. In the case of urban domestic consumers, the Municipality shall provide and install accommodation for conventional meters in an approved position, including the meter board and adequate conductors for the metering equipment, service apparatus and service protective devices, unless otherwise decided upon by the Engineer. Such accommodation and protection shall be maintained by the Municipality. Where existing conventional meters are installed in accommodation provided by the consumer, the consumer is responsible for the maintenance of the accommodation.
 - b. In the case of rural areas, the Municipality shall provide a prescribed meter box for the account of the consumer or applicant.
 - c. In the case of maximum demand consumers, the consumer shall provide accommodation. Such accommodation and protection shall be provided, installed and maintained to the satisfaction of the Engineer at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of conventional meters, at a point to which free and unrestricted access can be had at all reasonable hours for the reading of meters but at all times for purposes associated with the operation and maintenance of the service equipment.
 - d. In the case of 11kV consumers, metering accommodation shall be provided and installed as mutually agreed upon in writing between the Engineer and the consumer.
 - e. Prepayment meters shall be installed and maintained at the consumer's cost as determined in the Municipality's tariff. Access at all reasonable hours shall be afforded for the inspection and maintenance of prepayment meters.
- (2) Where submetering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided by the consumer for the equipment.

- (3) The consumer or, in the case of a common meter position, the owner of the premises shall provide and maintain adequate electric lighting in the space and access route to areas set aside for accommodating the metering equipment and service apparatus. Should this lighting not be maintained, the Municipality shall maintain it at the cost of the consumer or owner, as the case may be.
- (4) If, in the opinion of the Engineer, the meter, service connection, service protective devices or main distribution board is no longer readily accessible or becomes a source of danger to life or property or is being tampered with or becomes in any way unsuitable, the owner or consumer(s), as the case may be, shall be notified by the Municipality of one of the following actions which shall be taken:
 - a. The owner or consumer(s), as the case may be, shall move the meter, service connection, service protective devices or main distribution board to a new position.
 - b. The owner or consumer(s), as the case may be, shall repair the meter, service connection, service protective devices or main distribution board to the original condition.
 - c. In the case of a single consumer on the premises, a supply and metering point shall be supplied by the Municipality on the boundary of the premises.
 - d. In the case of multiple consumers on the premises, a bulk supply and bulk metering point shall be supplied by the Municipality on the boundary of the premises or in a substation building provided by the owner of the premises, and the owner or consumers, as the case may be, are responsible for the operation and maintenance of the network from that point onwards, and the owner or consumers are regarded as a person who resells electricity supplied to him or her by an undertaker in terms of the Electricity Act, 1987 (Act 41 of 1987).
- (5) Should the owner or consumer(s), as the case may be, not proceed with the action contemplated in subparagraph (4)(a) or (b) within 14 (fourteen) days of notification or complete the action within a reasonable time, the Municipality shall take the action contemplated in subparagraph (4)(c) or (d).
- (6) The owner or the consumer(s), or the consumer(s) with the owner's consent, may request the Municipality to proceed with the action contemplated in subparagraph (4)(c) or (d) if the owner or consumer(s), as the case may be, are unable to take the action contemplated in subparagraph (4)(a) or (b).
- (7) The cost of the action contemplated in subparagraph (4) shall be borne by the owner or consumer(s), as the case may be.
- (8) The accommodation for the Municipality's metering equipment and service protective devices may, if approved, include the consumer's main switch and main service protective devices. No

installed or stored in the accommodation unless approved in writing by the Engineer. in such accommodation unless approved.

39. Customers alternate electricity supply equipment and generation

- (1) No alternate electricity supply equipment provided by a customer in terms of any Regulations or for his own operational requirements or generation may be connected to any installation without the permission of the Municipality.
- (2) Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram.
- (3) The equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energised by means of a back feed from such equipment when the Municipality's supply has been de-energised.
- (4) The customer shall be responsible for providing and installing all such protective equipment.
- (5) Where, by special agreement with the Municipality, the customer's alternate supply equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the customer shall be responsible for providing, installing and maintaining all the necessary synchronising and protective equipment.

CHAPTER 5

SYSTEMS OF SUPPLY

40. Quality of supply

- (1) Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act 41 of 1987), and, in the absence of a quality of supply agreement, shall be given as set out in NRS 048.

41. Power factor

- (1) If required by the Municipality, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.

- (2) Where, for the purpose of complying with subparagraph (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The customer shall, at his or her own cost, install such corrective devices.

42. Protection

- (1) Electrical protective devices for motors shall be of a design that effectively prevents sustained overcurrent and single phasing, where applicable, in accordance with SANS 10142-1.

43. Consumer's electricity generation equipment

- (1) No electricity generation equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written consent of the Director.
- (2) Application for such consent shall be made in writing and shall include a full specification of the equipment and a wiring diagram.
- (3) The electricity generation equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment.
- (4) The position of the installed generating equipment shall not interfere with the supply mains the generating equipment shall be installed entirely on the consumer's premises.
- (5) The consumer shall be responsible for providing and installing all such protective equipment and for obtaining a Certificate of Compliance issued in terms of the Regulations for the work carried out.
- (6) Where by special agreement with the Municipality, the consumer's electricity generation equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Director.
- (7) Under normal operating conditions, any export of surplus energy from the consumer to the Municipality's network shall be subject to special agreement with the Municipality.

- (8) In the event of a general power failure on the Municipality's network protection equipment shall be installed by the consumer, subject to the Director's approval, so as to ensure that the consumer's installation is isolated from the Municipality network until normal operating conditions are restored. The cost of any specialized metering equipment will be for the consumer's account.

44. Load requirements

- (1) Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act 41 of 1987).

45. Load limitations

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply, unless otherwise approved by the Engineer.
- (2) Where a three-phase four-wire supply is provided, the load shall be approximately balanced over the three phases but the maximum out-of balance load shall not exceed 15kVA, unless otherwise approved by the Engineer.
- (3) No-current consuming appliance, inherently single phase in character, with a rating which exceeds 15 kVA shall be connected to the electrical installation without the prior approval of the Engineer.

46. Limited size for L.V. motors

- (1) Unless otherwise approved by the Engineer, the rating of an L.V. single phase motor shall be limited to 2 kW and/or the starting current shall not exceed 70 A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

47. Maximum starting and accelerating currents of three-phase alternating current motors

- (1) Unless otherwise required by the Engineer, the starting current of three-phase L.V. motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm ² copper equivalent Mm ²	Maximum permissible starting current A	Suggested maximum motor rating in kW		
		Direct on line (6x full-load current)	Star/Delta (2,5 x full-load current)	Other means (1,5 x full-load current)
		KW	KW	KW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

48. Consumers supplied at low voltage

- (1) In an installation supplied at low voltage, unless otherwise required by the Engineer, the starting current of an L.V. motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for M.V. motors shall be subject to the approval of the Engineer.

CHAPTER 6

MEASUREMENT OF ELECTRICITY

49. Metering

- (1) The Municipality shall, at the customer's cost in the form of a direct charge or prescribed tariff, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
- (2) Except in the case of prepayment meters, the electricity used by a customer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions

of paragraph 53 of this by-law, in which case the consumption for the period shall be estimated.

- (3) Where the electricity used by a customer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- (4) The Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
- (5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality.

50. Accuracy of metering

- (1) A meter shall be presumed conclusively to be registering accurately if its error, when tested in the manner prescribed in subparagraph (5), is found to be within the limits of error laid down in NRS 057. If any of the seals of the meter are found to be broken, the meter is deemed to have been tampered with.
- (2) The Municipality has the right to test its metering equipment. If it is established by a test or otherwise that the metering equipment is defective, the Municipality shall, in accordance with the provisions of subparagraph (6) –
 - a. in the case of a conventional meter, adjust the account rendered; or
 - b. in the case of a prepayment meter, recover an amount if the meter has been under-registering or issue a free token where the meter has been over-registering
- (3) The consumer is entitled to have the metering equipment, including a prepayment meter, which is sealed according to the Municipality's standards, tested by the Municipality on payment of the prescribed fee to the Municipality. If the metering equipment is found not to comply with the system accuracy requirements laid down in NRS 057, an adjustment in accordance with the provisions of subparagraphs (2) and (6) shall be made and the fee shall be refunded.
- (4) In case of a dispute, the consumer has the right at his or her own cost to have the metering equipment in dispute tested by an independent testing authority accredited by the South African Accreditation System, and the result of the test is final and binding on both parties, and the cost of the testing is non-refundable.
- (5) Meters shall be tested in the manner prescribed by NRS 057

- (6) When an adjustment is made to the electricity consumption registered on a meter in terms of subparagraph (2) or (3), the adjustment shall be based either on the percentage error of the meter as determined by the test referred to in subparagraph (5) or on a calculation by the Engineer from consumption data in his or her possession. Where applicable and where possible, due allowance shall be made for seasonal or other variations that may affect the consumption of electricity.
- (7) When an adjustment contemplated in subparagraph (6) is made, the adjustment may not apply to a period exceeding three years preceding the date on which the metering equipment was found to be inaccurate.
- (8) Where the actual load of a consumer differs from the initially required load provided for under paragraph 6(1) to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the cost of the alteration or replacement and other costs incurred in correcting the supply shall be borne by the consumer.
- (9) Prior to the Municipality making any upward adjustment to an account in terms of subparagraph (6), the Engineer shall –
 - (1) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons for the adjustment;
 - (2) in the notice, provide sufficient particulars to enable the consumer to submit representations on the adjustment; and
 - (3) in the notice, call on the consumer to provide the Engineer with reasons, if any, in writing why the consumer's account should not be adjusted as notified, and these reasons shall be submitted to the Engineer within 21 days or within a longer period that the Engineer may permit.
- (10) The Engineer may consider any reasons provided by the consumer in terms of subparagraph (9)(a) and may, if satisfied that a valid case exists, adjust the account accordingly.
- (11) Should the consumer fail to make any representations during the prescribed period or should the Engineer not be satisfied that a case exists for the variation of the account, the Municipality shall be entitled to adjust the account as notified in terms of subparagraph (9).
- (12) When the Municipality is satisfied that a prepayment meter has ceased to register correctly, the prepayment meter shall be replaced immediately and any credits still registered in favour of the consumer on the faulty meter shall be carried over to the new prepayment meter.

51. Reading of conventional meters

- (1) Unless otherwise prescribed, conventional meters shall be read at fixed cycles of approximately one month, and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Municipality is not obliged to effect any adjustments to the charges. The minimum number of meter readings per annum shall be in accordance with NRS 047.
- (2) If for any reason the conventional meter cannot be read, the Municipality may render an estimated account. The energy consumption shall be adjusted in a subsequent account according to the actual energy consumption.
- (3) When a consumer vacates a property and a final reading is not available, the Municipality shall make an estimation of the consumption and render the final account accordingly.
- (4) If a special reading of the meter is desired by a consumer, the consumer may obtain the reading from the Municipality on payment of the prescribed fee.
- (5) If any calculation, reading or metering error is discovered in respect of any account rendered to a consumer, the Municipality shall correct the error in subsequent accounts. In respect of any such corrected accounts –
 - a. the correction shall apply only to accounts for a period of six months preceding the date on which the error in the accounts was discovered;
 - b. the amount of the corrected accounts shall be free of interest up to the date on which the correction is found to be necessary; and
 - c. the amount of the corrected accounts shall be based on the actual tariffs applicable during the period in question.
- (6) No person may influence or try to influence or interfere with the metering process.

52. Prepayment metering

- (1) No refund of the amount tendered for the purchase of electricity credit shall be given to the consumer at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued to the consumer at his or her request.

- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter may be made to the consumer.
- (4) The Municipality is not liable for the reinstatement of credit in a prepayment meter that has been lost because the prepayment meter and/or identity card has been tampered with, incorrectly used or abused.
- (5) The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and may not guarantee the continued operation of any vendor.
- (6) Should a consumer making use of a prepayment meter fail to purchase electricity from the Municipality for a continuous period of six months, the Municipality is entitled to discontinue the supply of electricity forthwith to the consumer.
- (7) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against him/her in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the Municipality.

53. Calculation of estimated account

- (1) When the Municipality is satisfied that a meter has ceased to register correctly the reading shown thereby shall be disregarded and the consumer –
 - a. shall be charged in respect of the current meter reading period the same amount as he or she paid in respect of the corresponding period in the preceding year, subject to adjustment necessitated by any alteration to the electrical installation or the tariff; or
 - b. if he or she was not in occupation of the premises during the corresponding period referred to in paragraph (a), shall be charged on the basis of his or her consumption during the 3 months preceding the last date on which the meter was found to be registering correctly; or
 - c. if he or she was not in occupation of the premises during the whole of the period referred to in paragraph (b), shall be charged on the basis of his or her consumption during the 3 months following the date from which the meter was again registering correctly.
- (2) If it can be established that the meter had been registering incorrectly for a longer period than the meter reading period to in subparagraph (1), the consumer may be charged with the amount determined in accordance with the said subparagraph or for a longer period: Provided that no amount shall be charged in respect of a period in excess of 36 months prior to the date on which the meter was found to be registering incorrectly.

- (3) The customer shall be entitled to have the metering equipment tested by the Municipality on payment of the prescribed tariff and if the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of the by-laws shall be made.
- (4) In case of a dispute, the customer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.
- (5) When an adjustment is made in terms of subparagraph (1) or (2), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in subparagraph (3), or upon a calculation by the Municipality from consumption data in its possession; where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.

CHAPTER 7

ELECTRICAL CONTRACTORS

54. Requirements additional to the requirements of the regulations

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

CHAPTER 8

ENERGY SAVING MEASURES AND REDUCED USE OF ELECTRICITY

55. Norms, standards and guidelines

- (1) The Municipality may determine and publish norms, standards and guidelines which prescribe appropriate measures to save energy or to reduce the use of electricity and such norms standards and guidelines must be kept in the form of an operational manual.
- (2) The norms, standards and guidelines contemplated in subparagraph (1) may differentiate between communities, geographical areas and different kinds of premises.

CHAPTER 9

SMALL SCALE EMBEDDED GENERATORS

56. Small scale embedded generators (SSEG)

- (1) Paragraph 43(1) of this Electricity By-Law states that no generation equipment may be connected to the grid without the express consent of the Director
- (2) Failure to obtain this consent constitutes an offence which could lead to a fine and/or imprisonment.
- (3) Furthermore, the installation may also be in contravention of the Occupational Health and Safety Act, for which punitive sanctions also apply.
- (4) Consumers found to have illegally connected SSEG to the grid (either before or after their electricity meter) will be instructed to have the installation disconnected from the grid. A Certificate of Compliance issued by an authorised electrical contractor will be required as proof of such disconnection.
- (5) Should the consumer fail to have the SSEG disconnected from the grid, the Municipality will disconnect the electricity supply to the property (as provisioned for in paragraph 21.)
- (6) Consumers wishing to connect SSEG legally to Steve Tshwete Municipality grid will be required to follow the normal application procedure as detailed in paragraph 6.
- (7) No exemption from any of Steve Tshwete Municipality's requirements will be granted for "retrospective applications".
- (8) The consumer shall not supply any electricity generated on any premises to any third party on any other premises in any way.

CHAPTER 10

LEGAL MATTERS

57. Delegations

Any power conferred in this By-law on the Municipality may be delegated by the Municipality subject to Section 59 of the Local Government: Municipal Systems Act.

58. Repeal of By-laws

The Electricity by-laws previously promulgated by the Municipality are hereby repealed.

59. Short title and commencement

- (1) This By-law is called Electricity By-law
- (2) This By-law comes into operation on the date of publication thereof.

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